

# HOUSE BILL No. 4362

March 5, 2013, Introduced by Reps. Victory, Yonker, Price and Pagel and referred to the Committee on Regulatory Reform.

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 21a and 22 (MCL 257.1321a and 257.1322), section 21a as added and section 22 as amended as added by 1988 PA 254.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 21a. (1) The administrator may order a summary suspension  
2 of a registration, certificate, or mechanic trainee permit pursuant  
3 ~~to~~ **UNDER** the administrative procedures act of 1969, ~~Act No. 306 of~~  
4 ~~the Public Acts of 1969, being sections 24.201 to 24.328 of the~~  
5 ~~Michigan Compiled Laws, upon 1969 PA 306, MCL 24.201 TO 24.328,~~  
6 **BASED ON** an affidavit, by ~~a person~~ **AN INDIVIDUAL WHO IS** familiar  
7 with the facts set forth in the affidavit, that there is a  
8 violation of 1 or more of the following:

1 (a) Section 17.

2 (b) Section 18.

3 (c) Section 2 of ~~Act No. 119 of the Public Acts of 1986, being~~  
4 ~~section 257.1352 of the Michigan Compiled Laws.1986 PA 119, MCL~~  
5 ~~257.1352.~~

6 (D) SECTION 710H(1) OF THE MICHIGAN VEHICLE CODE, 1949 PA 300,  
7 MCL 257.710H, INCLUDING, BUT NOT LIMITED TO, A VIOLATION OF THAT  
8 SECTION IN CONNECTION WITH THE SALE OF A MOTOR VEHICLE UNDER THE  
9 GARAGE KEEPER'S LIEN ACT, 1915 PA 312, MCL 570.301 TO 570.310.

10 (2) The facility or mechanic to whom the order is directed may  
11 apply to the administrator and ~~shall be granted~~ **THE ADMINISTRATOR**  
12 **SHALL GRANT THE FACILITY OR MECHANIC** a hearing within 30 days ~~of~~  
13 **AFTER THE** application pursuant to ~~Act No. 306 of the Public Acts of~~  
14 ~~1969.~~ **UNDER THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306,**  
15 **MCL 24.201 TO 24.328.**

16 (3) At ~~the~~ **A** hearing **DESCRIBED IN SUBSECTION (2)**, the order of  
17 summary suspension shall be set aside, continued, or modified.

18 Sec. 22. The administrator may deny, suspend, or revoke a  
19 registration, certificate, or mechanic trainee permit after notice  
20 and opportunity for a hearing if the administrator determines that  
21 the facility, mechanic, or trainee did 1 or more of the following:

22 (a) Engaged in a method, act, or practice that is unfair or  
23 deceptive or made an untrue statement of a material fact.

24 (b) Violated this act or a rule promulgated under this act.

25 (c) Violated a condition of probation.

26 (d) Made unnecessary repairs or repairs not authorized by the  
27 customer.

1 (e) Refused to honor warranties made by a facility.

2 (f) Caused or allowed a customer to sign a document in blank  
3 relating to the repair of a motor vehicle.

4 (g) Was enjoined by a court of competent jurisdiction from  
5 engaging in the trade or business of repairing motor vehicles or  
6 from a violation of this act or a rule promulgated under this act.

7 (h) If the applicant is a corporation or partnership, a  
8 stockholder, officer, director, or partner of the applicant was  
9 guilty of an act or omission that would be a cause for refusing,  
10 revoking, or suspending a license issued to the **STOCKHOLDER,**  
11 officer, director, or partner as an individual.

12 (i) Failed to comply with the terms of a final cease and  
13 desist order.

14 (j) Was convicted of a violation of this act.

15 (k) Used ~~the~~ **A** waiver of liability provision **DESCRIBED IN**  
16 **SECTION 5(4)** in an attempt to evade this act.

17 (l) Was convicted of a violation of ~~Act No. 119 of the Public~~  
18 ~~Acts of 1986, being sections 257.1351 to 257.1355 of the Michigan~~  
19 ~~Compiled Laws.~~ **1986 PA 119, MCL 257.1351 TO 257.1355.**

20 (m) Was convicted under section 413, 415, 535, 535a, or 536a  
21 of the Michigan penal code, ~~Act No. 328 of the Public Acts of 1931,~~  
22 ~~being sections~~ **1931 PA 328, MCL 750.413, 750.415, 750.535,**  
23 ~~750.535a, and 750.536a, of the Michigan Compiled Laws,~~ or has been  
24 **WAS** convicted in another state of a violation of a law  
25 substantially corresponding to **1 OF THOSE** sections. ~~413, 415, 535,~~  
26 ~~535a, 536, and 536a of the Michigan penal code, Act No. 328 of the~~  
27 ~~Public Acts of 1931.~~

1           (N) WAS CONVICTED OF A VIOLATION OF SECTION 710H(1) OF THE  
2 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.710H, INCLUDING, BUT  
3 NOT LIMITED TO, A VIOLATION OF THAT SECTION IN CONNECTION WITH THE  
4 SALE OF A VEHICLE UNDER THE GARAGE KEEPER'S LIEN ACT, 1915 PA 312,  
5 MCL 570.301 TO 570.310.

6           Enacting section 1. This amendatory act does not take effect  
7 unless Senate Bill No. \_\_\_\_ or House Bill No. 4364 (request no.  
8 01416'13) of the 97th Legislature is enacted into law.