

HOUSE BILL No. 5812

May 7, 1992, Introduced by Reps. Hertel and Niederstadt and referred to the Committee on State Affairs.

A bill to amend sections 2, 3, and 33 of Act No. 300 of the Public Acts of 1974, entitled "Motor vehicle service and repair act," section 2 as amended by Act No. 254 of the Public Acts of 1988, being sections 257.1302, 257.1303, and 257.1333 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 2, 3, and 33 of Act No. 300 of the
2 Public Acts of 1974, section 2 as amended by Act No. 254 of the
3 Public Acts of 1988, being sections 257.1302, 257.1303, and
4 257.1333 of the Michigan Compiled Laws, are amended to read as
5 follows:

6 Sec. 2. As used in this act:

7 (a) "Administrator" means the secretary of state or any
8 person designated by him or her to act in his or her place.

1 (b) "Department" means the department of state.

2 (c) "Master mechanic" means a motor vehicle mechanic or spe-
3 cialty mechanic who is certified by the department pursuant to
4 this act in all of the specific repair categories.

5 (d) "Motor vehicle" means a vehicle which is self-propelled,
6 a vehicle which is propelled by electric power, a motorcycle, or
7 a trailer as those terms are defined in the Michigan vehicle
8 code, Act No. 300 of the Public Acts of 1949, as amended, being
9 sections 257.1 to 257.923 of the Michigan Compiled Laws. ~~For~~
10 ~~the purposes of this act, a~~ A motor vehicle does not include the
11 dwelling or sleeping portions of a motor home, trailer, or any
12 recreational vehicle having similar ~~facilities~~ FEATURES which
13 are not directly connected with the drive mechanism of the vehi-
14 cle or other areas of repair which would require certification of
15 motor vehicle mechanics as specified in this act or rules promul-
16 gated ~~pursuant to~~ UNDER this act.

17 (e) "Motor vehicle mechanic" means a technician, individual,
18 or other person who, for compensation, repairs motor vehicles,
19 including the reconditioning, replacement, adjustment, or alter-
20 ation of the operating condition ~~—~~ of any component or subas-
21 sembly of a motor vehicle.

22 (f) "Mechanic trainee" means a person who desires to become
23 a motor vehicle mechanic, a specialty mechanic, or a master
24 mechanic and receives a permit from the administrator pursuant to
25 this act.

26 (g) "Motor vehicle repair facility" means a place of
27 business which ~~engages in the business of performing or~~

1 ~~employing~~ PERFORMS OR EMPLOYS persons who perform maintenance,
 2 diagnosis, vehicle body work, or repair service on a motor vehi-
 3 cle for compensation ~~, but excluding~~ INCLUDING A PLACE OF BUSI-
 4 NESS THAT PERFORMS OR EMPLOYS PERSONS WHO PERFORM VEHICLE BODY
 5 WORK OR OIL CHANGES ON MOTOR VEHICLES. MOTOR VEHICLE REPAIR
 6 FACILITY DOES NOT INCLUDE all of the following:

7 (i) A person who engages only in the business of repairing
 8 the motor vehicles of a single commercial or industrial estab-
 9 lishment or governmental agency.

10 (ii) A person repairing his or her own or a family member's
 11 ~~car~~ MOTOR VEHICLE.

12 (iii) A business that does not diagnose the operation of a
 13 motor vehicle, does not remove parts from a motor vehicle to be
 14 remachined, and does not install finished machined or remachined
 15 parts on a motor vehicle. ~~, not including a motor vehicle~~
 16 ~~repair facility that engages in the business of performing or~~
 17 ~~employing persons who perform vehicle body work.~~

18 (h) "Specialty mechanic" means a motor vehicle mechanic who
 19 is certified by the department for a specific repair category or
 20 categories pursuant to this act.

21 Sec. 3. (1) Unless the means of doing or engaging in a
 22 motor vehicle repair business, including the operating of a motor
 23 vehicle repair facility, is adopted for the ~~purposes~~ PURPOSE of
 24 evading this act, and except as otherwise provided in this act,
 25 ~~this act shall not apply to~~ gasoline service stations exclu-
 26 sively engaged in the business of selling motor fuel and

1 lubricants ARE EXEMPT FROM THIS ACT. THIS EXEMPTION DOES NOT
2 INCLUDE A BUSINESS ENGAGING IN OIL CHANGES ON MOTOR VEHICLES.

3 (2) A person or facility providing minor REPAIR services,
4 including but not limited to the changing or installing of light
5 bulbs, tires, lamp globes, batteries, air filters, oil filters,
6 windshield wiper blades, fan or power assist belts or lubrication
7 or oil changes, and other minor or ornamental accessories or
8 activities incidental to the business of selling motor fuel and
9 lubricants is ~~hereby declared~~ CONSIDERED a motor vehicle repair
10 facility and is subject to this act except that those employees
11 performing only minor ~~repairs~~ REPAIR SERVICES AS DESCRIBED IN
12 THIS SUBSECTION need not be certified under this act.

13 Sec. 33. (1) The administrator shall determine by rule the
14 time and manner in which the motor vehicle repair facility shall
15 return replaced parts to the customer ~~at the time of~~ UPON OR
16 AFTER the completion of the work. This requirement does not
17 apply to parts exempted by the administrator because of size,
18 weight, or similar factors ~~from this requirement, and except for~~
19 ~~parts that the motor vehicle repair facility or mechanic is~~ OR
20 PARTS required to ~~return~~ BE RETURNED BY THE MOTOR VEHICLE
21 REPAIR FACILITY OR MECHANIC to the manufacturer or distributor
22 under a warranty or exchange arrangement. If the parts must be
23 returned to the manufacturer or distributor, the MOTOR VEHICLE
24 REPAIR facility or mechanic shall offer to show and, upon accep-
25 tance of the offer or upon request, shall show the parts to the
26 customer upon completion of the work. ~~, except the facility~~
27 ~~shall not be~~ A MOTOR VEHICLE REPAIR FACILITY IS NOT required to

1 show a replacement part when a charge is not being made for ~~the~~
2 ITS replacement. ~~thereof.~~

3 (2) A MOTOR VEHICLE REPAIR FACILITY OR MECHANIC SHALL INFORM
4 A customer ~~shall be informed~~ of his OR HER right to receive or
5 see replaced parts as provided in ~~this section~~ SUBSECTION (1)
6 prior to the customer executing any document or engaging the
7 MOTOR VEHICLE REPAIR facility or mechanic for the work. The
8 information shall be ~~given~~ PROVIDED to the customer BY A SEPA-
9 RATE WRITTEN DOCUMENT OR on the face of any contract, work order
10 form, ~~or~~ sign, or other document evidencing the engagement of
11 the MOTOR VEHICLE REPAIR facility or mechanic. ~~or by separate~~
12 ~~written document,~~ THE NOTICE SHALL BE in at least 12 point
13 ~~boldface~~ BOLDFACED type AND READ as follows:

14 YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED,
15 EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE, AND THOSE REQUIRED TO
16 BE SENT BACK TO THE MANUFACTURER OR DISTRIBUTOR BECAUSE OF
17 WARRANTY WORK OR AN EXCHANGE AGREEMENT. YOU ARE ENTITLED TO
18 INSPECT THE PARTS WHICH CANNOT BE RETURNED TO YOU.

19 (3) ~~The~~ A motor vehicle repair facility shall display a
20 clearly legible sign in a conspicuous place at the entrance of
21 the facility indicating that inquiries concerning repair service
22 or complaints may be made to the administrator and shall contain
23 the address and telephone number of the department.

24 (4) IN ADDITION TO THE DISPLAY OF THE SIGN REQUIRED UNDER
25 SUBSECTION (3), A MOTOR VEHICLE REPAIR FACILITY THAT OFFERS OIL
26 CHANGES SHALL DISPLAY A CLEARLY LEGIBLE SIGN IN A CONSPICUOUS

1 PLACE AT THE ENTRANCE OF THE FACILITY INDICATING THE GRADE AND
2 WEIGHT OF OIL AVAILABLE AND ANY ADDITIONAL CHARGE FOR A CHASSIS
3 LUBRICATION, IF THE CHASSIS LUBRICATION IS NOT INCLUDED IN THE
4 PRICE OF THE OIL CHANGE.