

SENATE BILL NO. 128

February 10, 2021, Introduced by Senator LASATA and referred to the Committee on Regulatory Reform.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 14 (MCL 257.14), as amended by 2012 PA 498.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 14. (1) Except as provided in subsections (2) and (3),
2 "established place of business" means ~~the place~~ **premises** actually
3 occupied either continuously or at regular periods by a dealer or
4 manufacturer ~~where his or her~~ **at which the dealer or manufacturer**
5 **keeps its** books and records ~~are kept~~ and **at which the dealer or**

1 **manufacturer transacts** a large share of ~~his or her~~ **its** business.
 2 ~~transacted.~~

3 (2) ~~Established place of business for~~ **For** a class (a) or class
 4 (b) dealer, **"established place of business"** means premises that
 5 meet all of the following requirements:

6 (a) The premises contain, except as otherwise provided in this
 7 act, a permanently enclosed building or structure **that is** either
 8 owned, leased, or rented by ~~a dealer, which~~ **the dealer; the**
 9 **building or structure** is not a residence, tent, temporary stand, or
 10 any temporary quarters; the building or structure is continuously
 11 occupied in good faith for the purpose of selling, buying, trading,
 12 leasing, or otherwise dealing in motor vehicles; all books,
 13 records, and files necessary to conduct the business of a class (a)
 14 or class (b) dealer are maintained in the building or structure;
 15 and the building or structure houses an office of at least 150
 16 square feet in size, equipped with standard office furniture,
 17 working utilities, a working restroom, and a working telephone
 18 listed in the name of the business on the dealer's license.

19 (b) The premises have land space of ~~no~~ **not** less than 1,300
 20 square feet to accommodate the display of a minimum of 10 vehicles
 21 of the kind and type that the dealer is licensed to sell and an
 22 additional 650 square feet for customer parking.

23 (c) The display and customer parking areas ~~shall be~~ **described**
 24 **in subdivision (b) are** adequately surfaced and well-lit during
 25 business hours.

26 (d) ~~(e)~~ The premises are identified by an exterior sign
 27 displaying the name of the dealership that is permanently affixed
 28 to the building or land with letters clearly visible from ~~a~~
 29 ~~highway.~~ **the roadway.**

1 **(e)** ~~(d)~~ The premises contain a conspicuous posting of the
 2 dealer's regular hours of operation. The posted hours ~~shall be not~~
 3 **must not be** less than 30 hours per week **for not less than 48 weeks**
 4 **per year.**

5 **(f)** ~~(e)~~ The premises contain a registered repair facility on
 6 site for the repair and servicing of motor vehicles of a type sold
 7 at the established place of business, unless the dealer has entered
 8 into a written servicing agreement with a registered repair
 9 facility at a location ~~not to exceed 10 miles' distance from that~~
 10 **is located within a 10-mile radius of** the established place of
 11 business. If repairs are conducted ~~pursuant to~~ **under** a servicing
 12 agreement, the **dealer shall conspicuously post the** servicing
 13 agreement ~~shall be conspicuously posted in the~~ **dealer's** office.

14 **(g)** ~~(f)~~ The premises meet all applicable zoning requirements
 15 and **any other applicable** municipal requirements.

16 ~~(3) An established~~ **For a wholesaler, "established** place of
 17 ~~business for a wholesaler shall satisfy~~ **business" means premises**
 18 **that meet** all of the following requirements:

19 (a) The premises ~~shall~~ contain a permanently enclosed building
 20 or structure that is either owned, leased, or rented ~~by a~~
 21 ~~wholesaler, which~~ **and** is not a commercial mailbox, tent, temporary
 22 stand, or other temporary quarters.

23 (b) All books, records, and files necessary to conduct the
 24 business of the wholesaler ~~shall be~~ **are** maintained in the building
 25 or structure described in subdivision (a).

26 (c) The premises ~~shall~~ **are** not ~~be~~ used for the display of
 27 vehicles. However, the premises may be used for the storage of
 28 vehicles purchased by the wholesaler ~~prior to~~ **before** sale to a
 29 licensed vehicle dealer.

1 (d) The premises ~~shall be~~**are** identified by an exterior sign
2 displaying the name of the wholesaler that is permanently affixed
3 to the building or land with letters clearly visible from the
4 roadway.

5 (e) The premises ~~shall satisfy~~**meet** all applicable zoning
6 requirements and any other applicable municipal requirements.