

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 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 the Business Licensing & Regulation Division 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

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 Facilities & 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:

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.