

HOUSE BILL No. 4979

October 13, 2015, Introduced by Reps. Kesto, McCready and Lucido and referred to the Committee on Judiciary.

A bill to amend 1974 PA 300, entitled
"Motor vehicle service and repair act,"
by amending sections 2 and 10 (MCL 257.1302 and 257.1310), section
2 as amended by 1988 PA 254 and section 10 as amended by 2000 PA
366, and by adding sections 6a and 10a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Administrator" means the secretary of state or any ~~person~~
3 **INDIVIDUAL** designated by ~~him or her~~ **THE SECRETARY OF STATE** to act
4 in his or her place.

5 (b) **"BAIID MECHANIC" MEANS A SPECIALTY MECHANIC WHO HOLDS A**
6 **CERTIFICATION FROM THE DEPARTMENT UNDER SECTION 10 TO PERFORM BAIID**
7 **SERVICE.**

8 (c) **"BAIID SERVICE" MEANS THE INSTALLATION, REMOVAL, REPAIR,**

1 OR OTHER SERVICING OF BREATH ALCOHOL IGNITION INTERLOCK DEVICES.

2 (D) "BREATH ALCOHOL IGNITION INTERLOCK DEVICE" OR "BAIID"
3 MEANS THAT TERM AS DEFINED IN SECTION 20D OF THE MICHIGAN VEHICLE
4 CODE, 1949 PA 300, MCL 257.20D.

5 (E) ~~(b)~~ "Department" means the department of state.

6 (F) ~~(c)~~ "Master mechanic" means a motor vehicle mechanic or
7 specialty mechanic who is certified by the department ~~pursuant to~~
8 UNDER this act in all of the specific repair OR SERVICE categories
9 DESCRIBED IN SECTION 10(1).

10 (G) ~~(d)~~ "Motor vehicle" means a vehicle ~~which~~ **THAT** is self-
11 propelled, a vehicle ~~which~~ **THAT** is propelled by electric power, a
12 motorcycle, or a trailer, as those terms are defined in the
13 Michigan vehicle code, ~~Act No. 300 of the Public Acts of 1949, as~~
14 ~~amended, being sections 257.1 to 257.923 of the Michigan Compiled~~
15 ~~Laws. 1949 PA 300, MCL 257.1 TO 257.923.~~ For the purposes of this
16 act, a motor vehicle does not include the dwelling or sleeping
17 portions of a motor home, trailer, or any recreational vehicle
18 ~~having~~ **THAT HAS** similar facilities ~~which~~ **THAT** are not directly
19 connected with the drive mechanism of the vehicle or other areas of
20 repair ~~which~~ **THAT** would require certification of motor vehicle
21 mechanics as specified in this act or rules promulgated ~~pursuant to~~
22 UNDER this act.

23 (H) ~~(e)~~ "Motor vehicle mechanic" means a technician ~~,~~ **OR OTHER**
24 individual ~~,~~ ~~or other person~~ who, for compensation, repairs motor
25 vehicles, including the reconditioning, replacement, adjustment, or
26 alteration of the operating condition, of any component or
27 subassembly of a motor vehicle.

1 (I) ~~(f)~~ "Mechanic trainee" means ~~a person~~ **AN INDIVIDUAL** who
 2 desires to become a motor vehicle mechanic, a specialty mechanic,
 3 or a master mechanic and receives a permit from the administrator
 4 ~~pursuant to~~ **UNDER** this act.

5 (J) ~~(g)~~ "Motor vehicle repair facility" means a place of
 6 business ~~which engages~~ **THAT, FOR COMPENSATION, IS ENGAGED** in the
 7 business of performing, or ~~employing persons~~ **EMPLOYS INDIVIDUALS**
 8 who perform, maintenance, diagnosis, vehicle body work, ~~or~~ repair
 9 service, **OR, BEGINNING JULY 1, 2016, BAIID SERVICE**, on a motor
 10 vehicle for compensation. ~~, but excluding all~~ **THE TERM DOES NOT**
 11 **INCLUDE ANY** of the following:

12 (i) ~~A person~~ **AN INDIVIDUAL** who engages only in the business of
 13 repairing the motor vehicles of a single commercial or industrial
 14 establishment or governmental agency.

15 (ii) ~~A person~~ **AN INDIVIDUAL WHO IS** repairing his or her own or
 16 a family member's car.

17 (iii) A business that does not diagnose the operation of a
 18 motor vehicle, does not remove parts from a motor vehicle to be
 19 remachined, and does not install finished machined or remachined
 20 parts on a motor vehicle, not including a motor vehicle repair
 21 facility that engages in the business of performing or employing
 22 persons who perform vehicle body work.

23 (iv) **A BAIID FACILITY DESCRIBED IN SECTION 625K(14) (D) OF THE**
 24 **MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.625K.**

25 (K) ~~(h)~~ "Specialty mechanic" means a motor vehicle mechanic
 26 who is certified by the department for a specific repair **OR SERVICE**
 27 category or categories ~~pursuant to this act.~~ **DESCRIBED IN SECTION**

1 10(1).

2 SEC. 6A. (1) A MOTOR VEHICLE REPAIR FACILITY SHALL NOT PROVIDE
3 BAIID SERVICE WITHOUT THE APPROVAL OF THE DEPARTMENT UNDER THIS
4 SECTION AND UNDER SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949
5 PA 300, MCL 257.625K.

6 (2) THE DEPARTMENT MAY APPROVE A MOTOR VEHICLE REPAIR FACILITY
7 AS A FACILITY THAT IS AUTHORIZED TO PERFORM BAIID SERVICE, OR RENEW
8 AN APPROVAL UNDER THIS SECTION, IF ALL OF THE FOLLOWING
9 REQUIREMENTS ARE MET:

10 (A) THE FACILITY OPERATES AT A FIXED LOCATION IN THIS STATE.

11 (B) THE FACILITY EMPLOYS AT LEAST 1 MECHANIC WHO HOLDS A
12 SPECIALTY CERTIFICATION IN BAIID SERVICE UNDER SECTION 10(1) AND
13 WHO IS PROPERLY TRAINED AS A BAIID TECHNICIAN BY THE BAIID
14 MANUFACTURER FOR WHICH THE FACILITY IS A VENDOR.

15 (C) THE FACILITY MAINTAINS AND MAKES AVAILABLE FOR INSPECTION
16 RECORDS THAT PROVE THAT EACH MECHANIC WHO HOLDS A SPECIALTY
17 CERTIFICATION IN BAIID SERVICE UNDER SECTION 10(1) AND IS EMPLOYED
18 BY THE FACILITY IS PROPERLY TRAINED BY THE BAIID MANUFACTURER TO
19 SERVICE THE BAIID FOR WHICH THE FACILITY IS A VENDOR.

20 (D) THE FACILITY PROVIDES A DESIGNATED WAITING AREA FOR
21 CUSTOMERS THAT IS SEPARATE FROM THE AREA IN WHICH BAIID SERVICE IS
22 PERFORMED.

23 (E) ONLY A MECHANIC WHO HOLDS A SPECIALTY CERTIFICATION IN
24 BAIID SERVICE UNDER SECTION 10(1), A REPRESENTATIVE OF THE
25 MANUFACTURER, OR A REPRESENTATIVE OF THE DEPARTMENT IS ALLOWED TO
26 OBSERVE THE INSTALLATION OR REMOVAL OF A BAIID.

27 (F) THE FACILITY TAKES ADEQUATE SECURITY MEASURES TO ENSURE

1 THAT UNAUTHORIZED PERSONNEL CANNOT GAIN ACCESS TO PROPRIETARY
2 MATERIALS OR FILES OF ANY BAIID MANUFACTURER FOR WHICH THE FACILITY
3 IS A VENDOR.

4 (G) THE FACILITY INFORMS THE DEPARTMENT OF ANY CHANGE IN ITS
5 BUSINESS ADDRESS AT LEAST 15 DAYS BEFORE THE DATE OF ANY
6 RELOCATION.

7 (H) AN APPLICATION FOR APPROVAL IS FOR A SINGLE LOCATION. A
8 SEPARATE APPLICATION FOR APPROVAL IS REQUIRED FOR EACH LOCATION AT
9 WHICH THE FACILITY WILL PROVIDE BAIID SERVICE.

10 (I) IF REQUESTED BY THE DEPARTMENT, THE FACILITY ALLOWS THE
11 DEPARTMENT TO CONDUCT AN ON-SITE EVALUATION TO ENSURE COMPLIANCE
12 WITH THE REQUIREMENTS IN THIS ACT.

13 (3) THE TERM OF AN ORIGINAL OR RENEWAL APPROVAL OF A MOTOR
14 VEHICLE REPAIR FACILITY UNDER THIS SECTION IS 1 YEAR.

15 (4) THE DEPARTMENT MAY CONDUCT AN INSPECTION OF A MOTOR
16 VEHICLE REPAIR FACILITY THAT PROVIDES BAIID SERVICE TO ENSURE
17 COMPLIANCE WITH THIS ACT AND SECTION 625K OF THE MICHIGAN VEHICLE
18 CODE, 1949 PA 300, MCL 257.625K, AND RULES PROMULGATED TO IMPLEMENT
19 THIS ACT AND THAT SECTION. THE MOTOR VEHICLE REPAIR FACILITY SHALL
20 PAY FOR THE ACTUAL COSTS TO THE DEPARTMENT IN CONDUCTING AN
21 INSPECTION UNDER THIS SUBSECTION.

22 Sec. 10. (1) ~~A person~~ **AN INDIVIDUAL** may become certified as a
23 specialty mechanic if ~~that person has passed~~ **HE OR SHE PASSES** an
24 examination, developed by the administrator or developed by a
25 private entity and adopted by the administrator, that the
26 administrator determines is an adequate test of ~~a person's~~ **AN**
27 **INDIVIDUAL'S** ability to perform certain types of motor vehicle

1 repair. The repair **OR SERVICE** categories for which certification is
 2 required include the following and ~~others that may be specified ANY~~
 3 **OTHERS SPECIFIED BY THE ADMINISTRATOR** by rule:

4 (a) Engine repair.

5 (b) Automatic transmission **REPAIR**.

6 (c) Manual transmission and rear axle **REPAIR**.

7 (d) Front end **REPAIR**.

8 (e) ~~Brakes~~ **REPAIR OF BRAKES**.

9 (f) Electrical systems **REPAIR**.

10 (g) Heating and air conditioning **REPAIR**.

11 (h) Engine tune-up.

12 (i) Pre-1973 motor vehicle ~~, subject to subsection (3)~~ **REPAIR**.

13 **(J) SUBJECT TO SUBSECTION (3), BAID SERVICE.**

14 (2) ~~A person~~ **AN INDIVIDUAL** may apply for a specialty
 15 mechanic's certificate in any or all repair categories but ~~shall be~~
 16 **HE OR SHE IS** required to pay only 1 certification fee if ~~the person~~
 17 **HE OR SHE** makes the applications for more than 1 category at 1
 18 time.

19 (3) Within ~~90~~ **120** days after the effective date of the
 20 amendatory act that added ~~this subsection~~, **SECTION 10A**, the
 21 administrator shall develop or adopt an examination for specialty
 22 mechanic certification in the repair **OR SERVICE** category described
 23 in subsection ~~(1)(i)~~ **(1)(J)** for an individual **WHO IS** engaged, for
 24 compensation, in ~~the repair of a motor vehicle manufactured before~~
 25 ~~1973 or the reconditioning, replacement, adjustment, or alteration~~
 26 ~~of the operating condition of any component or subassembly of a~~
 27 ~~motor vehicle manufactured before 1973~~ **BAID SERVICE.**

1 (4) ~~A person~~ **AN INDIVIDUAL** may apply for and receive a master
2 mechanic's certificate if ~~that person~~ **HE OR SHE** is qualified as a
3 specialty mechanic in all categories of motor vehicle repair
4 **DESCRIBED IN SUBSECTION (1)**, except that ~~the~~ **QUALIFICATION IN A**
5 specialty category described in subsection (1)(i) **OR (J)** is not
6 necessary for a master mechanic's certificate.

7 **SEC. 10A. (1) BEGINNING JULY 1, 2016, AN INDIVIDUAL SHALL NOT**
8 **PERFORM BAIID SERVICE IN THIS STATE UNLESS HE OR SHE HAS A**
9 **SPECIALTY MECHANIC'S CERTIFICATE IN BAIID SERVICE FROM THE**
10 **DEPARTMENT UNDER SECTION 10 AND CERTIFICATION AS A BAIID INSTALLER**
11 **UNDER SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
12 **257.625K.**

13 **(2) A BAIID MECHANIC SHALL PERFORM BAIID SERVICE IN A**
14 **WORKMANLIKE MANNER AND, IN PERFORMING BAIID SERVICE, SHALL COMPLY**
15 **WITH THE REQUIREMENTS OF THIS SECTION, THE STANDARDS DESCRIBED IN**
16 **SECTION 625K OF THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL**
17 **257.625K, AND THE REQUIREMENTS OF THE BAIID MANUFACTURER.**

18 **(3) A MOTOR VEHICLE REPAIR FACILITY AND BAIID MECHANIC SHALL**
19 **ENSURE THAT A BAIID THAT IS INSTALLED IS IN WORKING ORDER; THAT IT**
20 **PERFORMS IN A MANNER THAT MEETS THE REQUIREMENTS OF THIS SECTION**
21 **AND THE STANDARDS DESCRIBED IN SECTION 625K OF THE MICHIGAN VEHICLE**
22 **CODE, 1949 PA 300, MCL 257.625K; AND THAT ALL CONNECTIONS ARE**
23 **SOLDERED AND COVERED WITH A TAMPER SEAL.**

24 **(4) WHEN HE OR SHE COMPLETES THE INSTALLATION OF A BAIID, A**
25 **BAIID MECHANIC SHALL PROVIDE THE CUSTOMER WITH WRITTEN INSTALLATION**
26 **VERIFICATION. THE DEPARTMENT SHALL ESTABLISH THE FORM AND FORMAT OF**
27 **THIS VERIFICATION.**

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.

3 Enacting section 2. This amendatory act does not take effect
4 unless Senate Bill No. 176 of the 98th Legislature is enacted into
5 law.