

Act No. 90
Public Acts of 2021
Approved by the Governor
October 14, 2021
Filed with the Secretary of State
October 15, 2021
EFFECTIVE DATE: December 14, 2021

**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2021**

Introduced by Senator LaSata

ENROLLED SENATE BILL No. 128

AN ACT to amend 1949 PA 300, entitled “An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and

service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date,” by amending section 14 (MCL 257.14), as amended by 2012 PA 498.

The People of the State of Michigan enact:

Sec. 14. (1) Except as provided in subsections (2) and (3), “established place of business” means premises actually occupied either continuously or at regular periods by a dealer or manufacturer at which the dealer or manufacturer keeps its books and records and at which the dealer or manufacturer transacts a large share of its business.

(2) For a class (a) or class (b) dealer, “established place of business” means premises that meet all of the following requirements:

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

(b) The premises have land space of not less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking.

(c) The display and customer parking areas described in subdivision (b) are adequately surfaced and well-lit during business hours.

(d) The premises are identified by an exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from the roadway.

(e) The premises contain a conspicuous posting of the dealer’s regular hours of operation. The posted hours must not be less than 30 hours per week for not less than 48 weeks per year. Fifteen of the 30 hours per week must be between the hours of 8 a.m. and 5 p.m., Monday through Friday. The dealer may change its posted hours of operation to be less than 30 hours per week for not more than 4 weeks per year if the dealer notifies the department not less than 7 days prior to the change. The department shall waive the 7-day notification requirement under this subdivision for good cause, including, but not limited to, a medical emergency or other extenuating circumstances.

(f) The premises contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location that is located within a 10-mile radius of the established place of business. If repairs are conducted under a servicing agreement, the dealer shall conspicuously post the servicing agreement in the dealer’s office.

(g) The premises meet all applicable zoning requirements and any other applicable municipal requirements.

(3) For a wholesaler, “established place of business” means premises that meet all of the following requirements:

(a) The premises contain a permanently enclosed building or structure that is either owned, leased, or rented and is not a commercial mailbox, tent, temporary stand, or other temporary quarters.

(b) All books, records, and files necessary to conduct the business of the wholesaler are maintained in the building or structure described in subdivision (a).

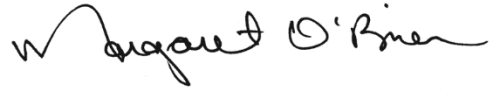
(c) The premises are not used for the display of vehicles. However, the premises may be used for the storage of vehicles purchased by the wholesaler before sale to a licensed vehicle dealer.

(d) The premises are identified by an exterior sign displaying the name of the wholesaler that is permanently affixed to the building or land with letters clearly visible from the roadway.

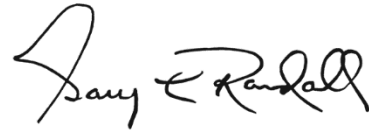
(e) The premises meet all applicable zoning requirements and any other applicable municipal requirements.

Enacting section 1. This amendatory act takes effect 60 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor