



# MOTOR VEHICLES (WRECKED OR WRITTEN OFF VEHICLES) AMENDMENT ACT 1993

No. 4 of 1993

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**ELIZABETHAE II REGINAE**

A.D. 1993

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No. 4 of 1993

An Act to amend the Motor Vehicles Act 1959.

[Assented to 4 March 1993]

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 1993*.

(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. 22—Registrar may require applicant to supply information**

3. Section 22 of the principal act is amended—

(a) by striking out the word "or" occurring between paragraphs (a) and (b);

and

(b) by inserting after paragraph (b) the following word and paragraph:

or

(c) any matter in relation to which information is required to be disclosed in the application.

**Amendment of s. 24—Duty to grant registration**

4. Section 24 of the principal Act is amended by striking out subsections (2) to (5) (inclusive) and substituting the following subsections:

(2) The Registrar may refuse to register a motor vehicle pending investigations (which may include examination of the vehicle)—

(a) to verify any information disclosed in the application or any evidence provided by the applicant in response to any requirement of the Registrar under this Act;

or

(b) to ascertain whether the vehicle—

(i) complies with an Act or law that regulates the design, construction or maintenance of such a vehicle;

or

(ii) would, if driven on a road, put the safety of persons using the road at risk.

(3) If, on investigation under this section, the Registrar finds—

(a) that any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this Act is not correct;

or

(b) that the vehicle—

(i) does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle;

or

(ii) would, if driven on a road, put the safety of persons using the road at risk,

the Registrar may refuse to register the vehicle.

**Insertion of heading before s. 44**

5. The following heading is inserted immediately before section 44 of the principal Act:

*Duty to Notify Alterations or Additions to Vehicles*

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

6. Section 44 of the principal Act is amended—

(a) by striking out subsection (3) and substituting the following subsections:

(3) If a motor vehicle is altered or added to during the period for which it is registered and the alteration or addition is such that, if it had been made before the registration, the fee for that registration would have been more than the amount paid, the registered owner must, within 28 days after the making of the alteration or addition, pay to the Registrar as an additional fee the amount that bears to the difference the same proportion as the number of months in the unexpired period of the registration (portion of a month being treated as a month) bears to the number of months in the period of registration.

(3a) In calculating an additional fee payable under this section, any amount of cents not exceeding five cents will be excluded and any amount of cents exceeding five cents will be counted as ten cents.;

and

(b) by inserting after subsection (5) the following subsection:

(6) In this section—

"alteration", in relation to a vehicle, includes the wrecking of the vehicle or the disassembling of the vehicle or part of the vehicle for salvage.

**Amendment of s. 54—Cancellation of registration and refund**

7. Section 54 of the principal Act is amended by inserting in subsection (1) "in a manner and form determined by the Minister" after "apply".

**Insertion of new s. 55a**

8. The following section is inserted after section 55 of the principal Act:

**Cancellation of registration where information provided by applicant was incorrect**

55a. (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 satisfied—

(a) that 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

(b) that any evidence provided by the applicant in response to a requirement of the Registrar under this Act was incorrect.

(2) The Registrar may, after cancelling a registration under this section, make a refund in respect of the unexpired period of the registration.

**Amendment of s. 58—Transfer of registration**

9. Section 58 of the principal Act is amended—

(a) by inserting ", subject to this Act," after "the Registrar must";

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) The Registrar may require a person applying for transfer of the registration of a motor vehicle to provide satisfactory evidence by statutory declaration or other means as to any matter in relation to which information is required to be disclosed in the application.

(3) The Registrar may refuse to transfer the registration of a motor vehicle pending investigations (which may include examination of the vehicle) to verify any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this section.

(4) If, on investigation under this section, the Registrar finds that any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this section is incorrect, the Registrar may refuse to transfer the registration of the vehicle.

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

10. Section 139 of the principal Act is amended by striking out paragraph (a) and substituting the following paragraph:

- (a) examine any motor vehicle for the purpose of—
- (i) ascertaining any facts on which the amount of any fee or payment to the Registrar in respect of the vehicle depends;
- or
- (ii) verifying any information disclosed in an application made to the Registrar in respect of the vehicle or any evidence provided by the applicant in response to a requirement of the Registrar under this Act;

**Amendment of s. 145—Regulations**

11. Section 145 of the principal Act is amended by inserting after paragraph (c) of subsection (1) the following paragraph:

- (ca) requiring persons of a specified class to notify the Registrar of specified matters relating to any motor vehicle (whether registered or unregistered) that is—
- (i) written off as a total loss or constructive total loss for insurance purposes;
  - (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;.

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

R. MITCHELL, Governor