

Queensland



MOTOR VEHICLES SECURITIES AND ANOTHER ACT AMENDMENT BILL 2002



MOTOR VEHICLES SECURITIES AND ANOTHER ACT AMENDMENT BILL 2002

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2002

A BILL

FOR

***An Act to amend the Motor Vehicles Securities Act 1986 and the
Property Agents and Motor Dealers Act 2000***

*Motor Vehicles Securities and Another Act Amendment
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The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Clause 1 Short title

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This Act may be cited as the *Motor Vehicles Securities and Another Act Amendment Act 2002*.

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5

Clause 2 Commencement

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If this Act is assented to before 30 September 2002, it commences on 30 September 2002.

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**PART 2—AMENDMENT OF MOTOR VEHICLES
SECURITIES ACT 1986**

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Clause 3 Act amended in pt 2

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This part amends the *Motor Vehicles Securities Act 1986*.

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Clause 4 Amendment of s 5 (Definitions)

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(1) Section 5—

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insert—

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“**chassis number**”, of a motor vehicle, means an identification number of the chassis that is permanently marked on the chassis or another part of the motor vehicle, but does not include the motor vehicle’s VIN.

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“**VIN**”, of a motor vehicle, means the unique vehicle identification number assigned to, and permanently attached to, the vehicle.’.

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(2) Section 5, definition “identifying particulars”, paragraph (e), ‘vehicle identification number’—

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omit, insert—

‘VIN’.

Clause 5 Amendment of s 5B (Meaning of “water damaged motor vehicle”)

Section 5B(b), after ‘1986’—

insert—

‘but before the commencement of the *Motor Vehicles Securities and Another Act Amendment Act 2002*, section 5’.

Clause 6 Amendment of s 6 (Register)

Section 6(4)(a)(i), ‘under section 30ZF or 44A’—

omit, insert—

‘under this Act on or after 8 April 1986 but before the commencement of the *Motor Vehicles Securities and Another Act Amendment Act 2002*, section 5’.

Clause 7 Amendment of s 7 (Application for registration, or renewal of registration, of security interest)

Section 7—

insert—

‘(1A) Also, the application must be accompanied by—

- (a) the VIN of the motor vehicle the subject of the security interest;
or
- (b) if there is no VIN for the motor vehicle, the motor vehicle’s
chassis number.’.

Clause 8 Omission of s 30ZF (Notification of insurer’s intention to sell water damaged motor vehicle)

Section 30ZF—

omit.

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**PART 3—AMENDMENT OF PROPERTY AGENTS AND
MOTOR DEALERS ACT 2000**

Clause 9	Act amended in pt 3	3
	This part amends the <i>Property Agents and Motor Dealers Act 2000</i> .	4
Clause 10	Amendment of s 232A (Announcements before auction)	5
	Section 232A, heading, after ‘ auction ’—	6
	<i>insert—</i>	7
	‘ —water damaged motor vehicle ’.	8
Clause 11	Insertion of new ch 7, pt 2, div 10	9
	After section 232A—	10
	<i>insert—</i>	11
	<i>‘Division 10—Sales of written-off vehicles</i>	12
	‘232B Announcements before auction—written-off vehicle	13
	‘(1) An auctioneer must announce, immediately before the auction of a motor vehicle that is an unregistered written-off vehicle, that the vehicle is a written-off vehicle and state—	14 15 16
	(a) if the vehicle is a repairable write-off—that the vehicle is a repairable write-off and must pass a written-off vehicle inspection under a regulation under the <i>Transport Operations (Road Use Management) Act 1995</i> before it can be registered; or	17 18 19 20
	(b) if the vehicle is a statutory write-off—that the vehicle can not be registered.	21 22
	Maximum penalty—100 penalty units.	23
	‘(2) An auctioneer does not contravene subsection (1) if—	24
	(a) 2 or more written-off vehicles that are repairable write-offs are to be auctioned in consecutive lots; and	25 26

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- (b) immediately before the first vehicle is to be auctioned, the
auctioneer—
- (i) identifies the vehicles; and
- (ii) announces that the identified vehicles are repairable
write-offs and must pass a written-off vehicle inspection
under a regulation under the *Transport Operations (Road
Use Management) Act 1995* before they can be registered.’.

- Clause 12 Amendment of s 294A (Notice to be given about used motor
vehicle—water damaged motor vehicle)**
- (1) Section 294A(3)—
renumber as section 294A(4).
- (2) Section 294A(2)—
omit, insert—
- ‘(2) Before the motor dealer sells the vehicle to the buyer, the motor
dealer must tell the buyer that the vehicle is a water damaged vehicle.
Maximum penalty—200 penalty units.
- ‘(3) The motor dealer must also ask the buyer to sign an
acknowledgement, printed in type no smaller than 12 point, that identifies
the used motor vehicle as a water damaged vehicle.
Maximum penalty—200 penalty units.’.

- Clause 13 Insertion of new ch 9, pt 2, div 7**
- After section 294A—
insert—
- ‘Division 7—Sales of used motor vehicles that are written-off vehicles**
- ‘294B Notice to be given about used motor vehicle—written-off vehicle**
- ‘(1) This section applies if a used motor vehicle that is an unregistered
written-off vehicle is to be sold by a motor dealer, other than by auction, to
a prospective buyer (“**buyer**”).

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‘(2) Before the motor dealer sells the vehicle to the buyer, the motor dealer must tell the buyer that the vehicle is a written-off vehicle and state—

- (a) if the vehicle is a repairable write-off—that the vehicle is a repairable write-off and must pass a written-off vehicle inspection under a regulation under the *Transport Operations (Road Use Management) Act 1995* before it can be registered; or
- (b) if the vehicle is a statutory write-off—that the vehicle can not be registered.

Maximum penalty—200 penalty units.

‘(3) The motor dealer must also ask the buyer to sign an acknowledgement, printed in type no smaller than 12 point, that—

- (a) identifies the used motor vehicle as a written-off vehicle; and
- (b) states whether the vehicle is a repairable write-off or a statutory write-off.

Maximum penalty—200 penalty units.

‘(4) The motor dealer must—

- (a) give the original of the acknowledgement to the buyer; and
- (b) keep a copy of the acknowledgement; and
- (c) make a copy available for immediate inspection by an inspector who asks to see it.

Maximum penalty—200 penalty units.’

Clause 14 Insertion of new ch 19, pt 3

After section 632—

insert—

**‘PART 3—TRANSITIONAL PROVISION FOR MOTOR
VEHICLES SECURITIES AND ANOTHER ACT
AMENDMENT ACT 2002**

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‘633 Continuation of existing statutory warranties

‘(1) This section applies if, immediately before the commencement of this section, a warranted vehicle was covered by a statutory warranty.

‘(2) The vehicle does not stop being covered by the statutory warranty only because, after the commencement of this section, the vehicle becomes a written-off vehicle.

‘(3) This section is subject to section 319.¹

‘(4) In this section—

“**statutory warranty**” means the warranty under section 242 or 318.

“**warranty period**” means the warranty period under section 236 or 314.’.

Clause 15 Amendment of sch 3 (Dictionary)

(1) Schedule 3—

insert—

‘ “**repairable write-off**” means a motor vehicle recorded on a TORUM register as a repairable write-off.

“**statutory write-off**” means a motor vehicle recorded on a TORUM register as a statutory write-off.

“**TORUM register**” means a register kept under a regulation under the *Transport Operations (Road Use Management) Act 1995*.

“**written-off vehicle**” means a motor vehicle recorded on a TORUM register as—

(a) a repairable write-off; or

(b) a statutory write-off.’.

(2) Schedule 3, definition “**warranted vehicle**”, paragraph (a)—

insert—

‘(iii) a written-off vehicle; or’.

¹ Section 319 (Defects not covered by statutory warranty)

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