

South Australia



MOTOR VEHICLES (TRADE PLATES) AMENDMENT ACT 1996

No. 65 of 1996

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ELIZABETHAE II REGINAE

A.D. 1996

No. 65 of 1996

An Act to amend the Motor Vehicles Act 1959 and to make consequential amendments to the Local Government Act 1934 and the Road Traffic Act 1961.

[Assented to 15 August 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Motor Vehicles (Trade Plates) Amendment Act 1996*.

(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. 10—Exemption of vehicles with trade plates

3. Section 10 of the principal Act is amended by striking out "trader's" twice occurring and substituting, in each case, "trade".

Insertion of s. 10A

4. The following section is inserted after section 10 of the principal Act:

Exemption of vehicles being loaded or unloaded from transporter

10A. (1) A motor vehicle may be driven without registration on roads if—

- (a) the vehicle is driven for the purpose of loading it onto, or unloading it from, a transporter; and
- (b) the vehicle is driven not more than 500 metres from the transporter.

(2) When a motor vehicle is being driven on a road as authorised by subsection (1), the policy of insurance in force under Part 4 in relation to the transporter is to be taken to be in force and extend in its coverage in relation to the vehicle being driven and its owner and driver and any passenger in or on it.

(3) In this section—

"transporter" means a motor vehicle (not including a towtruck but including a trailer attached to a motor vehicle) designed for the transportation of motor vehicles.

Amendment of heading preceding s. 62

5. The heading preceding section 62 of the principal Act is amended by striking out "*Trader's*" and substituting "*Trade*".

Amendment of s. 62—Issue of trade plates

6. Section 62 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and substituting the following subsections:

(1) If the Registrar is satisfied, on such evidence as the Registrar may require, that a person is engaged in a business in which trade plates are reasonably required for use for a purpose of a kind prescribed by the regulations and stated in the person's application, the Registrar may, on payment of the prescribed fee, issue to the person such number of trade plates as the Registrar considers necessary, having regard to the person's business requirements.

(2) The Registrar may, in determining whether an applicant for the issuing of trade plates satisfies the requirements of subsection (1), seek the advice and assistance of a person or body that represents the interests of those engaged in a business of the kind in which the applicant is engaged.

(3) For the purposes of subsection (2), the Registrar may enter into an arrangement with a person or body on such terms and conditions as the Registrar thinks fit.;

(b) by striking out from subsection (4) "*trader's*" and substituting "*trade*";

(c) by striking out from subsection (6) "*trader's*" and substituting "*trade*";

(d) by striking out from subsection (7) "*trader's*" twice occurring and substituting, in each case, "*trade*".

Amendment of s. 64—Specifications of plates

7. Section 64 of the principal Act is amended by striking out "*trader's*" and substituting "*trade*".

Substitution of ss. 65 to 67

8. Sections 65 to 67 (inclusive) of the principal Act are repealed and the following sections are substituted:

Duration

65. A trade plate may be issued for a period of 12 months, 2 years or 3 years at the option of the applicant, and may be reissued for any such period.

Use of vehicle to which trade plates are affixed

66. (1) A motor vehicle to which trade plates are affixed in accordance with the regulations may be driven on a road for a purpose of a kind prescribed by the regulations and stated in the application for the issuing of the plates.

(2) If a motor vehicle to which trade plates are affixed is driven on a road other than for a purpose of a kind prescribed by the regulations and stated in the application for the issuing of the plates—

- (a) the driver of the vehicle; and
- (b) where the driver of the vehicle is not the person to whom the trade plates were issued—that person,

are each guilty of an offence.

Penalty: Division 8 fine.

Amendment of s. 70—Return of trade plates and refunds

9. Section 70 of the principal Act is amended—

- (a) by striking out from subsection (1) "trader's" and substituting "trade";
- (b) by striking out from subsection (2) "trader's" and substituting "trade";
- (c) by striking out from subsection (4) "trader's" twice occurring and substituting, in each case, "trade";
- (d) by striking out subsection (5) and substituting the following subsection:

(5) If a person surrenders a trade plate to the Registrar under this section, the Registrar must make any refund required under the regulations.

Amendment of s. 71—Transfer of trade plates

10. Section 71 of the principal Act is amended by striking out "trader's" wherever occurring and substituting, in each case, "trade".

Amendment of s.98N—Trade plates not to be used for the purpose of a towtruck in certain circumstances

11. Section 98N of the principal Act is amended by striking out "trader's" and substituting "trade".

Amendment of s. 99A—Insurance premium to be paid on applications for registration

12. Section 99A of the principal Act is amended by striking out from subsection (19) "trader's" wherever occurring and substituting, in each case, "trade".

Amendment of s. 136—Duty to notify change of address

13. Section 136 of the principal Act is amended by striking out from subsection (2) "trader's" and substituting "trade".

Amendment of s. 137—Duty to answer certain questions

14. Section 137 of the principal Act is amended by striking out from paragraph (a) "trader's" and substituting "trade".

Amendment of s. 141—Evidence by certificate of Registrar

15. Section 141 of the principal Act is amended—

- (a) by striking out from paragraph (c) "trader's" twice occurring and substituting, in each case "trade";
- (b) by striking from paragraph (d) "trader's" and substituting "trade";
- (c) by inserting after paragraph (e) the following paragraph:
 - (ea) that specified purposes were the purposes stated in the application for registration, renewal of registration, exemption from registration or a permit in respect of a specified motor vehicle or in the application for the issuing of specified trade plates;

Amendment of s. 147—Financial provision

16. Section 147 of the principal Act is amended by striking out from subsection (1) "of registration fees".

Amendment of schedule 4—Policy of Insurance

17. Schedule 4 of the principal Act is amended by striking out paragraph (f) of clause 2 and substituting the following paragraph:

- (f) use the vehicle otherwise than—
 - (i) for purposes stated in the application for registration, renewal of registration, exemption from registration or a permit, in respect of the vehicle; or
 - (ii) if trade plates are affixed to the vehicle—for purposes stated in the application for the issuing of those plates; or
 - (iii) for purposes agreed on between the insurer and the registered owner of the vehicle.

Transitional provisions

18. (1) A trader's plate issued under the principal Act as in force immediately before the commencement of this Act will be taken to be a trade plate for the purposes of the principal Act as in force after that commencement.

(2) Despite subsection (1)—

- (a) the provisions of section 66 of the principal Act as in force immediately before the commencement of this Act continue to apply in relation to a motor vehicle to which general trader's plates issued under the principal Act as in force immediately before that commencement are affixed in accordance with the regulations;
- (b) the provisions of section 67 of the principal Act as in force immediately before the commencement of this Act continue to apply in relation to a motor vehicle to which limited trader's plates issued under the principal Act as in force immediately before that commencement are affixed in accordance with the regulations,

but only for the unexpired portion of the period for which the plates were issued.

SCHEDULE*Consequential Amendments***Amendment of Local Government Act 1934**

1. The *Local Government Act 1934* is amended by striking out from paragraph (c) of the definition of "owner" (in relation to a motor vehicle) in section 5(1) "trader's" and substituting "trade".

Amendment of Road Traffic Act 1961

2. The *Road Traffic Act 1961* is amended by striking out from paragraph (b) of the definition of "registered owner" in section 79B(1) "trader's" and substituting "trade".

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

E. J. NEAL Governor