

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.14 "Established place of business" defined.

Sec. 14.

(1) Except as provided in subsections (2), (3), and (4), "established place of business" means premises actually occupied either continuously or at regular periods by a dealer or manufacturer at which the dealer or manufacturer keeps its books and records and at which the dealer or manufacturer transacts a large share of its business.

(2) For a class (a) or class (b) dealer, "established place of business" means premises that meet all of the following requirements:

(a) The premises contain, except as otherwise provided in this act, a permanently enclosed building or structure that is either owned, leased, or rented by the dealer; the building or structure is not a residence, tent, temporary stand, or any temporary quarters; the building or structure is continuously occupied in good faith for the purpose of selling, buying, trading, leasing, or otherwise dealing in motor vehicles; all books, records, and files necessary to conduct the business of a class (a) or class (b) dealer are maintained in the building or structure; and the building or structure houses an office of at least 150 square feet in size, equipped with standard office furniture, working utilities, a working restroom, and a working telephone listed in the name of the business on the dealer's license.

(b) The premises have land space of not less than 1,300 square feet to accommodate the display of a minimum of 10 vehicles of the kind and type that the dealer is licensed to sell and an additional 650 square feet for customer parking.

(c) The display and customer parking areas described in subdivision (b) are adequately surfaced and well-lit during business hours.

(d) The premises are identified by an exterior sign displaying the name of the dealership that is permanently affixed to the building or land with letters clearly visible from the roadway.

(e) The premises contain a conspicuous posting of the dealer's regular hours of operation. The posted hours must not be less than 30 hours per week for not less than 48 weeks per year. Fifteen of the 30 hours per week must be between the hours of 8 a.m. and 5 p.m., Monday through Friday. The dealer may change its posted hours of operation to be less than 30 hours per week for not more than 4 weeks per year if the dealer notifies the department not less than 7 days prior to the change. The department shall waive the 7-day notification requirement under this subdivision for good cause, including, but not limited to, a medical emergency or other extenuating circumstances.

(f) The premises contain a registered repair facility on site for the repair and servicing of motor vehicles of a type sold at the established place of business, unless the dealer has entered into a written servicing agreement with a registered repair facility at a location that is located within a 10-mile radius of the established place of business. If repairs are conducted under a servicing agreement, the dealer shall conspicuously post the servicing agreement in the dealer's office.

(g) The premises meet all applicable zoning requirements and any other applicable municipal requirements.

(3) For a wholesaler, "established place of business" means premises that meet all of the following requirements:

(a) The premises contain a permanently enclosed building or structure that is either owned, leased, or rented and is not a commercial mailbox, tent, temporary stand, or other temporary quarters. Beginning January 1, 2024, the permanently enclosed building or structure must be heated and electrified.

(b) Until December 31, 2023, all books, records, and files necessary to conduct the business of the wholesaler are maintained in the building or structure described in subdivision (a). Beginning January 1, 2024, all books, records, and files necessary to conduct the business of the wholesaler are maintained in an office that meets all of the following requirements:

(i) Is not less than 8 feet by 8 feet with a door.

(ii) Has no fewer than 4 rigid walls.

(iii) Has working utilities including, but not limited to, lighting and telephone that are listed in the name of the business on the wholesaler's license.

(iv) Has a working restroom.

(v) Has standard office furniture including, but not limited to, a desk and a locking filing cabinet.

(c) The premises are not used for the display of vehicles. However, the premises may be used for the storage of vehicles purchased by the wholesaler before sale to a licensed vehicle dealer.

(d) The premises are identified by an exterior sign displaying the name of the wholesaler that is permanently affixed to the building or land with letters clearly visible from the roadway.

(e) The premises meet all applicable zoning requirements and any other applicable municipal requirements.

(f) The premises contain a conspicuous posting of the wholesaler's regular hours of operation that include at least 15 regular business hours each week between the hours of 8 a.m. and 5 p.m., Monday through Friday.

(g) If a wholesaler receives its initial license on or after January 1, 2023, the premises are not located within 200

feet of an established place of business for another licensed wholesaler.

(4) For a used or secondhand vehicle parts dealer, vehicle scrap metal processor, vehicle salvage pool operator, distressed vehicle transporter, broker, and automotive recycler, "established place of business" means premises that meet all of the following requirements:

(a) Beginning January 1, 2024, the premises contain a permanently enclosed building or structure that is heated and electrified and that is either owned, leased, or rented by the business and that is not a commercial mailbox, tent, temporary stand, or other temporary quarters.

(b) Beginning January 1, 2024, all books, records, and files necessary to conduct the business of the dealer, processor, operator, transporter, broker, or recycler are maintained in an office that meets all of the following requirements:

(i) Is not less than 8 feet by 8 feet with a door.

(ii) Has no fewer than 4 rigid walls.

(iii) Has working utilities including, but not limited to, lighting and telephone that are listed in the name of the business on the dealer's, processor's, operator's, transporter's, broker's, or recycler's license.

(iv) Has a working restroom.

(v) Has standard office furniture including, but not limited to, a desk and a locking filing cabinet.

(c) The premises are identified by an exterior sign displaying the name of the dealer, processor, operator, transporter, broker, or recycler that is permanently affixed to the building or land with letters clearly visible from the roadway.

(d) The premises meet all applicable zoning requirements and any other applicable municipal requirements.

(e) The premises contain a conspicuous posting of the business's regular hours of operation. The posted hours must not be less than 15 hours per week for not less than 48 weeks per year. Five of the 15 hours per week must be between the hours of 8 a.m. and 5 p.m., Monday through Friday.

History: 1949, Act 300, Eff. Sept. 23, 1949 ;-- Am. 2004, Act 495, Eff. Jan. 31, 2005 ;-- Am. 2012, Act 498, Eff. Mar. 28, 2013 ;-- Am. 2021, Act 90, Eff. Dec. 14, 2021 ;-- Am. 2022, Act 224, Eff. Jan. 23, 2023