


MEMORANDUM

Agenda Item No. 7(A)

TO:	Honorable Chairman Jean Monestime and Members, Board of County Commissioners	DATE:	(Second Reading 3-3-15) December 2, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	SUBJECT:	Ordinance relating to motor vehicle repair; amending sections 8A-161.1, 8A-161.3, 8A-161.34 and 8A-161.34.1 of the Code; modifying exemptions pertaining to motor vehicle repair; modifying paint and body repair facility subcontracting provisions; modifying provisions pertaining to items required for motor vehicle repair and paint facilities

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

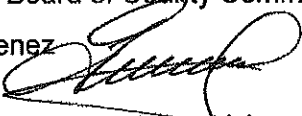
RAC/cp

Memorandum



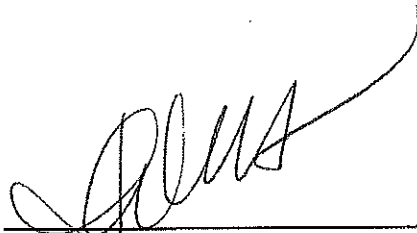
Date: March 3, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance relating to motor vehicle repair; modifying exemptions pertaining to motor vehicle repair

The proposed ordinance amends Sections 8A-161.1, 8A-161.3, 8A-161.34, and 8A-161.34.1 of the Code regarding motor vehicle repair to modify conditions for exemptions pertaining to motor vehicle repair, modify paint and body repair facility subcontracting provisions, and modify provisions pertaining to items required for motor vehicle repair and paint facilities. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "JOHN", written over a horizontal line.

Jack Osterholt
Deputy Mayor

Fis01615



MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 3, 2015

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)

3-3-15

ORDINANCE NO. _____

ORDINANCE RELATING TO MOTOR VEHICLE REPAIR; AMENDING SECTIONS 8A-161.1, 8A-161.3, 8A-161.34 AND 8A-161.34.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; MODIFYING EXEMPTIONS PERTAINING TO MOTOR VEHICLE REPAIR; MODIFYING PAINT AND BODY REPAIR FACILITY SUBCONTRACTING PROVISIONS; MODIFYING PROVISIONS PERTAINING TO ITEMS REQUIRED FOR MOTOR VEHICLE REPAIR AND PAINT FACILITIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 8A-161.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

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)~~]]>>(c)<<*ASE* shall mean the certification examinations designed and administered by the National Institute for Automotive Service Excellence.

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.

[[~~(e)~~]]>>(d)<< *Automobile* and *light truck* shall mean a motor vehicle which has a gross vehicle weight of less than ten thousand (10,000) pounds.

[[~~(d)~~]]>>(e)<< *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)~~]]>>(f)<< *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)~~]]>>(g)<< *Commission* shall mean the Board of County Commissioners of Miami-Dade County, Florida.

[[~~(g)~~]]>>(h)<< *Charge* shall mean money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification or satisfaction.

[[~~(h)~~]]>>(i)<< *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)~~]]>>(j)<< *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)~~]]>>(k)<< *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)]>>(l)<< *Director* shall mean the [~~County Manager~~]>>Mayor<< 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.

[(t)]>>(m)<< *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)]>>(n)<< *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)]>>(o)<< *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)]>>(p)<< *Material fact* shall mean a fact which is used by a person as a premise upon which a conclusion is based.

[(p)]>>(q)<< *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)]>>(r)<< *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.

[(+)]>>(s)<< *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)]>>(t)<< *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.

[(+)]>>(u)<< *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.

[(+)]>>(v)<< *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.

[(+)]>>(w)<< *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)~~]]>>(x)<< *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)~~]]>>(y)<< *Motor vehicle painting facility* shall mean a motor vehicle repair shop which paints, repaints, or refinishes motor vehicles.

[[~~(y)~~]]>>(z)<< *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)~~]]>>(aa)<< *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.

>>(bb) *Owned fleet* shall mean heavy-duty truck(s) owned by a person and used for commercial business purposes, regardless of whether the heavy-duty truck(s) are leased to another person as part of the business.<<

[[~~(aa)~~]]>>(cc)<< *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)~~]]>>(dd)<< *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.

~~[(ee)]~~>>(ee)<<*Person* shall mean an individual, partnership, joint venture, association, corporation, trustee or any other legal entity.

~~[(dd)]~~>>(ff)<<*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)]~~>>(gg)<<*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)]~~>>(hh)<<*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)]~~>>(ii)<<*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)]~~>>(jj)<<*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)]~~>>(kk)<<*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.

Section 2. Section 8A-161.3 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 8A-161.3. Exemptions; conflict.

* * *

(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.

* * *

>>(9) When engaged primarily in the activity of servicing owned fleets, performs or offers to perform repair work on non-owned fleets, provided that all of the following conditions are satisfied:

(a) The person performs repair work for non-owned commercial fleets comprised solely of heavy-duty trucks;

(b) The repair work is performed on the basis of a written contract or other service agreement for a duration of no less than one (1) year, executed by the owner of the commercial fleet and the person performing the repair work;

- (c) The repairs are performed by an employee of the person;
- (d) Revenue generated from repair work on non-owned fleets does not exceed 10 percent of total revenues;
- (e) The person submits to the Department an application for exemption on a form prescribed by the Director, which shall contain all the information required by that form, including but not limited to:
 - (i) Sufficient information to identify the applicant, including the applicant's full legal name, date of birth or date of formation of legal entity, telephone numbers, all business addresses, and any trade name under which the applicant operates, intends to operate, or has previously operated. Post office box addresses shall not be accepted;
 - (ii) Documentation demonstrating that all corporate or partnership applicants are qualified to do business under the laws of Florida;
 - (iii) Documentation demonstrating applicant has satisfied the conditions set forth in subsections (a), (b), (c) and (d) above; and
 - (iv) A photocopy of the local business tax receipt of the applicant
- (f) A sign measuring not less than two (2) feet in width and three (3) feet in length is posted in a conspicuous place inside the business premises announcing, in legible written form, the following:

"This facility is not a motor vehicle repair shop and is only authorized to perform

repair work on commercial fleets comprised solely of heavy-duty trucks based upon a pre-existing contract or service agreement. This facility and its employees are not permitted to charge anyone for performing heavy-duty truck repairs outside of the terms of the aforementioned contract or service agreement.”<<

* * *

Section 3. Section 8A-161.34 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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. >>Upon the expiration of any garage liability insurance or garage-keepers legal liability insurance policy, each motor vehicle body repair facility and each motor vehicle paint facility shall provide the Director proof of garage liability insurance and garage-keepers legal liability insurance in the form of current certificates of 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.

- >>(iv) Guarantees for workmanship of repair work, including paint and material, if any, which shall be prominently displayed to the public on the premises, and shall state the mileage or time periods for which the guarantees are effective.<<
- (b) In addition to all other requirements of this article, >>each motor vehicle body repair facility and each motor vehicle paint facility shall possess the specialized equipment identified in the list of motor vehicle repair specialized equipment established by implementing order, and all such equipment shall be operable.<<[[~~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 (e) hereinabove.]]~~

[[~~(e)~~]]>>(c)<< 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]]~~ >>possess<< the specialized equipment requirements of this section, may be deemed to comply, provided:

(i) The motor vehicle body repair facility and motor vehicle >>paint<< ~~[[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, >>regardless of whether the customer leaves the motor vehicle at the 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 facility,<< prior to the commencement of the repair work, a signed acknowledgment >>related specifically to the category of repairs to be subcontracted and<< 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.~~]]

>>(d) Notwithstanding the foregoing, each motor vehicle body repair facility or motor vehicle paint facility which employs at least one certified painting and refinishing technician, or one non-structural analysis and damage repair technician, or one structural analysis and damage repair technician, and holds itself out as providing specified repair services, but does not have in its employ at least one certified technician in all three of the abovementioned categories, may be deemed to comply, provided:

(i) The motor vehicle body repair facility or motor vehicle paint facility has disclosed on its application that it subcontracts with another facility and the subcontracted facility employs at least one certified painting and refinishing technician, or one non-structural analysis and damage repair technician, or one structural analysis and damage repair technician, and has received a motor vehicle repair registration from the Director; and

- (ii) The motor vehicle body repair facility or motor vehicle paint facility obtains from the customer, regardless of whether the customer leaves the motor vehicle at the 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 facility, prior to the commencement of the repair work, a signed acknowledgment related specifically to the category of repairs to be subcontracted and which discloses the following language in no less than ten-point bold face type:

“This shop does not have a certified painting and refinishing technician in its employ for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as (state the registration number)”; or

“This shop does not have a certified structural analysis and damage repair technician in its employ for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as (state the registration number).” Or

“This shop does not have a certified non-structural analysis and damage repair technician in its employ for (describe the type of repair work). Repairs of this type will be subcontracted to another motor vehicle repair shop identified as (state the registration number).”<<

* * *

Section 4. Section 8A-161.34.1 of the Code of Miami-Dade County, Florida, is

hereby amended to read as follows:

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. >>Upon the expiration of any garage liability insurance or garage-keepers legal liability insurance policy, each motor vehicle mechanical repair facility shall provide the Director proof of garage liability insurance and garage-keepers legal liability insurance in the form of current certificates of 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.
- >>(iv) Guarantees for workmanship, including parts and materials (subject to manufacturer's warranty), if any, which shall be prominently displayed to the public on the premises, and shall state the mileage or time periods for which the guarantees are effective.<<
- (b) In addition to all other requirements of this article, >>each motor vehicle mechanical repair facility shall possess the specialized equipment identified in the list of motor vehicle repair specialized equipment established by implementing order, and all such equipment shall be operable.<< [~~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.~~
- (e) ~~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)~~]]>>(c)<< Notwithstanding the foregoing, each motor vehicle mechanical repair facility which holds itself out as providing specified repair services and does not itself [[~~meet~~]] >>possess<< 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, >>regardless of whether the customer leaves the motor vehicle at the 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 facility,<< 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.]]~~

* * *

Section 5. 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 6. 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 7. 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:

Prepared by:

James Eddie Kirtley

Prime Sponsor: Vice Chairman Esteban L. Bovo, Jr.

A handwritten signature in black ink, appearing to read 'J. Kirtley', is written over a horizontal line. The signature is stylized and cursive.