

MEMORANDUM

Agenda Item No. 7(A)

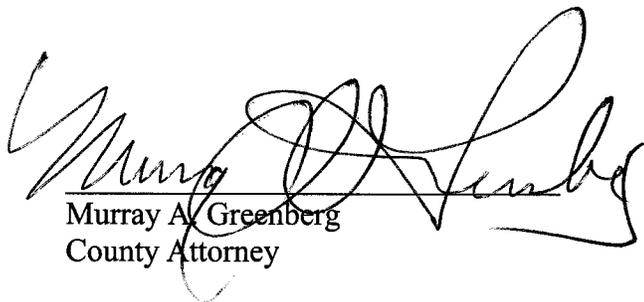
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

(Second Reading 02-07-06)
DATE: December 20, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending sections
8A-161.9 and 8A-161.15
relating to governing motor
vehicle repair

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.


Murray A. Greenberg
County Attorney

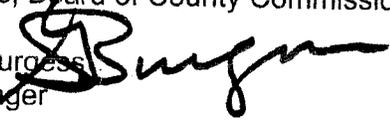
MAG/jls

Memorandum



Date: February 7, 2006
Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

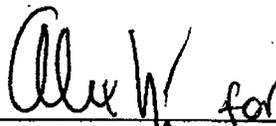
To:

From: George M. Burgess
County Manager 

Subject: Ordinance Amending Motor Vehicle Repair Regulations

The proposed ordinance amending the County's motor vehicle repair regulatory provisions will have minimal fiscal impact on Miami-Dade County.

The ordinance expands consumer protections related to unfair and deceptive practices and written analysis requirements. If this ordinance is approved, notification will have to be sent to motor vehicle repair businesses to ensure full knowledge of the new requirements. The cost of the mailing to approximately 2,500 motor vehicle repair businesses is estimated at \$1,200 and will be funded from existing appropriations. There are no additional costs associated with enforcing the new requirements since the Consumer Services Department already regulates this field.



Joseph A. Ruiz Jr.
Assistant County Manager

fiscal00206

2



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 7, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 7(A)

Veto _____

02-07-06

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 8A-161.9 AND 8A-161.15 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, GOVERNING MOTOR VEHICLE REPAIR; AMENDING PROVISIONS RELATED TO UNFAIR AND DECEPTIVE PRACTICES AND WRITTEN ANALYSIS REQUIREMENTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the holding of motor vehicles by motor vehicle repair shops for extended durations causes inconvenience and economic hardship to customers; and

WHEREAS, written notification of the duration of the motor vehicle's repair will lead to an educated customer; and

WHEREAS, the loaning of unauthorized motor vehicles by motor vehicle repair shops is illegal and an ongoing problem and potential safety hazard,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 8A-161.9 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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

- (1) It shall be a violation of this article and an unfair and deceptive practice to:

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

* * *

(t) >>Loan a motor vehicle to another without the express written authority of the vehicle's owner or lessee.<<

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

* * *

Section 2. Section 8A 161.15 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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. >>Such written analysis shall also include the length of time necessary for such repair. In the event that the motor vehicle is not repaired within the time specified in the written analysis, the motor vehicle repair shop shall provide in writing a new analysis as to the time necessary to complete the repairs. The motor vehicle customer must give written approval for such extension or the vehicle must be returned to the customer within 48 hours from the disapproval of such extension.<< 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.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

Mal
EG

Prepared by:

Evan Grob

Sponsored by Commissioner Dennis C. Moss