

MOTOR VEHICLE SERVICE AND REPAIR ACT (EXCERPT)
Act 300 of 1974

257.1307c Prohibited conduct.

Sec. 7c. A motor vehicle repair facility that is subject to this act, or a person that is an owner or operator of a motor vehicle repair facility that is subject to this act, shall not, directly or through an agent or employee, advertise or represent, either directly or indirectly, any of the following:

(a) Reduced prices for products or services and not sell them at the advertised price during the period of the offering.

(b) Products or services at a particular price during a particular period and fail to extend the offer beyond that period to any person that seeks but does not obtain the products or services during the advertised period because the facility has failed to prepare for the reasonably expected public demand.

(c) That a customer will receive products or services "free" or "without charge", or using words of similar import, if there are undisclosed conditions, terms, or limitations attached to the offer of those products or services.

(d) Products or services while failing to reveal a material fact that a customer could not reasonably know, if the omission of that fact tends to mislead or deceive the customer.

(e) That a customer will receive a rebate, discount, or other benefit as an inducement for entering into a contract, if the benefit is contingent on the occurrence of an event after the transaction is completed.

(f) That a facility has the ability to perform repair services using personnel who are qualified in specific repair specialties, including those specialties enumerated in sections 10 and 10b of this act, if in fact the facility does not employ mechanics who are legally certified in those specialties.

(g) Products or services, if there is a material contingency, condition, or limitation on the offer of those products or services, unless the contingency, condition, or limitation is stated contemporaneously with the offer in a manner clearly and easily understood by the customer.

(h) Products or services in a language other than English, unless the advertisement or representation includes any required disclosures or limitations on the offer in the language principally used in the advertisement or representation.

(i) That mechanics employed by a facility are "certified", "licensed", or otherwise qualified if that representation tends to give the impression that all mechanics employed by the facility are certified or licensed if in fact they are not.

(j) That a customer's failure to act quickly or within a certain period of time to procure products or services will result in the loss of opportunity to procure them at a particular price, if in fact it is untrue.

(k) Credit availability, in a manner that creates a likelihood of confusion or misunderstanding of the terms or conditions of credit, or that credit availability or the terms of credit are "easy", or using words of similar import to describe credit availability or terms, if in fact that is untrue.

(l) That products or services are sold under the terms of "satisfaction guaranteed or money back", or using words of similar import, if in fact the customer's declaration of dissatisfaction is not a sufficient basis for obtaining a refund of the purchase price for those products or services.

(m) The necessity, desirability, or advantage to a prospective customer of dealing with a facility by misrepresenting the facility's alleged advantages of size.

(n) That a document that a customer signs is something other than what it is.

(o) An aspect of a repair transaction in a manner that causes a likelihood of confusion, or of misunderstanding, with respect to the authority of a mechanic, salesperson, representative, or agent to negotiate the final terms of the transaction.

(p) An aspect of a repair transaction in a manner that causes a likelihood of confusion, or of misunderstanding, of the legal rights, obligations, or remedies of a party to the transaction.

(q) That service on an offered product is available under a warranty if in fact it is not available or there are undisclosed limitations or conditions on the availability of that service.

(r) A free or low-cost inspection or diagnosis that requires the removal or dismantling, or both, of a part or assembly and failing to disclose before the transaction a charge for replacement or reassembly if the customer declines to authorize a recommended repair.

(s) A product or service at a reduced rate and, if the facility fails to provide it at the offered price during the period of the offering to a customer seeking it, failing to offer and provide the customer the opportunity to obtain the product or service at the same reduced rate within a reasonable period of time after the expiration of the original offer.

(t) Products or services, or the availability of products or services, in a manner that involves the solicitation of waivers by the facility.

(u) Products or services that fail to meet the reasonably expected public demand for the duration of the advertised offering, unless the advertisement has clearly expressed a specific limitation on the quantity of the advertised products or services.

(v) The words "certification", "licensing", or "registration", or the use of words of similar import, of a motor vehicle repair facility or mechanic, by an organization, association, governmental entity, or other program or authority other than the administrator, without clearly and conspicuously disclosing the source of the certification, licensing, or registration, and without adding the disclaimer "not the Michigan department of state".

(w) The desirability or advantages of certification or licensing by a federal, state, or local governmental agency, or that a motor vehicle repair facility or mechanic is approved or sanctioned by the administrator.

History: Add. 2016, Act 430, Eff. Apr. 4, 2017.