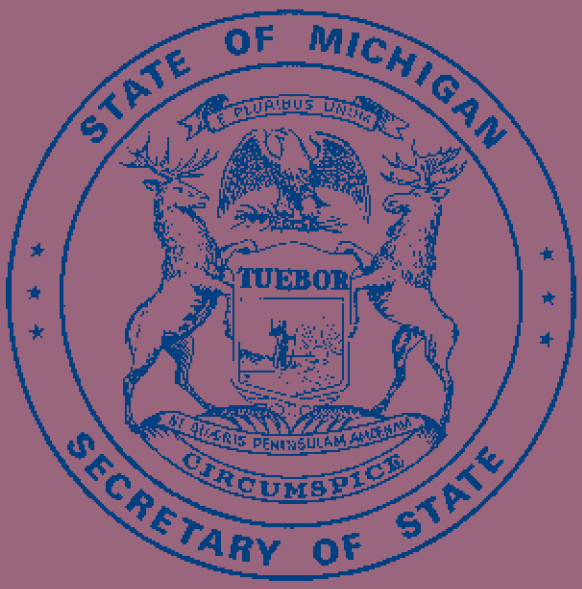
REPAIR FACILITY MANUAL



Michigan Department of State
Bureau of Regulatory Services
Lansing, Michigan

Secretary of State

Bureau of Regulatory Services

General Licensing Information

Telephone 1-888-SOS-MICH (1-888-767-6424)
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INTRODUCTION

The Michigan Department of State's Bureau of Regulatory Services (BRS) licenses and regulates Michigan's motor vehicle repair facilities and mechanics. BRS has prepared this Repair Facility Manual to provide repair facility owners, operators and employees with information about the requirements of the *Motor Vehicle Service and Repair Act* and the rules promulgated pursuant to that Act. The manual is also designed to provide instructions on keeping and maintaining records.

This manual can be printed or downloaded. **The Michigan Department of State no longer distributes this manual in a printed format.** As laws are updated, revisions are made on the Web site, www.Michigan.gov/sos). Click on "Services to Businesses," then "Repair Facility Manual by Chapter." Revision dates are included for comparison.

PLEASE KEEP A COPY OF THIS MANUAL HANDY AND READ THE PERTINENT SECTIONS WHEN QUESTIONS ARISE. All Michigan repair facilities should be familiar with the laws and regulations which govern their business. If questions arise, check this manual first. It is written in an easy-to-follow format, with information arranged by topic, and with an index and a glossary of terms. If still in doubt, refer to the Act and the administrative rules promulgated pursuant to the Act.

The text of this manual is not protected by copyright. Anyone is free to reproduce the manual or any part of it, as needed.

If you have a question about any aspect of this manual, contact:

Michigan Department of State
Bureau of Regulatory Services
Dealer and Repair Resource Section
Lansing, MI 48918

Telephone: (517) 373-6993
E-mail: Repair@Michigan.gov

NOTE: If there is a conflict between the language of this manual and Michigan law, the law will prevail. Please refer to the specific law or consult with an attorney where any conflict is perceived or encountered. Because of limitations of space, this manual only highlights the basic requirements for motor vehicle repair facilities and does not attempt to identify or explain every requirement of applicable statutes, rules or policies.

IMPORTANT TELEPHONE NUMBERS

Attorney General, Michigan Department of
Consumer Protection Division ..... (517) 373-1140 or (877) 765-8388

Auto Theft Hotline ..... (800) 242-HEAT (4328)

Environmental Quality, Michigan Department of
Environmental Assistance ..... (800) 662-9278

Federal Air Conditioning Certification
ASE (National Institute for Automotive Service Excellence) ..... (703) 669-6600
IMACA (International Mobile Air Conditioning Association) ..... (817) 732-4600
Hotline ..... (800) 296-1996
MACS (Mobile Air Conditioning Society) ..... (215) 631-7020

Labor and Economic Growth, Michigan Department of
Corporations Division ..... (517) 241-6470
Workers' Compensation ..... (888) 396-5041

Natural Resources, Michigan Department of
Parks and Recreation (Off-Road Vehicle Information) ..... (517) 373-9900

State, Michigan Department of (Bureau of Regulatory Services)
Business Licensing and Regulation Division/Licensing Unit ..... (888) SOS-MICH (767-6424)
Fax ..... (517) 335-2810
- Application Processing
- Mechanic Licensing and Testing

Complaint Investigation Unit ..... (888) SOS-MICH (767-6424)
Fax ..... (517) 373-8791

Dealer and Repair Resource Section ..... (517) 373-6993
Fax ..... (517) 373-7419
- Repair Facility Manual
- Dealer Manual
- Licensee Training Classes

State, Michigan Department of (continued)

Department of State Information Center ..... (888) SOS-MICH (767-6424)

- Branch Office Issues
- Plate Fee Calculation
- Resale Title Processing

Garage Keeper's Lien ..... (517) 322-1473
In-transit Repair Plates ..... (888) SOS-MICH (767-6424)

State Police, Michigan Department of
Motor Carrier Division ..... (517) 336-6195

Treasury, Michigan Department of
Sales, Use and Withholding Taxes Division ..... (517) 636-4230

U.S. Government
Auto Safety Hotline (NHTSA) ..... (888) 327-4236
Customs (imports) ..... (313) 442-0368
EPA (Information on Environmental Issues) ..... (800) 621-8431
Federal Bureau of Investigation (Lansing and Detroit) ..... (313) 965-2323
National Highway Traffic Safety Administration ..... (888) 327-4236

CHAPTER 1
LICENSING REQUIREMENTS

Section 1-1
REGISTERING A REPAIR FACILITY

1-1.1 Requirement. Section 6 of the *Motor Vehicle Service and Repair Act* (MCL 257.1306) requires businesses performing motor vehicle maintenance, diagnosis, vehicle body work or repair service on a motor vehicle for compensation to be registered with the Michigan Department of State. The Bureau of Regulatory Services oversees this activity for the Department of State. Other auto-related business, such as vehicle dealerships, are also licensed and regulated by the bureau.

1-1.2 Exemptions. A business need not register as a motor vehicle service and repair facility if any of the following apply:

(a) The business does not involve motor vehicle service or repair;

(b) The business does not perform motor vehicle service or repair for compensation;

(c) The business *only* services or repairs its own vehicles;

(d) The business performs motor vehicle service or repair only for a single government agency or a single commercial or industrial establishment;

(e) The business engages *only* in the sale of motor fuels and lubricants;

(f) The business, such as a machine shop, does not diagnose the operating condition of, remove parts from, or install parts on a motor vehicle;

(g) The business *exclusively* performs services or repairs on motor vehicles *not* required to be registered and titled (bulldozers, cranes, road rollers, etc.).

1-1.3 Other Licensing Requirements. A business which sells used or rebuilt late model major component parts (see Chapter 2) over-the-counter must obtain a Class C (Used Vehicle Parts Dealer) license. To obtain a dealer license application packet, telephone the Bureau of Regulatory Services' Licensing Unit at 1-888-SOS-MICH (1-888-767-6424).

1-1.4 Loss of Registration. A repair facility registration may be revoked, suspended or denied, if, after a hearing is offered, the Secretary of State determines that the person or facility:

(a) Engaged in an unfair or deceptive act or practice or made an untrue statement of a material fact [MCL 257.1322(a)];

(b) Violated any provision of the *Motor Vehicle Service and Repair Act* or any rule promulgated under it [MCL 257.1322(b)];

(c) Violated a probation agreement [MCL 257.1322(c)];

(d) Made unnecessary repairs or repairs not authorized by a customer [MCL 257.1322(d)];

(e) Refused to honor a warranty given to a customer [MCL 257.1322(e)];

(f) Caused or permitted a customer to sign a blank document regarding a motor vehicle repair, such as an estimate, repair order, or invoice [MCL 257.1322(f)];

(g) Was ordered by a court not to repair motor vehicles as a business or not to violate the *Motor Vehicle Service and Repair Act* or any rule promulgated under it [MCL 257.1322(g)];

(h) Was a stockholder, officer or director of a corporate licensee and as an individual, either did something or failed to do something which would be grounds for refusing to issue or suspending or revoking a license issued to that person as an individual [MCL 257.1322(h)];

(i) Failed to comply with a final cease and desist order [MCL 257.1322(i)];

(j) Was convicted of a criminal violation of the *Motor Vehicle Service and Repair Act* [MCL 257.1322(j)];

(k) Used the "Waiver of Liability" provision of the *Motor Vehicle Service and Repair Act* to avoid other requirements of the Act [MCL 257.1322(k)];

(l) Was convicted of violating the *Used Motor Vehicle Parts Act* [MCL 257.1322(l)];

(m) Was convicted of any of the following offenses [MCL 257.1322(m)]:

(1) Unlawfully driving away a motor vehicle (MCL 750.413);

(2) Concealing or misrepresenting the identity of a motor vehicle (MCL 750.415);

(3) Buying, receiving, possessing, concealing or aiding in the concealment of stolen, embezzled or converted property (MCL 750.535);

(4) Owning, operating or conducting a chop shop (MCL 750.535a);

(5) Obscuring, defacing, altering, obliterating, removing, destroying or otherwise concealing or disguising the identity of a registration, serial or identification number (MCL 750.536a).

1-1.5 Reporting Unlicensed Repair Facilities or Mechanics. It is a violation of the *Motor Vehicle Service and Repair Act* to operate a motor vehicle repair facility or perform a motor vehicle repair without a registration issued by the Michigan Department of State. Information regarding an unlicensed repair facility or uncertified mechanic can be provided anonymously to the Bureau of Regulatory Services by telephone, e-mail, fax, or in writing as follows:

Michigan Department of State
Bureau of Regulatory Services
Business Licensing and Regulation Division
Lansing, MI 48918

Telephone: 1-888-SOS-MICH (1-888-767-6424)
Fax: 517/335-2810
Web Site michigan.gov/sos
E-mail: repair@michigan.gov

Section 1-2
REGISTRATION PROCESS

1-2.1 Procedure. As noted above, any person engaging in the business or activity of a motor vehicle repair facility in Michigan must register with the Michigan Department of State, Bureau of Regulatory Services. Applications for a repair facility registration (Form AR-0012, *Motor Vehicle Repair Facility Registration*) may be obtained from Fax-on-Demand at 517/335-4FAX or from the Bureau of Regulatory Services' Licensing Unit at 1-888-SOS-MICH (1-888-767-6424). When completed, the application should be submitted to the Licensing Unit at the following address:

Michigan Department of State
Bureau of Regulatory Services
Licensing Unit
Lansing, MI 48918

1-2.2 Original Fee. The fee for an original repair facility registration is based on the total amount of money the business expects to receive in payment for services and repairs, before expenses are subtracted, during its first year of operation. A sliding fee scale based upon the gross annual revenue of the facility determines the registration fee to be paid (see Table 1-1).

NOTE: Repairs cannot be performed for compensation until the repair facility receives notification that its registration has been issued by the Department's Bureau of Regulatory Services.

Table 1-1
Repair Facility Registration Fees

Gross Annual Revenue	Annual Fee
Under $5,000	$25
$5,001 - $15,000	$50
$15,001 - $25,000	$75
$25,001 - $40,000	$100
$40,001 - $60,000	$125
$60,001 - $80,000	$150
$80,001 - $100,000	$175
$100,001 - $120,000	$200
$120,001 - $140,000	$225
$140,001 - $160,000	$250
$160,001 - $180,000	$275
$180,001 - $200,000	$300
$200,001 - $220,000	$325
$220,001 - $240,000	$350
$240,001 - $260,000	$375
$260,001 - $280,000	$400
$280,001 - $300,000	$425
$300,001 - $320,000	$450
$320,001 - $340,000	$475
Over $340,000	$500

1-2.3 Expiration of Registration. An original repair facility registration will take effect on the date the facility's application is approved by the Michigan Department of State. If approval is granted, the Department of State will issue a certificate of registration to the facility. The registration will expire one year from that date. Renewal application forms (AR-0064, *Motor Vehicle Repair Facility Registration Renewal*) are mailed by the Department to all registered repair facilities about 45 days before their current registrations expire. Early submission of renewal applications will ensure that the renewal will be fully processed before the facility's registration expiration date. A repair facility which has not received its renewal application form 30 days before the registration expiration date should immediately contact the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424).

1-2.4 Unrenewed Registration. A repair facility that has not renewed its registration may not accept compensation for any motor vehicle repairs performed after its registration expiration date, with one exception, noted in Section 1-2.5.

1-2.5 Renewal Pending. A repair facility may continue to operate temporarily after its expiration date, pending approval of its renewal application, provided that the renewal application has been received by the Department of State on or before the expiration date.

1-2.6 Renewal Fee. The fee for registration renewal is determined by using the same fee schedule used to compute original registration fees (see Table 1-1). The fee for renewal of the registration is based on the gross annual revenue of the facility for services or repairs provided, before expenses of any kind were subtracted, for the facility's most recent complete federal income tax year.

1-2.7 Late Fee. The law requires payment of a late fee of 1-1/2 times the regular renewal fee if the renewal application is not received on or before the facility's registration expiration date.

1-2.8 Additional Locations. A facility must obtain a separate registration for each location where repairs are offered. An additional fee for each separate location must accompany the facility's application for registration (see Table 1-1).

NOTE: Information on a sales tax license can be obtained by contacting the Michigan Department of Treasury's Sales, Use and Withholding Taxes Division at 517/636-4730.

Section 1-3
REPLACEMENT REGISTRATION

1-3.1 Procedure. If a certificate of registration is lost or destroyed, the facility must immediately apply to the Michigan Department of State for a replacement registration (Section 257.1325). The request for a replacement registration must contain the following information:

(a) Name and address of the facility;

(b) Facility registration number;

(c) Explanation of the loss or destruction of the registration.

1-3.2 Replacement Fee. A $5 registration replacement fee must be submitted.

Section 1-4
BUSINESS HOURS

1-4.1 Requirement. A repair facility must maintain *posted* business hours and indicate those hours in its registration application. During posted business hours, the Bureau of Regulatory Services has legal authority to inspect all records kept by the facility. A facility's business hours are kept on record with the Department [MCL 257.1317(i); Administrative Rule 257.122(4)].

1-4.2 Change in Business Hours. A repair facility must notify the Bureau of Regulatory Services of any change in its business hours. There are two ways to notify the Department of such a change:

(a) Mail, fax or e-mail a brief letter to the Licensing Unit listing the new hours. The Unit's address, fax number and e-mail address are:

Michigan Department of State
Bureau of Regulatory Services
Licensing Unit
Lansing, MI 48918

Fax: 517/335-2810
E-mail: licensing@michigan.gov

(b) Indicate the new hours on the facility's next registration renewal application. As noted previously, this form should be mailed to the Licensing Unit.

Section 1-5
CHANGE OF ADDRESS OR BUSINESS NAME

1-5.1 Change of Address. If a repair facility's business address has changed, the facility owner must write, fax or e-mail notice of the change to the Bureau of Regulatory Services Licensing Unit. The bureau's address is listed above.

1-5.2 Change of Name. When a repair facility changes its name, the owner must write, fax or e-mail notice of the new name to the Bureau of Regulatory Services' Licensing Unit.

Section 1-6
CHANGE OF OWNERSHIP

1-6.1 Requirement. Changes in the ownership of a repair facility must be reported in writing to the Licensing Unit using Form AR-0012, *Motor Vehicle Repair Facility Registration Application*. This form is available by telephoning the bureau's Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) or from the Department of State's Fax-on-Demand service at 517/335-4FAX.

1-6.2 Individual Ownership. If there is *any* change of ownership in a business which is operated as a sole proprietorship (one owner), the new owners must immediately obtain a new registration from the Michigan Department of State and a new registration fee must be paid. Use Form AR-0012, *Motor Vehicle Repair Facility Registration Application*. It is available by telephoning the bureau's Licensing Unit at 1-888-SOS-MICH (1-888-767-6424)

or from Fax-on-Demand at 517/335-4FAX. Return the completed form with the registration fee to the Licensing Unit.

1-6.3 Partnerships. Adding or deleting a partner requires submission of a new registration application and an original registration fee. Complete Form AR-0012, *Motor Vehicle Repair Facility Registration Application*, and return with the registration fee to the Licensing Section. Form AR-0012 can be obtained by telephoning the bureau's Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) or from Fax-on-Demand at 517/335-4FAX.

1-6.4 Corporations. Corporations which have a change of 10% or more of their stockholders, or a change of corporate officers, must complete Form AR-0075, *Motor Vehicle Repair Facility Registration Change of Officers, Director, Stockholder Application.* It is available by telephoning the bureau's Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) or from Fax-on-Demand at 517/335-4FAX. The form must be submitted to the Licensing Unit within 30 days of the change.

1-6.5 Limited Liability Companies and Trusts. Written notification to the Licensing Section is required when a managing member is added or deleted from a repair facility registration issued to a limited liability company or a trust. Fax or mail this information to the Licensing Unit as soon as possible.

Section 1-7
IN-TRANSIT REPAIR PLATES

1-7.1 Authorization. Registered repair facilities may use special license plates on certain vehicles. Michigan law permits the use of in-transit repair plates for specified purposes only. All other uses are prohibited.

1-7.2 Use. Individuals or businesses that occasionally pick up and deliver a vehicle or move a vehicle for repair or service may use an in-transit plate to do so. No bonding is required of these individuals or businesses.

1-7.3 Expiration Date. In-transit plates expire on March 31 of each year. Applications for in-transit plates are obtained and processed at Secretary of State branch offices using Form BDVR-124. Proof of insurance for all non-owned vehicles is required and must be presented at time of application. The annual fee for each plate is $20.

1-7.4 Replacement. If an in-transit plate is lost, destroyed or stolen, a replacement plate may be obtained for $5 at any Secretary of State branch office.

CHAPTER 2
RECORD KEEPING REQUIREMENTS

Section 2-1
REQUIRED RECORDS

2-1.1 Authorization. Section 18 of the *Motor Vehicle Service and Repair Act* (MCL 257.1318) requires motor vehicle repair facilities to make and keep certain records concerning vehicle repairs. Facilities must keep these records for a minimum of five years. Records are subject to inspection by law enforcement officials and Bureau of Regulatory Services' investigators during unannounced visits to repair facilities.

2-1.2 Required Documents. The documents a repair facility must keep for every vehicle which is repaired are listed below:

(a) Written estimate;

(b) Final invoice;

(c) Any waivers, warranties or sublet invoices; and

(d) Part purchase receipts and any other documents that pertain to the repair transaction.

Records of warranties, contracts or agreements that extend beyond five years must be maintained until the warranty or contract period expires.

2-1.3 Disputes. If the Bureau of Regulatory Services advises a repair facility that a dispute has arisen and that a specific repair transaction is under investigation, all documents pertaining to the dispute must be retained until the matter is resolved or five years has elapsed, whichever is longer.

2-1.4 Late Model Major Component Parts. Receipts must be kept concerning all late model major component parts that are purchased, acquired or sold. A "late model" vehicle is one manufactured in the current model year or one of the five previous model years, if the vehicle weights 8,000 pounds or less. Vehicles weighing more than 8,000 pounds are considered late model if manufactured in the current model year or one of the 15 previous model years. Also, a separate log or similar record system must be maintained regarding all late model major component parts (see sample *Major Component Part Record* at the end of this chapter).

"Major component part" is one of the following parts of a motor vehicle:

(a) The body of a passenger vehicle;

(b) The cab of a truck;

(c) The cargo box of a pickup;

(d) The deck lid, tailgate or hatchback;

(e) The doors;

(f) The engine;

(g) The frame, or if the vehicle has a unitized body, the supporting structure that serves as the frame on a unitized body;

(h) The front or rear bumper;

(i) The hood;

(j) The right or left front fender;

(k) The right or left rear quarter panel;

(l) The transmission;

(m) The trunk floor pan; and

(n) Airbags.

2-1.5 Content Requirements. A record of a late model major component part must be maintained in hard copy (paper) format or in electronic format.

(a) Hard Copy Records. Hard copies (paper) of all information entries must be maintained in sequential order in a ledger-type format with single-line entries. These records are among those which must be available for inspection at the business location. Further, they should include the following information:

(1) Date the part was purchased or acquired;

(2) Description of the part (e.g., engine, door, right fender);

(3) Vehicle Identification Number or stock number assigned to the part;

(4) Year, make, model and color of the vehicle from which the part was removed;

(5) Name and address of the person from whom the part was purchased, acquired, or to whom it was sold;

(6) Invoice number of parts purchased;

(7) Date of sale (repair invoice date);

(8) Repair invoice number.

(b) Electronic Records. An electronic record keeping system must include a reference guide to explain any codes or abbreviations used. The guide must be available at the business location and should be shown to any Bureau of Regulatory Services investigator or other law enforcement officer conducting a record inspection or investigating a complaint.

(1) If the electronic system is not functioning at the time of an inspection or investigation, the facility must produce, upon request, hard copies of the computer records for any transaction required to be in the record keeping system.

(2) The Bureau of Regulatory Services may search all records of major component parts electronically for any of the following:

(a) Stock number;

(b) VIN or VIN derivative;

(c) Customer name;

(d) Name and dealer number of dealer from whom part was acquired;

(e) Date of purchase.

NOTE: This type of search may also be conducted relative to late model major component parts that are removed from a damaged vehicle and which are no longer wanted by the customer, and the insurance company does not want them. A business wishing to repair and reuse the parts at a later date must assign stock numbers to the parts and enter the information in the major component part record.

2-1.6 Air Bag Requirements. A facility that repairs or replaces air bags in a motor vehicle must maintain a record of each *used* or *reconditioned* air bag purchased, acquired or sold by the facility (MCL 257.1318). This information must be maintained in a Police Book or a late model major component part record format with a single-line entry for each air bag. Pages must be numbered consecutively. The information must be available for inspection by law enforcement officials and Bureau of Regulatory Services investigators. The records shall contain:

(a) The date the air bag was purchased or acquired;

(b) A description of each air bag;

(c) The identification number assigned to each air bag;

(d) The name and address of the person from whom the air bag was purchased or acquired;

(e) The name and address of the person to whom the air bag was sold.

Section 2-2
AUTHORIZATION FOR POLICE BOOK

2-2.1 Description. A Police Book is a hardcover, bound volume which contains a complete bought-and-sold record for each vehicle bought or sold by a business. If a facility does not buy or sell motor vehicles, a Police Book is not required. Police Books can be purchased at office supply stores and at some printing companies.

2-2.2 Use. When a dealer or a body shop acquires vehicles, certain information must be entered into the Police Book. The following information must be recorded in ink:

(a) The date the vehicle was acquired;

(b) The stock or inventory number assigned;

(c) The description of the vehicle (year, make, body style, color);

(d) The vehicle identification number (VIN);

(e) The name and address of the former owner of the vehicle;

(f) The vehicle's title number.

2-2.3 Dismantled Vehicle Requirements. When a dealer or body shop sells or delivers a vehicle or its remaining parts after dismantling, the following information must be recorded in the Police Book:

(a) The name and address of the person to whom the vehicle or remaining parts were sold;

(b) The date of sale.

2-2.4 Combination Class C Dealer and Body Shop. A body shop which sells but does not install motor vehicle parts must be licensed as a Class C Used Vehicle Parts Dealer.

(a) One set of parts records is acceptable for a business that is both a Class C dealership and a body shop.

(b) The records must be available at the licensed address. If the Class C dealership and the body shop are at two separate locations, duplicate records must be kept at each location.

Section 2-3
OTHER RECORD REQUIREMENTS

2-3.1 Authorization. Section 2 of the *Used Motor Vehicle Parts Act* (Public Act 119 of 1986, MCL 257.1352) requires a repair facility to maintain a permanent record of each purchase or other acquisition of any used major component part of a late model motor vehicle *from a person other than a licensed vehicle dealer.*

2-3.2 Specific Parts. A late model major component part is considered one of the following parts of a motor vehicle that is used and was manufactured in the current model year or one of the five previous years:

(a) Dashboard;

(b) Doors;

(c) Engine;

(d) Front end assembly, including fenders, grills, hood, bumper and related parts;

(e) Radio;

(f) Rear clip assembly, including quarter panels and floor panel assembly;

(g) Seat;

(h) Stereo;

(i) Tires, wheels, and continuous treads;

(j) Transmission;

(k) T-tops.

2-3.3 Procedure. Records must be written in ink and filled out in duplicate. Records must be numbered consecutively, beginning with numeral "1" plus the calendar year. The following information must be included:

(a) A description of the part;

(b) The Vehicle Identification Number of the vehicle the part came from;

(c) The state of origin of the part;

(d) The date the part was acquired;

(e) The name of the person who acquired the part for the facility;

(f) The name, date of birth, driver license number, street and house number, and legible imprint of the right thumb of the person from whom the part was acquired;

(g) The price paid for the part;

(h) The method of payment;

(i) The signature of the person from whom the part was acquired.

2-3.4 Inspection. The records must be open for inspection for at least one year by any Bureau of Regulatory Services investigator or law enforcement official during normal business hours.

NOTE: While most records must be kept for five years, the Used Motor Vehicle Parts Act requires that records must be available for only one year.

2-3.5 Violation. A conviction for any violation of the *Used Motor Vehicle Parts Act* may be grounds for denial, suspension or revocation of a repair facility registration, mechanic certificate or mechanic trainee permit.

Clear Form

MAJOR COMPONENT PARTS RECORD

Date of Purchase	Description	VIN or Assigned Part Number	Year	Make	Model	Color	Name & Address Purchased From	Invoice Number	Dealer Number	Date Sold	Name & Address Sold to	Invoice Number

SOS-426 (06/07)
By authority of PA 300 of 1949, as amended.

CHAPTER 3
BODY SHOPS

Section 3-1
CERTIFICATION

3-1.1 Collision-related Mechanical Repair. A mechanic in a body shop who removes and replaces mechanical parts that are clearly collision-damaged must be certified either in the category appropriate to the part involved or in the category of Collision-related Mechanical Repair (MCL 257.1311).

(a) Repair, diagnosis or overhaul of most mechanical components must be done by mechanics certified in appropriate repair categories;

(b) A mechanic certified in Collision-related Mechanical Repair may remove and replace other vehicle components in order to gain access to the collision-damaged mechanical components;

(c) Charging of air conditioning systems must be performed by mechanics certified in Heating and Air Conditioning.

3-1.2 Unitized Body Structural Repair. A mechanic who diagnoses, repairs or replaces components which affect the structural integrity of a unitized body vehicle must be certified in Unitized Body Structural Repair. This includes persons who diagnose (estimate) the extent of work needed to repair damaged structural components.

(a) Structural Components. Unitized body structural components are:

(1) Aprons;

(2) Cowl panel;

(3) Cross members;

(4) Floor pans;

(5) Front rails;

(6) Front strut towers;

(7) Pillars;

(8) Quarter panels;

(9) Radiator core support;

(10) Rear rails;

(11) Rear strut towers;

(12) Rocker panels;

(13) Roof panel;

(14) Upper and lower rails;

(15) Wheelhouse panels.

(b) Removing a dent from a roof or quarter panel is not viewed as affecting the structural integrity of the vehicle. It does not require certification. However, the sectioning or replacement of the roof panel or quarter panel requires the person performing the repair to be certified in Unitized Body Structural Repair.

(c) Repair or replacement of a bolt-on component, such as a hood, fender, door, deck lid, hatch or bumper, does not require certification.

Section 3-2
BODY SHOP INSPECTIONS

During reasonable business hours, Bureau of Regulatory Services investigators and other law enforcement officials may make periodic unannounced inspections of these premises and parts inventories of facilities.

Section 3-3
MAJOR COMPONENT PARTS

The *Motor Vehicle Service and Repair Act* defines the following parts as the major component parts of a vehicle:

(a) The body of a passenger vehicle;

(b) The cab of a truck;

(c) The cargo box of a pickup;

(d) The deck lid, tailgate or hatchback;

(e) The doors;

(f) The engine;

(g) The frame, or if the vehicle has a unitized body, the supporting structure that serves as the frame on a unitized body;

(h) The front or rear bumper;

(i) The hood;

(j) The right or left front fender;

(k) The right or left rear quarter panel;

(l) The transmission;

(m) The trunk floor pan; and

(n) Airbags.

Major component parts from late model vehicles must be listed in a parts inventory record kept with a Police Book utilized by used vehicle parts dealers, foreign salvage vehicle dealers and repair facilities engaged in vehicle body repairs. See Glossary for late model vehicle definition. See Chapter 2 for Police Book requirements.

Section 3-4
MAJOR COMPONENT PART RECORD

3-4.1 Requirement. A repair facility engaged in body repairs must maintain a major component part record (see Chapter 2 for a sample which may be reproduced). When a body shop acquires a used late model major component part or dismantles a late model vehicle for its component parts, the following must be entered in the major component part record:

(a) Purchase or acquisition date of the part or the vehicle from which the part was removed;

(b) Description of the part (engine, right front door, front bumper, etc.);

(c) Vehicle Identification Number or stock number assigned to the individual part. When a whole vehicle which is already entered into the Police Book is being dismantled for parts, the purchase, stock or inventory number assigned to the whole vehicle may be used for the stock number assigned to each part which is removed. When a stock number is assigned to an individual part, the number used must be traceable in the records to the vehicle identification number of the vehicle from which the part was removed;

(d) Make, year, model and color of the vehicle from which the part was removed (vehicle color is not required for engines or transmissions);

(e) If an individual part, the name and address of the person from whom the individual part was acquired or to whom it was sold;

(f) Parts purchase invoice number.

3-4.2 Record Retention. A late model major component part record must be maintained in a ledger-type format with a single line entry for each part acquired and sold [MCL 257.1318(2)]. The pages of the record must be numbered consecutively.

(a) Electronic Record Keeping. A body shop may keep an electronic major component part record if the following requirements are met:

(1) Hard (paper) copies of all data entries are maintained in sequential order and are available for inspection at the body shop's location;

(2) A reference guide to any codes or abbreviations used in the electronic records is available at the body shop's location for review by a Bureau of Regulatory Services investigator or other law enforcement officer during a record inspection or a complaint investigation;

(3) If the electronic system is not functioning at the time of an inspection or investigation, the body shop must produce for an investigator, upon request, hard (paper) copies of the computer record of any transaction required to be in the body shop's record keeping system.

(b) Electronic Search. If a facility keeps electronic part records, all major component part records may be searched electronically at the body shop location. Such a search should produce a major component part record for any and all transactions required to be in the body shop's records which meet the search criteria. The following must be available electronically:

(1) Stock number;

(2) VIN or VIN derivative;

(3) Customer name;

(4) Name and dealer number of dealer from whom part was acquired;

(5) Date of purchase.

Section 3-5
RETENTION OF DAMAGED PARTS

If the customer and insurance company do not want damaged parts which have been removed from a vehicle, a body shop may keep them for possible reuse. All late model major component parts, regardless of how acquired, including damaged parts removed and kept for future use, must be assigned a stock number and entered in the late model major component part record (MCL 257.1318).

Section 3-6
SALVAGE VEHICLES

A body shop may not buy a salvage vehicle at a salvage pool unless the body shop is licensed as a Class B Used Vehicle Dealer. Body shops may not sell a whole salvage vehicle or a rebuilt vehicle without a Class B dealer license.

Section 3-7
DISPOSING OF A SALVAGE VEHICLE

If a body shop purchases a vehicle and removes one or more of its major component parts, the body shop may sell the remaining portion of the vehicle to one of the following:

(a) A Class C used vehicle parts dealer;

(b) A Class E distressed vehicle transporter;

(c) A Class R automotive recycler;

(d) A Class F scrap metal processor; or

(e) A Class H foreign salvage vehicle dealer.

When the remaining portion of the vehicle is sold, the body shop must update its Police Book to show when and to whom it was sold.

CHAPTER 4
PRE-REPAIR REQUIREMENTS

Section 4-1
CONSUMER INFORMATION SIGN

4-1.1 Requirement. A repair facility is required to display a consumer information sign informing its customers of their basic rights under the *Motor Vehicle Service and Repair Act* [MCL 257.1333(3)]. The sign is designed to inform customers of their rights on written estimates and final invoices. The sign must contain the address and telephone number of the Bureau of Regulatory Services and be of a size, construction and wording as explained below. A sample is provided in Appendix A. The sign must also be legible and easily visible to customers.

4-1.2 Location. A consumer sign must be displayed in the cashier's area and at each location where customer service orders are written.

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4-1.3 Dimensions. The sign must have 15 lines of lettering. It must be rectangular in shape and be at least 28 inches high by 24 inches wide. Durable material must be used. The sign must also meet the following specifications:

(a) The background shall be white;

(b) Print and other markings shall be black;

(c) The wording of the sign in lines 1, 2, 12, 13 and 14 shall be printed in bold, block, capital letters 1-inch high and 1/2-inch wide;

(d) Lines 3, 4 and 15 shall be printed in bold, block, capital letters 3/4-inch high and 1/2-inch wide;

(e) Lines 5 to 11 shall be in bold, block, capital letters 1/2-inch high and 3/8-inch wide;

(f) Sign lettering must be clearly legible. It must be arranged so that there is not less than a 1/8-inch space between any 2 letters within a line and not less than a 1/2-inch space between any 2 lines;

(g) Line 14 must display the toll-free telephone number for consumers to contact the Bureau of Regulatory Services: 1-888-SOS-MICH (1-888/767-6424).

The repair facility is responsible for purchasing or otherwise obtaining these signs. Names of businesses that supply consumer information signs are available from Fax-on-Demand at 517/335-4FAX or on the departments web site under Services to Businesses, Auto Repair Facilities and Mechanics.

Section 4-2
DEFINING THE CUSTOMER IN INSURANCE-PAID TRANSACTIONS

4-2.1 Definition. In any repair transaction, the "customer" is the owner or operator of the vehicle brought for service or repair. In a damaged vehicle transaction, the customer is ***not*** the insurance company or extended warranty company, unless the customer has given the insurance company a written, signed authorization to act as his or her agent in the transaction.

4-2.2 Authorization. Approval for repairs may be given only by the owner of the vehicle or the person operating the vehicle when repairs are requested. Unless the insurance company presents the repair facility with a *signed*, written authorization from the owner or operator to contract for repairs, no work may commence at the sole direction of the insurance company or extended warranty company. Generally, the repair facility must still give the customer a written estimate. In a few cases, the facility may obtain a signed waiver of estimate, as provided in the law.

4-2.3 Additional Repairs. For additional repairs costing more than 10% or $10 (whichever is less) above the original estimate, specific written or oral authorization must be obtained from the customer, unless the customer specifically gives the insurance company or extended warranty company a signed, written authorization to act as his or her agent in all aspects of the repair.

4-2.4 Other Considerations. The following conditions must also be met:

(a) The customer has the right to the return of replaced parts and the right to a detailed final bill. The customer may authorize the repair facility to dispose of replaced parts;

(b) No other rights and remedies of the customer under the law and rules are altered.

Section 4-3
WRITTEN ESTIMATES

4-3.1 Requirement. A repair facility is required to provide a written estimate in each instance when the price of the diagnosis, service or repair of a motor vehicle will be $20 or more (MCL 257.1332). The price of the estimate must reflect as closely as possible the actual cost of the repair (see Waivers, Section 3-4, for possible exceptions).

4-3.2 Components. A written estimate must contain the following information:

(a) A list of all parts necessary for a specific job, including the price of the parts. If any of the parts is "used, rebuilt or reconditioned," those parts must be identified as such on the estimate;

(b) Labor costs, showing both the hourly price of labor, and the estimated number of hours required to perform the work;

(c) Any charge made in connection with the return of replaced parts; charges for shop supplies, such as rags, cleaning fluids, any lubricants; and charges for the disposal of hazardous waste materials. The price quoted on the written estimate must include the actual dollar amount which will be charged for shop supplies (may not be a percentage);

(d) The cost of disassembly, inspection and diagnosis of any portion of a vehicle, such as a transmission, to determine the extent of repairs needed, if any, and the cost for reassembling the portion of the vehicle in the event the customer chooses not to authorize any repairs.

4-3.3 Exceeding Written Estimate. If the repair facility informs the customer that the actual price for a repair will exceed the written estimate (or the stated limit in a waiver) and the customer does not want the work performed, the customer is financially liable for all reasonable costs to return the vehicle to the condition it was in when it was brought to the facility [MCL 257.1332(2)];

4-3.4 Drop-off Vehicles. A repair facility may not have the opportunity to give the customer a written estimate when a vehicle is towed to the facility or left before or after the facility's normal business hours. In these instances, the facility may comply with the written estimate or waiver requirement by doing one of the following:

(a) If the facility has a "night" drop box containing waiver forms, a customer may leave the vehicle at the facility before the facility is open, provided that a waiver form is completed (see Appendix B). The form must be completely filled out, signed and left in the drop box;

(b) The customer may leave a note describing the problem with the vehicle and authorizing the facility to perform repairs up to a stated dollar amount without any further customer approval. The note must be signed;

(c) A towing company may obtain a signed waiver from the customer and deliver the waiver to the facility with the vehicle;

(d) The facility may mail or fax a copy of the written estimate to the customer. The customer may sign and return the estimate by fax or mail before any repairs are performed; or

(e) The customer may come to the facility before any repairs are performed, to receive the written estimate.

4-3.5 "No Charge" Estimate. A "no charge" estimate is a legal estimate. It advises the customer that the facility will make no charge unless the customer specifically authorizes more work. The estimate may be amended later either by written or oral approval from the customer. It is important to write "No Charge" on the estimate. The estimate amount should never be left blank.

4-3.6 Diagnostic Estimates. The need for some repairs cannot be determined without first inspecting or disassembling a vehicle or a component. Only the cost to disassemble and inspect can be accurately estimated. Estimates for only the cost of disassembly and/or inspection are called diagnostic estimates. Diagnostic estimates may be provided under the law. Here are the steps:

(a) The diagnostic estimate must be given to the customer and must disclose the cost of the inspection or disassembly;

(b) Once the exact extent of repairs is known, the customer must be contacted for authorization to begin the repairs. It is not necessary to write another estimate--the cost of the repair can be added to the diagnostic estimate;

(c) When a diagnostic estimate is given, it must include the cost of reassembly in the event the customer decides not to have the repairs performed.

Section 4-4
WAIVERS

4-4.1 Use of Written Waivers. In some cases, a customer may waive a repair facility's obligation to provide a written estimate. This is done through use of a written waiver of estimate. See Appendix B [MCL 257.1332(3)].

4-4.2 Waiver of Estimate. A repair facility may obtain a written waiver of estimate from the customer under the following conditions:

(a) The customer makes a request for service or parts;

(b) The customer waives his or her right to receive a written estimate;

(c) The customer exercises his or her right to approve repairs up to an amount of money specified in the waiver;

(d) The waiver is given voluntarily by the customer with full knowledge of the implications;

(e) The waiver is not used by a motor vehicle repair facility or anyone in its employ in an attempt to evade the law;

(f) The dollar limit specified on the waiver cannot be exceeded without the approval of the customer. The $10 or 10% override provision for written estimates does not apply to the dollar limit in the waiver;

(g) A repair facility cannot make a waiver a condition of doing business.

NOTE: One copy of the waiver must be given to the customer (see Appendix B).

4-4.3 Emergency Waiver. When an emergency occurs and a certified mechanic is not available, a customer may voluntarily request repairs using a waiver of liability (MCL 257.1305).

(a) Definition. A "waiver of liability" releases a facility from liability resulting from the performance of a major repair by someone other than a certified mechanic.

(b) Customer Rights. An emergency waiver is not a waiver of the customer's right to a written estimate before repairs are begun. It does not relieve a facility from compliance with other requirements of the law. The emergency waiver is designed for isolated situations only and is never a substitute for a facility's employing mechanics certified in the areas of major repair ordinarily offered by the facility.

(c) Conditions. The following conditions must be met:

(1) The customer is requesting repairs due to a genuine emergency (this means that failure to have repairs done immediately would expose the customer to substantial physical danger or economic harm);

(2) The facility does not have a mechanic on duty with the proper certification who can either perform, supervise, or inspect and approve the repairs;

(3) There does not exist within a reasonable distance another facility that is open, which has on duty an appropriately certified mechanic, and which, without creating unreasonable delay or expense, could complete the requested repairs in response to the emergency;

(4) The facility must start and complete the repairs without unreasonable delay, adequately responding to the emergency.

(d) The waiver must be in duplicate, with one copy given to the customer;

(e) The waiver of liability must read as follows:

> (customer name) has voluntarily requested (facility name) to provide services or parts in the repair of the below described motor vehicle because of an emergency and thereby waives any claim or cause of action he or she may have against either (repair person) or (facility name) as a result."
>
> Motor vehicle description:
>
> Signature _____
>
> Date Time

(f) This waiver is not effective unless given by the customer voluntarily and with knowledge of the implications of the waiver. It is illegal for a repair facility or employee to use a waiver of liability in an attempt to evade the law.

NOTE: If a facility uses the emergency waiver in a situation where one or more of these conditions is not met, this will be considered an attempt to avoid compliance with the law and an illegal use of the waiver.

4-4.4 Long Term Waiver. A repair facility may make a long term written arrangement either with an individual customer or with a commercial or "fleet" customer. This is called a “long term” or “blanket” waiver of estimate. An estimate or a waiver of estimate is not needed for each vehicle repaired. A long term waiver may be executed in the form of a contract between the facility and the customer. The contract should meet the following conditions:

(a) Have a statement that, if any repair transaction will exceed a specified amount, the facility must obtain the customer's specific authorization;

(b) The agreement must be signed by the customer, dated, and include the future date when the agreement expires;

(c) The facility must keep a copy of the agreement and give a copy to the customer.

NOTE: A waiver of written estimate does not affect the customer's other rights under law.

CHAPTER 5
WORK IN PROGRESS REQUIREMENTS

Section 5-1
AMENDED ESTIMATES

5-1.1 Requirements. It may be necessary for a repair facility to perform labor or install parts in addition to what was listed in the original written estimate. The following steps must be followed:

(a) The facility is required to get either written or verbal approval from the customer before doing anything which will exceed the original estimate by more than $10 or 10%, whichever is less;

(b) If a customer makes such a request, a facility must obtain the customer's permission to make *any* charge above the estimated price. If the customer does not approve the additional charges, the facility may not provide and charge for the added parts and labor.

5-1.2 Verbal Authorization. When a facility obtains verbal approval for added parts or labor, the facility should document the authorization in its work order. It is important to be consistent in obtaining authorizations. The following information is suggested:

(a) The name of the person providing the added authorization;

(b) The time of day the authorization was obtained;

(c) The dollar amount authorized;

(d) The total amount of the repair bill discussed and agreed upon;

(e) Other information needed to verify the authorization.

Section 5-2
DIAGNOSTIC ANALYZERS

5-2.1 Performance. Diagnostic analyzers are often used to determine the need for motor vehicle repairs. It is the repair facility's responsibility to ensure that analyzers are functioning properly and diagnose repairs correctly. Customers have a right to expect that mechanics and repair facilities are able to use equipment and tools correctly in the course of their work, regardless of sophistication.

5-2.2 Liability. The *Motor Vehicle Service and Repair Act* obligates mechanics and repair facilities when an incorrect diagnosis results in unnecessary repairs or a failure to solve the needed repairs. A miscalibrated or malfunctioning analyzer does not relieve the mechanic or repair facility of liability when unnecessary or faulty repairs are performed.

Section 5-3
SUBLET REPAIRS

A repair facility may not be equipped to perform a particular repair and, therefore, may contract with another repair shop to perform needed work. A repair facility which actually performs the sublet repairs should treat the other facility the same way any other customer is treated.

5-3.1 Requirements. The sublet shop must comply with the basic provisions of the *Motor Vehicle Service and Repair Act* and provide written estimates, invoices, return of replaced parts, etc., just like the repair facility contracting for repairs.

5-3.2 Mechanic Certification. When the *vehicle* is sublet to another repair facility for major repairs, the second repair facility must:

(a) Employ and have all repairs performed by a properly certified mechanic;

(b) If the first repair facility diagnosed the needed repair, the name and certification number of the diagnosing mechanic must appear on the customer's invoice, along with the name and certification number of the mechanic who performed the repairs at the sublet shop.

When a major part, such as an engine or transmission, is sublet to another repair facility for repairs, the following is necessary:

(a) The repair facility that removed the part must employ a properly certified mechanic to diagnose, remove or re-install the part;

(b) The names and certification numbers of the mechanics who diagnosed, removed or reinstalled the part must appear on the final invoice given to the customer.

Section 5-4
UNFAIR AND DECEPTIVE PRACTICES

5-4.1 Requirement. The *Motor Vehicle Service and Repair Act* provides that a motor vehicle repair facility or mechanic cannot engage or attempt to engage in a method, act or practice which is unfair or deceptive (MCL 257.1307).

5-4.2 Prohibited Practices. Every repair facility owner or manager should be familiar with the entire "Unfair and Deceptive Practices" portion of the *Motor Vehicle Service and Repair Act* and the Administrative Rules. These laws require repair facilities to be fair and honest with customers. Copies of the Administrative Rules can be printed from the Michigan Department of State's website at www.michigan.gov/sos, Services to Businesses.

Some of the unfair and deceptive practices identified in the Rules are:

(a) Make, either written or orally, an untrue or misleading statement of a material fact;

(b) Fail to reveal a material fact, the omission of which tends to mislead or deceive the customer and which fact could not reasonably be known by the customer;

(c) Attempt to avoid or evade the law through a contract or any provision thereof;

(d) Allow a customer to sign a blank document relating to the repair of a motor vehicle;

(e) Fail to give the customer a copy of a document at the time it signed by the customer;

(f) Charge for repairs not performed;

(g) Misrepresent the need for repairs;

(h) Perform an unnecessary repair;

(i) Exaggerate the seriousness of a malfunction;

(j) Perform unauthorized repairs;

(k) Fail to perform repairs in the time promised or in a reasonable time period; and

(l) Fail to honor a warranty or to disclose in writing what is warranted, the extent of the warranty, and limitations or conditions of the warranty.

CHAPTER 6

POST-REPAIR REQUIREMENTS

Section 6-1
FINAL INVOICES

6-1.1 Requirement. A repair facility is required to give a final written invoice, i.e., an itemized statement of charges, upon the return of the customer's vehicle. This must be given to all customers, even when repairs are being performed under warranty. See Appendix E for an example of a written invoice (MCL 257.1334).

6-1.2 List of Items. A written invoice must include the following information and items:

a) The repairs requested by the customer;

b) Any additional repairs which are determined necessary by the repair facility and are authorized by the customer;

c) The repair facility's estimate of repair charges for both the repairs originally requested and any additional repairs authorized by the customer;

d) The actual total charge for all parts and labor involved in the repair, not to exceed the estimate by $10 or 10%, whichever is less, unless authorized by the customer. If the amount is less than the price quoted in the estimate, the customer may not be charged more than the actual cost of the repairs;

e) If a routine charge is made to cover the cost of miscellaneous shop supplies, such as rags, cleaning fluids, lubricants, etc., or for the disposal of hazardous waste materials, the charge for these items must be included in the written estimate. The actual cost that will be charged, as opposed to a percentage of the repair costs, must be shown in the final invoice;

f) A description of the repairs and services performed and a detailed identification of all parts replaced, specifying which parts are new, used, rebuilt or reconditioned;

g) A certification stating the repairs were completed properly or a detailed explanation of the facility's inability to complete repairs properly. The statement must be signed by the owner of the repair facility or a designated representative. This person is not required to be a certified mechanic; and

h) The name and mechanic certification number of the mechanic who performed the diagnosis and/or the repairs. If repair work is performed by a trainee under the supervision of a certified mechanic, the invoice must include the name and number of the certified mechanic and the name and number of the trainee.

NOTE: A repair facility does not have to guarantee its repairs. If it does, the guarantee must be in writing and must disclose the scope of the warranty, if any, including any limitations that may exist.

Section 6-2
REPLACED PARTS

6-2.1 Requirement. Customers have the right to the return of all parts replaced, except those that must be returned to a supplier or manufacturer for warranty or rebuilding purposes, which the customer is entitled to inspect (MCL 257.1333). Exceptions are noted below.

6-2.2 Exceptions. Some replaced parts do not have to be shown or returned to the customer. The following are examples:

a) If a part is replaced at no charge, the facility does not have to show the part to the customer. For example, this would include parts replaced under warranty;

b) If a part is considered flammable, for safety reasons the facility is not required to return the part. This includes gas tanks or other flammable items, unless such parts are rendered nonflammable. The reason for not returning the part must be clearly explained to the customer;

c) Large or heavy parts that are not easily portable need not be immediately returned. The facility should store these parts at the repair facility for the customer's inspection. The facility may not prevent the customer from removing any large or heavy part at the customer's own expense.

6-2.3 Time Factor. All replaced parts not returned to the customer must be kept by the facility for a minimum of two business days after the vehicle has been reclaimed by the customer.

a) The customer can cancel this requirement by authorizing the facility to dispose of the parts. For the facility's protection, it is suggested the customer indicate on the written invoice the release of the parts.

b) If a dispute arises involving a replaced part within the two business days, the facility must place an identifying mark on the part *in the presence of the customer* and retain the part until the dispute is resolved.

6-2.4 Exchange (Core) Agreement. The customer may keep a replaced part that would otherwise be returned to a supplier as part of an exchange agreement under the following conditions:

a) The repair facility may require the customer to pay the core charge involved in the exchange agreement;

b) The core charge must be refunded to the customer upon return of the part to the facility.

6-2.5 Explanation of Parts Replacement. Upon request, a customer is entitled to an explanation of the reason why a part was replaced.

Section 6-3
GARAGE KEEPER'S LIEN

6-3.1 What is a Garage Keeper's Lien (GKL)? A garage keeper who has a Michigan repair facility registration is entitled to compensation for proper charges due after storing, diagnostics, repair estimates or servicing a vehicle at the request of the registered owner. If the vehicle owner does not pay the charges due, the garage keeper can detain the vehicle and file for a garage keeper's lien. When properly filed with the Department of State, the garage keeper's lien has priority over all other liens.

NOTE: This process cannot be used for mobile homes. A court order or surety bond is required.

To apply for a GKL, a repair facility must:

a) Be in possession of the vehicle;

b) Be a registered repair facility; the repair facility number can be confirmed by the Bureau of Regulatory Services (BRS);

c) Have actually performed repairs or diagnostics requested by the vehicle owner; and

d) Submit a formal storage agreement signed by the vehicle owner if requesting a lien placement as a result of payment default for storage.

6-3.2 Applying for a Garage Keeper's Lien. In order to apply for a garage keeper's lien on a vehicle, the following steps must be followed:

a) The garage keeper must be in possession of the vehicle. The garage keeper may not detain the vehicle for more than 225 days after performing the last labor or furnishing the last supplies for which a lien is claimed against the vehicle. A garage keeper will not be able to sell the vehicle under the Garage keeper's Lien Act if the sale is not within the 225-day limit. Therefore, carefully follow the procedures below to avoid unnecessary delays in the process.

b) An Application for Garage Keepers Lien (BDVR-35) and a $10 check or money order payable to "State of Michigan" should be sent for each application to:

Michigan Department of State
Office of Customer Services/ OSRS Unit
7064 Crowner Drive
Lansing, MI 48918

The Office of Customer Services/OSRS Unit can provide the application by mail if you telephone (517) 322-1473. Applications can also be downloaded from the Web site at www.michigan.gov/sos by clicking on "Services to Businesses," then "Publications and Forms." Applications must be submitted within 105 days after the lien attaches.

c) If the application is complete, a GKL case number will be assigned and the Secretary of State will mail a TR-42 Certificate of Foreclosure of Garage Keeper's Lien and Bill of Sale to you. You will be notified if your application is not complete. Corrections must be made and a complete application submitted with 105 days after the lien attaches.

d) The TR-42 will have an issue date and list all recorded owners and lienholders. Within 30 days after the issue date, the garage keeper must send a certified letter, return receipt requested, to all owners, lienholders, and the Bureau of Regulatory Services. The letter must contain the following:

1) Notice of claim of lien against the vehicle;

2) Vehicle identification number (VIN);

3) Vehicle description (year, make and body style);

4) Copy of the itemized statement of account, including any storage fees;

5) Time limit (30 days or more after postmark date of letter) for the owner to pay the bill;

6) Statement that all lienholders are being notified of the garage keeper's lien and have the right to take possession of the vehicle after paying the amount due;

7) The date, time, manner, and place of vehicle sale (at least 75 days after the TR-42 issue date).

e) On the TR-42 Certificate of Foreclosure fill in the dates the repairs were completed and the date the certified letters were mailed. Retain the mail receipts for your records. Retain the TR-42 until the sale is complete.

f) Sell the vehicle at the time, date, manner, and place specified in the certified letter described in d) above.

g) After the sale complete the remainder of the TR-42 form and give to the vehicle buyer.

h) The buyer must take the completed TR-42 to a Secretary of State branch office and apply for a title. Title fee and tax are paid at that time at the branch office.

i) Distribute sale proceeds as follows:

1) Lien amount owed to garage keeper;

2) Cost of sale to garage keeper;

3) Any prior lienholder who gave notice to the garage keeper;

4) Other reasonable charges of the garage keeper;

5) The owner listed on the TR-42.

j) A garage keeper may have a lien for storage (up to $10 per day unless otherwise agreed to in writing). Storage charges shall not exceed 120 days unless otherwise agreed to in writing. Storage charges may be in addition to the maximum lien determined in Section 3(4) of the Garage Keeper's Lien Act. Lienholders are not responsible for any storage charges that accrue until 45 days following the date of the letter from d) above.

k) If no one purchases the vehicle at the public sale, the garage keeper may purchase the vehicle. In this case, the garage keeper lien is terminated. The garage keeper must take the completed TR-42 to a Secretary of State branch office and apply for a title.

l) If the owner or lienholder pays for the vehicle charges before the sale, fill in the box at the bottom of the TR-42 and return the form to the address above. If the lienholder claims the vehicle and intends to apply for a repossession title, give the completed TR-42 to them.

Please contact the Office of Customer Services at (517) 322-1473 if you have questions.

6-3.3 Prohibition. A repair facility may not assert a lien in any transaction where the facility has violated the Motor Vehicle Service and Repair Act or the Administrative Rules.

6-3.4 Penalties. Anyone making a false statement on a GKL application or certification required under the GKL Act is guilty of a misdemeanor punishable by a fine of not more than $1,000 or imprisonment of not more than 90 days, or both, for the first conviction under this section. Any subsequent conviction under this section carries a fine of not more than $5,000 or imprisonment for not more than one year, or both.

Section 6-4
GARAGE KEEPER'S LIABILITY

Section 1 of the *Garage Keeper's Liability Act* (MCL 256.545) protects the vehicle owner from property damages inflicted on the vehicle while it is in the care and custody of the garage keeper.

6-4.1 Vehicle Damage. Damage to a motor vehicle, wherever it is stored in the care or control of the garage keeper, is evidence of garage keeper negligence. This presumption pertains only if the owner immediately advises the garage keeper of the loss or damage claimed before leaving the facility with the vehicle.

6-4.2 Written Statement. The garage keeper may provide blank forms for noting the condition of a vehicle when the vehicle is received for repairs at the repair facility. These should be completed in duplicate and signed by the vehicle owner, who receives one copy. A vehicle owner's refusal to sign such a form prohibits recovery for damages under the *Garage Keeper's Liability Act*.

CHAPTER 7

MECHANIC CERTIFICATION REQUIREMENTS

Section 7-1
MOTOR VEHICLE MECHANICS

7-1.1 Requirement. Section 4 of the *Motor Vehicle Service and Repair Act* (MCL 257.1304) requires repair facilities to employ persons properly certified for the types of repairs performed by the facility. Holders of valid mechanic trainee permits must work under the supervision of a properly certified mechanic.

7-1.2 Specific Types. Persons who must be certified include:

a) Those who diagnose or repair the operating condition of a motor vehicle;

b) Those who perform bench repairs on motor vehicle component parts within a business required to be registered; or

c) Those who estimate or repair unitized body structural component damage.

NOTE: Service writers are not required to be certified if they greet customers, initiate paperwork and do not perform diagnosis or repair. Diagnosis and repairs must be performed by properly certified mechanics.

7-1.3 Fees. The certification fee for motor vehicle mechanics and trainees is set by administrative rule (Administrative Rule 257.169) as described below.

a) The fees for motor vehicle mechanics are as follows:

1) Certification test - $6;

2) Application for original certification - $25;

3) Renewal certificate - $20;

4) Replacement certificate - $5.

b) The fees for motor vehicle trainees are as follows:

1) Application for trainee permit - $20;

2) Replacement of trainee permit - $5.

7-1.4 Loss of Certification. A mechanic certificate or trainee permit may be revoked, suspended or denied, if, after a hearing is offered, the Secretary of State determines that the person:

a) Engaged in an unfair or deceptive act or practice or made an untrue statement of a material fact [MCL 257.1322(a)];

b) Violated any provision of the *Motor Vehicle Service and Repair Act* or any rule promulgated under it [MCL 257.1322(b)];

c) Violated a probation agreement [MCL 257.1322(c)];

d) Made unnecessary repairs or repairs not authorized by a customer [MCL 257.1322(d)];

e) Refused to honor a warranty given to a customer [MCL 257.1322(e)];

f) Caused or permitted a customer to sign a blank document regarding a motor vehicle repair, such as an estimate, repair order or invoice [MCL 257.1322(f)];

g) Was ordered by a court not to repair motor vehicles as a business or not to violate the *Motor Vehicle Service and Repair Act* or any rule promulgated under it [MCL 257.1322(g)];

h) Was a stockholder, officer or director of a corporate licensee, and as an individual either did something or failed to do something which would be grounds for refusing to issue or suspending or revoking a license issued to that person as an individual [MCL 257.1322(h)];

i) Failed to comply with a final cease and desist order [MCL 257.1322(i)];

j) Was convicted of a criminal violation of the *Motor Vehicle Service and Repair Act* [MCL 257.1322(j)];

k) Used the "Waiver of Liability" provision of the *Motor Vehicle Service and Repair Act* to avoid other requirements of the Act [MCL 257.1322(k)];

l) Was convicted of violating the *Used Motor Vehicle Parts Act* [MCL 257.1322(l)];

m) Was convicted of any of the following offenses [MCL 257.1322(m)]:

1) Unlawfully driving away a motor vehicle [MCL 750.413];

2) Concealing or misrepresenting the identity of a motor vehicle [MCL 750.415];

3) Buying, receiving, possessing, concealing or aiding in the concealment of stolen, embezzled or converted property [MCL 750.535];

4) Owning, operating or conducting a chop shop [MCL 750.535a];

5) Obscuring, defacing, altering, obliterating, removing, destroying or otherwise concealing or disguising the identity of a registration, serial or identification number [MCL 750.536a].

7-1.5 Reporting Unlicensed Mechanics. It is a violation of the *Motor Vehicle Service and Repair Act* to perform a motor vehicle repair without a valid certificate issued by the Michigan Department of State. Information regarding an uncertified mechanic can be provided anonymously to the Michigan Department of State by telephone, e-mail, fax, or in writing, as follows:

Michigan Department of State
Bureau of Regulatory Services
Lansing, MI 48918

Telephone: 1-888-SOS-MICH (1-888-767-6424)
Fax: (517) 335-2810
E-mail: Repair@Michigan.gov

Section 7-2
REPAIR CATEGORIES

7-2.1 Automobile and Light Truck Certification Categories. The repair categories requiring mechanic certification to repair vehicles under 10,000 pounds gross vehicle weight (G.V.W.) are:

a) Engine Repair;

b) Engine Tune-up/Performance;

c) Front End, Suspension and Steering Systems;

d) Brakes and Braking Systems;

e) Automatic Transmission;

f) Manual Transmission, Front and Rear Drive Axles;

g) Electrical Systems;

h) Heating and Air Conditioning;

i) Collision-Related Mechanical Repair;

j) Unitized Body Structural Repair;

k) Pre-1973 Vehicle Repair.

7-2.2 Heavy-duty Truck Certification Categories. The Heavy-duty Truck Repair categories requiring mechanic certification to repair vehicles over 10,000 pounds G.V.W. are:

a) Engine Repair, Gasoline;

b) Engine Repair, Diesel;

c) Drive Trains;

d) Brakes and Braking Systems;

e) Suspension and Steering Systems;

f) Electrical Systems;

g) Collision-Related Mechanical Repair.

7-2.3 Other On-road Vehicle Certification Categories. Repair categories for other on-road vehicles that require mechanic certification to perform repairs are:

a) Motorcycle;

b) Recreational Trailer.

Section 7-3
MECHANIC CERTIFICATION

7-3.1 Requirement. A person who applies for mechanic certification must pass a written test administered by the Bureau of Regulatory Services (MCL 257.1305). A separate test is required for each repair category in which the applicant is requesting certification (see Table 7-1, *Repair Categories Requiring Certification*). Tests are designed to determine the mechanic's competency to diagnose and repair motor vehicles.

a) Tests are administered at selected Secretary of State branch offices throughout Michigan as well as the Bureau of Regulatory Services' principal office in Lansing;

b) Special needs tests are available for immediate results pending a job offer or for persons with reading or language difficulties;

c) A person who has passed a test administered by the National Institute for Automotive Service Excellence (ASE) may become eligible for Michigan certification by presenting evidence of passage, such as a copy of an ASE wallet card or wall certificate. In this case, the bureau's test is waived.

7-3.2 Master Automobile Mechanic. A person certified in all Automobile and Light Truck Repair categories (not including Collision-Related Mechanical Repair, Unitized Body Structural Repair, or Pre-1973 Vehicle Repair) will be classified as a Master Automobile Mechanic.

7-3.3 Master Heavy-duty Truck Mechanic. A person certified in all Heavy-duty Truck Repair categories (not including Collision-Related Mechanical Repair) will be classified as a Master Heavy-duty Truck Mechanic.

7-3.4 Specialty Mechanic. A mechanic who is certified in one or more repair categories but fewer than all repair categories is considered a Specialty Mechanic.

Table 7-1
Repair Categories Requiring Certification

A & LT = Automobile & Light Truck HDT = Heavy-duty Truck
M = Motorcycle RT = Recreational Trailer PVR = Pre-1973 Vehicle Repair

Repair Categories	Under 10,000 Pounds G.V.W.	Over 10,000 Pounds G.V.W.	Other On-road Vehicles
Automatic Transmission	A & LT		
Brakes and Braking Systems	A & LT	HDT	
Collision-Related Mechanical Repair	A & LT	HDT	
Drive Train		HDT	
Electrical Systems	A & LT	HDT	
Engine Repair	A & LT		
Engine Repair, Diesel		HDT	
Engine Repair, Gasoline		HDT	
Engine Tune-up/Performance	A & LT		
Front End, Suspension & Steering Systems	A & LT		
Heating and Air Conditioning	A & LT		
Manual Transmission, Front & Rear Drive Axles	A & LT		
Motorcycle			M
Recreational Trailer			RT
Suspension and Steering Systems		HDT	
Unitized Body Structural Repair	A & LT		
Pre-1973 Vehicle Repair			PVR

Section 7-4
DISPLAY OF CERTIFICATE

7-4.1 Requirement. Each certified mechanic is required to display a valid mechanic certificate or trainee permit issued by the Michigan Department of State. The certificate or permit must be displayed at the place of business where the mechanic or trainee works and be readily accessible to the customer.

7-4.2 Certificate Information on Final Invoice. The name and State of Michigan certificate number of each mechanic who performs a diagnosis and/or repair must be listed on the repair facility's final invoice. If repair work is performed by a trainee under the supervision of a certified mechanic, the name and number of the certified mechanic must also be listed on the final invoice along with the name and permit number of the trainee.

Section 7-5
CERTIFICATION RENEWAL

7-5.1 Effective Date. Mechanic certification becomes effective on the date of application approval by the Michigan Department of State. The certificate expires one year from this date.

7-5.2 Renewal Procedure. A renewal application, Form AR-0094, *Michigan Mechanic Certification Renewal*, is mailed to all currently certified mechanics about 60 days before their current certifications expire. If a renewal notice has not been received within 30 days of certificate expiration, the mechanic should telephone the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424). A mechanic certification must be renewed annually by making application and paying the renewal fee.

7-5.3 Performing Repairs After Expiration Date. A certified mechanic may continue to perform motor vehicle repairs temporarily after the certification expiration date, pending approval of the renewal application. This only occurs if the renewal application has been received by the Michigan Department of State on or before the expiration date.

a) If the renewal application is filed after the expiration date, a mechanic may temporarily engage in repairs without a certificate from the time the application is received, pending approval of the renewal application; or

b) From the date on which the application is filed in person, pending approval of the renewal application.

7-5.4 Late Fee. A late renewal fee of 1-1/2 times the regular renewal fee will be imposed if the application is received after the certificate expiration date.

7-5.5 Replacement Certificate. If a certificate is lost or destroyed, the mechanic must immediately apply to the Michigan Department of State for a replacement. The following information must be mailed to the Bureau of Regulatory Services, Licensing Unit:

a) The name and address of the mechanic;

b) The mechanic certificate number;

c) An explanation of the loss or destruction of the certificate;

d) A $5 replacement fee.

Section 7-6
MECHANIC RECERTIFICATION

7-6.1 Requirement. Automobile and light truck mechanics certified in the categories of Engine Tune-up/Performance, Electrical Systems, and Brakes and Braking Systems are required to meet one of the following requirements for continuing certification:

a) Pass the latest state mechanic certification test, or

b) Show proof of current and appropriate National Institute for Automotive Service Excellence (ASE) certification, or

c) Successfully complete a state-approved training program.

7-6.2 Expiration Date and Schedule. Mechanics certified in these categories must comply with the recertification requirement before their certification expiration date according to the schedule in Table 7-2.

a) Mechanics affected by recertification will be notified on their individual certification renewal application one year before each requirement takes effect;

b) Mechanics with expired certifications will not be sent individual notification about the recertification requirements.

Table 7-2
Mechanic Recertification Schedule

Mechanic Category	Beginning Recertification Year	Ongoing Recertification Renewal
Engine Tune-up/Performance	1998	2003, 2008, 2013
Electrical Systems	1999	2004, 2009, 2014
Brakes and Braking Systems	2000	2005, 2010, 2015

For example, John Brown's mechanic certificate expires each year on July 16. John has until July 16, 2008, to meet the recertification requirement for Engine Tune-up/Performance, until July 16, 2009, to meet the recertification requirement for Electrical Systems, and until July 16, 2010, to meet the recertification requirement for Brakes and Braking Systems.

John's next requirements for recertification will be in 2013 for Engine Tune-up/Performance, 2014 for Electrical Systems, and 2015 for Brakes and Braking Systems.

Section 7-7
MECHANIC TRAINEE PERMITS

7-7.1 Authorization. Section 13 of the *Motor Vehicle Service and Repair Act* (MCL 257.1313) provides that any person who is unable to obtain a mechanic certificate may apply for a mechanic trainee permit to the Michigan Department of State's Bureau of Regulatory Services. The mechanic trainee permit makes it possible for a person who is unable to obtain mechanic certification to work and train under the direct supervision of a properly certified mechanic.

a) Permit Expiration. The trainee permit is issued for specific repair categories and expires at the end of two years.

b) Reissue Procedures. A trainee permit may be reissued to a person failing to meet recertification requirements in the areas of Engine Tune-up/Performance, Electrical Systems, and Brakes and Braking Systems provided the person has not held a trainee permit in the category during the previous three years.

7-7.2 Application Procedures. An application for a mechanic trainee permit is made by submitting Form AR-0135, *Application for Motor Vehicle Mechanic Trainee Permit*, to the Bureau of Regulatory Service, Licensing Unit. This form is available from the Licensing Unit.

NOTE: Information on certification requirements, application fees, mechanic testing locations and special need test scheduling can also be obtained from the Bureau of Regulatory Services, Licensing Unit:

Michigan Department of State
Bureau of Regulatory Services
Licensing Unit
Lansing, MI 48918

Telephone: 1-888-SOS-MICH (1-888-767-6424)
Fax: (517) 335-2810

7-7.3 Replacement Permit. A replacement motor vehicle mechanic trainee permit may be issued by the Bureau of Regulatory Services in the event of loss or destruction. Mail the following information to the Licensing Unit at the address above:

a) The name and address of the applicant;

b) The applicant's trainee permit number;

c) An explanation of the loss or destruction of the trainee permit;

d) A $5 replacement fee.

7-7.4 Permit and Certificate Information on Final Invoice. If repair work is performed by a trainee under the supervision of a certified mechanic, the name and number of the certified mechanic must be listed on the final invoice, along with the name and permit number of the trainee [MCL 257.1334(g)].

NOTE: Each trainee is required to display a valid trainee permit issued by the Bureau of Regulatory Services. The permit must be displayed in the place of business and be readily accessible to the customer.

CHAPTER 8

MOTOR VEHICLE MECHANIC REPAIR CATEGORIES

Section 8-1
REQUIREMENT

Section 10 of the *Motor Vehicle Service and Repair Act* (MCL 257.1310) establishes certain categories of mechanic certification. A mechanic may only perform repairs if certified in the category. Questions regarding mechanic repair category descriptions should be directed to:

Michigan Department of State
Bureau of Regulatory Services
Business Licensing and Regulation Division (BLRD)
Lansing, MI 48918

Telephone: 1-888-SOS-MICH (1-888-767-6424)
Fax: (517) 335-2810
E-mail: Repair@Michigan.gov

In this chapter, Automobile and Light Truck repair categories will be referred to as "Auto"; Heavy-duty Truck repair categories will be referred to as "H.D. Truck."

Section 8-2
AUTOMOBILE AND LIGHT TRUCK UNDER 10,000 POUNDS G.V.W.

8-2.1 Automobile and Light Truck Engine Repair. Diagnosis, service and repair of the *internal* parts of the engine block and cylinder heads on gas and diesel engines must be performed by a mechanic certified in Automobile and Light Truck Engine Repair.

a) Requirements. An Engine Repair mechanic may make all the *external* adjustments required to complete internal engine repairs. This includes adjustments of fuel and ignition systems and related electrical components. The Engine Repair mechanic may remove and replace starting and charging system components in conjunction with major engine repairs. See Table 8-1 for engine-related repairs that may also be performed by mechanics certified in other repair categories.

b) Exceptions. Minor engine repairs that do not require certification are listed in Section 8-7. The following cannot be performed under Engine Repair:

1) Overhaul of starters and alternators is the responsibility of mechanics certified in Automobile and Light Truck Electrical Systems;

2) Overhaul of fuel and ignition system components is the responsibility of mechanics certified in Engine Tune-up/Performance.

Table 8-1
Automobile and Light Truck Engine Repair

Area to be Serviced	Other Acceptable Certification
Engine assembly (removal and replacement)	Engine Tune-up/Performance
Exhaust manifold	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Fan (electrical)	Engine Tune-up/Performance; Heating and Air Conditioning; Electrical Systems (Auto and H.D. Truck)
Fan blade assembly	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Fan clutch	Engine Tune-up/Performance; Heating and Air Conditioning; H.D. Truck Engine Repair (Gasoline and Diesel)
Flexplate	Automatic Transmission; H.D. Truck Engine Repair (Gasoline and Diesel)
Flywheel	Manual Transmission, Front and Rear Drive Axles; H.D. Truck Engine Repair (Gasoline and Diesel)
Freeze (core) plugs	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Front pulley, harmonic balancer and seal	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Fuel pump (electrical)	Engine Tune-up/Performance; Electrical Systems (Auto and H.D. Truck); H.D. Truck Engine Repair (Gasoline and Diesel)
Fuel pump (mechanical)	Engine Tune-up/Performance; H.D. Truck Engine Repair (Gasoline and Diesel)
Intake manifold or gasket	Engine Tune-up/Performance
Rocker arms and push rods, except overhead cam engine	Engine Tune-up/Performance; H.D. Truck Engine Repair (Gasoline and Diesel)
Tappet or rocker covers and gaskets	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Temperature control valve	Engine Tune-up/Performance; Electrical Systems (Auto); Heating and Air Conditioning; H.D. Truck Engine Repair (Gasoline and Diesel)
Temperature gauges (sensors)	Engine Tune-up/Performance; Electrical Systems (Auto and H.D. Truck); Heating and Air Conditioning; H.D. Truck Engine Repair (Gasoline and Diesel)

Area to be Serviced	Other Acceptable Certification
Thermostat and water pump	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Timing belt and/or chain and gears	Engine Tune-up/Performance

8-2.2 Automobile and Light Truck Engine Tune-up/Performance. Preventative maintenance, driveability, diagnosis and repair of engine tune-up and performance components must be performed by mechanics certified in Automobile and Light Truck Engine Tune-up/Performance. This includes all engine ignition, fuel and emission control systems (including diesel injection systems). Also included are diagnosis and replacement of related starting and charging system components. See Table 8-2 for related engine tune-up items that may be performed by mechanics certified in other repair categories.

a) Additional Repairs. An Engine Tune-Up/Performance mechanic may adjust or replace engine parts or components not requiring the removal of connecting rods, crankshafts, or camshafts from their bearings or journals. The Engine Tune-up/Performance mechanic may remove and replace timing belts, chains, gears and intake manifold gaskets.

b) Exceptions. Minor engine tune-up repairs that do not require certification are listed in Section 8-7. The following cannot be performed under Engine Tune-up/Performance:

1) The tune-up/performance mechanic may *not* remove or replace cylinder heads or cylinder head gaskets;

2) Overhaul of electrical components, including starters and alternators, is the responsibility of mechanics certified in Electrical Systems.

Table 8-2
Automobile and Light Truck Engine Tune-up/Performance

Area to be Serviced	Other Acceptable Certification
Fuel injection and induction	Engine Repair; H.D. Truck Engine Repair (Gasoline and Diesel)
Vapor control canister or filter	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)

8-2.3 Automobile and Light Truck Front End, Suspension and Steering Systems. Diagnosis, service, repair and adjustment of front and rear suspension and steering systems must be performed by mechanics certified in Automobile and Light Truck Front End, Suspension and Steering Systems. This includes frame repair and replacement. See Table 8-3 for related items that may also be performed by mechanics certified in other repair categories. Minor front end, suspension and steering system repairs that do not require certification are listed in Section 8-7.

Table 8-3
Automobile and Light Truck Front End, Suspension and Steering Systems

Area to be Serviced	Other Acceptable Certification
Stabilizer bushings and links	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Wheel bearing seals, wheel bearings, wheel hubs and studs	Auto and H.D. Truck Brakes and Braking Systems; Automatic Transmission; Manual Transmission, Front and Rear Drive Axles; H.D. Truck Drive Train; H.D. Truck Suspension and Steering Systems

8-2.4 Automobile and Light Truck Brakes and Braking Systems. Diagnosis, service, repair and adjustment of components in the braking system must be performed by mechanics certified in Automobile and Light Truck Brakes and Braking Systems. See Table 8-4 for related items that may also be performed by mechanics certified in other repair categories. Minor brake and braking system repairs that do not require certification are listed in Section 8-7.

Table 8-4
Automobile and Light Truck Brakes and Braking Systems

Area to be Serviced	Other Acceptable Certification
Wheel bearing seals, wheel bearings, wheel hubs and studs	Front End, Suspension and Steering Systems; Automatic Transmission; Manual Transmission, Front and Rear Drive Axles; H.D. Truck Drive Train; H.D. Truck Suspension and Steering Systems; H.D. Truck Brakes and Braking Systems
Parking brake (any service which can be done without removal of drum or rotor)	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)

8-2.5 Automobile and Light Truck Automatic Transmission. Diagnosis**,** service, repair and adjustment of automatic transmissions/transaxles must be performed by mechanics certified in Automobile and Light Truck Automatic Transmission. See Table 8-5 for related transmission repair items that may also be performed by mechanics certified in other repair categories. Minor automatic transmission repairs that do not require certification are listed in Section 8-7.

Table 8-5
Automobile and Light Truck Automatic Transmission

Area to be Serviced	Other Acceptable Certification
Cooler lines and auxiliary coolers	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Extension housing, bushing or seal	Auto Engine Repair; Manual Transmission, Front and Rear Drive Axles; H.D. Truck Engine Repair (Gasoline and Diesel); H.D. Truck Drive Train

Area to be Serviced	Other Acceptable Certification
External kickdown switch	Engine Tune-up/Performance; Auto and H.D. Truck Electrical Systems
External manual valve linkage	Auto Engine Repair; Engine Tune-up/Performance; H.D. Truck Engine Repair (Gasoline and Diesel); H.D. Truck Drive Train
External throttle valve linkage	Auto Engine Repair; Engine Tune-up/Performance; H.D. Truck Engine Repair (Gasoline and Diesel)
Filler tube O-ring	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Flexplate	Auto Engine Repair; H.D. Truck Engine Repair (Gasoline and Diesel)
Neutral switch	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Speedometer driven gear	Manual Transmission, Front and Rear Drive Axles; Auto and H.D. Truck Electrical Systems
Transmission modulator	Auto Engine Repair; Engine Tune-up/Performance

8-2.6 Automobile and Light Truck Manual Transmission, Front and Rear Drive Axles. Diagnosis, service, repair and adjustment of manual transmissions/transaxles, clutches, drive shafts, differential assemblies and axle assemblies, transfer cases and related suspension components must be performed by mechanics certified in Automobile and Light Truck Manual Transmission, Front and Rear Drive Axles. See Table 8-6 for items that may also be serviced by mechanics certified in other repair categories. Minor manual transmission, front and rear drive axle repairs that do not require certification are listed in Section 8-7.

Alignment of axle and/or suspension components must be performed by mechanics certified in Front End, Suspension and Steering Systems.

Table 8-6
Automobile and Light Truck Manual Transmission, Front and Rear Drive Axles

Area to be Serviced	Other Acceptable Certification
Axle bearings and hubs	Front End, Suspension and Steering Systems; Auto Brakes and Braking Systems; H.D. Truck Engine Repair (Gasoline and Diesel)
Clutch (in conjunction with major engine repairs)	Auto Engine Repair; H.D. Truck Engine Repair (Gasoline and Diesel)
Rear control arms	Front End, Suspension and Steering Systems
Removal and reinstallation of drive shafts and drive axles in conjunction with other repairs	Auto Engine Repair; Front End, Suspension and Steering Systems; Automatic Transmission
Shift linkage (external)	Auto Engine Repair; Engine Tune-up/Performance; Automatic Transmission

8-2.7 Automobile and Light Truck Electrical Systems. Diagnosis, service, repair and adjustment of electrical systems must be performed by mechanics certified in Automobile and Light Truck Electrical Systems. A mechanic who is certified in another category may also work on the electrical components and circuits that are directly interrelated to the repair of components within that category. Minor electrical system repairs that do not require certification are listed in Section 8-7.

8-2.8 Automobile and Light Truck Heating and Air Conditioning. Diagnosis, service, repair and adjustment of heating and air conditioning systems must be performed by mechanics certified in Automobile and Light Truck Heating and Air Conditioning. See Table 8-7 for related heating and air conditioning repair items that may also be performed by mechanics certified in other repair categories. Minor heating and air conditioning repairs that do not require certification are listed in Section 8-7.

Table 8-7
Automobile and Light Truck Heating and Air Conditioning

Area to be Serviced	Other Acceptable Certification
Blower motors and switches	Auto Electrical Systems
*Detach compressor or other air conditioning components without discharging the refrigerant system	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Fan (electrical)	Auto Engine Repair; Engine Tune-up/Performance; Auto and H.D. Truck Electrical Systems
Fan blade assembly	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Fan clutch	Engine Tune-up/Performance; H.D. Truck Engine Repair (Gasoline and Diesel)
In-car temperature sensor	Auto Electrical Systems
Temperature control	Auto Electrical Systems
Temperature control valve	Auto Engine Repair; Engine Tune-up/Performance
Temperature gauges	Auto Engine Repair; Engine Tune-up/Performance; Auto and H.D. Truck Electrical Systems
Thermostat or water pump	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)

*Charging of the air conditioning system must be performed by mechanics certified in Heating and Air Conditioning.

8-2.9 Collision-Related Mechanical Repair. Mechanics certified in Collision-Related Mechanical Repair may remove and replace motor vehicle components that are clearly damaged by collision. The diagnosis, repair or overhaul of mechanical components must be performed by mechanics certified in the appropriate repair categories. A mechanic certified in Collision-Related Mechanical

Repair may disconnect other vehicle components in order to gain access to the collision-damaged components. Minor collision-related repairs that do not require certification are listed in Section 8-7.

The following cannot be performed under Collision-Related Mechanical Repair:

a) Charging of air conditioning systems must be performed by mechanics certified in Heating and Air Conditioning;

b) Wheel alignment must be performed by mechanics certified in Front End, Suspension and Steering Systems.

8-2.10 Unitized Body Structural Repair. Persons who diagnose, repair or replace components that affect the structural integrity of a unitized body vehicle must be certified in Unitized Body Structural Repair. This includes persons who diagnose (estimate) the extent of work needed to repair damaged structural components. Minor unitized body structural repairs that do not require certification are listed in Section 8-7.

a) These structural components are:

1) Aprons;

2) Cowl panel;

3) Cross members;

4) Floor pans;

5) Front rails;

6) Front strut towers;

7) Pillars;

8) Quarter panels;

9) Radiator core support;

10) Rear rails;

11) Rear strut towers;

12) Rocker panels;

13) Roof panel;

14) Upper and lower rails;

15) Wheelhouse panels.

b) Other Information. Removing a dent from a roof or quarter panel is not viewed as "affecting the structural integrity of the vehicle" and does not require certification. Sectioning or replacement of the roof panel or quarter panel requires the person performing the repair to be certified in Unitized Body Structural Repair. Repair or replacement of a bolt-on component, such as a hood, fender, door, deck lid, hatch or bumper, does not require certification.

c) Exceptions. The following cannot be performed under Unitized Body Structural Repair:

1) A person who removes mechanical components to gain access to a damaged area or replaces mechanical parts damaged as a result of a collision must be certified in Collision-Related Mechanical Repair. This includes persons who remove or replace dash or air bag components;

2) Charging of air conditioning systems must be performed by mechanics certified in Heating and Air Conditioning. Wheel alignment must be performed by mechanics certified in Front End, Suspension and Steering Systems.

8-2.11 Pre-1973 Vehicle Repair. Mechanics who are engaged exclusively in the repair of vehicles manufactured before 1973 may be certified in the specialty category of Pre-1973 Vehicles. This also applies to mechanics who are engaged in the reconditioning, replacement, adjustment, or alteration of the operating condition of pre-1973 vehicles. Mechanics currently certified in other appropriate categories may also work on pre-1973 vehicles.

a) Exceptions. Minor repairs that do not require certification are listed in Section 8-7. The following cannot be performed under Pre-1973 Vehicles:

1) The pre-1973 vehicle mechanic may *not* perform unitized body structural repairs. This is the responsibility of mechanics certified in Unitized Body Structural Repair.

Special Note: The Pre-1973 Vehicles "specialty category" will *not* reinstate an individual's "Master" status, nor does it contribute to "Master" status or upgrade a currently expired recertification category. The Pre-1973 Vehicles category is *not* necessary for a Master Mechanic certificate.

Section 8-3
HEAVY-DUTY TRUCKS OVER 10,000 POUNDS G.V.W.

8-3.1 Heavy-duty Truck Engine Repair (Gasoline). Preventive maintenance, diagnosis and repair of gasoline engines in trucks over 10,000 pounds G.V.W. must be performed by mechanics certified in Heavy-duty Truck Engine Repair (Gasoline). Diagnosis, removal and replacement of related starting and charging systems may also be performed by mechanics certified in Heavy-duty Truck Engine Repair (Gasoline). See Table 8-8 for related items that may also be performed by mechanics certified in other repair categories.

Minor heavy-duty truck gasoline engine repairs that do not require certification are listed in Section 8-7. Overhaul of electrical components, including starters, alternators and generators, is the responsibility of mechanics certified in Heavy-duty Truck Electrical Systems.

Table 8-8
Heavy-duty Truck Engine Repair (Gasoline)

Area to be Serviced	Other Acceptable Certification
Cylinder head gasket	Engine Repair (Auto); H.D. Truck Engine Repair (Diesel)
Exhaust manifold	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair)
Flywheel or flexplate	H.D. Truck Drive Train
Fan clutch	Engine Repair (Auto); Heating and Air Conditioning; H.D. Truck Engine Repair (Diesel)
Freeze (core) plugs	Engine Repair (Auto); Engine Tune-up/Performance; Heating and Air Conditioning; H.D. Truck Engine Repair (Diesel)
Front or rear pulley or harmonic balancer	Any H.D. Truck certification (except Collision-Related Mechanical Repair)
Fuel pump	Engine Repair (Auto); Engine Tune-up/Performance; H.D. Truck Engine Repair (Diesel)
Heater water valve	Engine Tune-up/Performance; Heating and Air Conditioning; H.D. Truck Engine Repair (Diesel)
Ignition system	Engine Repair (Auto); Engine Tune-up/Performance; Auto or H.D. Truck Electrical Systems
Oil pan and gaskets	Any H.D. Truck certification (except Collision-Related Mechanical Repair)
Rocker arms and push rods	Engine Repair (Auto); Engine Tune-up/Performance; H.D. Truck Engine Repair (Diesel)
Tappet or rocker covers and gaskets	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Temperature gauge units	Auto or H.D. Truck Electrical Systems
Thermostat	Any H.D. Truck certification (except Collision-Related Mechanical Repair)
Water pump	Any H.D. Truck certification (except Collision-Related Mechanical Repair)

8-3.2 Heavy-duty Truck Engine Repair (Diesel). Diagnosis, service, repair and adjustment of diesel engines in trucks over 10,000 pounds G.V.W. must be performed by mechanics certified in Heavy-duty Truck Engine Repair (Diesel). The diagnosis and repair of related starting and charging systems may also be performed by certified Heavy-duty Truck Engine Repair (Diesel) mechanics. See Table 8-9 for related diesel engine repair items that may also be performed by mechanics certified in other repair categories.

Minor heavy-duty truck diesel engine repairs that do not require certification are listed in Section 8-7. Overhaul of electrical components, including starters, alternators and generators, is the responsibility of mechanics certified in Heavy-duty Truck Electrical Systems.

Table 8-9
Heavy-duty Truck Engine Repair (Diesel)

Area to be Serviced	Other Acceptable Certification
Air starters	H.D. Truck Brakes and Braking Systems; Auto or H.D. Truck Electrical Systems
Exhaust manifolds	Any H.D. Truck certification (except Collision-Related Mechanical Repair)
Fan clutch	Engine Repair (Auto); Heating and Air Conditioning; H.D. Truck Engine Repair (Gasoline)
Flywheel	H.D. Truck Engine Repair (Gasoline); H.D. Truck Drive Train
Freeze (core) plugs	Engine Repair (Auto); Engine Tune-up/Performance; Heating and Air Conditioning; H.D. Truck Engine Repair (Gasoline)
Front pulley or harmonic balancer	Any H.D. Truck certification (except Collision-Related Mechanical Repair)
Oil pan and gaskets	Any H.D. Truck certification (except Collision-Related Mechanical Repair)
Tappet or rocker covers and gaskets	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)
Temperature gauge or pyrometer units	Auto or H.D. Truck Electrical Systems
Thermostat	Any H.D. Truck certification (except Collision-Related Mechanical Repair)
Valve rockers and push rods	Engine Repair (Auto); Engine Tune-up/Performance; H.D. Truck Engine Repair (Gasoline)
Water pump	Any H.D. Truck certification (except Collision-Related Mechanical Repair)

8-3.3 Heavy-duty Truck Drive Train. Diagnosis, service, repair and adjustment of transmissions, clutches, propeller shafts and driving axle assemblies in vehicles over 10,000 pounds G.V.W. must be performed by mechanics certified in Heavy-duty Truck Drive Train. See Table 8-10 for items that may also be serviced by mechanics certified in other repair categories. Minor heavy-duty truck drive train repairs that do not require certification are listed in Section 8-7.

Table 8-10
Heavy-duty Truck Drive Train

Area to be Serviced	Other Acceptable Certification
Air shift components	H.D. Truck Brakes and Braking Systems
Clutch (in conjunction with major engine repairs)	H.D. Truck Engine Repair (Gasoline and Diesel)
Drive shaft and universal joints	H.D. Truck Engine Repair (Gasoline and Diesel); H.D Truck Suspension and Steering Systems
Shift linkage (mechanical)	H.D. Truck Engine Repair (Gasoline and Diesel)
Torque converter planetary transmissions	Automatic Transmission
Transmission mounts	Any Auto or H.D. Truck certification (except Collision-Related Mechanical Repair or Unitized Body Structural Repair)

8-3.4 Heavy-duty Truck Brakes and Braking Systems. Diagnosis, service, repair and adjustment of components in the braking systems on trucks over 10,000 pounds G.V.W. must be performed by mechanics certified in Heavy-duty Truck Brakes and Braking Systems. See Table 8-11 for related brake repair items that may also be performed by mechanics certified in other repair categories. Minor heavy-duty truck brakes and braking system repairs that do not require certification are listed in Section 8-7.

Table 8-11
Heavy-duty Truck Brakes and Braking Systems

Area to be Serviced	Other Acceptable Certification
Air compressors	H.D. Truck Engine Repair (Gasoline and Diesel)
Brake electrical instrumentation (visual and audio warning devices and gauges)	H.D. Truck Electrical Systems
Electric trailer brakes	Recreational Trailer
Grease seals	H.D. Truck Drive Train
Hydraulic brake systems	Brakes and Braking Systems (Auto)
Transmission or drive shaft mounted parking brakes	H.D. Truck Drive Train
Wheel bearings	H.D. Truck Drive Train; H.D. Truck Suspension and Steering Systems
Wheel hubs	H.D. Truck Drive Train; H.D. Truck Suspension and Steering Systems
Wheel studs	H.D. Truck Drive Train; H.D. Truck Suspension and Steering Systems

8-3.5 Heavy-duty Truck Suspension and Steering Systems. Diagnosis, service, repair and adjustment of suspension and steering systems of vehicles over 10,000 pounds G.V.W. must be performed by mechanics certified in Heavy-duty Truck Suspension and Steering Systems. See Table 8-12 for related items that may also be performed by mechanics certified in other repair categories. Minor heavy-duty truck suspension and steering system repairs that do not require certification are listed in Section 8-7.

Table 8-12
Heavy-duty Truck Suspension and Steering Systems

Area to be Serviced	Other Acceptable Certification
Air suspension system	H.D. Truck Brakes and Braking Systems
Driving axle suspension	H.D. Truck Drive Train
Torsion bars	H.D. Truck Drive Train; H.D. Truck Brakes and Braking Systems
Towed vehicle suspension	H.D. Truck Brakes and Braking Systems
Wheel bearings, wheel hub and wheel studs	H.D. Drive Train; H.D. Truck Brakes and Braking Systems

8-3.6 Heavy-duty Truck Electrical Systems. Diagnosis, service, repair and adjustment of electrical systems on trucks over 10,000 pounds G.V.W. must be performed by mechanics certified in Heavy-duty Truck Electrical Systems. A mechanic who is certified in another category may also work on the electrical components and circuits that are directly interrelated to the repair of components within that category. Minor heavy-duty truck electrical system repairs that do not require certification are listed in Section 8-7.

8-3.7 Heavy-duty Truck Collision-Related Mechanical Repair. Mechanics certified in Heavy-duty Truck Collision-Related Mechanical Repair may remove and replace motor vehicle components that are clearly damaged by collision. The diagnosis, repair or overhaul of mechanical components must be performed by mechanics certified in the appropriate repair categories. A mechanic certified in Heavy-Duty Truck Collision-Related Mechanical Repair may disconnect other vehicle components in order to gain access to the collision-damaged components. Minor collision-related repairs that do not require certification are listed in Section 8-7.

The following cannot be performed under Collision-Related Mechanical Repair:

a) Charging of air conditioning systems must be performed by mechanics certified in Heating and Air Conditioning;

b) Wheel alignment must be performed by mechanics certified in Front End, Suspension and Steering Systems.

Section 8-4
MOTORCYCLE

Diagnosis, service, repair and adjustment of motorcycles and component parts, including engine and fuel systems, electrical systems, braking systems, drive train and chassis must be performed by mechanics certified in Motorcycle repair. A list of minor repairs that do not require certification is listed in Section 8-7.

Section 8-5
RECREATIONAL TRAILER

8-5.1 Definition. A recreational trailer is a travel trailer, camper trailer or other special purpose or utility trailer used on the highway and towed by an automobile or light truck with a gross towing weight of less than 10,000 pounds.

8-5.2 Conditions. Diagnosis, service, repair and adjustment of the mechanical, electrical and suspension components, including brakes, axles, bearings and springs of the recreational trailer, may be performed by mechanics certified in Recreational Trailer repair. See Table 8-13 for items that may also be serviced by mechanics certified in other repair categories. Minor repairs that do not require certification are listed in Section 8-7.

Table 8-13
Recreational Trailer

Area to be Serviced	Other Acceptable Certification
Trailer brakes	Auto and H.D. Truck Brakes and Braking Systems
Trailer electrical systems	Auto and H.D. Truck Electrical Systems
Wheel bearing seals, wheel bearings, wheel hubs and studs	Front End, Suspension and Steering Systems; Auto and H.D. Truck Brakes and Braking Systems; Automatic Transmission; Manual Transmission, Front and Rear Drive Axles; H.D. Truck Drive Train; H.D. Truck Suspension and Steering

Section 8-6
MECHANIC CERTIFICATION REQUIREMENTS INVOLVING SUBLET REPAIRS

When vehicles or major components are sublet to another repair facility for repair, the requirement to have the sublet repairs performed by a certified mechanic applies as follows:

a) When the *vehicle* is sublet to another facility for major repairs:

1) The second facility must employ, and have the repairs performed by, a properly certified mechanic;

2) If the first facility diagnosed the need for repair, the name and certification number of the diagnosing mechanic must appear on the customer's invoice, along with the name and certification number of the mechanic who actually performed the repairs.

b) When a component, such as an engine or a transmission, is sublet to another facility for repairs:

1) The facility that removed the part must employ a properly certified mechanic to diagnose, remove or reinstall the part;

2) The names and certification numbers of the mechanics who diagnosed, removed or reinstalled the part must appear on the final invoice given to the customer.

Section 8-7
MINOR REPAIRS

Replacement, adjustment, repair or servicing of the following parts and assemblies are considered minor repairs. Mechanic certification is not required.

a) Air cleaner element;

b) Air conditioner compressor belts;

c) Air pump belt;

d) Air pump hose;

e) Antifreeze, installing, changing or otherwise servicing the coolant;

f) Automatic door lamp switch;

g) Battery;

h) Battery ground cable;

i) Battery hold-down strap;

j) Battery positive cable;

k) Battery-to-starter relay cable;

l) Body repairing, except for unitized body structural repair;

m) Crankcase vent air cleaner;

n) Crankcase vent air cleaner hose;

o) Engine oil filter;

p) Exhaust pipe, muffler, catalytic converter, tail pipe and associated attaching parts;

q) Fan and alternator drive belts;

r) Fuel filter;

s) Fuel line flex hoses or lines;

t) Fuel tank, except for those tanks that contain a fuel pump;

u) Fuses;

v) Headlamp foot dimmer;

w) Heater hoses;

x) Horns;

y) Idler pulley, adjust only;

z) Ignition coil output wire;

aa) Light bulbs and headlamps;

bb) Motor and transmission mounts;

cc) Ornamental accessories;

dd) Positive crankcase ventilation control valve (PCV);

ee) Power steering pump belt;

ff) Radiators;

gg) Radiator hoses, upper and lower;

hh) Radiator reserve tank;

ii) Rear springs, leaf or coil, except MacPherson strut type assemblies;

jj) Shock absorbers which are not built in combination with other parts of the suspension;

kk) Speedometers;

ll) Vapor canister hoses;

mm) Wheels, except alignment;

nn) Windshield washer hose;

oo) Windshield washer tank;

pp) Wiper blades.

CHAPTER 9
WORKING WITH BRS

Section 9-1
INVESTIGATIONS

9-1.1 Authorization. Section 26 of the *Motor Vehicle Service and Repair Act* (MCL 257.1326) authorizes the Michigan Department of State to make investigations and gather evidence against persons who may have violated, or are about to violate, the Repair Act or an administrative rule. Complaints filed by consumers are routinely handled by an investigator of the Department's Bureau of Regulatory Services (BRS).

9-1.2 Investigations. The Bureau of Regulatory Services receives thousands of consumer complaints every year. The bureau attempts to gather all of the facts in these cases. Repair facilities can almost always provide critical information to BRS to assist in the investigation. When consumer complaints are filed, the bureau will contact the repair facility in one or more of the following ways:

(a) Mail. The Bureau of Regulatory Services will send the repair facility a letter asking for a response to the consumer's complaint. The facility's side of the dispute is very important in resolving the problem. Providing the bureau with a written response, in the desired timeframe, will help assure that the dispute is handled as quickly and fairly as possible.

(b) Telephone Contact. A Bureau of Regulatory Services investigator may telephone the repair facility to discuss the consumer's complaint. It is very important that the facility's side of the dispute be given. Providing the bureau with forthright answers and copies of transaction records will assist in a proper resolution of the complaint.

(c) Personal Contact. Sometimes in-person, face-to-face visits to repair facilities are necessary to investigate certain complaints. Bureau of Regulatory Services investigators will properly identify themselves when contacting the facility. Section 17 of the *Motor Vehicle Service and Repair Act* (MCL 257.1317) permits the Bureau of Regulatory Services and other law enforcement officers to inspect repair facilities during normal business hours. All records pertaining to repair transactions performed within the past five years are subject to inspection.

NOTE: All records of warranties, contracts or agreements that extend beyond five years must be maintained until the warranty or contract period expires.

9-1.3 Timely and Favorable Responses. When a repair facility is contacted by the Bureau of Regulatory Services, a timely response will help ensure that the complaint is handled quickly. Delays in answering letters or telephone calls will only prolong the investigation. Also, failing to cooperate with a Bureau of Regulatory Services investigator can result in action being taken against the repair facility for hindering an investigation. Here are some helpful hints:

(a) Reply promptly. This may avoid the need for further follow-up;

(b) Include copies of all relevant paperwork with your response;

(c) When responding to a letter, reply in writing. A written response may avoid the need for further contacts.

Section 9-2
VIOLATIONS

9-2.1 Restitution. There are times when the repair facility will agree that the consumer is indeed entitled to some sort of compensation. This can come in the form of giving money back, reworking a repair job, or extending a warranty period. Anytime a facility can provide this kind of restitution, it helps to bring the case to a close.

9-2.2 When Violations Are Alleged. In the course of an investigation or an inspection, the BRS investigator may determine that the repair facility failed to meet the requirements of the *Motor Vehicle Service and Repair Act*. The investigator may find it necessary to issue a Notice of Noncompliance (NNC) which is similar to a "ticket." By issuing an NNC, the Bureau of Regulatory Services investigator believes there was enough evidence to justify issuing a violation notice. Of course, the cited repair facility can appeal the Notice of Noncompliance to higher levels in BRS. The appeal must be made in writing and must include the reason the facility believes the violation was inappropriately issued. Supporting documents must be attached. Appeals should be sent to:

Michigan Department of State
Bureau of Regulatory Services
Business Licensing and Regulation Division (BLRD)
Lansing, MI 48918-1200

9-2.3 Disciplinary Action. When an NNC has been issued, it is the responsibility of the Bureau of Regulatory Services to determine what disciplinary action, if any, should be taken against the repair facility or mechanic.

(a) Depending on the seriousness of the violations, the past record of the repair facility or mechanic, and the action taken to satisfactorily resolve the matter, disciplinary action may range from a warning letter to suspension or revocation of the repair facility's registration or mechanic's certification.

(b) Typically, before action is taken to suspend or revoke a facility registration or mechanic certification, the repair facility or mechanic is given an informal opportunity to meet with Bureau of Regulatory Services representatives to discuss the matter and, hopefully, reach an agreeable conclusion.

(c) Only in the most serious cases, or when an agreeable conclusion cannot be reached, is an administrative hearing held to determine whether it is appropriate to suspend or revoke the registration of the repair facility or the certification of the mechanic.

9-2.4 Violation Retention. Violations issued to a repair facility or mechanic by the Bureau of Regulatory Services are kept by the bureau indefinitely and are a matter of public record (Administrative Rule 257.102). Violations remain active on repair facility and mechanic records for two years.

Section 9-3
AUDITS

The Bureau of Regulatory Services periodically conducts audits regarding the calculations used to establish repair facility registration renewal fees. In most cases, audits are done by mail.

(a) The facility being audited is asked a number of questions concerning its gross annual revenue for one or more years.

(b) The audit form and supporting documents must be sent to the Bureau of Regulatory Services.

(c) Facilities that do not respond to an audit letter, or where additional information is needed, receive a personal visit from a Bureau of Regulatory Services representative. When it is determined that a repair facility provided false information concerning its reported gross annual revenue, disciplinary action is taken.

FREQUENTLY ASKED QUESTIONS

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BENCH REPAIRS

Q. Does a technician who only does "bench work," such as rebuilding automotive parts or components, have to be certified?

A. Yes. When bench work (the rebuilding, reconditioning, machining, or assembling of parts or components from a motor vehicle) is performed by a technician at a registered repair facility, the technician must be certified as a mechanic in the proper repair category. This work involves a diagnostic process that is directly related to the shop's regulated activities.

The only time a bench mechanic need not be certified is when the employer is not required to be a registered motor vehicle repair facility. For example, in a parts store that does not operate a motor vehicle repair facility (does not diagnose vehicles and does not remove or install parts), the technician turning brake rotors or rebuilding engines need not be certified.

CONSUMER INFORMATION SIGNS

Q. Does the Bureau of Regulatory Services (BRS) maintain a listing of companies that sell consumer information signs?

A. Yes. Information about businesses that sell consumer information signs can be obtained by contacting BRS at 1-888-SOS-MICH (1-888-767-6424), by visiting the bureau's web site at http://www.michigan.gov/sos (go to "Services to Businesses" then "Auto Repair Facilities & Mechanics"), or by dialing Fax-on-Demand at 517/335-4FAX.

FINAL INVOICE

Q. Must the final invoice given to a customer be signed by the repair facility owner?

A. Every invoice or final bill given to a repair customer must be signed by the facility owner or someone designated by the owner. This person is not required to be a certified mechanic. The signature, however, certifies that all repairs were completed properly. If requested repairs cannot be completed properly, the signature must be accompanied by an explanation indicating the reasons why proper repairs could not be performed (MCL 257.1334).

LONG TERM WAIVERS

Q. May a repair facility enter into a long term "waiver of estimate agreement" with a customer?

A. If the customer is agreeable to it, a repair facility may make a long term written arrangement with a commercial or "fleet" customer that eliminates the need to write an estimate or a waiver of estimate every time one of the customer's vehicles comes in for repair.

This is called a "long term" or "blanket" waiver of estimate. It may be drawn up in the form of a contract between the repair facility and the customer. The language of the contract should follow as closely as possible the wording of the regular waiver of estimate. The contract should include a statement that if any repair job will exceed a specified amount of money, the repair facility must get the customer's special authorization. The agreement must be signed by the customer, be dated, and should include the future date when the agreement expires. The repair facility must keep a copy of the agreement and give a copy to the customer. No other legal rights of the customer can be affected by such an agreement.

MECHANIC CERTIFICATION

Q. How can a person become a certified mechanic?

A. A person first must pass a test for each repair category in which certification is desired. A person is not eligible to apply for certification until passing the appropriate repair category test. The application for certification is included with the test result letter. A person must complete the application and return it with the appropriate fee to the Bureau of Regulatory Services.

Q. Where can mechanics go to take state certification tests?

A. Mechanic certification tests are offered at selected Secretary of State branch offices. To identify a Secretary of State branch office that administers certification tests, contact the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424), visit BRS' web site at http://www.michigan.gov/sos (go to "Services to Business" then "Auto Repair Facilites & Mechanics" then "Mechanic Certification"), or dial Fax-on-Demand at 517/335-4FAX.

Q. I have worked as a motor vehicle mechanic for many years. Do I have to take tests?

A. Yes. You must pass a test for each repair category in which you want to be certified. The law does not provide a "grandfather clause." The only way to qualify for state certification is to pass the tests. However, if you have passed tests administered by the National Institute for Automotive Service Excellence (ASE), you may be eligible to apply for state certification. Telephone the Bureau of Regulatory Services at 1-888-SOS-MICH (1-888-767-6424) for further information.

Q. I am currently ASE-certified; am I still required to obtain Michigan certification?

A. If you intend to perform major repairs for compensation, you must obtain certification from the State of Michigan. Passage of ASE tests may qualify you for Michigan certification without further testing. Contact the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) for more information.

Q. Are materials available from the Bureau of Regulatory Services to help technicians prepare to take state certification tests?

A. Yes. The Bureau of Regulatory Services has developed study guides and reference materials to assist technicians preparing to take state certification tests. These materials can be obtained, free of charge, by contacting the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) or by viewing the bureau's web site at http://www.michigan.gov/sos (go to "Services to Business" then "Auto Repair Facilites & Mechanics" then "Mechanic Certification").

Q. Is there any consideration given to a mechanic that may have difficulty with the English language?

A. Mechanics who need the assistance of a translator or use of audio equipment should contact the Bureau of Regulatory Services' Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) to obtain more information.

Q. I took the state test but lost, or did not receive, my test results. How do I find out if I passed?

A. If you have not received your test results after six weeks, or have lost them, you can get assistance by contacting the Bureau of Regulatory Services at 1-888-SOS-MICH (1-888-767-6424). *Secretary of State branch office personnel cannot help you. They do not have information concerning your test results.*

Q. I took the state tests and did not pass. Can I take the tests again and will I have to pay the test fees again?

A. Yes. You may retake tests you did not pass. You must pay the $6 test fee for each test you retake. You are, however, encouraged to do more studying or get more training before taking them again.

Q. What does it cost to become certified?

A. To become certified, you must complete an application for certification (which is sent with your test result letter) and return the application with the $25 fee to the Bureau of Regulatory Services. You may make application for certification in any number of repair categories at one time and pay a single application fee of $25. If you pass more tests after you become certified and your certification is current, an amended certificate with the new categories added will automatically be mailed to you at no extra cost.

Q. Must I renew my certification?

A. Yes. There is an annual renewal fee of $20. You are responsible for notifying the Bureau of Regulatory Services of any address change. A renewal form will be mailed to you approximately 45 days prior to your certification expiration date. Certification renewals received after the expiration date require payment of a $10 late fee. If your certificate has been expired more than one year, telephone the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) for the proper form (MCL 257.1320).

MECHANIC RECERTIFICATION

Q. Which mechanics are affected by recertification?

A. Automobile and Light Truck mechanics certified in the three categories of Engine Tune-up/Performance, Electrical Systems, and Brakes and Braking Systems must meet one of the following requirements for continued certification (Administrative Rule 257.161):

(1) Pass the latest state certification test; or

(2) Show proof of current and appropriate ASE (National Institute for Automotive Service Excellence) certification; or

(3) Successfully complete a state-approved training program.

Mechanics certified in any of the three categories must comply with the recertification requirement by their own certification renewal date, according to the following schedule:

(1) Engine Tune-up/Performance, beginning in 1998, and every fifth year thereafter;

(2) Electrical Systems, beginning in 1999, and every fifth year thereafter;

(3) Brakes and Braking Systems, beginning in 2000, and every fifth year thereafter.

A mechanic unable to meet the recertification requirements may qualify for a trainee permit**.**

Q. Why was mechanic recertification mandated?

A. During the past two decades, many changes in automotive system design, function and serviceability have occurred. As a result, the Bureau of Regulatory Services and others from the automotive service industry and the educational community recognized the need for measures which would ensure that mechanics keep pace with changing technology. Thus, mechanics certified in the categories that are changing most must demonstrate continuing competency by recertifying every five years.

Q. How can I obtain information regarding recertification training and approved facilities?

A. Contact:

Chris D. Peoples
Information Processing Section (IPS), Manager
Michigan Department of State
Business Licensing & Regulation Division
430 West Allegan
Lansing, MI 48918
peoplesc@michigan.gov
517 373-8591

Q. Will I have to meet recertification requirements by January 1 of each upcoming year?

A. No. You will have until the expiration date listed on your mechanic certification to recertify. For example, Larry Brown's mechanic certification expires each year on July 16. Larry has until July 16, 2008, to meet the recertification requirement for Engine Tune-up/Performance, until July 16, 2009, to meet the recertification requirement for Electrical Systems, and until July 16, 2010, to meet the recertification requirement for Brakes and Braking Systems.

Q. How will I know when to take the new test or sign up for approved training?

A. You will be reminded on your mechanic renewal application one year before each specialty category expires.

Q. How will the Bureau of Regulatory Services be notified when I have met the recertification requirement?

A. State-approved training providers will notify the Bureau of Regulatory Services when you have successfully completed their recertification training program. If you are an ASE-certified mechanic (Automotive Service Excellence) with a Michigan mailing address, ASE will notify the bureau when you have passed their tests in the three affected categories. If you are an ASE-certified mechanic with an *out-of-state* mailing address, you will need to submit a copy of your current ASE wallet card or wall license with your State of Michigan mechanic renewal application. If you pass the current State of Michigan certification examination, your certification will be automatically updated.

Q. How much lead time will I need to recertify?

A. If you are planning to meet the requirement by taking ASE or state examinations, you should take the test well in advance of your certification expiration date to allow adequate time to obtain approved training if you fail the test. Remember to allow four to six weeks for state examination processing.

Q. If I fail to meet recertification requirements, may I continue to work as a certified mechanic?

A. No. If you fail to show that you are currently certified by ASE, fail a current state examination or do not successfully complete a state-approved training program in a category that requires recertification, you will no longer be certified to perform repairs in that category. However, you may qualify for a mechanic trainee permit. A mechanic may obtain a trainee permit if he or she did not have a mechanic trainee permit in the previous three years. A mechanic trainee is required to work under the supervision of a certified mechanic.

MECHANIC TRAINEE PERMIT

Q. How may I apply for a mechanic trainee permit?

A. There are two ways to apply for a mechanic trainee permit:

(1) You may contact the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424) and request a Mechanic Trainee Permit Application.

(a) There is a $20 application fee. If you have a current mechanic certification in some other specialty category, there is no fee;

(b) A student currently enrolled in an approved vocational education or special education program which includes employment by a repair facility, including credit toward a high school or special education diploma, may apply for a mechanic trainee permit without payment of the fee.

(2) If you would like to apply for a trainee permit because you failed to meet the recertification requirement, you may mark the box, *Trainee Permit*, on your mechanic renewal application. To qualify for a trainee permit in lieu of recertification, you cannot have held a trainee permit in that specialty category in the past three years. Mechanic trainee permits are valid for two years.

REASSEMBLY CHARGE

Q. Is a repair facility required to disclose a reassembly charge on the written estimate?

A. Sometimes a repair facility will give an estimate for "diagnosis" or "inspection." Every estimate of diagnosis, inspection, etc., must include the repair facility's cost of reassembling the vehicle in case the customer does not authorize the actual repairs. For example, a customer with a front wheel drive car complains about a noise in the vehicle, and the repair facility gives an estimate of $53 for diagnosis. Then, when the repair facility telephones the customer to quote a price of $285 to replace the drive axle, the customer says, "No, don't do the repairs." The repair facility must reassemble the vehicle and return it to the customer within the original estimate of $53.

Occasionally, a repair facility gives an original estimate to do an actual repair, and discovers, after starting the job, that more extensive repairs not originally expected are necessary. When the repair facility telephones the customer with this news, the customer may say, "Stop where you are and put the car back together." The repair facility may then inform the customer that there will be a charge for the work performed to that point plus a charge for the work necessary to reassemble the vehicle. This must be a "reasonable" charge. A charge approaching or exceeding the original estimate would normally be considered unreasonable (MCL 257.1332).

REPAIR FACILITY WARRANTY

Q. Must a repair facility provide a warranty for repairs performed?

A. A repair facility does not have to guarantee its repairs. But if it does, the warranty must be in writing and must disclose the scope of the warranty, including any limitations or disclaimers that may exist.

REPORTING UNLICENSED REPAIR FACILITIES OR MECHANICS

Q. What is the procedure for reporting an unregistered repair facility or uncertified mechanic to the Bureau of Regulatory Services?

A. Information regarding an unregistered repair facility or uncertified mechanic may be provided anonymously by mail, telephone or e-mail:

Michigan Department of State
Bureau of Regulatory Services
Business Licensing and Regulation Division (BLRD)
Lansing, MI 48918

Telephone: 1-888-SOS-MICH (1-888-767-6424)
Fax: 517/335-2810
E-mail: repair@michigan.gov

SERVICE WRITER CERTIFICATION

Q. Are service writers required to be certified?

A. Whoever diagnoses or repairs a vehicle in an area that requires mechanic certification must be appropriately certified.

Service writers are not required to be certified if they greet customers, initiate paperwork, and give estimates for diagnosis and repair, as long as the actual diagnosis and repairs are made by properly certified mechanics.

SHOP SUPPLIES

Q. Can a repair facility charge for shop supplies or for the disposal of hazardous waste materials?

A. Repair facilities may charge for certain miscellaneous supplies, such as rags, cleaning fluids, lubricants, etc., or for the disposal of hazardous waste materials. The charge for these items must be included in the estimate given to the customer before repairs are started. The charge should never show up "by surprise" on the customer's final bill, even if it is only 10% or $10 (whichever is less) of the original estimate. Some estimate forms have a printed note which sets a certain percentage for shop supplies. Even if there is such a note, the price quote on the written estimate must still include the actual dollar amount which will be charged.

STORAGE CHARGES

Q. Can storage charges be added to a repair bill if the customer does not reclaim his/her vehicle within a reasonable time period?

A. Generally, a repair facility may charge a customer for storage when the customer leaves a vehicle at a repair facility and does not reclaim it after notice to remove it. But a repair facility may not assess a storage charge when a vehicle remains at a repair facility because of an unresolved dispute with the repairs or charges. Where delays in repairs are caused by lack of parts, a repair facility may charge for storage after informing a customer of the approximate length of the expected delay and of the daily storage charge rate and obtaining the customer's consent to the delay and to the storage charges. In all instances, specific notice must be given to the customer before storage charges can be imposed.

SUBLET REPAIRS

Q. If repairs are sublet from one repair facility to another, what requirements apply?

A. Occasionally, a repair facility may not be equipped to handle a repair necessary to complete a job, e.g., frame straightening or air conditioning, and must sublet the repair to another shop.

(1) When the vehicle is sublet to another facility for major repairs,

(a) The second repair facility must employ, and have the repairs performed by, a properly certified mechanic;

(b) If the first repair facility diagnosed the need for repair, the name and number of the diagnosing mechanic must appear on the customer's invoice, along with the name and number of the mechanic who actually performed the repairs.

(2) When a major part, e.g., an engine or transmission, is sublet to another repair facility for repairs,

(a) The repair facility that removed the part must employ a properly certified mechanic to diagnose, remove, or install the part;

(b) The names and numbers of the mechanics who diagnosed, removed or reinstalled the part must appear on the final invoice given to the customer.

Q. Can repair facilities file complaints with Bureau of Regulatory Services against their subcontractors?

A. Yes. If the subcontractor is registered or required to be registered and if the transaction involves work covered by the *Motor Vehicle Service and Repair Act*, it is the subcontractor's responsibility to provide the prime contractor a written estimate and a final invoice, to return replaced parts for work performed on a customer's vehicle, and to assure that work is done by a certified mechanic when appropriate.

TRANSFER OF REGISTRATION

Q. If I sell my repair facility, is my registration transferrable to the new owner?

A. A repair facility registration cannot be transferred from one owner to another. Each time the ownership of a repair facility changes, the new owner is required to apply for and obtain a motor vehicle repair facility registration before repairs can be performed for compensation. An application for registration can be obtained by telephoning the Licensing Unit at 1-888-SOS-MICH (1-888-767-6424).

USE OF DIAGNOSTIC ANALYZERS

Q. What is the mechanic's and the repair facility's liability when the mechanic uses information from a computerized diagnostic analyzer to determine the need for repairs? If the analyzer's diagnosis is incorrect, is the mechanic or repair facility responsible when repairs are performed which are unnecessary or which do not solve the problem?

A. Yes, the mechanic and the repair facility are responsible. Under the *Motor Vehicle Service and Repair Act*, the obligations of mechanics and repair facilities are not affected by what equipment or techniques are used. Customers have a right to expect mechanics and repair facilities to be able to use all of their equipment and tools, however sophisticated, to perform correct diagnoses and repairs.

VERBAL AUTHORIZATION

Q. Is verbal authorization acceptable when obtaining the customer's approval for more repairs?

A. Yes. Verbal authorization is permitted under the law, provided the customer initially was given a written estimate or signed a waiver of estimate. If verbal authorization is obtained, the facility should record the following on the final invoice:

(1) The name of the person providing the authorization;

(2) The time of day the authorization was obtained;

(3) The dollar amount authorized;

(4) The total amount of the repair bill discussed and agreed upon;

(5) Other information as needed.

WHO IS THE CUSTOMER?

Q. Who is the "customer" or "consumer" in a motor vehicle repair transaction paid by an insurance company?

A. In any repair transaction, the "customer" or "consumer" is always the owner or operator of the vehicle, not the insurance company or extended service contract company. This principle applies to certain aspects of an insurance-paid or extended service contract repair as follows:

(1) Authorization for diagnosis or repairs may be given only by the customer. Unless the insurance company or service contract company presents to the repair facility signed authorization from the customer to contract for repairs, no work may be started. Otherwise, the repair facility must actually give the customer a written estimate or obtain from the customer a signed waiver of estimate as provided in the law;

(2) For additional repairs costing more than 10% or $10 (whichever is less) beyond the original estimate, specific authorization--either written or oral--must be obtained by the repair facility from the customer. This is true even in cases where the customer had given the insurance company or extended service contract company signed authorization originally to contract for repairs, except where that authorization specifically allows the insurance company to approve additional work;

(3) The customer has the right to the return of replaced parts and the right to a detailed final bill. The customer may authorize the repair facility to dispose of replaced parts;

(4) No other rights and remedies of the customer under the law are altered.

WRITTEN ESTIMATE

Q. Must the written estimate, given to the customer before the start of the repair transaction, be signed by the customer?

A. No. The written estimate must contain detailed costs for parts and labor for the repairs to be performed, but the customer's signature is not a requirement of the *Motor Vehicle Service and Repair Act*. A repair facility is not prohibited from asking its customers to sign the written estimate.

Q. Must a written estimate be provided even in situations where the customer is not present when the vehicle is left at the repair facility?

A. Even in situations where the vehicle is towed to a repair facility or left at a repair facility after hours, the law requires the facility to provide a written estimate or waiver of estimate before beginning repairs, if a diagnosis or repair will cost $20 or more. In these instances, the facility can comply with the law in the following ways:

(a) If the facility has a night drop box with waiver forms, a customer may leave the vehicle before the facility is open, if the customer completes a waiver form (see Appendix B). The form must be signed, filled out completely and left in the drop box;

(b) The customer may leave a signed note describing the problem and authorizing the facility to perform repairs up to a stated dollar amount without further approval;

(c) The towing company may accept a waiver from a customer and bring the waiver with the vehicle to the facility;

(d) The facility may send a copy of the estimate to the customer by mail or by fax before performing repairs. The customer may sign the estimate and return the signed form;

(e) The customer may come to the facility before any repairs are performed to receive the written estimate.

APPENDIX A

CONSUMER INFORMATION SIGN

Section 1-1
REQUIREMENTS

A motor vehicle repair facility must display a sign in the cashier's area and at each location where customer service orders are written. The sign informs customers of their basic rights under the law. It also contains the address and telephone number of the Bureau of Regulatory Services. The sign must include 15 lines of lettering. A sample consumer information sign is shown on page A-3.

Section 2-1
SPECIFICATIONS

The consumer information sign must be designed using the following specifications:

(1) It shall be rectangular in shape and at least 28 inches high by 24 inches wide;

(2) Durable material must be used;

(3) The background shall be white;

(4) Print and other markings shall be black;

(5) The wording of each line is as follows:

- **(a)** Lines 1, 2, 12, 13 and 14 shall be printed in bold, block, capital letters 1-inch high and 1/2-inch wide;
- **(b)** Lines 3, 4 and 15 shall be printed in bold, block, capital letters 3/4-inch high and 1/2-inch wide;

(c) Lines 5 to 11 shall be printed in bold, block, capital letters 1/2-inch high and 3/8-inch wide;

(6) The sign must be in a legible format with the lettering arranged so that there is not less than a 1/8-inch space between any 2 letters within a line and not less than a 1/2-inch space between any 2 lines.

NOTE: A list of businesses which can furnish consumer information signs is available from Fax-on-Demand at 517/335-4FAX.

THIS ESTABLISHMENT IS REGISTERED WITH
THE MICHIGAN DEPARTMENT OF STATE

AND IS REQUIRED BY LAW TO FURNISH
A CUSTOMER WITH A:

(1) WRITTEN ESTIMATE IF REPAIRS WILL BE $20 OR MORE
OR UPON REQUEST IF REPAIRS WILL BE LESS THAN $20

(2) DETAILED INVOICE OF LABOR AND
PARTS SUPPLIED.

QUESTIONS REGARDING SERVICE WORK
SHOULD BE DIRECTED FIRST TO THE MANAGER
OF THIS REPAIR FACILITY

MICHIGAN DEPARTMENT OF STATE
P.O. BOX 30046, LANSING, MI 48909
TOLL-FREE TELEPHONE: 1-888-SOS-MICH (1-888-767-6424)
MON.-FRI., 8:30 A.M. -- 4:30 P.M.

APPENDIX B

WAIVER OF ESTIMATE

Section 1-1
REQUIREMENTS

A waiver of estimate must be obtained by a repair facility from a customer who does not wish to receive a written estimate for motor vehicle repairs. A sample waiver of estimate form is shown on the next page. The format must meet certain requirements, as follows:

(1) The illustration must be printed in at least 14-point bold, capital type face, which is the minimum type size required by the Act;

(a) The first blank space is completed with the customer's name;

(b) The second blank space is completed with the name of the repair facility;

(c) The third blank space, which is preceded by a dollar sign, is completed by having the customer enter a dollar amount beyond which he/she is not willing to waive his/her right to an estimate. If the customer does not set such a dollar limit, then he/she enters a statement, such as "no limit." This blank must be completed and not left blank.

(d) Information under Motor Vehicle Description should include sufficient information to identify the vehicle, such as a Vehicle Identification Number.

(2) The customer must sign the waiver and complete the date and time of day information.

(3) The repair facility must give the customer a copy of the signed document.

WAIVER OF ESTIMATE

I, _____, VOLUNTARILY REQUEST _____ TO PROVIDE SERVICES OR PARTS IN THE REPAIR OF THE BELOW DESCRIBED MOTOR VEHICLE WITHOUT RECEIVING AN ESTIMATE OF REPAIR COSTS. BY SIGNING THIS FORM, I UNDERSTAND THAT I WILL GIVE UP MY RIGHT TO:

1. RECEIVE A WRITTEN ESTIMATE OF THE COST FOR REPAIRS;

2. APPROVE IN ADVANCE ANY REPAIRS OR COSTS WITH A TOTAL COST UNDER $_____; AND

3. REFUSE TO PAY FOR REPAIRS WITH A TOTAL COST LESS THAN THE AMOUNT STATED ABOVE.

THE FACILITY MAY EXCEED THE AMOUNT STATED ABOVE ONLY AFTER I GIVE MY WRITTEN OR ORAL APPROVAL.

MOTOR VEHICLE DESCRIPTION:

CUSTOMER SIGNATURE_____

DATE_____

TIME_____

APPENDIX C

NOTICE OF PARTS RETURN

A repair facility is required by law to give customers a notice which informs them of their right to reclaim replaced parts. The notice may be given in one of three ways:

(1) By means of a sign displayed in the facility with lettering at least 1-inch high;

(2) On the face of a contract form, work order form, or other document in bold face capital letters at least 12-point type size and at least 4 points larger than the principal type size of the master document;

(3) By a separate written document in bold face capital letters at least 12-point type size.

The example shown below is printed in 12-point bold face type.

PARTS RETURN

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

APPENDIX D

WRITTEN ESTIMATE

As closely as possible, written estimates inform the customer of the costs associated with a repair. A sample written estimate for a repair is provided on the next page. It outlines required information that must be provided to each customer before doing the work. Written estimates must disclose the following:

(a) A list of the parts to be provided with their prices;

(b) A disclosure whether the parts are new, used, rebuilt or reconditioned;

(c) An estimated price for labor and estimated labor time;

(d) The facility's registration number.

Appendix D

QUAN	PART NO. DESCRIPTION	ESTIMATED AMOUNT	ACTUAL AMOUNT
1	18024931 Front Brake Pads	54 50	
2	14094932 Rotors	185 84	

A

SPECIAL REPAIRS

B

BROUGHT FORWARD

TOTAL PARTS 240 34

ALL PARTS ARE NEW UNLESS OTHERWISE STATED

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

Estimate Increased Total: $ Authorized by:

Repairs Performed 1. 2. 3. 4.

Mechanic's Name & Michigan Certification Number

By

–CERTIFICATION–

ALL REPAIRS AND PARTS LISTED WERE FURNISHED IN COMPLIANCE WITH MICHIGAN AUTO REPAIR ACT (P.A. 300)

Company Authorized Representative

(Full Signature Required)

MICHIGAN REPAIR FACILITY REGISTRATION NUMBER

F100000

Tom's Speedy Service
321 Main Street
Anytown, Michigan 48910
616-739-8088

Date: 2-5-98

Time Received: 8:00 A.M. / P.M.

Promised: 5:00 A.M. / P.M.

Name: John Doe

Address: 104 Main Street Apt. No.

Business Telephone: 373-9060

City: Anytown, Michigan 48910

Residence Telephone:

Name of Additional Person Who May Authorize Repair Work: Phone:

Phone when ready: ☒ Yes ☐ No

Year-Make-Model: 95 Chevy Monte Carlo

Engine Type: ☐ 4 Cyl. ☒ 6 Cyl. ☐ 8 Cyl. ☐ Rot.

License No.: 123 CDP

Customer Order No.:

Vehicle I.D. No.: 2G1WW12M6S9332427

Odometer: 55495

Deposit $: No

Estimator/Writer: Joe

Daily Storage $: No

Diagnostic Charge $: No

Retain Parts: ☒ Yes ☐ No

Rate: ☐ Flat ☒ Hrly. ☐ Both ☐ Cash ☐ Check ☐ Credit Card ☐ Charge

C

REPAIR ORDER · LABOR INSTRUCTIONS	Serv. Tech.	Est. Time Hrs.	Est. Time 10's	Estimated Amount	Actual Amount
1 Front Brake Job		1.	0	50 00	

D

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU AND YOUR EMPLOYEES MAY OPERATE ABOVE VEHICLE FOR PURPOSES OF TESTING, INSPECTION OR DELIVERY AT MY RISK.

I HAVE READ AND UNDERSTAND THE ABOVE TERMS.

AUTHORIZED BY John Doe

	Estimated Amount	Actual Amount
Estimated Cost of Repair Work		
Total Labor	50 00	
Total Parts	240 34	
Environ. Charges		
Special Repairs		
Gas, Oil, Grease		
Tires, Tubes		
Total	290 34	
Tax	14 42	
Less Deposit		
TOTAL AMOUNT	304 76	

GAL. GASOLINE	@	
QTS. OIL	@	
LBS. CREASE	@	
TOTAL GAS - OIL - GREASE		

APPENDIX E

WRITTEN INVOICE

A written invoice summarizes information about the completed repair of the customer's motor vehicle. Some information is required. The repair job shown on the next page, for *illustrative purposes only*, outlines required information. Written invoices must disclose the following information:

(a) A description of the repairs requested, authorized and performed. This includes a detailed identification of all parts that were replaced and a notation as to which are new, used, rebuilt or reconditioned;

(b) The estimated price of repairs;

(c) The actual price of repairs;

(d) A certification signed by a representative of the facility stating that the repairs were done properly;

(e) The name of the mechanic or mechanic trainee who performed the repairs. In the case of major repairs, the name and state certification number of the mechanic who performed, inspected, approved or supervised the repairs must be included;

(f) The facility's registration number.

Appendix E

011001

Tom's Speedy Service
321 Main Street
Anytown, Michigan 48910
616-739-8088

Date: 2-5-98
Time Received: 8:00 A.M. / P.M.
Promised: 5:00 A.M. / P.M.

Name: John Doe
Address: 104 Main Street — Apt. No.
City: Anytown, Michigan 48910
Name of Additional Person Who May Authorize Repair Work — Phone
Year-Make-Model: 95 Chevy Monte Carlo
Engine Type: ☐ 4 Cyl. ☑ 6 Cyl. ☐ 8 Cyl. ☐ Rot.
License No.: 123 CDP
Vehicle I.D. No.: 2G1WW12M6S9332427
Odometer: 55,495
Deposit $: No
Daily Storage $: No
Diagnostic Charge $: No
Rate: ☐ Flat ☑ Hrly. ☐ Both
☑ Cash ☐ Check ☐ Credit Card ☐ Charge

Business Telephone: 373-9060
Residence Telephone:
Phone when ready: ☑ Yes ☐ No
Customer Order No.:
Estimator/Writer: Joe
Retain Parts: ☑ Yes ☐ No

QUAN.		PART NO DESCRIPTION	ESTIMATED AMOUNT		ACTUAL AMOUNT	
1		18024931 Front Brake Pads	54	50	54	50
2		14094932 Rotors	185	84	185	84
		SPECIAL REPAIRS				
		BROUGHT FORWARD				
		TOTAL PARTS	240	34	240	34

A

E

REPAIR ORDER · LABOR INSTRUCTIONS	Est. Time Hrs.	10's	Estimated Amount		Actual Amount	
Serv. Tech.						
1 Front Brake Job	1.	0	50	00	50	00

B C

F

ALL PARTS ARE NEW UNLESS OTHERWISE STATED

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

Estimate Increased Total: $ Authorized by:

Repairs Performed By — Mechanic's Name & Michigan Certification Number
1. Joe Grant-M100000 3. 2. 4.

–CERTIFICATION–
ALL REPAIRS AND PARTS LISTED WERE FURNISHED IN COMPLIANCE WITH MICHIGAN AUTO REPAIR ACT (P.A. 300)
Company Authorized Representative: Joe Grant (Full Signature Required)

D

MICHIGAN REPAIR FACILITY REGISTRATION NUMBER: F100000

I HEREBY AUTHORIZE THE ABOVE REPAIR WORK TO BE DONE ALONG WITH NECESSARY MATERIALS. YOU AND YOUR EMPLOYEES MAY OPERATE ABOVE VEHICLE FOR PURPOSES OF TESTING, INSPECTION OR DELIVERY AT MY RISK.
I HAVE READ AND UNDERSTAND THE ABOVE TERMS.

AUTHORIZED BY John Doe

	GAL. GASOLINE @	
	QTS. OIL @	
	LBS. CREASE @	
	TOTAL GAS - OIL - GREASE	

	Estimated Amount		Actual Amount	
Estimated Cost of Repair Work				
Total Labor	50	00	50	00
Total Parts	240	34	240	34
Environ. Charges	----		----	
Special Repairs	----		----	
Gas, Oil, Grease	----		----	
Tires, Tubes	----		----	
Total	290	34	290	34
Tax	14	42	14	42
Less Deposit	----		----	
TOTAL AMOUNT	304	76	304	76

GLOSSARY OF TERMS

The following is an alphabetical list of terms frequently used in the Manual and their definitions. Each term relates to a Bureau of Regulatory Services operation which is relevant to motor vehicle repair facilities and mechanics. Where the language differs from the language used in a specific law, the language of the law prevails.

Act. This references the *Motor Vehicle Service and Repair Act*, Act No. 300 of the Public Acts of 1974, as amended, being section 257.1301 et seq. of the *Michigan Compiled Laws*. See Motor Vehicle Service and Repair Act (MVSRA).

Administrative Procedures Act (APA). A statute governing the practices and procedures of administrative agencies. The APA specifies the process for publishing administrative rules, establishing procedures in handling contested cases and publishing steps for judicial review of agency decisions. It is cited as Act No. 306 of the Public Acts of 1969, as amended, being section 24.201 et seq. of the *Michigan Compiled Laws*.

Administrative Rule. An agency regulation, statement, standard, policy, ruling, or instruction which implements or applies a law enforced or administered by the agency, or which prescribes the organization, procedure or practice of the agency. Administrative rules for vehicle dealers, repair facilities, and mechanics are enforced by the Bureau of Regulatory Services. They are generally found at R 257.1 et seq. of the *Michigan Administrative Code*.

Administrator. The Secretary of State or any person designated by him or her to act in his or her place. The Bureau of Regulatory Services functions as the Administrator with respect to enforcing the Act.

Advertise. To advise, announce, apprise, command, give notice of, inform, make known or publish any material which calls to the attention of the public the availability of parts and services.

Automotive Service Excellence (ASE). A voluntary vehicle mechanic testing and certification program developed and administered by the National Institute for Automotive Service Excellence. The Bureau of Regulatory Services recognizes the testing program of the National Institute for Automotive Service Excellence (ASE) as an alternate basis for Michigan certification.

Bench Work. The diagnosis, repair, rebuilding, reconditioning, machining, assembling of motor vehicle parts, components or subassemblies. Persons performing bench work at a business subject to repair facility registration must be certified in the appropriate repair categories.

Body Shop Inspections. An examination of the premises and parts inventories of facilities that engage in vehicle body work. Such inspections are required by salvage law amendments to the *Motor Vehicle Service and Repair Act* and occur at least once every four years. All unannounced inspections take place during reasonable business hours and will involve inspections of the premises and parts inventories of body shops.

Branch Testing. A person who wishes to take one or more tests for mechanic certification may register to be tested at one of several designated Secretary of State branch offices. Information on the branch offices offering mechanic testing may be obtained by contacting the Bureau of Regulatory Services' Licensing Unit at 1-888-SOS-MICH (1-888-767-6424).

Business Entity. A sole proprietorship, partnership, corporation or limited liability company. (Each term is defined in this Glossary.)

Certified Mechanic. A mechanic who has taken a motor vehicle repair examination and received a passing score which indicates competency to perform motor vehicle repairs, and who has applied for and received a certificate from the Bureau of Regulatory Services.

Contested Case. A proceeding, including a licensure matter, in which an administrative agency, such as the Bureau of Regulatory Services, makes a determination of the legal rights, duties, or privileges of a named party, such as an auto repair facility or a mechanic, after notice and an opportunity for an evidentiary hearing. The decision in a contested case, which could involve revocation of a license, may be appealed to circuit court within a limited time after notice of the agency's Final Decision and Order is mailed to the party.

Contract. A written or oral agreement, understanding, arrangement or similar circumstance in which a person agrees that another person perform work, labor, diagnosis, repair, reconditioning, replacement, adjustment or alteration, directly or indirectly, upon a motor vehicle.

Corporation. An artificial entity which is created by filing articles of incorporation with the appropriate Michigan state agency. The owners of a for-profit corporation are called shareholders. The shareholders are not personally liable for the actions or the debts of the corporation. The liability of a corporation is limited to its assets. A corporation is governed by its board of directors.

Customer. A person who inquires about, makes a request for, or purchases parts or services from a motor vehicle repair facility or one who seeks repairs or services under the terms of a warranty.

Dealer. A person engaged in the business of purchasing, selling, exchanging, brokering or dealing in vehicles of a type required to be titled or in the parts of those vehicles; a person who negotiates the purchase, sale, deal or exchange of those vehicles and who has an established place of business for those purposes in this state; a person engaged in the actual remanufacturing of engines or transmissions, or both; or a person engaged in the business of buying vehicles to sell vehicle parts or buying vehicles to process into scrap metal. "Dealer" does not include a person who buys or sells late model remanufactured vehicle engines and transmissions or who receives in exchange used engines or transmissions if the primary business of the person is the selling of new vehicle parts and the person is not engaged in any other activity that requires a dealer license (MCL 257.11).

Dealer License. Authorization from the Michigan Department of State for a person to engage in business as a dealer (MCL 257.11b).

Department. An agency of Michigan state government, meaning the Department of State.

Distressed Vehicle. A vehicle that has a major component part that has been wrecked, destroyed, damaged, stolen, or missing to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or exceeds 75% of the actual cash value of the vehicle in its predamaged condition. The estimated cost of the repair parts is determined by using the current published retail cost of original manufacturer parts plus hourly rate and time allocations which are reasonable and commonly assessed in the repair industry in the community where the repairs are performed. For purposes of this glossary, "Actual cash value" means the retail dollar value of a vehicle as determined by an objective vehicle evaluation using local market resources, such as dealers or want ads, by an independent vehicle evaluation or appraisal service or by a current issue of a nationally recognized used vehicle guide for financial institution appraisal purposes in Michigan (MCL 257.12a).

Emergency Waiver. A statement which releases the repair facility from liability resulting from the performance of major repairs in the absence of a certified mechanic. The waiver must be in duplicate with one copy given to the customer. It must read exactly as prescribed in section 5(4) of the *Motor Vehicle Service and Repair Act* (MCL 257.1305).

Estimate. A written statement itemizing as closely as possible the price for repair work, by showing both the labor price and the number of hours required to perform the work and the price of parts necessary for a specific repair.

Estimated Cost of Repair Parts. The estimated cost of repair parts is determined by using the current published retail cost for the replacement parts that will be used in a repair transaction.

Estimated Labor Costs. Estimated labor costs are computed by using hourly rates and time allocations which are reasonable and commonly assessed in the repair industry in the community where the repairs are to be performed.

Facility. A place of business operated by a business entity required to be registered under the Act, which performs services for compensation, directly or indirectly, with regard to motor vehicle repairs.

Garage Keeper's Lien. Process by which a repair facility may impose a "mortgage" or legal liability against a customer's vehicle in an attempt to collect an unpaid repair bill, if the vehicle is still in the repair facility's possession and if a violation of the *Motor Vehicle Service and Repair Act* did not occur. The repair facility must apply to the Michigan Department of State, Direct Mail Unit, to obtain a garage keeper's lien against the title of a vehicle.

Gross Annual Revenue. The total monies received by a repair facility for labor and parts sold in conjunction with motor vehicle repairs covered by the *Motor Vehicle Service and Repair Act* during a particular annual period, before expenses of any kind are subtracted.

Hazardous Waste Charges. The cost for disposing of hazardous waste materials, which is passed on to the consumer.

Immediate Need Testing. The testing process used to accommodate persons who qualify for immediate testing and certification. To qualify, a person must provide a letter from an employer or prospective employer to verify that an immediate need exists. The process provides for testing and certification to occur the same day. Immediate Need Testing is administered only in the Bureau of Regulatory Services' Lansing office.

Late Model Vehicle. A vehicle manufactured in the current model year or one of the five previous model years, if the vehicle weighs 8,000 pounds or less. For example, 2000 or newer for the 2005 model year (effective January 1 of each calendar year). Vehicles weighing more than 8,000 pounds are considered late model if manufactured in the current model year or one of 15 previous model years. For example, 1990 or newer for the 2005 model year (MCL 257.24b).

Lien. A charge, security, mortgage or encumbrance upon a motor vehicle.

Limited Liability Company. Formed for the purpose of generating profit while limiting taxes and liability. Such companies have all the powers granted to a corporation, with either members or managers directing operations.

Major Component Part Record. Used vehicle parts dealers (Class C), automotive recyclers (Class R), and foreign salvage vehicle dealers (Class H) must keep a record of all late model major component parts purchased, acquired, dismantled or sold. The record must show where the parts came from and when and where they were sold or otherwise disposed of. The record must be included in or attached to the Police Book.

Major Component Parts. This means one of the following parts of a vehicle:

(1) Engine;
(2) Transmission;
(3) Right or left front fender;
(4) Hood;
(5) Doors;
(6) Front or rear bumper;
(7) Right or left rear quarter panel;
(8) Deck lid, tailgate or hatchback;
(9) Trunk floor pan;
(10) Cargo box of a pickup;
(11) Frame, or if the vehicle has a unitized body, the supporting structures that serve as the frame;
(12) Cab of a truck;
(13) Body of a passenger vehicle (MCL 257.27a).
(14) Airbags

Major Component Part Record--Combination "C" Dealer and Body Shop. One set of part records is acceptable for a business that is both a used vehicle parts dealer and a body shop. The records must be available at the licensed address. If the "C" dealership and the body shop are at two separate locations, records must be kept at each location.

Master Automobile Mechanic. A person who is certified in all of the first eight repair categories for Automobile and Light Truck (A-H in the Mechanic Certification--Test Categories below).

Master Heavy-duty Truck Mechanic. A person who is certified in all of the first six repair categories for Heavy-duty Truck (A-F in the Mechanic Certification--Test Categories below).

Master Mechanic. See Master Automobile Mechanic, Master Heavy-duty Truck Mechanic or Master Motorcycle Mechanic.

Master Motorcycle Mechanic. A person certified in all mechanical aspects of motorcycle repair. No specialty motorcycle mechanic certificate exists.

Material Fact. A fact which is used by a person as a premise upon which a conclusion is based.

Mechanic Certification--Test Categories. The categories of major repair in which a person may be tested and certified include:

(1) For Automobile and Light Truck Repair:
- A. Engine Repair
- B. Engine Tune-up/Performance
- C. Front End, Suspension and Steering Systems
- D. Brakes and Braking Systems
- E. Automatic Transmission
- F. Manual Transmission, Front and Rear Axles
- G. Electrical Systems
- H. Heating and Air Conditioning
- I. Collision-related Mechanical Repair
- J. Unitized Body Structural Repair
- K Pre-1973 Vehicle Repair

For Heavy-duty Truck Repair:
- A. Engine Repair, Gasoline
- B. Engine Repair, Diesel
- C. Drive Trains
- D. Brakes and Braking Systems
- E. Suspension and Steering Systems
- F. Electrical Systems
- G. Collision-related Mechanical Repair

(3) For Other On-road Vehicles:
   A. Motorcycle Repair
   B. Recreational Trailer Repair

Mechanic Certification--Testing. Examinations for determining competency in the categories of major repairs. Testing is available at selected Secretary of State branch offices throughout the state. A list of the offices that offer mechanic testing can be obtained by contacting either the Licensing Unit or the Program Operations Division.

See also Special Need Testing and Immediate Need Testing.

Mechanic Certification Renewal. A process for renewal of a mechanic certificate (see Chapter 7 for details).

Mechanic Recertification. The process used to establish continuing mechanic competency (see Chapter 7 for details).

Mechanic Trainee. A person who desires to become a motor vehicle specialty mechanic or master mechanic and receives a permit from the Administrator (see Chapter 7 for information about trainee permits).

Mechanic Trainee Permit. Written consent issued by the Michigan Department of State for a person desiring to be a motor vehicle mechanic to obtain up to two years of on-the-job experience in the major repair categories listed on the permit. The trainee must work under the supervision of a mechanic certified in the categories listed on the permit (see Chapter 7 for details).

Misrepresentation. A statement made, or other act done, which deceives or misleads. Remaining silent when there is a duty to speak may amount to a misrepresentation.

Mobile Repair Facility. A repair facility which typically operates out of a vehicle, such as a truck, and which travels to the vehicle needing repair.

Motor Vehicle. A vehicle which is self-propelled or propelled by electric power, a motorcycle or a trailer as defined in the *Michigan Vehicle Code*, Act No. 300 of the Public Acts of 1949, as amended, being section 257.1 et seq. of the Michigan Compiled Laws. A motor vehicle does not include the dwelling or sleeping portions of a motor home, trailer or any recreational vehicle having similar facilities which are not directly connected with the drive mechanism of the vehicle or other areas of repair which would require certification of motor vehicle mechanics as specified in section 33 of the *Michigan Vehicle Code* (MCL 257.33).

Motor Vehicle Mechanic. A technician, individual or other person who, for compensation, repairs motor vehicles, including activities such as the reconditioning, replacement, adjustment, or alteration of the operating condition of any component or subassembly of a motor vehicle.

Motor Vehicle Parts Inventory Act--Public Act 119 of 1986. A law enacted by the Michigan legislature which affects any business buying or receiving used motor vehicle parts from persons who are not licensed dealers (MCL 257.1351 et seq.).

Motor Vehicle Repair Facility. A place of business which engages in the business of performing or employing persons who perform maintenance, diagnosis, vehicle body work or repair service on a motor vehicle for compensation, but excluding all of the following:

(1) A person who engages only in the business of repairing motor vehicles of a single commercial or industrial establishment or governmental agency;
(2) A person repairing his or her own or a family member's vehicle;
(3) A business that does not diagnose the operation of a motor vehicle, does not remove parts from a motor vehicle to be remachined and does not install finished machined or remachined parts on a motor vehicle, not including a motor vehicle repair facility that engages in the business of performing or employing persons who perform vehicle body work.

Motor Vehicle Service and Repair Act (MVSRA or the Act). A law enacted by the Michigan legislature to regulate the motor vehicle repair industry in Michigan, including registration of motor vehicle repair facilities and the testing and certification of mechanics performing major repairs. Also see Act.

NIASE. See Automotive Service Excellence.

Notice of Noncompliance (NNC). A form of communication or "ticket" used by a Bureau of Regulatory Services investigator to notify the licensee of an alleged violation of the *Motor Vehicle Service and Repair Act*, the *Michigan Vehicle Code*, or an Administrative Rule. The allegation is based on evidence gathered during the investigation.

Partnership. A Michigan business which is owned by two or more persons, usually with a written partnership agreement. Each partner is responsible for the acts of the other partners, and each partner is an agent of the other partners. Michigan partnerships are governed by a statute setting forth the rights and duties of the partners.

Person. A natural person, as well as a corporation, trust, partnership, incorporated or unincorporated association or other legal entity, including a motor vehicle repair facility.

Police Book. A hardcover, bound volume, record keeping device in which a dealer and/or repair facility keeps pertinent information about vehicles bought and sold. It includes information required by law or by the Michigan Department of State (MCL 257.41a).

Power of Attorney. The authorization for another to act as a person's agent or attorney. A person having power of attorney may sign a dealer license application or renewal, a repair facility registration application or renewal, or other document. A copy of the power of attorney appointment must be attached to the document.

Reassembly Charge. The charge or cost for work performed which is necessary to reconstruct a motor vehicle. Michigan law stipulates this must be a reasonable charge.

Renewal. The process required by state law to continue operation as a registered repair facility or a certified mechanic. This is accomplished through administrative procedures under the direction of the Bureau of Regulatory Services.

Repair. The reconditioning, adjustment, alteration, maintenance or diagnosis of the operating condition of a motor vehicle, with or without the replacement of any component or subassembly of a motor vehicle, for compensation or under the terms of a warranty.

Replacement--Mechanic Certificate or Mechanic Trainee Permit. An administrative process established by the Bureau of Regulatory Services to replace a motor vehicle mechanic certificate or trainee permit which is lost or destroyed.

Replacement--Repair Facility Registration. An administrative process established by the Bureau of Regulatory Services to replace a repair facility registration which is lost or destroyed.

Representation. A statement made by a facility to a customer in regard to some past, present or future fact, circumstance or set of facts pertinent to the contract.

Salvageable Part. A serviceable major component part from a late model vehicle.

Shop Supplies. Materials, rags, cleaning fluids or lubricants used in the performance of motor vehicle repairs.

Small Claims Court. A division of the District Court which allows persons to seek recovery for damages in amounts up to $3,000. Cases are heard before a judge or magistrate, and the plaintiff and defendant argue their own cases without attorneys. Small Claims Court is sometimes suggested to complainants whose cases are not within the Bureau of Regulatory Services' jurisdiction or to complainants who are not satisfied with the outcome of the bureau's investigation.

Sole Proprietorship. A Michigan business which is owned and operated by one individual. If the business is responsible for an action, then so is the sole proprietor.

Special Need Testing. The testing process used to accommodate persons with reading or language restrictions.

Specialty Mechanic. A motor vehicle mechanic who is certified by the Michigan Department of State for one or more specific repair categories.

Storage Charges. The cost a repair facility may charge a customer for storage when the customer leaves a vehicle at a repair facility and does not reclaim it after notice to remove it. Storage charges may include costs incurred when there are delays in repairs caused by lack of parts provided the customer has been informed of the expected delay and has consented to the daily storage charge.

Towing and Road Service. Services performed on the road to start, pull or haul a motor vehicle. These charges are not applicable under the *Motor Vehicle Service and Repair Act* unless the charges are for repairs and other work performed beyond the initial towing or road service.

Used Vehicle Parts Act--Public Act 119 of 1986. A law enacted by the Michigan legislature to regulate the business of buying or receiving used motor vehicle parts (MCL 257.1351 et seq.).

Vehicle Body Work. The business or activity of repairing physical damage to a motor vehicle by repairing, mending, straightening or replacing a major component part, except for the engine or transmission.

Waiver of Written Estimate. An act by the customer to abandon or reject his or her right to a written estimate for vehicle repairs. The waiver must be in writing and signed by the customer. It is not effective unless it is voluntarily given by the customer and is printed in the type size and wording prescribed in Appendix B.

Warranty. A guarantee given by a motor vehicle repair facility, in writing or by implication, of the merchantability, the integrity of the subject of a contract or of the maker's responsibility for the replacement or repair of defective parts or services, or both, assuring performance, product or conditions as promised or declared. A repair facility does not have to guarantee its repairs. If it does, the warranty must be in writing and must disclose the scope of the warranty, including any limitations or disclaimers that may exist.

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