

The B.A.R. News

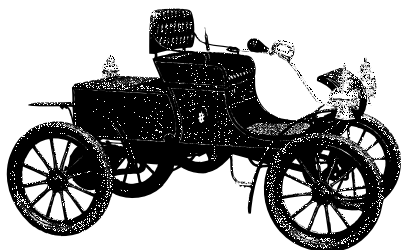
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*Candice S. Miller,
Secretary of State*

In this issue

Frequently Asked Questions	Page 2
Going out of business	Page 2
Mechanic certification	Page 2
Mechanic testing	Page 3
VIN plates	Page 3
Repair facility licensing	Page 3
Disciplinary actions	Page 4
Written estimates	Page 5
Retrofitting air conditioners	Page 5
FOIA requests	Page 5
Water pump weep	Page 6
Test impropriety	Page 6



AG Opinion: Nonstandard customization work subject to Motor Vehicle Service and Repair Act

The opinion of the Attorney General is that the Motor Vehicle Service and Repair Act requires a motor vehicle repair facility registered under the act to provide a customer with a written estimate of the cost of labor and parts before the facility provides nonstandard customization work such as removing or installing one-of-a-kind parts, unless the customer provides a written waiver of estimate.

The Motor Vehicle Service and Repair Act, which regulates the repairing and servicing of motor vehicles, was enacted to protect consumers from incompetent repairs and service. The act defines "motor vehicle repair facility" and clearly states businesses that "remove parts from a motor vehicle to be remachined" or "install finished machined or remachined parts on a motor vehicle" are subject to the act.

The definition also provides for certain exclusions. Nothing in this definition section, however, or in any other section of the act, excludes activities involving nonstandard customization work on motor vehicles such as removing or installing one-of-a-kind parts.

The act clearly provides that "prior to the commencement of work" a motor vehicle repair facility must furnish the customer with a written estimate, itemizing as closely as possible the price for labor and parts necessary for a specific job. It also states that a customer may provide a written waiver of the written estimate of the cost of labor and parts.

A copy of this opinion is available on the Attorney General's web site:

www.ag.state.mi.us/opinion/datafiles/2000s/op10157.htm



Removing gasket material: Do not use power tools

Contrary to what tool companies advise, no power tool is acceptable for removing gasket material from automotive parts. Both General Motors (00-06-01-012) and Ford Motor Company (93-23-14) have issued service bulletins regarding the use of sanding disks, sometimes called surface prep disks, to remove gasket material.

The bulletins state that the practice leaves abrasive grit inside engines, which causes the premature failure of the engine. These disks can also damage parts from which the gaskets are being removed.

It is easy to remove metal from the parts, especially aluminum or plastic parts. The General Motors bulletin states, "It takes about 15 seconds to remove 0.203 mm (0.008 inches) of metal with an abrasive pad."

The Bureau of Automotive Regulation has found instances of failed engines from the use of these devices. When a mechanic performs a repair that results in damage to the consumer's vehicle, the facility is usually held responsible for corrective repairs.



Frequently Asked Questions

Q. What certification is needed to replace an air bag, or SIR (Supplemental Inflatable Restraint)?

- A. Electrical systems or collision-related mechanical repair (if the vehicle was involved in an accident).

Q. I've heard that there is a form that must be completed before an air bag on-off switch can be installed on some motor vehicles equipped with air bags. Where do I get this form?

- A. Approval must be obtained from the National Highway Traffic Safety Administration (NHTSA). For more details and to obtain an approval request form, telephone the NHTSA Hotline at (800) 424-9393 or visit NHTSA's web site at: www.nhtsa.dot.gov/airbags/

Q. My repair facility may replace an air bag in a vehicle. Do I need to keep a special record for the purchase of the air bag?

- A. On May 15, 1997, Governor Engler signed into law Public Act 9 of 1997, which amends the Motor Vehicle Service and Repair Act. The amendment applies to the purchase, acquisition, or sale of used or reconditioned air bags. 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. The record must contain:

- i The date the air bag was purchased or acquired.
- i A description of each air bag.
- i The identification number assigned to each air bag.
- i The name and address of the person from whom the air bag was purchased or acquired.
- i The name and address of the person to whom the air bag was sold.

The record must be maintained in a police book or ledger-type format with a single line entry for each air bag. Pages must be numbered consecutively. The record must be available for inspection by Department of State personnel and other law enforcement officials and must be kept for five years.

Note: If you currently maintain a late model major component part record, the information required by Public Act 9 may be recorded in the same ledger. If the air bag is **new**, no special record keeping is required other than retaining the purchase receipt.



Going out of business? Notify BAR

Many repair facility owners believe if they don't renew their repair facility registration, BAR will assume they have gone out of business. However, that is not the case. The Bureau of Automotive Regulation aggressively pursues unrenewed facilities. Failure to notify BAR may result in numerous contacts by mail, telephone, and possible action through the Michigan Attorney General's Office. If the action includes the issuance of a subpoena, the repair facility may also be charged administrative costs.

Please notify BAR in writing if your facility goes out of business. The address is: Michigan Department of State, Bureau of Automotive Regulation, Licensing Section, Lansing, MI 48918-1210. The Licensing Section's e-mail address is licensing@michigan.gov, and the fax number is (517) 335-2810.



Proof of certification recommended

Before hiring a mechanic, a repair facility owner should require the applicant to provide proof of his/her State of Michigan mechanic certification. **The Motor Vehicle Service and Repair Act (MCL 257.1305)** requires repair facilities to employ persons properly certified for the repair specialties being performed by the facility.

Some confusion remains concerning individuals who have passed tests administered by the National Institute for Automotive Service Excellence (ASE). In Michigan, ASE certification does not exempt a mechanic from State of Michigan mechanic certification requirements. A person who has passed a test administered by ASE may be eligible for Michigan certification. Contact BAR's Licensing Section to determine appropriate paperwork and fees required to obtain Michigan certification.

During the investigation of a consumer complaint, repairs performed by uncertified or unrenewed mechanics may result in a violation being issued to the repair facility. Mechanics may also be issued violation notices on their mechanic records where violations of the Motor Vehicle Service and Repair Act are found.

Questions concerning mechanic certification can be directed to BAR's Licensing Section at (517) 373-9460. This telephone number may also be used to inquire about the status of a mechanic certificate.

Mechanic testing: Score or no-score?

Nearly 18,000 mechanic exams are administered through selected Secretary of State branch offices each year. Of those tests, hundreds of mechanics receive “warning” or “no-score” letters from BAR indicating that their exams cannot be scored. Why? In most cases, the primary reason is **failure to follow testing instructions**; more specifically, failure to provide complete and legible information on both the test registration form and the answer sheet. If you think you have incorrectly completed the forms, have the branch office personnel check your registration form and answer sheet(s). Ultimately, the individuals taking tests are responsible for their registration forms and answer sheets.

Do not penalize yourself by failing to follow testing instructions. If test materials are completed improperly, a warning letter will be sent notifying you of the error. You will be instructed to revisit the branch office to retake the test at no fee.

A second instance will result in a no-score letter. A refund will not be provided and you will have to retest at the normal fee of \$6 per exam.

Remember to:

- i Include your address and Social Security number on both forms
- i Enter the 2-digit TEST CODE number onto the answer sheet
- i Blacken (fill in the “bubbles”) each letter or numbered space
- i Legibly complete all required information

Quick Quiz: Should you substitute VIN plates?

Situation: A body shop must replace the front end of a crash-damaged vehicle. When the new front end is installed, the mechanic removes the vehicle identification number (VIN) plate from the damaged part and rivets it onto the new front end.

Situation: A body shop replaces the cab of a pickup truck with a used cab from another vehicle. The mechanic removes the VIN plate from the replacement cab and replaces it with the VIN plate taken from the original damaged cab so all the serial numbers on the vehicle will match.

Question: Did either of these repair shops do anything wrong?

Answer: Yes. In each case the business violated the law and exposed itself and its customers to possible arrest and prosecution. State law requires that, when a cab is replaced on a pickup, the vehicle must be titled as an assembled vehicle. State law also prohibits anyone from detaching or reattaching VIN plates on motor vehicles and motor vehicle parts.

If a police officer stops a vehicle for any reason and spots a VIN plate that appears to have been taken from another vehicle, the officer will suspect auto theft. In some cases, drivers have been arrested and jailed and their vehicles have been impounded until the matter has been cleared up.

A good rule of thumb for all repair shops to remember is **leave VIN plates alone**. Do not remove them from used or damaged parts. Do not attach them to parts on which they do not belong.

If there is a concern about missing or non-matching VIN plates, have your customer contact a **local Secretary of State branch office** for information on obtaining proper replacement VIN plates. 🌿

Highlights from repair@michigan.gov

Question: “I purchased a gas station with a repair area. I want to rent the facility to a mechanic. Do I or does the mechanic have to license the facility? How are the fees determined?”

Answer: If the repair facility is going to be operated by the mechanic who will be renting the repair area of the gas station, then the mechanic must register as a motor vehicle repair facility.

If you are going to be the owner of the repair business and not just the gas station, and the mechanic will be your employee, then you will have to register as a motor vehicle repair facility.

The gross annual revenue generated from repairs of motor

vehicles determines the fee. It does not include any gasoline or sundry sales. 🌿

Share your questions with *The B.A.R. News* readers. Submit your questions in writing or by e-mail. Please include your name, address, and telephone number if you would like a response prior to the next edition of *The B.A.R. News*. Send to: Michigan Department of State, Bureau of Automotive Regulation, *The B.A.R. News*, Lansing, MI 48918-1200, or e-mail: repair@michigan.gov

Please share this newsletter with your employees.

Repair Program Section disciplinary actions

Since the last issue of *The B.A.R. News*, the bureau has taken disciplinary actions resulting in four repair facilities entering into probation agreements, two repair facility licenses being suspended, two mechanics entering into probation agreements, and seven mechanic licenses being suspended.

Repair Shop Actions

The following repair facilities, charged with violations of the law, were assessed penalties as noted:

C A R Transmissions, Inc. d/b/a Cottman Transmission (F146117), 2849 E. Grand River, Howell, 24-month probation, \$1,150 penalty. **Charges:** asserted, claimed, or imposed an illegal lien; made written or orally an untrue or misleading statement of a material fact.

D & S Auto Center, Inc. (F134462), 4320 Columbiaville Rd., Columbiaville, 24-month probation, \$1,449 penalty, \$1,200 restitution to consumer. **Charges:** failed to allow inspection of records during posted business hours, failed to reveal a material fact.

M & J Auto Repair, Inc. (F149746), 18674 Conant, Detroit, 24-month probation, \$405 penalty. **Charges:** made written or orally an untrue or misleading statement of a material fact, performed repairs without properly certified mechanic (four counts), failed to reveal a material fact (four counts).

McGee's Collision (F141913), G-6142 N. Saginaw St., Mt. Morris, 24-month probation, \$1,170 penalty. **Charges:** failed to have a major

component part record, performed repairs without properly certified mechanic (two counts).

Car Tune (F149112), 450 E. Prospect, Jackson, suspension of license until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

Engine Specialty (F152675), 1102 E. South St., Jackson, suspension of license until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

During the same period, 33 repair facilities signed Assurances of Discontinuance.

Mechanic Actions

The following mechanics, charged with violations of the law, were assessed penalties as noted:

Carl G. Mier (M156004), 1981 Hayes Tower Rd., Gaylord, 24-month probation, \$325 penalty. **Charges:** performed or inspected and approved repair service without proper mechanic certification, made written or orally an untrue or misleading statement of a material fact.

Gene W. Owings (M219546), 2844 10th St., Shelbyville, 24-month probation, \$225 penalty. **Charges:** falsely represented that repairs were necessary.

Michael L. Eckler (M103380), 2050 Lennington Dr., Flint, suspension of mechanic certificate until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

Dalton S. Elliott (T235283), 1515 N. Park St., Kalamazoo, suspension of mechanic trainee permit until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

Richard L. Griffus, Jr. (T212886), 7001 Jordan Rd., Jackson, suspension of mechanic trainee permit until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

Harvey L. Hester, Jr. (T235838), 4014 Heathgate, Lansing, suspension of mechanic trainee permit until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

Kirk A. Holm (M160177), 252 Griswold, Jackson, suspension of mechanic certificate until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

Chad E. Lindsay (M223828), 620 Adams, Jackson, suspension of mechanic certificate until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

Tharon T. Stiles (T232213), 1410 Lansing Ave., Jackson, suspension of mechanic trainee permit until Rescission Order received from court. **Charges:** non-compliance with the Support and Parenting Time Enforcement Act.

During the same period, 24 mechanics signed Assurances of Discontinuance.

Written estimates must include details

Facility owners and mechanics frequently ask how much detail is necessary when giving a written estimate involving tear down and diagnosis. A repair facility must give the customer a written estimate for the cost to tear down and diagnose the repair problem, **and** the price for reassembly should the customer decline to have the repair done.

For example, an estimate is given for \$380 to disassemble a transmission and diagnose an internal problem. This estimate must also include the amount to reassemble the transmission should the customer decline the repairs.

A facility must also include the amount for any shop supplies and environmental charges on the written estimate before the repairs begin. These charges should never show up "by surprise" on the customer's final bill, even if it is less than \$10 or 10 percent of the original estimate.

Some estimate forms have a printed note which sets a certain percentage for shop supplies. Even if such a note is present, the price quote on the written estimate must include the actual dollar amount that will be charged for shop supplies and environmental charges.

Retrofitting air conditioning refrigerants

Replacing R-12 refrigerant with a substitute is becoming more common, even though the supply of R-12 has not been exhausted. The main reason appears to be the high cost of R-12. Most other refrigerants can be purchased for a much lower price. This has caused some confusion regarding which refrigerants can be legally substituted for R-12 and what procedures must be followed. The Federal Environmental Protection Agency's web site, www.epa.gov/ozone/title6/snap/macssubs.html, provides information on:

- **Unique Fittings.** Each refrigerant must use unique fittings to prevent contamination of the refrigerant with other refrigerants. All fittings on the system must be changed to the type of fittings established for use with the replacement refrigerant. Any fittings not changed must be permanently disabled.
- **Labels.** Any time the refrigerant type is changed, a label must be installed on the system. The label must be the unique color established for the specific replacement refrigerant. The label must list the name of the mechanic, the name and address of the installing facility, the date of the retrofit, the type and amount of refrigerant charge, the type and amount of lubricant, and if the new refrigerant contains an ozone-depleting substance, the phrase "ozone depleter." The label must completely cover the information on the original equipment label.
- **Removal.** All of the old refrigerant must be recovered before the new refrigerant can be installed.
- **Hoses.** Some refrigerants contain components that may seep through the original hoses. These refrigerants require replacement of the system hoses with "barrier" type hoses.
- **Switches.** Some original systems have pressure relief valves that release refrigerant to the atmosphere when excessively high system pressures occur. These systems will require installation of a high-pressure compressor shutoff switch to prevent release of refrigerant to the atmosphere.
- **Recovery Equipment.** Each refrigerant must use a dedicated recovery machine to charge and recover the new type of refrigerant.

These conditions are the minimum required to comply with federal regulations. Some systems may require replacement of additional components to maintain the original level of cooling performance. The requirement to have a dedicated recovery machine for each refrigerant will limit the number of refrigerants that are practical for each repair facility. No flammable refrigerants have been approved for use in motor vehicles.



FOIA requests can be mailed, faxed

Copies of documents in BAR's records are available to the public under the Freedom of Information Act (FOIA), Public Act No. 442 of 1976, as amended. Repair facilities and mechanics may submit a request in writing, by fax, or by telephone to BAR. There is a charge for all records copied and provided. When the request is processed, the charge will be computed and billed by mail or fax.

A copy of the FOIA request form can be downloaded from BAR's web site at: www.sos.state.mi.us/bar/consumer/foia.html, and mailed to BAR. The address is on the form. Forms can also be faxed to (517) 373-0964.

Requests may also be made in person at BAR's office in Lansing. Telephone the Records Clerk at (517) 373-9062 to make an appointment. Office hours are Monday through Friday, 8 a.m. to 5 p.m., but please arrive early enough to allow time for processing before closing.



Water pump weep may be normal

Many coolant pumps may show a staining around the weep hole. This staining may be the evidence of normal coolant weepage. The weep hole permits the seal to breathe, allowing for expansion and contraction of the fluid and air around the outside of the seal assembly.

This area of the pump housing provides a drain path to keep the bearing assembly seal dry. The weep hole also allows vapor to clear from the area to prevent crystalline formation. The seal face load springs control a balance of the hydrodynamic film required to lubricate the seal.

As the pump stops turning, the spring squeezes most of the coolant from between the faces. This is known as weepage and is normal for automotive seals. It is normal for a drop or two of coolant to appear at the weep hole.

It is not necessary to replace the coolant pump for weepage if you are working on the front of the engine and you notice a drop or a stain.

The best tip is to be sure your diagnosis and repair are driven by the customer's concern. Follow Service Manual diagnostics. If the customer is actually seeing drops of coolant on the driveway, and you suspect the coolant pump, confirm your diagnosis with a pressure test of the coolant system and replace the pump if necessary.

Source:

GM TSB 00-06-02-009

Models:

1996-1998 Buick Skylark

1996-2001 Chevrolet Cavalier

1997-1999 Chevrolet Malibu

1996-1998 Oldsmobile Achieva

1999-2001 Oldsmobile Alero

1996-2001 Pontiac Grand Am, Sunfire

1996-2001 Toyota Cavalier

* With 2.4 L Engine (VIN T- -RPO LD9)

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Finally, any time the coolant pump is serviced, or any other service is performed that requires removing the timing chain on the 2.4 L engine; it is critical that the chain tensioner reset procedure is followed correctly. Use the Service Manual procedure to release the timing chain tensioner. If the timing chain tensioner plunger is not released from the installation position, engine damage will occur when the engine is started.

Mechanic test impropriety

6

Mechanic test impropriety (or cheating) is defined as any activity, behavior, or procedure an applicant employs that would enable him/her to pass an examination by dishonest, fraudulent, or deceitful means. Doing so will result in a six-month suspension from all testing and may result in denial or suspension of a mechanic certificate.

Absolutely no copying of examination items is permitted. Anyone found removing or attempting to remove test materials or notes from the examination room may be denied licensure. Any applicant who is suspected of cheating may be removed from the examination room by the test monitor.

Any applicant giving or receiving assistance, who is found with unauthorized materials, or who violates test security will be asked to surrender all examination materials and to leave the test center. Exam fees will not be refunded.

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