



New South Wales

Motor Traffic Amendment (Vehicle Identification) Regulation 1998

under the
Traffic Act 1909

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Traffic Act 1909*.

CARL SCULLY MP
Minister for Roads

Explanatory note

The objects of this Regulation are:

- (a) to expand the meaning of a motor vehicle being *wrecked* for the purposes of Part 3E of the *Traffic Act 1909* (as inserted by the *Traffic Amendment (Vehicle Identification) Act 1996*) to include (in addition to demolished or dismantled vehicles) certain vehicles that have been immersed in water, burnt or stripped of all or most of their parts and vehicles whose salvage and repair costs exceed their market value, and
- (b) to prescribe the information that must be provided to the Roads and Traffic Authority in respect of certain damaged vehicles by insurers, auto-dismantlers and dealers under that Part.

This Regulation is made under the *Traffic Act 1909*, including section 3 (the general regulation-making power) and sections 10ZE (b), 10ZH (1), 10ZI (1), 10ZJ (1) and 10ZQ.

1998 No 567

Clause 1 Motor Traffic Amendment (Vehicle Identification) Regulation 1998

**Motor Traffic Amendment (Vehicle Identification)
Regulation 1998**

1 Name of Regulation

This Regulation is the *Motor Traffic Amendment (Vehicle Identification) Regulation 1998*.

2 Commencement

This Regulation commences on 30 September 1998.

3 Amendment of Motor Traffic Regulations 1935

The *Motor Traffic Regulations 1935* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Part 9A

Insert after Part 9:

Part 9A Vehicle identification

117A Interpretation

In this Part:

affected vehicle means:

- (a) a motor vehicle that has a tare weight of 5 tonnes or less, and
- (b) a trailer that has a tare weight of 2.5 tonnes or less.

auto-dismantler has the same meaning as it has in Part 3E of the Act.

dealer has the same meaning as it has in Part 3E of the Act.

insurer has the same meaning as it has in Part 3E of the Act.

late model motor vehicle has the same meaning as it has in Part 3E of the Act.

registration number of a motor vehicle includes, in the case of a vehicle the registration of which has expired, the registration number of the vehicle immediately before its registration expired.

relevant identification information for any motor vehicle means the following:

- (a) the registration number of the vehicle.
- (b) the vehicle identifier of the vehicle.
- (c) the make of the vehicle.

- (d) whether the vehicle is:
 - (i) a motor car, or
 - (ii) a motor lorry, or
 - (iii) a motor cycle, or
 - (iv) a trailer,
- (e) whether the damage to the vehicle was caused by hail, water, impact, fire or professional stripping,
- (f) the location and severity of the damage to the vehicle described by reference to such codes or terms as may be approved by the Authority from time to time,
- (g) the extent to which the damage to the vehicle is repairable described by reference to such codes or terms as may be approved by the Authority from time to time.

vehicle identifier has the same meaning as it has in Part 3E of the Act.

wrecked has the same meaning as it has in Part 3E of the Act.

written off has the same meaning as it has in Part 3E of the Act.

117B Definition of “wrecked” in section 10ZE of Act

A motor vehicle in any of the following states or conditions, or damaged in the following manner, is prescribed as *wrecked* for the purposes of section 10ZE (b) of the Act:

- (a) a motor vehicle (other than a motor cycle) that is:
 - (i) immersed in salt water for any period above the doorsill level, or
 - (ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours.

- (b) a motor cycle that is:
 - (i) fully immersed in salt water for any period, or
 - (ii) fully immersed in fresh water for more than 48 hours,
- (c) a motor vehicle that is burnt to such an extent that it is fit only for wrecking or scrap,
- (d) a motor vehicle that is stripped of all, or a combination of most, interior and exterior body parts, panels and components (for example, engine, wheels, bonnet, guards, doors, boot lid).
- (e) a motor vehicle that is damaged by collision, fire, flood, accident, trespass or other event to the extent that its fair salvage value plus the cost of repairing the vehicle for use on a road or road related area would be more than the fair market value of the vehicle immediately before the event that caused the damage.

117C Prescribed information to be given to Authority by insurers

The following information is prescribed for the purposes of section 10ZH (1) of the Act in respect of each late model motor vehicle (but only if it is an affected vehicle) written off (anywhere in Australia) in the course of the business carried on by an insurer:

- (a) the relevant identification information for the vehicle.
- (b) the date on which the vehicle is written off by the insurer.
- (c) the name and address of the insurer.
- (d) the telephone and facsimile numbers (if any) of the insurer (unless the information is lodged electronically with the Authority).

- (e) if the insurer has a customer number issued to it by the Authority and the information is lodged with the Authority in paper form—the customer number of the insurer,
- (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the insurer,
- (g) the date on which the information referred to in paragraphs (a)–(f) was provided.

117D Prescribed information to be given to Authority by auto-dismantlers

The following information is prescribed for the purposes of section 10ZI (1) of the Act in respect of each late model motor vehicle (but only if it is an affected vehicle) that is demolished or dismantled (anywhere in Australia) in the course of a business carried on by an auto-dismantler:

- (a) the relevant identification information for the vehicle,
- (b) the date on which the auto-dismantler commenced work in the course of the auto-dismantler's business for the purpose of demolishing or dismantling the vehicle.
- (c) the name and address of the auto-dismantler,
- (d) the telephone and facsimile numbers (if any) of the auto-dismantler (unless the information is lodged electronically with the Authority).
- (e) if the auto-dismantler has a customer number issued to it by the Authority and the information is lodged with the Authority in paper form—the customer number of the auto-dismantler.
- (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the auto-dismantler.
- (g) the date on which the information referred to in paragraphs (a)–(f) was provided.

117E Prescribed information to be given to Authority by dealers

The following information is prescribed for the purposes of section 10ZJ (1) of the Act in respect of each late model motor vehicle (but only if it is an affected vehicle) that is in the care, custody or control (anywhere in Australia) of a dealer and that has been written off:

- (a) the relevant identification information for the vehicle,
- (b) the date on which the vehicle came into the care, custody or control of the dealer.
- (c) the name and address of the dealer,
- (d) the telephone and facsimile numbers (if any) of the dealer (unless the information is lodged electronically with the Authority),
- (e) if the dealer has a customer number issued to it by the Authority and the information is lodged with the Authority in paper form—the customer number of the dealer,
- (f) the name and driver licence number (if any) of the person providing the information if that person is providing the information on behalf of the dealer.
- (g) the date on which the information referred to in paragraphs (a)–(f) was provided.

117F Section 10ZI of Act not to apply to certain vehicles

Section 10ZI of the Act does not apply to any motor vehicle that is demolished or dismantled by an auto-dismantler if the auto-dismantler obtained the vehicle from an insurer or dealer who is or was required to provide information to the Authority concerning the vehicle under section 10ZH or 10ZJ of the Act.