

MEMORANDUM

Agenda Item No. 7(B)

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


DATE: March 3, 2015

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

SUBJECT: Ordinance relating to motor vehicle repair; amending sections 8A-161.1, 8A-161.26, and 8A-161.27 of the Code; providing recognition of mechanics certification examination by American Advanced Technicians Institute (AATI); modifying exemption from director's certification

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 2-11-15 Metropolitan Services Committee. This substitute differs from the original in that the Director's exemption in 8A-161.27 has been further modified to require exempt persons to earn annually at least eight (8) of the required sixteen (16) hours of continuing education in an area specific to the person's certification category, as set forth in Section 8A-161.25, and as identified on the sworn statement referenced in Subsection 8A-161.27(2).

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

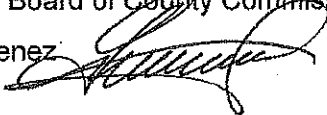
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Memorandum



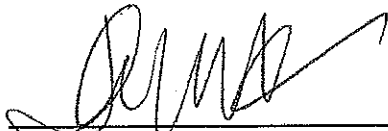
Date: March 3, 2015

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

From: Carlos A. Gimenez
Mayor 

Subject: Ordinance relating to motor vehicle repair; providing recognition of mechanics certification examination

The proposed ordinance amends Sections 8A-161.1, 8A-161.26, and 8A-161.27 of the Code regarding motor vehicle repair to allow recognition of mechanics certification examination by American Advanced Technicians Institute (AATI) and to modify requirements regarding exemption from Director's certification. Implementation of this ordinance will not have a fiscal impact to the County.



Jack Osterholt
Deputy Mayor

Fis01515



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(B)

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(B)
3-3-15

ORDINANCE NO. _____

ORDINANCE RELATING TO MOTOR VEHICLE REPAIR;
AMENDING SECTIONS 8A-161.1, 8A-161.26, AND 8A-161.27
OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA;
PROVIDING RECOGNITION OF MECHANICS
CERTIFICATION EXAMINATION BY AMERICAN
ADVANCED TECHNICIANS INSTITUTE (AATI);
MODIFYING EXEMPTION FROM DIRECTOR'S
CERTIFICATION; 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.
- >>(c) AATI shall mean the certification examinations designed and administered by the American Advanced Technicians Institute.<<

[[~~(b-1)~~]]>>(d)<<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)~~]]>>(e)<< *Automobile and light truck* shall mean a motor vehicle which has a gross vehicle weight of less than ten thousand (10,000) pounds.

[[~~(f)~~]]>>(f)<< *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.

[[~~(g)~~]]>>(g)<< *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.

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

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

[[~~(j)~~]]>>(j)<< *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.

[[~~(k)~~]]>>(k)<< *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.

[(+)]>>(l)<< *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)]>>(m)<< *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.

[(+)]>>(n)<< *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)]>>(o)<< *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.

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

[(+)]>>(q)<< *Material fact* shall mean a fact which is used by a person as a premise upon which a conclusion is based.

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

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

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

[(y)]>>(aa)<< *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)]>>(bb)<< *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)]>>(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-161.26 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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 AATI examination,<< 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.

Section 3. Section 8A-161.27 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

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 AATI examination,<< 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 >>AATI and<< ASE, the Director may approve additional agencies for the purpose of administering such examinations.

- (2) Any person >>who previously obtained certification pursuant to Section 8A-161.26 and<< who demonstrates, in a sworn statement approved by the Director, that ~~[[as of December 31, 1998,]]~~ he or she >>has<< ~~[[had]]~~ performed motor vehicle repair or paint and body work for >>the past ten (10) years,<< ~~[[at least twenty (20) years]]~~ and >>that<< he or she >>is<< ~~[[was]]~~ at least sixty (60) years of age ~~[[on December 31, 1998,]]~~, may obtain a certificate >>without having to, every five (5) years, pass an examination administered by AATI, ASE, or other agency approved by the Director<<, provided the person meets all other requirements of this article >>and earns annually at least eight (8) of the required sixteen (16) hours of continuing education in an area specific to the person's certification category, as set forth in Section 8A-161.25, and as identified on the sworn statement referenced in this subsection<<.²
- (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

² The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or ~~[[double bracketed]]~~ are deleted, words double underlined and/or >>double arrowed<< are added.

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.

Section 4. 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 5. 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.

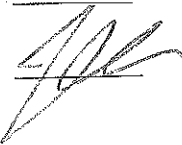
Section 6. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.