

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

***** 257.1307.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 4, 2017 *****

257.1307.amended Prohibited conduct.

Sec. 7. 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, do any of the following:

- (a) Enter into a contract with a customer that uses a waiver to circumvent or evade this act.
- (b) Enter into a contract that takes advantage of a customer's inability to reasonably protect his or her interests because of his or her illiteracy or inability to understand the language of an agreement, if the facility knows or reasonably should know of the customer's illiteracy or inability to understand.
- (c) Enter into a contract with a customer that has gross discrepancies between the oral representations of the facility and the written agreement covering the same transaction.
- (d) Make, either written or orally, an untrue or misleading statement of a material fact to a customer.
- (e) Fail to reveal a material fact to a customer that the customer could not reasonably know if that omission tends to mislead or deceive the customer.
- (f) Enter into a contract with a customer that attempts to abrogate, disclaim, or disallow the legal rights, obligations, or remedies of the customer.
- (g) Allow a customer to sign an acknowledgment, certificate, or other writing that affirms acceptance, delivery, compliance with a requirement of law, or other performance, if the facility knows or has reason to know that the statement is not true.
- (h) Set up contractual provisions with a customer, including the statement of repairs and waivers, that are not specific in language, clearly described, or reasonably legible.
- (i) Attempt to avoid or evade the law through a contract with a customer or any provision of a contract with a customer.
- (j) If a contract with a customer is rescinded, canceled, or otherwise terminated under the terms of the contract or under this act, fail to promptly return any deposit, down payment, or other payment to the person that is entitled to receive it.
- (k) Allow a customer to sign a document in blank relating to the repair of a motor vehicle.
- (l) Fail to give a customer a copy of a document evidencing the engagement of a facility at the time the document is executed by the customer.
- (m) When returning a repaired vehicle to a customer, fail to give a written statement of repairs to the customer that discloses all of the following:
 - (i) The repairs needed, as determined by the facility.
 - (ii) The repairs requested by the customer.
 - (iii) The repairs authorized by the customer.
 - (iv) The facility's estimate of repair costs.
 - (v) The actual costs of repairs.
 - (vi) The repairs or services performed, including a detailed identification of all parts that were replaced and a specification of which parts are new OEM, new, used, rebuilt, OEM surplus, or reconditioned.
 - (vii) A certification that authorized repairs were completed properly or a detailed explanation of an inability to complete repairs properly. The owner of the facility, or an individual designated by the owner to represent the facility, shall sign the certification statement. The statement shall include the name of the mechanic who performed the diagnosis and the repair.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 2016, Act 430, Eff. Apr. 4, 2017.