

Miami-Dade County Code
Chapter 8A
Article VIIA Motor Vehicle Repair Ordinance

Sec. 8A-161.1. Definitions.

(a) Advertise shall mean to advise, announce, apprise, command, give notice of, inform, make known, or publish any material which calls to the attention of the public availability of motor vehicle products offered for sale by motor vehicle repair shops or repair work.

(b) Article shall mean Article VIIA of the Code of Miami-Dade County, Florida, and any rules, regulations, and standards promulgated pursuant to this article.

(b-1) ASE shall mean the certification examinations designed and administered by the National Institute for Automotive Service Excellence.

(c) Automobile and light truck shall mean a motor vehicle which has a gross vehicle weight of less than ten thousand (10,000) pounds.

(d) Certification or certificate shall mean the authorization by the Director required by this article for repair work to be performed by a master mechanic, specialty mechanic, motor vehicle body repair technician, or motor vehicle paint technician.

(e) Collision, structural repair and paint facility shall mean a motor vehicle repair shop which rebuilds, repairs, restores or alters motor vehicles by mending, straightening, replacing, adding or customizing parts or portions of the body of a motor vehicle or performing structural repair work on a motor vehicle, including all repair work which may be performed by a structural repair facility and a cosmetic and paint repair facility pursuant to this article.

(f) Commission shall mean the Board of County Commissioners of Miami-Dade County, Florida.

(g) Charge shall mean money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification or satisfaction.

(h) Contract shall mean a written or oral agreement, understanding, arrangement or similar circumstances whereby a person agrees that another person shall perform repair work, including, but not limited to, labor, diagnosis, repair, reconditioning, replacement, adjustment, or alteration, directly or indirectly, upon a motor vehicle.

(i) Cosmetic and paint repair facility shall mean a motor vehicle repair shop which paints or repaints motor vehicles which are owned by other persons and which does not perform repair work such as replacement of any body panels, bumpers or repair of any structural damage of motor vehicles.

(j) Customer shall mean a person who inquires about, makes a request for, or purchases motor vehicle products or repair work from a motor vehicle repair shop or a person who seeks repair work

or motor vehicle products under the terms of a warranty issued by a motor vehicle repair shop. This term shall include "customer" as defined by Section 559.903(1), Florida Statutes, as amended from time to time, and includes the owner, the agent or authorized representative of the owner of the motor vehicle or a person in lawful possession of the motor vehicle.

(k) Director shall mean the County Manager or his designee. This definition shall apply to Section 8A-82.1 of the Code of Miami-Dade County, Florida, when utilizing the provisions of this article.

(l) Heavy-duty truck shall mean a motor vehicle which has a gross vehicle weight of ten thousand (10,000) pounds or more and includes both single unit and combination tractor trailer or tractor semitrailer vehicles.

(m) Lien shall mean a charge, security, or encumbrance upon a motor vehicle, including when the law itself, without the stipulation of the parties, raises an implication or legal consequence from the relationship of the parties or the circumstances of their dealings.

(n) Master mechanic shall mean a motor vehicle mechanic or specialty mechanic who has obtained a certificate from the Director in all of the specific motor vehicle mechanic repair work categories pursuant to this article. This term shall also include a master heavy-duty truck mechanic.

(o) Material fact shall mean a fact which is used by a person as a premise upon which a conclusion is based.

(p) Mechanic apprentice shall mean a person who desires to learn through on-the-job training to become a specialty mechanic or a master mechanic and has obtained a permit from the Director pursuant to this article.

(q) Minor repair services shall mean the replacement or installation of motor vehicle light bulbs, tires, lamp globes, air filters, oil filters, windshield wiper blades, minor or ornamental accessories, or motor vehicle lubrications or oil changes. This term shall also include the replacement, adjustment, repair, or servicing of the following motor vehicle parts and assemblies:

- (1) Air cleaner element.
- (2) Brake pedal pads.
- (3) Carburetor air cleaner.
- (4) Clutch pedal pads.
- (5) Trunk latch.
- (6) Wheel covers or hubcaps.
- (7) Wheels or tire mounting, except alignment.
- (8) Windshield washer hose.
- (9) Windshield washer tank.

(r) Motor vehicle shall mean:

(1) Motor vehicle, as defined by Section 559.903(6), Florida Statutes, as same may be amended from time to time.

(s) Motor vehicle body repair facility shall mean a motor vehicle repair shop which rebuilds, repairs or restores physically-damaged motor vehicles by mending, straightening, or replacing a portion or portions of the body of a motor vehicle or performing structural repairs on a motor vehicle.

(t) Motor vehicle body repair technician or body technician shall mean any person who repairs, rebuilds, or restores the bodies of motor vehicles owned by other persons and has obtained a certificate pursuant to this article.

(u) Motor vehicle mechanic shall mean a person who performs mechanical repair work on motor vehicles, including the reconditioning, replacement, adjustment, or alteration of the operating condition, including any component or subassembly of a motor vehicle. Motor vehicle mechanics shall be limited to those persons who have received a permit or certification from the Director.

(v) Motor vehicle mechanical repair facility shall mean a motor vehicle repair shop which performs any type of repair work other than the kinds of repair work performed by: a motor vehicle body repair facility; motor vehicle painting facility; collision, structural repair and paint facility; or cosmetic and paint facility.

(w) Motor vehicle paint technician or paint technician shall mean any person who paints, repaints, or refinishes motor vehicles owned by other persons and has obtained a certificate pursuant to this article.

(x) Motor vehicle painting facility shall mean a motor vehicle repair shop which paints, repaints, or refinishes motor vehicles.

(y) Motor vehicle products shall mean any goods sold or offered for sale by a motor vehicle repair shop in conjunction with the provision of repair work.

(z) Motor vehicle repair shop shall mean any person advertising, offering to perform or performing repair work on motor vehicles owned by other persons and includes, but is not limited to, new car dealers and used car dealers, garages, service-stations, self-employed individuals, truck stops, paint and body shops, brake, muffler or transmission shops and shops doing upholstery or glass work, as well as employees of any of the foregoing who perform repair work, but excluding the following:

(i) A person performing repair work on the motor vehicles of a single commercial or industrial establishment or governmental agency.

(ii) A person performing repair work on his own or the person's family member's car.

(aa) Paint/body apprentice shall mean a person who desires to learn through on-the-job training to become a motor vehicle body repair technician or a motor vehicle

paint technician, as the case may be, and has obtained a permit from the Director pursuant to this article.

(bb) Permit shall mean the authorization by the Director required by this article for a person to learn through on-the-job training to become a specialty mechanic, master mechanic, motor vehicle body repair technician or a motor vehicle paint technician.

(cc) Person shall mean an individual, partnership, joint venture, association, corporation, trustee or any other legal entity.

(dd) Registration shall mean the authorization by the Director required by this article for the operation of a motor vehicle repair shop in Miami-Dade County, Florida.

(ee) Repair work shall mean 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. This term shall include "repair work" as defined by Section 559.903(9), Florida Statutes, as amended from time to time. This term shall also include the provision of motor vehicle products.

(ff) Representation shall mean a statement made by a motor vehicle repair shop or by any officer, agent, servant, or employee thereof to a customer with respect to some past, present, or future fact, circumstance, or set of facts pertinent to the contract with the customer.

(gg) Specialty mechanic shall mean a motor vehicle mechanic who has obtained a certificate from the Director for a specific motor vehicle mechanic repair work category pursuant to this article. This term shall also include a specialty heavy-duty truck mechanic.

(hh) Structural repair facility shall mean a motor vehicle repair shop which performs structural restoration repair work on motor vehicles owned by other persons, both frame or unibody construction, including suspension and alignment.

(ii) Warranty shall mean an express or implied guarantee provided by a motor vehicle repair shop to a customer with respect to the merchantability, the integrity of the subject of a contract or of the motor vehicle repair shop's responsibility for the replacement or repair of defective motor vehicle products or repair work, or both, assuring performance, product, or conditions as promised or declared.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 93-142, § 1, 12-14-93; Ord. No. 95-136, § 1, 7-25-95; Ord. No. 95-137, § 5, 7-25-95; Ord. No. 97-69, § 2, 6-3-97; Ord. No. 97-70, § 1, 6-3-97; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.2. Intent and application.

It is the intent of this article to seek to secure the satisfaction and confidence of customers and members of the public in obtaining repair work by regulating motor vehicle repair shops and repair

work. This article shall be effective in the incorporated and unincorporated areas of Miami-Dade County and shall be liberally construed to effectuate the purposes set forth herein. This article shall be known and cited as the "Motor Vehicle Repair Ordinance."

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.3. Exemptions; conflict.

(a) Unless the means of doing or engaging in a motor vehicle repair business, including the operation of a motor vehicle repair shop, is adopted for the purposes of evading or avoiding the provisions of this article, and except as otherwise provided in this article, this article shall not apply to gasoline stations exclusively engaged in the business of selling motor vehicle fuels and lubricants. Any person providing minor repair services is hereby deemed to be a motor vehicle repair shop and is subject to this article except that those employees of such a motor vehicle repair shop performing only minor repair services shall not be required to obtain a certificate pursuant to this article.

(b) Unless the act or practice of repairing, servicing or reconditioning of a motor vehicle or engaging in the activity of a master or specialty mechanic or a paint/body technician is adopted for the purposes of evading or avoiding the provisions of this article, this article shall not apply to a person who:

- (1) Performs repair work upon, replaces, reconditions, adjusts, analyzes, diagnoses, or alters the operating condition of his or her own or at the person's immediate family member's motor vehicle and for which there is evidence of ownership of such motor vehicle available to the Director for inspection upon the request of the Director.
- (2) Is a master or specialty mechanic, a motor vehicle mechanic, a paint/body apprentice, a mechanic apprentice, a motor vehicle body repair technician or a motor vehicle paint technician who is in the full-time employ of an automotive manufacturer and is engaged solely in that capacity for repair work on motor vehicles owned by or being produced by the automotive manufacturer.
- (3) Performs repair work exclusively for a single commercial, industrial, or governmental establishment, or two (2) or more establishments related by common ownership or corporate affiliation.
- (4) Performs work on a door lock cylinder, glove compartment lock cylinder or trunk lock cylinder of a motor vehicle for the purpose of gaining access to the motor vehicle unless the work involves the separate removal of any component or any component part of a system that serves solely as a passive restraint.
- (5) Performs work on a motor vehicle for the purpose of removing, re-keying, rebuilding, or repairing a door lock cylinder, glove compartment lock cylinder, or trunk lock cylinder

unless the work involves the separate removal of any component or any component part of a system that serves solely as a passive restraint.

(6) Performs work on a motor vehicle for the purpose of removing re-keying, rebuilding or repairing an ignition lock cylinder unless the work involves the separate removal of any component or any component part of a system that serves solely as a passive restraint, or involves the dismantling of any portion of the steering column beyond or below the ignition lock cylinder.

(7) Performs work on any lock cylinder which is part of a steering column or other component of a motor vehicle if the component containing the lock cylinder is removed from the motor vehicle for the purpose of removing, re-keying, rebuilding or repairing the lock cylinder and if the component containing the lock cylinder is removed from the motor vehicle by any person who has obtained the appropriate registration and certification pursuant to this article or by any person set forth in (b)(1), (2), or (3) above.

(c) The provisions of this article shall be deemed supplemental to all county and municipal ordinances. In the event of a conflict between any of the provisions of this article and any provision of any county or municipal ordinance, the provision which establishes the most stringent standard shall prevail.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 94-188, § 1, 10-7-94)

Sec. 8A-161.4. Registration required.

Unless otherwise exempt pursuant to the provisions of this article, no person shall operate a motor vehicle repair shop, including, but not limited to, motor vehicle mechanical repair facility, motor vehicle body repair facility or motor vehicle painting facility, or perform repair work, unless the person has obtained a registration from the Director pursuant to the provisions of this article. Each such person shall be required to obtain a registration as provided herein during the period commencing May 24, 1993 and ending on August 23, 1993. Thereafter, all such persons shall obtain a registration from the Director pursuant to the provisions of this article prior to operating a motor vehicle repair shop including, but not limited to, any motor vehicle mechanical repair facility, motor vehicle body repair facility or motor vehicle painting facility or prior to performing repair work.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 92-119, § 1, 10-13-92)

Sec. 8A-161.5. Application for registration.

(a) Each application for registration, renewal registration, and duplicate registration shall be on a form prescribed by the Director and shall be accompanied by a fee in such amount as shall be established by administrative order of the county manager. Said fee shall be effective upon approval by the Commission.

(b) The fees payable hereunder shall be deposited in a separate county fund and shall be used exclusively by the Director for the administrative and enforcement functions of the Director set forth in this article. No part of said fund shall be used for purposes other than the aforesaid.

(c) Each application for registration shall contain the following information:

(1) The name, address, and form of ownership of the motor vehicle repair shop, and for a corporation, the date and place of incorporation.

(2) The name and address of each of the motor vehicle repair shop's resident agents, officers, directors, and partners in the state and outside of the state.

(3) A description of the motor vehicle repair shop applying for registration which shall include:

a. The types of businesses operated.

b. The types of repair work performed.

c. The number and types of motor vehicle mechanics, master mechanics, specialty mechanics, paint/body technicians, mechanic apprentices, and paint/body apprentices employed for the performance of repair work.

d. In the case of motor vehicle body repair facilities and motor vehicle painting facilities, designation by the applicant as one (1) of the following:

(1) Collision, structural repair and repaint facility;

(2) Structural repair facility; or

(3) Cosmetic and paint repair facility.

(4) A copy of each of the documents, instruments, forms, contracts, or other papers used by the applicant for registration when dealing with the public with respect to repair work, including, but not limited to, estimates, diagnoses, invoices, warranties, and all documents otherwise used to comply with this article, including all documents upon which the motor vehicle repair shop requires the customer's signature.

(5) State sales tax number certificate of registration.

(6) Federal Employer Identification Number.

(7) County Occupational License.

(8) Municipal occupational license, if appropriate.

(9) County Hazardous Waste Permit.

(10) Fictitious Name Registration or Articles of Incorporation Certificate.

(11) Other information and items as the Director shall require to enforce the provisions of this article.

(d) A person operating a motor vehicle repair shop at more than one (1) location in Miami-Dade County, Florida, shall file a single application for registration annually, which, together with the other information required by this article, shall clearly indicate the location of and the individual person in charge of each motor vehicle repair shop location. Application fees shall be required for each motor vehicle repair shop location.

(e) If the name or address of the motor vehicle repair shop changes but such change does not involve a change in ownership, the motor vehicle repair shop shall notify the Director in writing of the change within ten (10) days of such change. Appropriate changes shall be made on the renewal registration application when due.

(f) Change of ownership.

1. In the event of a change of ownership of a motor vehicle repair shop, a new registration and payment of new registration fees shall be required. The motor vehicle repair shop may continue to operate provided that the motor vehicle repair shop has filed a completed application for registration with the Director and paid all applicable fees. For purposes of this subsection "change of ownership" shall mean a change in the ownership or operators of a motor vehicle repair shop which is either a sole proprietorship or partnership.

2. Corporations owning or operating a motor vehicle repair shop which has a change of ten (10) percent or more of the ownership of the corporation shall notify the Director of the change no later than thirty (30) days after the date of change.

(g) A motor vehicle repair shop registration shall become effective upon the date the application is approved by the Director. Notwithstanding any provision in this article, the Director may stagger the registration over an annual period, may shorten or extend the one-year period to facilitate the workload, and prorate the fee accordingly. A motor vehicle repair shop registration shall be renewed annually by the motor vehicle repair shop. A motor vehicle repair shop shall file the application for renewal of the registration with the Director no later than thirty (30) days prior to the expiration of the registration of the motor vehicle repair shop.

(h) A motor vehicle repair shop may continue to operate after the expiration date of the registration, pending approval of the renewal application by the Director, if the completed renewal application with applicable fees has been received by the Director on or before the expiration date. If a completed renewal application with applicable fees is filed after the expiration date, the motor vehicle repair shop may operate from and after the date on which the completed application with

applicable fees is received by the Director, pending approval of the renewal application by the Director. A renewal fee in such amount as established by administrative order of the County Manager shall be required by the Director if the application for renewal registration is received by the Director after the expiration date of the registration.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.6. Registration; criterion for issuance.

The criterion for issuance of a registration by the Director shall be compliance by the motor vehicle repair shop with all of the applicable provisions of this article and submission to the Director of a completed application for registration and applicable fees. A registration may be issued by the Director subject to such conditions, restrictions, and limitations imposed by the Director as the Director deems necessary to protect consumers and customers, provided said conditions, restrictions, and limitations are consistent with the provisions of this article. Violation of such a condition, restriction, or limitation of a registration shall be a violation of this article.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.7. Records; inspection; complaint retention and handling.

(a) All motor vehicle repair shops shall maintain intact and in legible condition all the records required by this article for a period of two (2) years from the date of the creation of the particular record. All motor vehicle repair shops shall keep on file all written customer complaints presented to the shop for a period of two (2) years. The premises of all motor vehicle repair shops shall be open to the Director for inspection, investigation, sampling, testing or for such other purposes as are necessary for the enforcement and administration of this article during the business hours of the motor vehicle repair shop and in no event not less than between the hours of 9:00 a.m. to 5:00 p.m. Monday through Friday.

(b) Each complaint filed with the Director against a motor vehicle repair shop shall be provided to the motor vehicle repair shop by the Director and the motor vehicle repair shop shall promptly and thoroughly investigate said complaint. If the complaint cannot be satisfied within ten (10) days from receipt by the motor vehicle repair shop, the motor vehicle repair shop shall advise the Director of the status of the complaint and the reason for the delay. A motor vehicle repair shop shall object to or satisfy the complaint filed by the consumer and provide the Director with a written response stating the disposition of the complaint, the specific reasons for the objection, if applicable, and the name(s) of the person(s) involved in the repair work, no later than twenty (20) days after receipt of the complaint by the motor vehicle repair shop.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97)

Sec. 8A-161.8. Denial, revocation and suspension of registration, certificates or permit.

The Director may deny, revoke, or suspend a registration, certificate or permit issued pursuant to the provisions of this article if the Director determines that the motor vehicle repair shop, master mechanic, specialty mechanic, mechanic apprentice, paint/body apprentice, motor vehicle body repair technician, or motor vehicle paint technician has:

- (a) Violated any provision of this article, or
- (b) Misrepresented or concealed a fact on the application, renewal application, or replacement application for a registration, certificate, or permit, or
- (c) Aided or abetted a person who has not obtained a registration, certificate, or permit to evade or avoid the provisions of this article, or
- (d) Engaged in any conduct as part of the provision of repair work or motor vehicle products which constitutes fraud, or
- (e) Advertised that the motor vehicle repair shop, motor vehicle mechanic, mechanic apprentice, master mechanic, specialty mechanic, paint/body technician or paint/body apprentice has a registration, certificate, or permit other than through said registration's, certificate's, or permit's plain and prominent display on all of the premises of the motor vehicle repair shop where repair work or motor vehicle products are provided to or offered for sale to the public, or
- (f) Violated any condition, limitation, or restriction of a registration, certificate, or permit imposed by the Director, or
- (g) Was enjoined by a court of competent jurisdiction from engaging in the trade or business of repair work or was enjoined by a court of competent jurisdiction with respect to any of the requirements of this article, or
- (h) If the person is a corporation or partnership, a stockholder, officer, director, or partner thereof committed an act or omission which would be a cause for denying, revoking, or suspending a registration, certificate, or permit issued to the officer, director, stockholder, or partner as an individual, or
- (i) Failed to comply with the terms of a cease and desist order, notice to correct a violation, written assurance of compliance, or any other lawful order of the Director, or
- (j) Was convicted of a violation of this article.

Notwithstanding the foregoing, no revocation or suspension of a registration by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to Section 8A-161.23 of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, whichever is later.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.9. Unfair and deceptive practices.

- (1) It shall be a violation of this article and an unfair and deceptive practice to:
 - (a) Make, either written or orally, an untrue or misleading statement of a material fact with respect to any activities regulated by this article;

(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) Fail, upon return to the customer of a motor vehicle upon which repair work has been performed, to provide a written statement which describes the repair work performed by the motor vehicle repair shop to the customer which discloses:

(i) The name or other identification established by the motor vehicle repair shop of the motor vehicle mechanic, master mechanic, specialty mechanic, or paint/body technician who performed or supervised the diagnosis and the repair work for the customer.

(d) Make or charge for repairs which have not been expressly or impliedly authorized by the customer;

(e) Misrepresent that repairs have been made to a motor vehicle;

(f) Misrepresent that certain parts and repairs are necessary to repair a vehicle;

(g) Misrepresent that the vehicle being inspected or diagnosed is in a dangerous condition or that the customer's continued use of the vehicle may be harmful or cause great damage to the vehicle;

(h) Fraudulently alter any customer contract, estimate, invoice, or other document;

(i) Fraudulently misuse any customer's credit card;

(j) Make false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of a motor vehicle;

(k) Substitute used, rebuilt, salvaged, or straightened parts for new replacement parts without notice to the motor vehicle owner and to his insurer if the cost of repair is to be paid pursuant to an insurance policy and the identity of the insurer or its claims adjuster is disclosed to the motor vehicle repair shop;

(l) Cause or allow a customer to sign any work order that does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair;

(m) Fail or refuse to give to a customer a copy of any document requiring the customer's signature upon completion or cancellation of the repair work;

(n) Depart from or disregard, in any material respect, accepted motor vehicle repair industry standards. Compliance with published vehicle manufacturer, parts manufacturer, or equipment manufacturer or recognized after market repair manual specifications shall create a presumption that the motor vehicle body repair and/or paint technician has followed accepted motor vehicle body repair and/or paint industry standards;

(o) Have repair work subcontracted without complying with Sections 8A-161.34 and 8A-161.31.1;

(p) Conduct the business of motor vehicle repair in a location other than that stated on the registration certificate;

(q) Rebuild or restore a rebuilt vehicle without the knowledge of the owner in such a manner that it does not conform to the original vehicle manufacturer's established repair procedures or specifications and allowable tolerances for the particular model and year;

(r) Accept a customer's motor vehicle for repair and not honor his agreement with a customer to repair the customer's motor vehicle as represented in the written estimate;

(s) Refuse to make, with due diligence, a bona fide attempt to perform any necessary corrections or additional repairs without extra charge to conform the repair work to any guarantee or warranty or other agreement as stated on the written repair estimate and invoice;

(t) Perform any other act that is a violation of this article or any act that constitutes fraud or misrepresentation.

(2) Advertisements and representations. It shall be a violation of this article and an unfair and deceptive practice to advertise or make representations of, either directly or indirectly:

(a) Motor vehicle products or repair work when there is a material contingency, condition, or limitation on the offer, unless the contingency, condition, or limitation is stated contemporaneously with the offer in a manner clearly and easily understood by the customer.

(b) That motor vehicle mechanics or technicians employed by a motor vehicle repair shop are "certified," "licensed," or otherwise qualified when that representation gives the impression that all motor vehicle mechanics or technicians employed by the motor vehicle repair shop are certified or licensed if in fact they are not.

(c) The words "certification," "permit," "licensing," "registration," or words of similar import, of a motor vehicle repair shop, motor vehicle mechanic, master mechanic, specialty mechanic, paint/body technician, or mechanic or paint/body apprentice, by an organization, association, governmental entity, or other program or authority other than the Director, without clearly and conspicuously disclosing the source of the "certification," "permit," "licensing," or "registration," and adding the disclaimer "not the Miami-Dade County Consumer Protection Division."

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97)

Sec. 8A-161.10. Adoption by reference of portions of Florida Motor Vehicle Repair Act.

Section 559.905, Florida Statutes, through Section 559.919, except Section 559.915 relating to records retention, Florida Statutes, as same may be amended from time to time, are adopted hereby and incorporated herein by reference thereto as if the provisions of each such statutes were set out in full herein and each violation of said statutes is a violation of this article.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97)

Sec. 8A-161.11. Adoption by reference of rules regulating motor vehicles adopted by state pursuant to Section 501.205, Florida Statutes.

All rules regulating repair work adopted by the State of Florida pursuant to Section 501.205, Florida Statutes, as said rules may be amended from time to time, are adopted hereby and incorporated herein by reference thereto as if the provisions of each of such rules were set out in full herein and each violation of said rules is a violation of this article.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.13. Assurances of compliance.

Each violation of any of the terms and conditions of a verified, written assurance entered into pursuant to Section 8A-82.1 of the Code with respect to the matters regulated under this article shall constitute a separate offense under this article by the persons who executed the assurance, their respective officers, directors, agents, servants, employees and attorneys; and by those persons in active concert or participation with any of the foregoing persons and who receive actual notice of the assurance of compliance. Decisions, actions, and determinations of the Director, pursuant to Sections 8A-82.1 and 8A-161.36(t) or assurances of compliance executed thereunder, shall not be subject to review pursuant to Section 8A-161.23.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.14. Notice to customers.

All motor vehicle repair shops shall post, in a conspicuous place at each of the business premise locations of the motor vehicle repair shop, a sign measuring not less than two (2) feet in width and three (3) feet in length, written in a legible manner as follows:

"Under the provisions of the Miami-Dade County Code, all customers are entitled to an estimate before repair work is begun and this business must comply with those provisions of the Miami-Dade County Code. If you have a complaint about the way services were provided, you may call the Miami-Dade County Consumer Services Department at (current phone number)."

"Bajo las provisiones del codigo del Condado de Miami-Dade, todos los clientes tienen derecho a un presupuesto antes de que se comienzen los trabajos de reparacion y esta empresa debe cumplir con tales provisiones del codigo del Condado de Miami-Dade. Si tiene alguna queja acerca de la forma en que le prestaron servicios, usted puede llamar al Miami-Dade County Consumer Services Department al (numero de telefono actual).

"Dapre Kod lalwa nan Miami-Dade County tout kliyan ki bay fe yon reparasyon nan yon shop, gen dwa ekzije yon estimasyon pri-a avan travay-la komanse. Biznis-la oblije resekte lawa Miami-

Dade County sa-a. Si ou gen plent pou pote sou jan ke yo te bay sevis yo, ou met rele Depatman ki rele Miami-Dade County Consumer Services lan nimero (nan nimero telefonn sa a)."
(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.15. Written analysis.

Upon the request of any customer, all motor vehicle repair shops shall provide a written analysis, based upon diagnostic testing, to the customer, in addition to the written estimate, prior to performing any repair work for the customer. The customer may require that, in lieu of the above, a summary of the results of the aforesaid written analysis be communicated to the customer by fax, telephone, mail, telegram, or orally, with personal delivery of the complete written analysis to occur at a later time of the customer's choosing. The customer may, in writing, waive the requirements of this section. No motor vehicle repair shop shall solicit or demand a waiver of any customer's rights herein enumerated as a pre-condition to acceptance of repair work.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.16. Reserved.

Editor's note: Ordinance No. 97-69, § 2, adopted June 3, 1997, deleted § 8A-161.16 in its entirety. Formerly, such section pertained to waivers and extensions of time and derived from Ord. No. 92-38, § 2, 5-19-92.

Sec. 8A1-161.17. Reserved.

Editor's note: Ordinance No. 97-69, § 2, adopted June 3, 1997, deleted § 8A-161.17 in its entirety. Formerly, such section pertained to procedure governing waivers and extensions of time and derived from Ord. No. 92-38, § 2, 5-19-92.

Sec. 8A-161.18. Civil penalties.

Any person who violates any of the provisions of this article or any cease and desist order of the Director or any written notice to correct a violation or any assurance of compliance entered into pursuant to Section 8A-82.1 of the Code and this article with respect to matters regulated under this article or any other lawful order of the Director or any condition, limitation, or restriction of a registration, certificate, or permit issued by the Director, shall be subject to the judicial imposition and recovery of a civil penalty in an amount of not more than ten thousand dollars (\$10,000.00) per offense. Each day during any portion of which such violation occurs or continues to occur constitutes a separate offense. Such monies recovered by the Director shall be deposited in a separate county fund to be used exclusively for enforcement of this article.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.19. Criminal penalties.

If any person violates or fails or refuses to obey or comply with any of the provisions of this article or any lawful order of the Director or any cease and desist order of the Director or any notice to correct a violation of the Director or any written assurance of compliance entered into pursuant to Section 8A-82.1 of the Code and this article, or any condition, limitation, or restriction of a registration, certificate, or permit issued by the Director, such person, upon conviction of any such offense, shall be punished by a fine not to exceed five hundred dollars (\$500.00), or by

imprisonment not to exceed sixty (60) days in the county jail, or both, in the discretion of the court. Each day or portion thereof of continuing violation shall be deemed a separate offense.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.20. Presumption of continuous operation.

Except as expressly provided otherwise in this article, any person operating a motor vehicle repair shop without first obtaining a registration pursuant to this article shall be presumed to be operating such motor vehicle repair shop on a continuous basis without a registration from the date the registration was first required by this article. Such presumption may be overcome by evidence presented by the person operating the motor vehicle repair shop. This section creates a rebuttable presumption of continuous operation.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.21. Private cause of action.

Any person who suffers a loss as a result of a violation of any of the provisions of this article, any lawful order of the Director, any cease and desist order or notice to correct a violation issued by the Director or any written assurance of compliance entered into pursuant to Section 8A-82.1 of the Code and this article, shall recover compensatory damages, punitive damages, attorneys fees, and court costs from the person committing such violation. Nothing herein shall be construed to require the Director to bring any such action on behalf of a private person.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.22. Enforcement procedure; remedies; attorneys fees; costs.

(a) It shall be unlawful for any person to violate any of the provisions of this article. In addition to any other judicial or administrative remedies provided by law, rule, regulation, ordinance, or this article, the Director shall have the following judicial remedies available to enforce the provisions of this article:

(1) The Director may institute a civil action in a court of competent jurisdiction to seek temporary or permanent, prohibitory or mandatory injunctive relief to enforce compliance with or prohibit the violation of any of the provisions of this article.

(2) The Director may institute a civil action in a court of competent jurisdiction to impose and recover a civil penalty in an amount of not more than ten thousand dollars (\$10,000.00) for each violation of any of the provisions of this article. Each day during any portion of which such violation occurs or continues to occur constitutes a separate violation. The right of trial by jury shall be available in any court to determine both liability for and the amount of the civil penalties to be imposed and recovered hereunder.

(3) The Director may institute a civil action in a court of competent jurisdiction to seek restitution and other equitable relief:

(i) To recover any sums and costs expended by the Director for tracing, investigating, preventing, controlling, abating or remedying any violation of any of the provisions of this article.

(ii) To provide restitution to any customers or consumers injured by any violation of any of the provisions of this article.

(b) Upon the rendition of a judgment or decree by any of the courts of this state against any person and in favor of the Director of the Miami-Dade County Consumer Protection Division under any of the provisions of this article the trial court, or, in the event of an appeal in which the Director prevails, the appellate court, shall adjudge or decree against said person and in favor of the Director a reasonable sum as fees or compensation for the Director's attorney prosecuting the suit in which the recovery is had. Where so awarded, compensation or fees of the attorney shall be included in the judgment or decree rendered in the case. This provision shall apply to all civil actions, legal or equitable, filed after the effective date of this article by the Director. Cessation of any violation of any of the provisions of this article whatsoever, prior to rendition of a judgment or entry of a temporary or final decree, or prior to execution of a negotiated settlement, but after an action is filed by the Director under any of the provisions of this article, shall be deemed the functional equivalent of a confession of judgment or verdict in favor of the Director, for which attorney's fees shall be awarded by the trial court as set forth hereinabove.

(c) All the judicial and administrative remedies in this article are independent and cumulative.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.23. Appeals from actions, decisions or determinations of the Director; judicial review.

(a) Any person regulated by this article who is aggrieved by any action, decision or determination of the Director pursuant to this article may request an administrative hearing before a hearing officer to appeal the action, decision or determination of the Director which resulted in the grievance. Appeal by administrative hearing of the action, decision or determination complained of shall be accomplished by filing a written request with the Director within fifteen (15) days after the date of the action, decision or determination complained of, a written notice of appeal which shall set forth the nature of the action, decision or determination to be reviewed and the basis for the administrative hearing. A timely request for administrative hearing shall be scheduled and heard by a hearing officer pursuant to Section 8CC of the Code of Miami-Dade County, Florida. Customers shall not be deemed to be persons regulated by this article for the purposes of this section. The Hearing Officer shall set the matter for hearing on the earliest practicable regularly scheduled hearing date or as soon as possible, but no sooner than ten (10) days after the request has been filed and shall cause notice of the hearing to be served upon the aggrieved party by first class mail. The notice may include, but not be limited to, the applicable Sections of 8CC-6(b)(2) through (9) of the Code of Miami-Dade County, Florida. The hearing officer shall hear and consider all relevant facts in accordance with the procedures set forth in Sections 8CC-6(e), (f), (g), (i), (j), (k), (l), (m)(2),

and (n) of the Code of Miami-Dade County (any reference in these sections to Inspector shall mean "Director" and to violator shall mean "the person filing the appeal"), and may affirm, modify or reverse the action, decision or determination appealed from. The decision of the Hearing Officer shall constitute final administrative review and no rehearing shall be permitted. Nothing herein shall be construed to prevent or prohibit the Director from instituting any civil or criminal action or proceeding authorized by this article at any time.

(b) The Director, the Miami-Dade County Consumer Advocate, or any person regulated by this article who is aggrieved by any decision of the Hearing Officer may appeal a final order of the Hearing Officer by filing a notice of appeal in the Circuit Court in and for Miami-Dade County, Florida, in accordance with procedures and within the time provided by the Florida Rules of Appellate Procedure for review of administrative action. The words "action," "decision" and "determination" as used herein shall not include the filing or institution of any action, conference or proceeding by the Director in any court otherwise. Customers shall not be deemed to be persons regulated by this article for the purposes of this section.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.24. Specialty and master mechanics required.

(a) Effective October 1, 1998, all motor vehicle repair shops shall have at least one (1) specialty or master mechanic or paint/body technician in its employ who has obtained a certificate in each category of repair work which the motor vehicle repair shop provides or offers to provide to the public.

(b) Effective October 1, 1995, any repair work performed by any person who has not obtained a certificate shall be supervised, inspected and approved in writing by a motor vehicle mechanic or technician who has obtained a certificate in the applicable category of repair work in accordance with the provisions of this article. The requirements of this provision shall not apply to minor repair services.

(1) A master mechanic shall neither inspect, supervise nor approve repair work performed by more than three (3) motor vehicle mechanic apprentices.

(2) A specialty mechanic, paint technician, or body technician shall neither inspect, supervise nor approve repair work performed by more than two (2) motor vehicle mechanics or two (2) paint/body apprentices.

(c) Effective October 1, 1995, and until December 31, 1998, repair work which is not deemed to be a minor repair service as defined in this article shall only be performed by a master or specialty mechanic or paint/body technician who has obtained a certificate in the applicable category of the repair work, or by a person issued a limited authorization, or by an apprentice whose work is inspected and approved by a master or specialty mechanic or paint/body technician who has obtained a certificate in the applicable category of the repair work.

(d) Effective January 1, 1999, repair work which is not deemed to be a minor repair service as defined in this article shall only be performed by a master or specialty mechanic or paint/body

technician who has obtained a certificate in the applicable category of the repair work, or by a specialty mechanic, paint/body technician, or apprentice whose work is inspected and approved by a master or specialty mechanic or paint/body technician who has obtained a certificate in the applicable category of the repair work.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 94-63, § 1, 4-19-94; Ord. No. 95-136, § 2, 7-25-95; Ord. No. 96-124, § 1, 7-18-96; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.25. Specialty mechanic and paint/body technician certification; repair work categories; master mechanic certification.

(1) A person may obtain certification as a specialty mechanic or paint and body technician by having passed an examination which the Director has determined is an adequate test of a person's ability to perform certain types of motor vehicle repair work.

(2) The motor vehicle mechanic repair work certification categories for automobiles and light trucks shall be:

- (a) Engine repair.
- (b) Automatic transmission/trans axle.
- (c) Manual drive trains and rear axle.
- (d) Front end.
- (e) Brakes.
- (f) Electrical/electronic systems.
- (g) Heating and air conditioning.
- (h) Engine performance.

(3) The motor vehicle non-mechanical repair work certification categories for automobiles and light trucks shall be:

- (a) Non-structural analysis and damage repair.
- (b) Painting and refinishing.
- (c) Structural analysis and damage repair.

(4) A person may apply for a specialty mechanic certificate in any or all of the above mechanical repair work categories but shall be required to pay only one (1) certification fee if the person submits all the completed applications with the applicable fees for more than one (1) repair work category at one (1) time.

(5) A person may apply for a master mechanic's certificate if such person has passed examinations as a specialty mechanic in all eight (8) categories of motor vehicle mechanical repair work.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-70, § 1, 6-3-97)

Sec. 8A-161.26. Certification required; contents of application.

Any person seeking or obtaining employment as a specialty or master mechanic, motor vehicle body repair technician, or motor vehicle paint technician shall first apply for and obtain a certificate for such employment from the Director. Applications for a specialty or master mechanic certificate or for a motor vehicle body repair technician certificate or for a motor vehicle paint technician certificate shall be made on a form prescribed by the Director and shall include:

- (a) The name and home address of the applicant.
- (b) The motor vehicle mechanic repair work category or paint/body technician category for which the applicant is applying and the verified results of the required examination.
- (c) Documentation demonstrating that the applicant has successfully passed the ASE examination, or other examination approved by the Director, in the specific repair work categories for which the applicant is applying.
- (d) Effective January 1, 2000, documentation that the applicant has earned the continuing education hours required by Section 8A-161.31, in accordance with an approved program, pursuant to Section 8A-161.28.
- (e) Other relevant information as the Director shall require.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.27. Examination of mechanics and technicians required; contents of examination; testing by other agencies.

(1) Effective January 1, 1999, all applicants for certificates shall, every five (5) years, be required to have passed an ASE examination or other examination approved by the Director, designed to test the applicant's competency to correctly diagnose and perform repair work in the specific repair work certification category for which the applicant is applying. The examination shall be offered in English, Spanish and Creole; provided, however, in the event an examination in three (3) languages is not developed and ready for implementation by October 1, 1998, the requirement that the examination be offered in three (3) languages shall be eliminated. In addition to ASE, the Director may approve additional agencies for the purpose of administering such examinations.

(2) Any person who demonstrates, in a sworn statement approved by the Director, that as of December 31, 1998, he or she had performed motor vehicle repair or paint and body work for at least twenty (20) years and he or she was at least sixty (60) years of age on December 31, 1998, may obtain a certificate, provided the person meets all other requirements of this article.

(3) Any person with a current and valid limited authorization on June 2, 1998 who is unable to pass the required exam by January 1, 1999 may obtain a restricted specialty mechanic or paint and body technician certificate in the applicable category of repair work for a period of 12 months, unless the person elects to apply for an apprentice permit, if said person provides the Director with the required exam results indicating that the applicant has not passed the exam, and the applicant meets all other requirements of this article. A restricted specialty mechanic or paint and body technician is subject to all provisions of this article, including completion of the required continuing education hours; however, a restricted specialty mechanic or paint and body technician may not inspect or approve the repair work of others. A restricted specialty mechanic or paint and body technician who fails to pass the required exam by January 1, 2000 shall be issued an apprentice permit.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 95-136, § 3, 7-25-95; Ord. No. 96-124, § 2, 7-18-96; Ord. No. 97-70, § 1, 6-3-97; Ord. No. 98-77, § 1, 6-2-98; Ord. No. 02-34, § 1, 2-26-02)

Sec. 8A-161.27.1. Limited authorization.

(1) Effective October 1, 1995, and until December 31, 1998, any person who does not furnish the Director with passing scores on the examinations required for certification under this article shall receive a limited authorization to perform repair work, unless such person elects to apply for an apprentice permit.

(2) The Director shall issue a limited authorization to any applicant who complies with all of the applicable requirements set forth in this article and submission to the Director of a completed application and applicable fees established by administrative order.

(3) With the exception of Section 8A-161.24(c) and (d) and Section 8A-161.26(b), all requirements, responsibilities, obligations, provisions, penalties, and other references in this article pertaining to certification, master or specialty mechanics, or body repair or paint technicians shall be deemed applicable to limited authorizations.

(4) All limited authorizations shall expire on December 31, 1998.

(5) The Director shall issue documentary proof of limited authorization which shall be prominently displayed in a conspicuous location in the motor vehicle repair shop location where such person is employed.

(Ord. No. 95-136, § 4, 7-25-95; Ord. No. 96-124, § 3, 7-18-96; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.28. Mechanic apprentice permit; criterion for issuance; paint/body apprentice permit; education and training program.

(1) Any person unable to obtain certification as a specialty or master mechanic, motor vehicle body repair technician, or motor vehicle paint technician as provided in this article who desires on-the-job training to learn to become a specialty or master mechanic, motor vehicle body repair technician or motor vehicle paint technician, may apply to the Director for a mechanic apprentice permit or paint/body apprentice permit on a form prescribed by the Director. The Director may issue a mechanic apprentice or paint/body apprentice permit to any applicant who complies with all of the applicable requirements set forth in this article and submission to the Director of a completed

application for a permit and applicable fees. A permit may be renewed annually upon payment of the required renewal fee and submission of a completed renewal application prescribed by the Director. Notwithstanding any provisions in this article, the Director may stagger the apprentice permit over an annual period, may shorten or extend the one-year period to facilitate the workload, and prorate the fee accordingly. A renewal fee in such amount as established by administrative order of the County Manager shall be required if the application is filed with the Director after the expiration of the permit. Permits may be issued by the Director subject to such conditions, limitations, and restrictions imposed by the Director as the Director deems necessary to protect consumers and customers, provided such conditions, limitations, and restrictions are consistent with the provisions of this article. Violation of such a condition, limitation or restriction of a permit shall be a violation of this article. A mechanic apprentice shall be employed by a motor vehicle repair shop which has obtained a registration and shall be required to work under the direct supervision of a specialty or master mechanic, as the case may be, during the entire time of the apprentice's employment as an apprentice. A paint/body apprentice shall be employed by a motor vehicle repair shop which has obtained a registration and shall be required to work under the direct supervision of a motor vehicle body repair technician or motor vehicle paint technician, as the case may be, during the entire time of the apprentice's employment as an apprentice.

(2) The Director may designate schools, academies, or other similar establishments to provide mechanic apprentice or paint/body apprentice education if said establishments, schools, or academies meet criteria for designation established by rules promulgated by the County Manager. Establishments, schools, or academies may also be designated by the Director to engage in continuing education and training programs for specialty and master mechanics, motor vehicle body repair technicians, and motor vehicle paint technicians. Designation of such establishments, schools, or academies shall also be in accordance with criteria established by rules promulgated by the County Manager.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.29. Repair work categories for specialty and master mechanic certifications for heavy-duty trucks; examination.

(1) Repair work categories for the certification of specialty or master mechanics for heavy-duty trucks are:

- (a) Engine repair, gasoline/diesel.
- (b) Drive trains.
- (c) Brakes and braking systems.
- (d) Suspension and steering systems.
- (e) Electrical systems.

(2) All persons applying to the Director to obtain certification as a specialty heavy-duty truck mechanic shall have passed an examination in one (1) or more of the above repair work categories.

A person applying for certification as a master heavy-duty truck mechanic shall have passed an examination in all of the above five (5) repair work categories.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.30. Reserved.

Sec. 8A-161.31. Mechanic and technician certification; criterion for issuance; effective date; renewal; conditions, limitations, and restrictions; functioning as mechanic or technician after expiration date.

(1) A master or specialty mechanic's certification, motor vehicle body repair technician certification, and motor vehicle paint technician certification shall become effective upon the date the certification is approved in writing by the Director. A certification may be renewed annually upon payment of the required renewal fee and submission of a completed renewal application prescribed by the Director. Notwithstanding any provision in this article, the Director may stagger the certification over an annual period, may shorten or extend the one-year period to facilitate the workload, and prorate the fee accordingly.

(2) The criterion for issuance of a certificate by the Director shall be compliance by the applicant with all the applicable provisions of this article and submission to the Director of a completed application for certification and applicable fees. Certificates may be issued by the Director subject to such conditions, limitations, and restrictions imposed by the Director as the Director deems necessary to protect customers and consumers, provided such conditions, limitations, and restrictions are consistent with the provisions of this article. Violation of such a condition, limitation, or restriction of a certificate shall be a violation of this article.

(3) A specialty or master mechanic, motor vehicle body repair technician or motor vehicle paint technician who has obtained a certificate may continue to be employed as a specialty or master mechanic or paint/body technician after the expiration date of said mechanic's or technician's certificate, pending approval of the renewal application for the certificate, if the renewal application has been received by the Director on or before the expiration date of the certificate. If a renewal application is filed after the expiration date, the specialty or master mechanic or paint/body technician may temporarily be so employed without a valid and current certificate after the date upon which the application for renewal is received by the Director, pending approval of the renewal application by the Director. A renewal fee in such amount as established by administrative order of the County Manager shall be required if the application is filed with the Director after the expiration date of the certificate.

(4) Effective January 1, 2000, renewal of the certificate may only be obtained if the mechanic or paint and body technician has earned sixteen (16) annual hours of continuing education in accordance with an approved program, pursuant to Section 8A-161.28.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 98-77, § 1, 6-2-98)

Sec. 8A-161.32. Loss, destruction, or mutilation of registration, certificate or permit; replacement.

In the event of loss, destruction, or mutilation of a registration, certificate or permit issued pursuant to the provisions of this article, the person to whom the registration, certificate or permit was issued may obtain a replacement thereof upon furnishing satisfactory proof of loss, destruction, or mutilation to the Director and payment of the applicable fee established by administrative order of the county manager. Applications for a replacement registration, certificate or permit shall include the following information:

- (a) Name and address of the applicant.
- (b) A verified explanation of the loss, destruction, or mutilation of the registration, certificate or permit.
- (c) Such other items and information as may be required by the Director.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.33. Display of certificate; certification number.

A master or specialty mechanic, motor vehicle body repair technician, or motor vehicle paint technician who has obtained a certificate issued by the Director shall prominently display such certificate in a conspicuous location in the motor vehicle repair shop location where such person is employed. A master or specialty mechanic, motor vehicle body repair technician, or motor vehicle paint technician who has obtained a certificate and performs repair work on, inspects, approves, or supervises a particular repair work, shall affix such mechanic's or technician's name and certification number, as assigned by the Director, to all written documents provided to the customer.

(Ord. No. 92-38, § 2, 5-19-92)

Sec. 8A-161.34. Items required for motor vehicle body repair facilities and motor vehicle paint facilities.

(a) In addition to all other requirements of this article, each motor vehicle body repair facility and each motor vehicle paint facility shall have the following:

- (i) Proof of garage liability insurance in an amount not less than fifty thousand dollars (\$50,000.00), combined single limit, and garage-keepers legal liability insurance.
- (ii) A complete set of current printed or electronic crash manuals for repair work performed by the motor vehicle body repair facility or motor vehicle paint facility.
- (iii) Evidence of active management participation in the operation of the motor vehicle body repair facility or motor vehicle paint facility in such form as required by the Director.

(b) In addition to all other requirements of this article, each cosmetic and paint repair facility shall have the following:

- (i) An on-site spray booth in good working order.

(ii) Guarantees for workmanship of repair work, including paint and material, if any, shall be prominently displayed to the public on the premises, and shall state the mileage or time periods for which the guarantees are effective.

(iii) An operable paint application system with the ability to produce an appropriate finish.

(c) In addition to all other requirements of this article, each structural repair facility shall have the following in good working order, as applicable:

(i) An operable metal inert gas welder (MIG).

(ii) An ability to raise (lift, rack or bench) motor vehicles for inspection.

(iii) Source of dimensions covering frames, upper body dimensions and wheel alignment specifications (blueprints) for the types of motor vehicles upon which repair work will be performed.

(iv) A measuring device suitable for each type of motor vehicle upon which repair work will be performed, symmetrical or asymmetrical, as well as body structural dimensions including the upper body.

(v) A four-point anchoring system to hold motor vehicles in a stationary position during structural and body pulls and which is suitable for the type of motor vehicle upon which repair work is being performed.

(vi) Electrical or hydraulic equipment to make multiple and structural pulls for straightening.

(vii) Guarantees for workmanship, including parts and materials (subject to manufacturer's warranty), if any, shall be prominently displayed to the public on the premises of the motor vehicle repair shop and shall state the mileage or time periods for which the guarantees are effective.

(d) In addition to all other requirements of this article, each collision, structural repair and paint facility shall comply with all the requirements of subsections (b) and (c) hereinabove.

(e) Notwithstanding the foregoing, each motor vehicle body repair facility and motor vehicle paint facility which holds itself out as providing specified repair services and does not itself meet the specialized equipment requirements of this section, may be deemed to comply, provided:

(i) The motor vehicle body repair facility and motor vehicle repair facility has disclosed on its application that it subcontracts with a motor vehicle repair shop and the subcontracted motor vehicle repair shop maintains such specialized equipment in good and working order and has received a motor vehicle repair registration from the Director; and

(ii) The motor vehicle body repair facility and motor vehicle paint facility obtains from the customer, prior to the commencement of the repair work, a signed acknowledgment which discloses the following language in no less than ten-point bold face type:

This shop does not have certain specialized equipment required for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as MVR (state the registration number).

(iii) However, if the customer leaves the motor vehicle at the motor vehicle body repair facility or motor vehicle paint facility during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the motor vehicle body repair facility or motor vehicle paint facility, the customer must be notified, prior to the commencement of any repair work, by telephone, facsimile, mail or any other means, that the motor vehicle body repair facility or motor vehicle paint facility does not have certain specialized equipment required for the type of repair work involved and repairs of this type are subcontracted to another motor vehicle body repair facility or motor vehicle paint facility identifying the MVR facility by the registration number.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-2-97)

Sec. 8A-161.34.1. Items required for motor vehicle mechanical repair facilities.

(a) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities shall have the following:

(i) Proof of garage liability insurance in an amount not less than fifty thousand dollars (\$50,000.00), combined single limit, and garage-keepers legal liability insurance.

(ii) Evidence of active management participation in the operation of the motor vehicle mechanical repair facility in such form as required by the Director.

(iii) Set of current manuals for motor vehicles to be repaired.

(b) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon suspensions or steering shall have the following equipment, in good working order:

(i) Wheel alignment system.

(ii) Wheel balancer.

(c) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon brake systems shall have the following equipment, in good working order:

(i) Pressure bleeder.

(ii) Asbestos collection equipment.

(iii) Micrometer and drum gauge.

(d) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon electrical systems shall have the following, in good working order:

(i) Battery charger.

(ii) Battery/charging/starting systems tester.

(e) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon heating and air-conditioning systems shall have the following, in good working order:

(i) Recycling or recovery equipment.

(ii) Leak detector.

(iii) Air-conditioning charging station.

(f) In addition to all other requirements of this article, all motor vehicle mechanical repair facilities performing repair work upon engines, including but not limited to tune-ups, shall have the following, in good working order:

(i) Engine analyzer with or in addition to a gas analyzer.

(ii) Data stream access device.

(g) Notwithstanding the foregoing, each motor vehicle mechanical repair facility which holds itself out as providing specified repair services and does not itself meet the specialized equipment requirements of this section, may be deemed to comply, provided:

(i) The motor vehicle mechanical repair facility has disclosed on its application that it subcontracts with a motor vehicle repair shop and the motor vehicle repair shop maintains such specialized equipment in good and working order and has received a motor vehicle repair registration from the Director; and

(ii) The motor vehicle mechanical repair facility obtains from the customer, prior to the commencement of the repair work, a signed acknowledgment which discloses the following language in no less than ten-point bold face type:

This shop does not have certain specialized equipment required for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as MVR (state the registration number).

(iii) However, if the customer leaves the motor vehicle at the motor vehicle mechanical repair shop during hours when the shop is not open or if the customer permits the shop or another person to deliver the motor vehicle to the motor vehicle repair shop, the customer must be notified, prior to the commencement of any repair work, by telephone, facsimile, mail or any other means, that the motor vehicle repair shop does not have certain specialized equipment required for the type of repair work involved and repairs of this type are subcontracted to another motor vehicle repair shop identifying the MVR facility by the registration number.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.34.2. Reserved.

Editor's note: Ord. No. 95-137, § 1, adopted July 25, 1995, repealed § 8A-161.34.2, relative to the Miami-Dade County Consumer Services Board, which derived from Ord. No. 93-142, § 2, adopted Dec. 14, 1993. Current provisions regarding the Miami-Dade County Consumer Services Board are set out in Section 2-956 of this Code.

Sec. 8A-161.35. Reserved.

Editor's note: Ord. No. 95-137, § 1, adopted July 25, 1995, repealed § 8A-161.35, relative to the jurisdiction and duties of the Miami-Dade County Consumer Services Board, which derived from Ord. No. 92-38, § 2, adopted May 19, 1992. Current provisions regarding the Miami-Dade County Consumer Services Board are set out in Section 2-956 of this Code.

Sec. 8A-161.36. Director's duties, functions and powers.

The duties, functions, powers and responsibilities of the Director shall include the following:

(a) Enforce all of the provisions of this article.

(b) Upon receipt of complaints or upon the Director's initiative, investigate, inspect, sample, and test any matters regulated hereunder.

(c) Institute civil actions or proceedings to enforce all the provisions of this article and subpoenas issued by the Director, including seeking mandatory and prohibitory injunctions, the imposition and recovery of civil penalties and such other remedies, recoveries, and attorneys fees as set forth in Section 8A-161.22. Such civil actions or proceedings may be instituted by the Director whether or not a cease and desist order or notice to correct the violation or other lawful order of the Director has been issued or other administrative proceeding is pending.

(d) Prosecute through the State Attorney in the criminal courts for violations of this article.

(e) Deny, revoke, suspend and issue registrations, certificates, and permits and impose conditions, limitations, and restrictions upon same in accordance with Section 8A-161.6, Section 8A-161.8, Section 8A-161.28 and Section 8A-161.31 of this Code. Notwithstanding the foregoing, no revocation or suspension of a registration by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to Section 8A-161.23 of the Code of

Miami-Dade County, Florida, or until the time period for filing such appeal has expired, which ever is later.

(f) Issue subpoenae to compel the presence of any person or document or thing at any hearing, conference or proceeding authorized herein upon information or belief by the Director that a violation of any provision of this article has occurred or may occur.

(g) Inquire into the practices, functions and policies of any and all motor vehicle repair shops, motor vehicle mechanics, master mechanics, mechanic apprentices, paint/body apprentices, specialty mechanics and paint/body technicians and make such recommendations to the Commission as the Director may deem necessary.

(h) Administer oaths and certify official acts of the Director.

(i) Investigate, upon the Director's initiative, the practices of any motor vehicle repair shop, motor vehicle mechanic, mechanic apprentice, paint/body apprentice, master mechanic, specialty mechanic or paint/body technician.

(j) Apply to any judge of the circuit or county court, criminal or civil division, for the issuance of an administrative search warrant.

(k) Conduct a program for monitoring consumer satisfaction levels in the field of repair work and make such monitoring information available to the Commission and the public.

(l) Render, in the Director's discretion, assistance and technical advice to motor vehicle mechanics, master mechanics, specialty mechanics and paint/body technicians.

(m) Institute informal conferences for discussing and resolving any matter covered by this article.

(n) Publish and disseminate information to the public concerning motor vehicle repair shops, motor vehicle mechanics, master mechanics, specialty mechanics and paint/body technicians.

(o) Submit to the Commission proposed rules, regulations, and standards to effectuate the purposes of this article. No such proposed rules, regulations, and standards shall become effective until approved by the Commission by ordinance.

(p) Provide motor vehicle repair shops, motor vehicle mechanics, master mechanics, specialty mechanics, and paint/body technicians, at least annually, with information concerning the rules, regulations, and standards enacted during the immediate past year.

(q) Issue cease and desist orders, notices to correct violations, and any other lawful orders of the Director which shall briefly set forth the general nature of the violation of this article and specify the time within which the violation shall be rectified or stopped. If an order to cease and desist or notice to correct violations or any other lawful order of the Director is not obeyed the Director shall have the power and authority to revoke or suspend the registration, certificate, or permit, if any has been issued, or deny the issuance of a registration, certificate, or permit, and take such other action authorized by this article. Notwithstanding the foregoing, no revocation or suspension of a

registration by the Director shall be effective until the rendition of the appeal, if any, of such revocation or suspension pursuant to Section 8A-161.23 of the Code of Miami-Dade County, Florida, or until the time period for filing such appeal has expired, which ever is later. Orders to cease and desist, notices to correct violations, and any other lawful orders of the Director hereunder may be enforced by the institution by the Director of civil actions for mandatory and prohibitory injunctions, civil penalties and other remedies, recoveries, and attorneys fees as set forth in Section 8A-161.22 of the Code of Miami-Dade County in a court of competent jurisdiction.

(r) Appoint and designate, in the Director's discretion, various technical advisory panels.

(s) Enter into written assurances of compliance pursuant to Sections 8A-82.1 and 8A-161.13 of the Code of Miami-Dade County, Florida, with respect to the matters regulated under this article.

(t) The powers of the Director enumerated in this article shall be in addition to and not a limitation of any other powers of the Director pursuant to any other provisions of this article or any other provisions of law or ordinance.

(Ord. No. 92-38, § 2, 5-19-92; Ord. No. 97-69, § 2, 6-3-97)

Sec. 8A-161.37. Prohibition on publication of written advertisements without registration number.

(a) No person may knowingly publish an advertisement in any publication which is primarily circulated, displayed, distributed or marketed within Miami-Dade County, Florida, which advertisement identifies a motor vehicle repair shop offering repair work regulated by this article, unless the advertisement includes the registration number issued by the Director.

(b) For the purposes of this section, any advertisement shall be defined to include any announcement, listing, display, entry or other written statement of whatever nature or kind, and specifically to include a name and address or telephone number placed under a heading, where the heading describes or encompasses any kind of repair work regulated under this article.

(Ord. No. 92-38, § 2, 5-19-92)