

# HOUSE BILL No. 5613

March 4, 1992, Introduced by Rep. Bandstra and referred to the Committee on Transportation.

A bill to amend sections 1 and 2 of Act No. 119 of the Public Acts of 1986, entitled

"An act to regulate the business of buying or receiving used motor vehicle parts; to prescribe the powers and duties of certain state and local officers; and to provide penalties,"

being sections 257.1351 and 257.1352 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1 and 2 of Act No. 119 of the Public  
2 Acts of 1986, being sections 257.1351 and 257.1352 of the  
3 Michigan Compiled Laws, are amended to read as follows:

4       Sec. 1. As used in this act:

5       (a) "Agent" means a person who, for compensation or valuable  
6 consideration, is employed either directly or indirectly by a  
7 dealer.

1 (B) "BUMPER REMANUFACTURER" MEANS A PERSON WHO PURCHASES OR  
2 RECEIVES USED BUMPERS FOR THE PURPOSE OF THE REMANUFACTURING AND  
3 SALE OF REMANUFACTURED BUMPERS.

4 (C) ~~(b)~~ "Dealer" means any person, corporation, partner-  
5 ship, or association, ~~which~~ THAT, in whole or in part, engages  
6 in the ordinary course of repeated and recurrent transactions of  
7 buying or receiving used motor vehicle parts from persons other  
8 than a licensee. A dealer shall include any motor vehicle repair  
9 facility ~~which~~ THAT engages in repeated and recurrent transac-  
10 tions of buying or receiving used motor vehicle parts from per-  
11 sons other than a licensee. Dealer does not include a scrap  
12 metal processor who buys or otherwise acquires motor vehicles or  
13 motor vehicle component parts for the purpose of processing or  
14 selling the metal for remelting.

15 (D) ~~(c)~~ "Late model vehicle" means a motor vehicle manu-  
16 factured in the current model year or the 5 model years immedi-  
17 ately preceding the current model year.

18 (E) ~~(d)~~ "Local police agency" means the police agency of  
19 the city, village, or township, or if none, the county sheriff.

20 (F) ~~(e)~~ "Major component part" means 1 of the following  
21 subassemblies of a motor vehicle regardless of its actual market  
22 value: front end assembly, including fenders, grills, hood,  
23 bumper, and related parts; engine; transmission; T-tops; rear  
24 clip assembly, including quarter panels and floor panel assembly;  
25 doors; tires, tire wheels, and continuous treads.

26 (G) ~~(f)~~ "Motor vehicle" means a motor vehicle as defined  
27 in section 33 of the Michigan vehicle code, Act No. 300 of the

1 Public Acts of 1949, being section 257.33 of the Michigan  
2 Compiled Laws.

3 (H) ~~(g)~~ "Motor vehicle repair facility" means a place of  
4 business ~~which~~ THAT engages in the business of performing or  
5 employing persons who perform maintenance, diagnosis, or repair  
6 service on a motor vehicle for compensation.

7 (I) ~~(h)~~ "Licensee" means a person, partnership, corpora-  
8 tion, or association licensed under section 248 of the Michigan  
9 vehicle code, Act No. 300 of the Public Acts of 1949, being sec-  
10 tion 257.248 of the Michigan Compiled Laws, or similarly licensed  
11 in another state.

12 (J) ~~(i)~~ "Used motor vehicle part" means any major compo-  
13 nent part, dashboard, radio, stereo, or seat of a late model  
14 motor vehicle for which a certificate of title and registration  
15 plate have been issued to a consumer or dealer.

16 Sec. 2. (1) ~~A~~ EXCEPT FOR THE PURCHASE OF A BUMPER BY A  
17 BUMPER REMANUFACTURER, A dealer shall maintain a permanent record  
18 of each transaction concerning the buying or receiving of any  
19 used motor vehicle part from a person other than a licensee, on  
20 record of transaction forms provided for in subsection (5), legi-  
21 bly written in ink in the English language. Each record of  
22 transaction form shall be filled out in duplicate by the dealer  
23 or agent with 1 copy going to the customer ~~—~~ and 1 copy to be  
24 retained by the dealer. At the time a dealer receives or pur-  
25 chases a used motor vehicle part from a person other than a  
26 licensee ~~—~~ the dealer or agent shall accurately record all of  
27 the following information on a record of transaction form:

1 (a) A general description of the used motor vehicle part  
2 received or purchased.

3 (b) The vehicle identification number of the vehicle the  
4 used motor vehicle part came from.

5 (c) The state of origin of the used motor vehicle part.

6 (d) The date of the transaction.

7 (e) The name of the person conducting the transaction for  
8 the dealer.

9 (f) The name, date of birth, driver's license number or  
10 state of Michigan personal identification card number, and street  
11 and house number of the person with whom the transaction is being  
12 made, together with a legible imprint of the right thumb of the  
13 person with whom the transaction is made, or if that is not pos-  
14 sible, then the left thumb or a finger of that person. However,  
15 the thumbprint or fingerprint shall only be required on the  
16 record of transaction form retained by the dealer. The thumb-  
17 print or fingerprint shall be made available to the local police  
18 agency or the department of state police only during the course  
19 of a police investigation involving a used motor vehicle part  
20 described on the record of transaction. This ~~paragraph shall~~  
21 SUBDIVISION DOES not apply to a transaction involving an insur-  
22 ance company that has acquired ownership of a late model vehicle  
23 by the payment of damages due to an accident and a dealer that  
24 buys the vehicle from the insurance company for salvage.

25 (g) The price paid or to be paid by the dealer for the used  
26 motor vehicle part.

1 (h) The form of payment made to the customer. The dealer  
2 shall indicate the number of a check, money order, or bank  
3 draft.

4 (i) The signature of the person with whom the transaction is  
5 made.

6 (2) The record of each transaction shall be numbered consec-  
7 utively, commencing with the number 1 and the calendar year.

8 (3) The record of transaction forms of a dealer and each  
9 used motor vehicle part received by a dealer as the result of a  
10 transaction shall be open to an inspection by the local police  
11 agency and the Michigan state police at all times during the  
12 ordinary business hours of the dealer. As a condition of doing  
13 business, a dealer ~~shall be~~ IS considered to have ~~given~~  
14 ~~consent~~ CONSENTED to the inspection prescribed by this  
15 subsection. The record of transaction forms of a dealer shall  
16 not be open to inspection by the general public.

17 (4) Each record of a transaction shall be retained by the  
18 dealer for not less than 1 year after the transaction to which  
19 the record pertains. A dealer who goes out of business or  
20 changes his or her business address to another local jurisdiction  
21 either within or out of this state shall transmit to the local  
22 police agency the records of all transactions made by the dealer  
23 not more than 1 year before his or her closing or moving. After  
24 a period of 1 year from the date of the transaction, if a police  
25 investigation concerning a used motor vehicle part described on  
26 the record of transaction has not occurred, the dealer and local

police agency shall destroy, and not keep a permanent record of, the records of the transaction.

(5) The form of the record of transaction shall be 8-1/2 by 11 inches in size and shall be as follows:

"Record of Transaction

# \_\_\_\_\_  
(Transaction number printed  
on the form)

(1) Description of Property - \_\_\_\_\_

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(2) \_\_\_\_\_ (3) \_\_\_\_\_  
(Vehicle Identification Number) (State of Origin)

(4) \_\_\_\_\_, 19\_\_\_\_ (5) \_\_\_\_\_  
(Date) (Name of Dealer/Employee)

(6) \_\_\_\_\_, 19\_\_\_\_  
(Name of Customer) (Date of Birth)

\_\_\_\_\_  
(Driver's License No./  
Mich. Personal ID Number) \_\_\_\_\_  
(Street Address)  
\_\_\_\_\_  
(City & State) (Zip)

1 (7) \_\_\_\_\_  
2 (Price Paid)  
3  
4  
5 (8) \_\_\_\_\_  
6 (Check no., bank draft  
7 no., money order no., or  
8 cash)

9 Thumbprint  
10 \_\_\_\_\_  
11 (Signature of Customer)  
12