

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

***** 257.1322.amended THIS AMENDED SECTION IS EFFECTIVE APRIL 4, 2017 *****

257.1322.amended Administrative action against certain conduct; violation of subsection (1); powers of administrator; probation; conditions; other lawful remedies and sanctions.

Sec. 22. (1) The administrator may take any administrative action described in subsection (2) if the administrator determines that a facility, mechanic, or trainee, or a stockholder, officer, director, or partner of a facility that is a corporation or partnership, does 1 or more of the following:

- (a) Makes an untrue statement of a material fact.
- (b) Violates this act or a rule promulgated under this act.
- (c) Violates a condition of probation.
- (d) Makes unnecessary repairs or repairs not authorized by the customer.
- (e) Refuses to honor warranties made by a facility.
- (f) Causes or allows a customer to sign a document in blank relating to the repair of a motor vehicle.
- (g) Is enjoined by a court of competent jurisdiction from engaging in the trade or business of repairing motor vehicles or from a violation of this act or a rule promulgated under this act.
- (h) Fails to comply with the terms of a final cease and desist order.
- (i) Is convicted of a violation of this act.
- (j) Uses the waiver of liability provision in an attempt to evade this act.
- (k) Is convicted of a violation of 1986 PA 119, MCL 257.1351 to 257.1355.
- (l) Is convicted under section 413, 415, 535, 535a, or 536a of the Michigan penal code, 1931 PA 328, MCL 750.413, 750.415, 750.535, 750.535a, and 750.536a, or has been convicted in another state of a violation of a law substantially corresponding to 1 of those sections of the Michigan penal code.

(2) After notice and opportunity for a hearing, the administrator may do 1 or more of the following if he or she determines that a facility, mechanic, or trainee, or a stockholder, officer, director, or partner of a facility that is a corporation or partnership, violates subsection (1):

- (a) Place a limitation on a registration, certificate, or mechanic trainee permit.
- (b) Suspend a registration, certificate, or mechanic trainee permit.
- (c) Deny a registration, certificate, or mechanic trainee permit or renewal of a registration, certificate, or mechanic trainee permit.
- (d) Revoke a registration, certificate, or mechanic trainee permit.
- (e) Censure the person that holds a registration, certificate, or mechanic trainee permit.

(3) As an alternative or in addition to administrative action under subsection (2) for a violation or alleged violation of subsection (1), the administrator may, by written agreement with a person that holds a registration, certificate, or mechanic trainee permit, place a registration, certificate, or mechanic trainee permit on probation and include conditions of probation in the agreement.

(4) The remedies and sanctions under this act are independent and cumulative. The use of a remedy or sanction under this act, including, but not limited to, administrative action by the administrator under subsection (2) or an agreement for probation under subsection (3), does not bar other lawful remedies and sanctions against a person and does not limit a person's criminal or civil liability under law.

History: 1974, Act 300, Eff. Apr. 1, 1975;—Am. 1976, Act 12, Imd. Eff. Feb. 20, 1976;—Am. 1988, Act 254, Eff. Oct. 1, 1989;—Am. 2016, Act 430, Eff. Apr. 4, 2017.

Administrative rules: R 257.101 et seq. of the Michigan Administrative Code.