

SENATE BILL NO. 867

May 09, 2024, Introduced by Senators CHERRY, DAMOOSE, POLEHANKI and SHINK and referred to the Committee on Regulatory Affairs.

A bill to amend 1974 PA 300, entitled "Motor vehicle service and repair act," by amending sections 2, 13b, 14, 15, 16, 17, 18, 30, 32, 32a, and 33 (MCL 257.1302, 257.1313b, 257.1314, 257.1315, 257.1316, 257.1317, 257.1318, 257.1330, 257.1332, 257.1332a, and 257.1333), section 2 as amended by 2020 PA 227 and sections 13b and 32a as added and sections 14, 15, 16, 17, 18, 30, 32, and 33 as amended by 2016 PA 430.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) **"Additional facility"** means a motor vehicle repair
3 **facility that meets the requirements of section 14(2).**

4 (b) "Administrator" means the secretary of state or any
5 individual designated by the secretary of state to act ~~in his or~~
6 ~~her place.~~ **on behalf of the secretary of state.**

7 (c) ~~(b)~~—"Advertise" means to advise, announce, apprise,
8 command, give notice of, inform, make known, or publish any
9 material that calls to the attention of the public the availability
10 of parts and services.

11 (d) ~~(e)~~—"Approved educational institution" means a school,
12 academy, or other similar establishment approved by the
13 administrator under section 13a to provide training to mechanics or
14 mechanical trainees under this act.

15 (e) ~~(d)~~—"Automobile or light truck" means a motor vehicle that
16 has a gross vehicle weight rating of less than 14,000 pounds.

17 (f) ~~(e)~~—"BAIID mechanic" means a specialty mechanic who holds
18 a certification from the department under section 10 to perform
19 BAIID service.

20 (g) ~~(f)~~—"BAIID service" means the installation, removal,
21 repair, or other servicing of breath alcohol ignition interlock
22 devices.

23 (h) ~~(g)~~—"Breath alcohol ignition interlock device" or "BAIID"
24 means that term as defined in section 20d of the Michigan vehicle
25 code, 1949 PA 300, MCL 257.20d.

26 (i) ~~(h)~~—"Contract" means a written or oral agreement, or a
27 similar understanding or arrangement, in which a person agrees that
28 another person will perform work, labor, diagnosis, repair,
29 reconditioning, replacement, adjustment, or alteration, directly or

1 indirectly, on a motor vehicle.

2 (j) ~~(i)~~—"Customer" means the owner or operator of a motor
3 vehicle.

4 (k) ~~(j)~~—"Department" means the department of state.

5 (l) ~~(k)~~—"Distressed vehicle" means that term as defined in
6 section 12a of the Michigan vehicle code, 1949 PA 300, MCL 257.12a.

7 (m) ~~(l)~~—"Estimate" means a written statement that itemizes as
8 closely as possible the price for labor, by showing the labor price
9 per hour, the number of hours required to perform the work, and the
10 price of parts necessary for a specific repair.

11 (n) ~~(m)~~—"Facility" or "motor vehicle repair facility" means a
12 place of business that is required to register under this act,
13 **except for a motor vehicle repair facility that is an additional**
14 **facility**, and that, for compensation, is engaged in the business of
15 performing, or employs individuals who perform, maintenance,
16 diagnosis, vehicle body work, ~~or~~ repair service, or ~~beginning~~
17 ~~July 1, 2016,~~ BAIID service, on a motor vehicle. The term does not
18 include any of the following:

19 (i) A person that engages only in the business of repairing the
20 motor vehicles of a single commercial or industrial establishment
21 or governmental agency.

22 (ii) An individual who is repairing ~~his or her~~ **the individual's**
23 own or a family member's motor vehicle.

24 (iii) A business that does not diagnose the operation of a motor
25 vehicle, does not remove parts from a motor vehicle to be
26 remachined, and does not install finished machined or remachined
27 parts on a motor vehicle. This subparagraph does not apply to a
28 motor vehicle repair facility that engages in the business of
29 performing, or employing individuals who perform, vehicle body

1 work.

2 (iv) A BAIID facility described in section 625k(14) (d) of the
3 Michigan vehicle code, 1949 PA 300, MCL 257.625k.

4 (o) ~~(n)~~ "Heavy-duty truck" means a motor vehicle that has a
5 gross vehicle weight rating of 14,000 pounds or more and includes
6 both single-unit and combination tractor trailer or tractor
7 semitrailer vehicles.

8 (p) ~~(o)~~ "Late model vehicle" means that term as defined in
9 section 24b of the Michigan vehicle code, 1949 PA 300, MCL 257.24b.

10 (q) ~~(p)~~ "Lien" means a security interest in or other
11 encumbrance on a motor vehicle ~~. The term~~ **and** includes a security
12 interest created by agreement, a judicial lien obtained by legal or
13 equitable process or proceedings, a common-law lien, or a statutory
14 lien on a vehicle.

15 Sec. 13b. (1) A certified specialty or master mechanic shall
16 display, in a conspicuous location in the ~~place of business where~~
17 ~~he or she~~ **motor vehicle repair facility where the certified**
18 **specialty or master mechanic** is employed or engaged to perform
19 repairs, a current and valid certificate issued by the
20 administrator. **A certified specialty or master mechanic who works**
21 **at an additional facility does not need to display in the**
22 **additional facility a current and valid certificate issued by the**
23 **administrator.**

24 (2) If a certified mechanic works on, inspects and approves,
25 or supervises a repair, ~~he or she~~ **the certified mechanic** shall
26 affix ~~his or her~~ **the certified mechanic's** name and certification
27 number, as assigned by the administrator, to the written statement
28 of repairs given **to** the customer under section 34.

29 (3) A certified specialty or master mechanic or mechanic

1 trainee shall not depart from, or disregard in any material
2 respect, accepted motor vehicle repair industry standards.
3 Compliance with published vehicle manufacturer, parts manufacturer,
4 equipment manufacturer, or recognized aftermarket repair manual
5 specifications creates a presumption that the mechanic or mechanic
6 trainee has followed accepted motor vehicle repair industry
7 standards.

8 (4) If the administrator, after notice and a hearing,
9 determines that a specialty or master mechanic or mechanic trainee
10 has violated subsection (3), the administrator may, under section
11 21, require that the specialty or master mechanic or mechanic
12 trainee do both of the following:

13 (a) Successfully complete a designated training course or
14 program as a prerequisite to continued certification.

15 (b) ~~Only perform~~ **Perform only** specific motor vehicle repairs
16 or repair procedures identified by the administrator until the
17 training course or program described in subdivision (a) is
18 completed.

19 Sec. 14. **(1) ~~The~~ Except for a motor vehicle repair facility**
20 **that is an additional facility, the** owner of a motor vehicle repair
21 facility shall register the facility by providing all of the
22 following information to the administrator, on a registration form
23 provided by the administrator, accompanied by a registration fee in
24 an amount determined under section 30:

25 (a) The name, address, and form of ownership of the facility,
26 and if the owner is a corporation, the date and place of
27 incorporation.

28 (b) The name and address of each of the owner's resident
29 agents, officers, directors, and partners in this state, as

1 applicable.

2 (c) The principal occupation or business for the past 5 years
3 of all of the following, as applicable:

4 (i) Each person that owns 10% or more of the facility.

5 (ii) For each owner described in subparagraph (i), every officer
6 and director if the owner is a corporation; every partner if the
7 owner is a partnership; and any other person that occupies a
8 similar status or performs similar functions.

9 (d) A description of the facility that includes all of the
10 following **information**:

11 (i) The type of service business the facility operates.

12 (ii) The type of repairs the facility performs.

13 (iii) The type of vehicles the facility services.

14 (iv) The number of mechanics the facility employs who perform
15 repairs.

16 (v) The range of gross revenue received by the facility from
17 performing repairs, including revenue from parts and goods sold in
18 conjunction with repairs, for the most recent federal income tax
19 year.

20 (vi) Measured in square feet, the size of ~~that part of the~~
21 **space within** the facility ~~utilized~~**used** for performing repairs.

22 (e) An irrevocable appointment of the secretary of state as
23 the agent for the facility for service of process.

24 (f) A copy of each instrument, form, contract, or other
25 document used by the applicant in ~~dealing~~**connection** with the
26 ~~public in the~~ repair of motor vehicles **for the public**, including,
27 but not limited to, all of the following:

28 (i) Any document on which the facility routinely requires ~~the a~~
29 customer's signature.

1 (ii) Any document used by the facility in connection with
2 providing estimates, diagnoses, or repairs.

3 (iii) Any invoices, warranties, or waivers.

4 (iv) Any other document used by the facility to comply with
5 this act or rules promulgated under this act.

6 (g) **If applicable, any additional facilities that will share
7 the same registration and registration number as the facility that
8 the owner is registering.**

9 (h) ~~(g)~~ Any other relevant information required by the
10 administrator.

11 (2) **The owner of a motor vehicle repair facility registered
12 under subsection (1) may own an additional facility that operates
13 under the same registration and registration number as the facility
14 registered under subsection (1) if the additional facility meets
15 all of the following requirements:**

16 (a) **Is located within a reasonable proximity of the motor
17 vehicle repair facility registered under subsection (1).**

18 (b) **Serves as an extension of the motor vehicle repair
19 facility registered under subsection (1).**

20 (c) **Does not operate independently from the facility
21 registered under subsection (1).**

22 (3) **An additional facility does not need any of the following:**

23 (a) **A registration certificate with a separate registration
24 number from the facility with which the additional facility shares
25 a registration.**

26 (b) **An exterior sign that identifies the business.**

27 (c) **Any customer instrument, form, contract, written
28 statement, or other document required under section 32(6) or
29 section 34 that is distinct from the instruments, forms, contracts,**

1 **written statements, or other documents used by the facility with**
2 **which the additional facility shares a registration.**

3 Sec. 15. (1) A motor vehicle repair facility registration
4 under this act takes effect on the date it is approved by the
5 administrator and expires 1 year after that date. ~~The~~ **Except as**
6 **otherwise provided in subsection (4), the** owner of a motor vehicle
7 repair facility shall renew ~~its~~ **the facility's** registration
8 annually and shall submit an application for renewal of the
9 registration, accompanied by a registration fee in an amount
10 determined under section 30, with the administrator ~~at least~~ **not**
11 **later than** 30 days before the expiration of ~~its~~ **the facility's**
12 then-current registration.

13 (2) A motor vehicle repair facility may continue to operate
14 after the expiration date of ~~its~~ **the facility's** then-current
15 registration, pending approval of the renewal application by the
16 administrator, if the renewal application and renewal fee are
17 received by the administrator on or before the expiration date. If
18 a renewal application and renewal fee are filed after the
19 expiration date, the facility may operate from the day on which the
20 application and appropriate fee are received by the administrator,
21 pending approval of the renewal application. The administrator
22 shall charge a fee of 1-1/2 times the normal registration fee if
23 the renewal application is received by the administrator after the
24 expiration date.

25 (3) A person that owns more than 1 motor vehicle repair
26 facility shall file a single registration form for all of those
27 facilities annually, that along with the other information required
28 under this act, clearly indicates the location of and the
29 individual in charge of each facility, and shall pay a separate

1 registration fee, **except for a facility that is an additional**
2 **facility**, for each of those facilities.

3 (4) **An owner of a motor vehicle repair facility may renew the**
4 **facility's registration for more than 1 year but not more than 4**
5 **years if the owner submits an application for renewal to the**
6 **administrator accompanied by a registration fee in an amount**
7 **determined under section 30(4).**

8 Sec. 16. (1) If there is a change ~~in~~**of** ownership of a motor
9 vehicle repair facility, a new registration and payment of a new
10 registration fee is required and the facility shall not operate
11 until ~~its~~**the facility's** registration application is approved by
12 the administrator and the fee is paid. If a name or address of the
13 motor vehicle repair facility changes, and there is not a change of
14 ownership, the facility shall notify the administrator in writing
15 of the change and shall make the appropriate changes on the next
16 renewal registration when due.

17 (2) If the owner of a motor vehicle repair facility is a
18 corporation, and ~~10%~~**25%** or more of the stock of the corporation is
19 sold or transferred, the owner shall notify the administrator of
20 that change ~~within~~**not later than** 30 days ~~of~~**after** the sale or
21 transfer.

22 (3) As used in this section, "change of ownership" means a
23 sale of all or part of a facility to a new owner. The term includes
24 a sale or transfer of a partnership interest in the owner of a
25 facility if the owner is a partnership. The term does not include
26 the sale or transfer of stock in the owner of a facility if the
27 owner is a corporation.

28 Sec. 17. (1) The owner of a facility that is registered or is
29 required to register under this act shall ensure that the facility

1 ~~is~~**and, if applicable, any additional facilities are** open to
 2 inspection by the administrator and other law enforcement officials
 3 during reasonable business hours. During reasonable business hours,
 4 the administrator and other law enforcement officials may make
 5 periodic unannounced inspections of the premises, parts records,
 6 and parts inventories of a facility **or additional facility.**

7 (2) A person shall not hinder, obstruct, or otherwise prevent
 8 an inspection under this section or section 18 or 18a.

9 (3) As used in this section, "reasonable business hours"
 10 includes any posted or advertised business hours of a facility.

11 Sec. 18. (1) The owner of a motor vehicle repair facility
 12 shall maintain reasonable business records for the facility **and, if**
 13 **applicable, any additional facilities** and ensure that those records
 14 are open for reasonable inspection by the administrator or other
 15 law enforcement officials. As used in this subsection, "reasonable
 16 business records" includes those documents and records described in
 17 subsection (2) (a) to (c).

18 (2) The owner of a motor vehicle repair facility shall retain
 19 the records of the facility **and, if applicable, any additional**
 20 **facilities** for the following time periods:

21 (a) The owner shall retain copies of each instrument, form,
 22 contract, or other document used in connection with a repair
 23 transaction, including, but not limited to, all of the following
 24 for at least 3 years after completion of the repair transaction:

25 (i) Any document on which the facility required the customer's
 26 signature.

27 (ii) Any document used by the facility in connection with
 28 providing an estimate, diagnosis, or repair.

29 (iii) Any invoice, warranty, or waiver.

1 (iv) Any other document used by the facility to record or
2 convey the terms of the transaction.

3 (v) Any other document required under this act or rules
4 promulgated under this act in connection with a repair transaction.

5 (b) If a facility is advised by the administrator that ~~he or~~
6 ~~she~~**the administrator** has received a complaint about a repair
7 transaction performed by the facility, and the facility is under
8 investigation by the administrator, the owner shall retain records
9 relating to the transaction or otherwise relevant to the complaint
10 until the date the administrator advises the facility in writing
11 that the complaint is closed, or for 3 years after the completion
12 of the repair transaction, whichever is later.

13 (c) If a repair transaction involves the assumption by the
14 facility of an obligation ~~extending beyond~~**for more than** 3 years,
15 the owner shall retain records or documents relating to that
16 obligation for ~~at least~~**not less than** the term of the obligation.

17 (d) For any other document or record than those described in
18 subdivision (a), (b), or (c), the owner shall retain that document
19 or record for ~~at least~~**not less than** 3 years.

20 **(e) Business records for an additional facility must be stored**
21 **at the facility with which the additional facility shares a**
22 **registration.**

23 (3) A facility that engages in vehicle body work shall
24 maintain records in a form prescribed by the administrator. The
25 records ~~shall~~**must** contain the date of purchase or acquisition of
26 each distressed vehicle, a description of the vehicle, and the name
27 and address of the person from which the vehicle was acquired. If
28 the vehicle is sold, the record ~~shall~~**must** contain the date of sale
29 and the name and address of the purchaser. The record ~~shall~~**must**

1 indicate whether a certificate of title or salvage certificate of
 2 title was obtained by the facility for the vehicle. If the vehicle
 3 is a late model vehicle, the facility shall maintain a record of
 4 the purchase or sale of each major component part purchased or
 5 acquired by the facility for the vehicle. The record ~~shall~~**must**
 6 contain the date of purchase or acquisition of the part, a
 7 description of the part, the identification number assigned to the
 8 part, and the name and address of the person to or from which the
 9 part was purchased, acquired, or sold.

10 (4) A facility shall maintain or attach the record of a sale,
 11 purchase, or acquisition of a major component part to a police book
 12 described in section 251 of the Michigan vehicle code, 1949 PA 300,
 13 MCL 257.251. A facility shall make ~~its~~**the facility's** police book
 14 and ~~its~~**the facility's** records of vehicle part sales, purchases, or
 15 acquisitions immediately available for inspection by the
 16 administrator and other law enforcement officials if a request for
 17 inspection is made.

18 (5) This section does not authorize a facility to engage in
 19 the business of dealing in vehicles or salvageable parts without a
 20 dealer's license under the Michigan vehicle code, 1949 PA 300, MCL
 21 257.1 to 257.923.

22 Sec. 30. (1) The registration fee for the registration of a
 23 facility is determined by a sliding fee scale that is based on the
 24 gross annual revenue of the facility, as follows:

GROSS ANNUAL REVENUE	FEE
25 under \$5,000.00.....	\$ 25.00
26 \$5,001.00 to \$15,000.00.....	50.00
27 \$15,001.00 to \$25,000.00.....	75.00
28 \$25,001.00 to \$40,000.00.....	100.00
29	

1	\$40,001.00 to \$60,000.00.....	125.00
2	\$60,001.00 to \$80,000.00.....	150.00
3	\$80,001.00 to \$100,000.00.....	175.00
4	\$100,001.00 to \$120,000.00.....	200.00
5	\$120,001.00 to \$140,000.00.....	225.00
6	\$140,001.00 to \$160,000.00.....	250.00
7	\$160,001.00 to \$180,000.00.....	275.00
8	\$180,001.00 to \$200,000.00.....	300.00
9	\$200,001.00 to \$220,000.00.....	325.00
10	\$220,001.00 to \$240,000.00.....	350.00
11	\$240,001.00 to \$260,000.00.....	375.00
12	\$260,001.00 to \$280,000.00.....	400.00
13	\$280,001.00 to \$300,000.00.....	425.00
14	\$300,001.00 to \$320,000.00.....	450.00
15	\$320,001.00 to \$340,000.00.....	475.00
16	over \$340,000.00.....	500.00

17 (2) The examination, application, certificate, and renewal
18 fees for the certification of mechanics are as follows:

19 (a) Each certification examination administered by the
20 administrator, \$6.00.

21 (b) Application for original certificate, \$25.00. However, any
22 of the following may apply for an original specialty or master
23 mechanic certificate without paying a fee under this subdivision:

24 (i) An individual who is currently certified by the
25 administrator in at least 1 repair category may apply for
26 certification in 1 or more additional repair categories without
27 paying a fee under this subdivision.

28 (ii) A mechanic trainee who presents proof that ~~he or she~~ **the**
29 **trainee** has successfully completed 30 or more hours of continuing

1 mechanic education courses given by an approved educational
 2 institution during the 5-year period immediately preceding the date
 3 the trainee submits the application for certification.

4 (iii) An individual who served in the armed forces; was
 5 separated from that service; and provides to the administrator a
 6 form DD214, a form DD215, or any other form that is satisfactory to
 7 the administrator that demonstrates that the individual was
 8 separated from that service, with an honorable character of service
 9 or under honorable conditions (general) character of service.

10 (c) Application for renewal certificate, \$20.00.

11 (d) Replacement certificate, \$5.00.

12 (3) The permit fees for a mechanic trainee are as follows:

13 (a) Application for a mechanic trainee permit, \$20.00.

14 However, either of the following may apply for a mechanic trainee
 15 permit without paying a fee under this subdivision:

16 (i) An individual who is currently certified by the
 17 administrator in at least 1 repair category.

18 (ii) A student who is currently enrolled in a vocational
 19 education or special education program that includes employment by
 20 a motor vehicle repair facility; that is approved by the department
 21 of education; and for which the student receives credit toward the
 22 award of a high school or special education diploma.

23 (b) Replacement of trainee permit, \$5.00.

24 **(4) The fee for a multiyear registration described under**
 25 **section 15(4) is the applicable fee under subsection (1) multiplied**
 26 **by the number of years the registration is renewed.**

27 (5) ~~(4)~~—As used in this section:

28 (a) "Armed forces" means that term as defined in section 2 of
 29 the veteran right to employment services act, 1994 PA 39, MCL

1 35.1092.

2 (b) "Gross annual revenue" means a facility's gross revenue
3 from performing repairs, including parts and goods sold in
4 conjunction with repairs, in ~~its~~**the facility's** most recently
5 completed federal income tax year, or, if the facility has not been
6 in business for a complete federal income tax year, the facility's
7 reasonably anticipated gross revenue for ~~its~~**the facility's** first
8 full federal income tax year of operation.

9 Sec. 32. (1) Before beginning repair work, a motor vehicle
10 repair facility shall give to the customer a written estimate that
11 itemizes as closely as possible the price for labor and parts
12 necessary for the work. A facility shall not charge for work done
13 or parts supplied in excess of the estimated price, or in excess of
14 the limit stated by the customer in the waiver described in
15 subsection (3), without the knowing written or oral consent of the
16 customer, obtained at some time after the facility determines that
17 the estimated price or stated limit is insufficient and before any
18 work that is not estimated or is in excess of the limit is done or
19 the parts that are not estimated or are in excess of the limit are
20 supplied. If a waiver is not signed under subsection (3) and the
21 estimated price is exceeded by not more than 10% or \$50.00,
22 whichever is lesser, the facility is not required to obtain the
23 written or oral consent of the customer for the excess charge
24 unless specifically requested by the customer. This section ~~shall~~
25 **must** not be construed as requiring a motor vehicle repair facility,
26 mechanic, or mechanic trainee to give a written estimated price if
27 the facility, mechanic, or trainee agrees not to perform the
28 requested repair. If the actual cost of a repair is less than the
29 agreed on estimated cost, the customer shall pay only the actual

1 cost.

2 (2) If a facility or mechanic informs the customer that the
3 price for repair will exceed the written estimate or the stated
4 limit in the waiver and the customer does not want the repair work
5 performed, the customer is responsible for all reasonable costs to
6 return the vehicle to the condition it was in at the time it
7 entered the facility. The facility shall indicate those costs in
8 written form, itemizing the costs as closely as possible with a
9 copy given to the customer. The cost of a diagnosis made by the
10 facility, whether or not the customer authorizes the facility to
11 perform those repairs, ~~shall~~**must** be included in the written
12 estimate before the diagnosis is undertaken.

13 (3) If a customer initiates a request for service or parts for
14 the repair of a motor vehicle without receiving a written estimate
15 and voluntarily agrees to pay all reasonable costs of repair up to
16 an amount stated by the customer, a facility may obtain from the
17 customer a waiver of ~~his or her~~**the customer's** right to receive a
18 prior estimate of repair costs. The waiver ~~shall~~**must** be in 14
19 point or larger bold capital type face and executed with 1 copy to
20 the customer who is requesting the repairs. The waiver ~~shall~~**must**
21 read as follows:

22 "I, _____, voluntarily authorize _____ to provide
23 services or parts in the repair of the below described motor
24 vehicle without receiving an estimate of repair costs. By signing
25 this form, I understand that I will give up my right to:

- 26 1. Receive a written estimate of the cost for repairs;
- 27 2. Approve in advance any repairs or costs with a total cost
28 under \$ _____; and
- 29 3. Refuse to pay for repairs with a total cost less than the

1 amount stated above.

2 The facility may exceed the amount stated above only after I
3 give my written or oral approval.

4 Motor vehicle description:

5 Customer signature _____

6 Date _____

7 Time _____".

8 (4) A waiver described in subsection (3) is not effective
9 unless it is given by the customer voluntarily and with full
10 knowledge of the implications of the waiver. A motor vehicle repair
11 facility or anyone in ~~its~~**the facility's** employ shall not make use
12 of a waiver described in subsection (3) in an attempt to evade this
13 act.

14 (5) ~~A~~**Except for a motor vehicle repair facility that is an**
15 **additional facility,** a motor vehicle repair facility shall at all
16 times display, in a place and manner conspicuous to ~~its~~**the**
17 **facility's** customers, a current and valid certificate of repair
18 facility registration issued by the administrator.

19 (6) A motor vehicle repair facility shall include ~~its~~**the**
20 **facility's** registration number, as assigned by the administrator,
21 on each copy of any instrument, form, contract, or other document
22 used by the applicant in dealing with the public in the repair of
23 motor vehicles, including, but not limited to, all of the
24 following:

25 (a) Any document on which the facility routinely requires the
26 customer's signature.

27 (b) Any document used by the facility in connection with
28 providing estimates, diagnoses, or repairs.

29 (c) Any invoices, warranties, or waivers.

1 (d) Any other document used by the facility to comply with
2 this act or rules promulgated under this act.

3 Sec. 32a. (1) A motor vehicle repair facility shall display a
4 consumer information sign. The sign shall contain 12 lines of
5 lettering worded substantially as follows:

6 "THIS ESTABLISHMENT IS REGISTERED WITH THE MICHIGAN DEPARTMENT
7 OF STATE AND IS REQUIRED BY LAW TO FURNISH A CUSTOMER WITH A:

8 (1) WRITTEN ESTIMATE IF REPAIRS WILL BE \$50 OR MORE OR ON
9 REQUEST IF REPAIRS WILL BE LESS THAN \$50.

10 (2) DETAILED STATEMENT OF LABOR AND PARTS SUPPLIED. QUESTIONS
11 REGARDING SERVICE WORK SHOULD BE DIRECTED FIRST TO THE MANAGER OF
12 THIS REPAIR FACILITY.

13 MICHIGAN DEPARTMENT OF STATE
14 P.O. BOX _____, LANSING, MI 489_____
15 TOLL-FREE TELEPHONE: 800 _____
16 MON.-FRI., 8:30 A.M. - 4:30 P.M.
17 DEPARTMENT OF STATE WEBSITE: _____."

18 (2) All of the following apply to a sign required under
19 subsection (1):

20 (a) It ~~shall~~**must** be rectangular in shape and ~~at least~~**not**
21 **less than** 28 inches high by 24 inches wide.

22 (b) It ~~shall~~**must** be constructed of durable material.

23 (c) The background of the sign ~~shall~~**must** be white.

24 (d) Print and other markings on the sign ~~shall~~**must** be black.

25 (e) The wording of the sign ~~shall~~**must** be printed in bold,
26 block, capital letters that are ~~1-inch~~**1 inch** high and ~~1/2-inch~~**1/2**
27 **inch** wide in lines 1, 2, 8, 9, 10, and 12; ~~3/4-inch~~**3/4 inch** high
28 and ~~1/2-inch~~**1/2 inch** wide in line 11; and ~~1/2-inch~~**1/2 inch** high
29 and ~~3/8-inch~~**3/8 inch** wide in lines 3 to 7.

1 (f) The sign ~~shall~~**must** be laid out in a clearly legible
2 fashion, with the lettering arranged so that there is ~~at least~~**not**
3 **less than** a 1/8-inch space between any 2 letters within a line and
4 ~~at least~~**not less than** a 1/2-inch space between any 2 lines.

5 (g) The sign ~~shall~~**must** include the address, telephone
6 numbers, and ~~Internet~~ website address of the department in lines 9,
7 10, and 12, as provided by the administrator.

8 (3) All of the following apply to the display of a sign
9 required under subsection (1) by a motor vehicle repair facility:

10 (a) The facility shall display the sign at each entrance to
11 the facility and at each cashier station. As used in this
12 subsection **and section 33(8)**, "entrance to the facility" means each
13 location in or about the facility where customer repair service
14 orders are initially executed.

15 (b) The facility shall ensure that the sign is unobstructed
16 and clearly and readily visible to customers.

17 (c) If the facility is not enclosed or is a mobile facility,
18 the facility shall ensure that it is placed in an area where it is
19 easily noticeable to customers who are transacting business with
20 the facility.

21 (4) The administrator may require that a facility replace any
22 sign that does not meet all of the requirements of this section or
23 is no longer readily legible, or that the facility reposition any
24 sign that is improperly displayed.

25 Sec. 33. (1) A motor vehicle repair facility shall return
26 replaced parts to the customer at the time the repair work is
27 completed. All of the following apply to the obligation to return
28 replaced parts under this subsection:

29 (a) A facility is not required to return any of the following

1 replaced parts to the customer:

2 (i) Parts that are exempted from the return requirement by the
3 administrator because of size, weight, or similar factors. However,
4 a facility shall not prevent a customer from removing any heavy or
5 large part, by the customer's own means and at ~~his or her~~ **the**
6 **customer's** expense.

7 (ii) Subject to subsection (3), parts that the motor vehicle
8 repair facility or mechanic is required to return to the
9 manufacturer or distributor under a warranty or exchange
10 arrangement.

11 (iii) For reasons of safety, a gasoline tank or any other
12 container-type part that was filled with or was otherwise in
13 appreciable contact with flammable fuels, unless that part is
14 rendered nonflammable.

15 (b) If any returned part presents an actual danger of
16 flammability or explosiveness, the facility shall clearly inform
17 the customer of that danger.

18 (c) When the repair work is completed, if requested by the
19 customer, the facility shall reasonably clean the replaced parts
20 that are to be returned or inspected by the customer. The facility
21 shall place portable parts in a suitable container. The facility
22 shall store any parts that it identifies as not portable in a
23 suitable place in the facility for the customer's inspection.

24 (d) If a facility charges a fee to a customer in connection
25 with the return of replaced parts, the facility must disclose that
26 fee to the customer in writing before the customer engages the
27 facility to replace the part.

28 (2) A customer shall be informed of ~~his~~ **the customer's** right
29 to receive or inspect replaced parts as provided in this section

1 before the customer executes any document or engages the facility
2 or mechanic for the work. Subject to subsection (5), the facility
3 shall provide this information to the customer by providing the
4 following notice to the customer, printed or displayed on the face
5 of any contract, work order form, or other document that evidences
6 the engagement of the facility or mechanic in ~~at least~~**not less**
7 **than** 12-point boldfaced letters that are ~~at least~~**not less than** 4
8 points larger than the principal size of the letters in that
9 document, or providing the notice in a separate written document in
10 ~~at least~~**not less than** 12-point, boldfaced, capital letters, as
11 follows:

12 **"YOU ARE ENTITLED BY LAW TO THE RETURN OF ALL PARTS REPLACED,**
13 **EXCEPT THOSE WHICH ARE TOO HEAVY OR LARGE, AND THOSE REQUIRED TO BE**
14 **SENT BACK TO THE MANUFACTURER OR DISTRIBUTOR BECAUSE OF WARRANTY**
15 **WORK OR AN EXCHANGE AGREEMENT. YOU ARE ENTITLED TO INSPECT THE**
16 **PARTS WHICH CANNOT BE RETURNED TO YOU."**

17 (3) If a facility is obligated to return a replaced part to
18 the manufacturer or a distributor under a warranty agreement, or,
19 subject to subsection (4), under an exchange agreement, the
20 facility is not required to return that part to the customer.
21 However, the facility or mechanic shall offer the customer an
22 opportunity to inspect the replaced part. If the customer accepts
23 the offer to inspect the part, or otherwise requests to inspect the
24 part, the facility or mechanic shall allow the customer to inspect
25 the part when the repair work is completed. A facility is not
26 required to show a replacement part to a customer if the
27 replacement is made without charge to the customer.

28 (4) If replacement of a part is contingent on the facility
29 keeping the part under an exchange agreement, the facility shall

1 explain, in a manner understandable to the customer, the precise
 2 terms of the exchange agreement, including if applicable a
 3 disclosure of the price to the customer if ~~he or she~~ **the customer**
 4 wishes to reclaim the part. If a customer raises a question or
 5 dispute with the facility ~~within~~ **not later than** 2 business days
 6 after the delivery of the repaired vehicle to the customer and the
 7 dispute involves an exchange part for which the facility required
 8 the customer pay a deposit in the amount of the facility's
 9 obligation, the facility shall refund the deposit to the customer
 10 if ~~he or she~~ **the customer** returns the part to the facility.

11 (5) A facility that displays the notice described in
 12 subsection (2) on a clearly legible sign with lettering ~~at least~~
 13 **not less than** 1 inch high, conspicuously displayed in the part of
 14 the facility where customers routinely contract for repairs, is not
 15 required to provide the notice to a customer in the form of a
 16 document described in subsection (2).

17 (6) All of the following apply to the disposition of replaced
 18 parts that are not returned to the customer:

19 (a) Unless subdivision (b) applies, the facility shall ~~not~~
 20 ~~dispose of~~ **keep** the parts for ~~at least~~ **not less than** 2 business
 21 days after the customer takes possession of the repaired vehicle,
 22 unless the customer has specifically authorized immediate
 23 disposition of the parts.

24 (b) If a customer questions or disputes repairs performed by a
 25 facility or the charges for those repairs ~~within~~ **not later than** 2
 26 days after the customer takes possession of the repaired vehicle,
 27 the facility shall not dispose of the replaced parts until the
 28 question or dispute is resolved. If the dispute involves the
 29 replaced part, the facility shall, in the presence of the customer,

1 immediately affix to the part a permanent mark sufficient to
2 identify the part.

3 (7) If requested by a customer, a facility shall explain
4 exactly why a replaced part is defective or nonfunctional, or
5 otherwise why it was replaced.

6 (8) The motor vehicle repair facility shall display a clearly
7 legible sign in a conspicuous place at the entrance of the facility
8 that indicates that customers may make inquiries concerning repair
9 service or complaints to the administrator and states the address
10 and telephone number of the department.