



**MOTOR VEHICLES (WRECKED OR WRITTEN OFF VEHICLES)  
AMENDMENT ACT 1998**

**No. 14 of 1998**

**SUMMARY OF PROVISIONS**

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**ELIZABETHAE II REGINAE**

**A.D. 1998**

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**No. 14 of 1998**

**An Act to amend the Motor Vehicles Act 1959.**

*[Assented to 2 April 1998]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1998*.

(2) The *Motor Vehicles Act 1959* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 44—Duty to notify alterations or additions to vehicles**

3. Section 44 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsections:

(1) If while the registration of a motor vehicle is in force any of the alterations or additions mentioned in subsection (2) are made to the vehicle, the registered owner must, within 14 days after the making of that alteration or addition, give the Registrar notice of the alteration or addition in a manner and form determined by the Minister.

(1a) The Registrar may require a person who gives notice under subsection (1) to provide satisfactory evidence by statutory declaration or other means to verify the information disclosed in the notice.;

(b) by striking out subsection (4) and substituting the following subsection:

(4) A person must not fail to comply with a requirement made by or under this section.

Maximum penalty: \$750.

**Amendment of s. 55A—Cancellation of registration where information in relation to the vehicle is incorrect or not provided**

4. Section 55A of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Registrar may, by notice in writing served on the person registered as the owner of a motor vehicle, cancel the registration of the vehicle if—

(a) the Registrar is satisfied that—

- (i) any information disclosed in the application for registration of the vehicle, or, if the registration has been transferred, in the application for transfer of the registration, was incorrect or incomplete; or
- (ii) any evidence provided by the applicant in response to a requirement of the Registrar under this Act was incorrect or incomplete; or

(b) in the case of a vehicle in relation to which the person is required to give notice to the Registrar under section 44—

- (i) the person fails to give notice as required by that section; or
- (ii) the person fails to comply with a requirement of the Registrar under that section to provide evidence to verify any information disclosed in a notice given by the person under that section; or
- (iii) the Registrar is satisfied that any information disclosed in a notice given by the person under that section was incorrect or incomplete; or
- (iv) the Registrar is satisfied that any evidence provided by the person in response to a requirement of the Registrar under that section was incorrect or incomplete.

**Amendment of s. 139—Inspection of motor vehicles**

5. Section 139 of the principal Act is amended—

(a) by inserting after paragraph (ab) the following paragraph:

(ac) where notice of the making of an alteration or addition to a registered motor vehicle is given, or required to be given, to the Registrar by a person under section 44, examine the motor vehicle for the purpose of—

- (i) verifying any information disclosed in such a notice or any evidence provided by the person in response to a requirement of the Registrar under that section; or
- (ii) ascertaining whether the vehicle—
  - (A) complies with any Act or regulation that regulates the design, construction or maintenance of such a vehicle; or

- (B) would, if driven on a road, put the safety of persons using the road at risk; or
- (C) has been reported as stolen;;

(b) by striking out from paragraph (b) "*(a)* or *(ab)*" and substituting "*(a)*, *(ab)* or *(ac)*".

**Amendment of s. 145—Regulations**

6. Section 145 of the principal Act is amended—

(a) by striking out paragraph (ca) of subsection (1) and substituting the following paragraphs:

(ca) requiring persons of a specified class to give the Registrar notice, in a manner and form determined by the Minister, of matters determined by the Minister in relation to any motor vehicle (whether registered or unregistered) that is—

- (i) written off as a total loss or constructive total loss for insurance purposes; or
- (ii) wrecked or wholly or partly disassembled for salvage; or
- (iii) sold or acquired for wrecking or such disassembling or when in a condition such that it cannot be driven on a road lawfully or at all and requires extensive repairs; and

(cb) prohibiting or restricting the use on roads of a motor vehicle referred to in paragraph (ca); and;

(b) by inserting after subsection (1) the following subsection:

(1a) Regulations made under subsection (1)(ca) or (cb) may—

- (a) prescribe penalties, not exceeding a \$2 500 fine or imprisonment for 6 months, for breach of, or non-compliance with, a regulation made under that subsection; and
- (b) fix an expiation fee, not exceeding \$210, for an alleged offence against a regulation made under that subsection.;

(c) by inserting after subsection (3) the following subsection:

(4) The regulations may confer discretionary powers on the Minister, the Registrar, an inspector or any other person or body.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor