



New South Wales

Motor Dealers Amendment Regulation 2008

under the

Motor Dealers Act 1974

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Dealers Act 1974*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Motor Dealers Regulation 2004*:

- (a) to omit certain references to demonstrator motor vehicles and disposal notices and to omit redundant forms as a consequence of the amendment of the *Motor Dealers Act 1974* by the *Motor Dealers Amendment Act 2007* (the amending Act removes the requirement that a trade owner provide a disposal notice when selling a second-hand or demonstrator motor vehicle to another trade owner and makes provision for demonstrator motor vehicles to be dealt with under the *Motor Dealers Act 1974* as second-hand motor vehicles unless otherwise specified), and
- (b) to combine the current Form 8 (the prescribed form that must be attached to a second-hand motor vehicle offered or displayed for sale by a car dealer if the sale of the vehicle does not attract a statutory warranty) and Form 14 (the prescribed form that, if attached to certain motor vehicles offered for sale by a dealer, exempts the dealer from a statutory obligation to repair any defects that appear or occur in the vehicle) so that Form 8 will apply to all motor vehicles sold without a warranty (by allowing any inapplicable statement or part of the form to be struck out by the person completing the form), and
- (c) to combine the current Form 18 (the prescribed form for the register kept by the holder of a car market operator's licence in relation to motor vehicles for which the holder of that licence guarantees the vendor's title and also the prescribed form of notice to be attached by the car market operator to such a motor vehicle offered or displayed for sale) and Form 19 (the prescribed form for the register kept by the holder of a car market operator's licence in relation to motor vehicles for which the holder of that licence does not guarantee the vendor's title and also the prescribed form of notice to be attached by the car market operator to such a motor vehicle offered or displayed for

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sale) so that Form 18 will apply to motor vehicles regardless of whether title is guaranteed (by allowing the inapplicable statement relating to title to be struck out by the person completing the form), and

- (d) to update the prescribed Form for the register kept by a dealer or wholesaler under section 21 (3) and (5) of the *Motor Dealers Act 1974* so that it includes the odometer reading at the date of disposal of the motor vehicle, and
- (e) to improve the layout of several prescribed Forms and make minor law revision amendments.

This Regulation is made under the *Motor Dealers Act 1974*, including sections 21 (8), 24, 28 (5), 29B and 57 (the general regulation-making power).

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under the

Motor Dealers Act 1974

1 Name of Regulation

This Regulation is the *Motor Dealers Amendment Regulation 2008*.

2 Commencement

This Regulation commences on 1 August 2008.

3 Amendment of Motor Dealers Regulation 2004

The *Motor Dealers Regulation 2004* is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 3)

[1] Clause 18 Prescribed form of register: section 21

Omit clause 18 (1) (e) and (f). Insert instead:

- (e) Form 18, in the case of a register referred to in section 21 (8) of the Act that is kept by the holder of a car market operator's licence in relation to motor vehicles offered or displayed for sale.

[2] Clause 31

Omit the clause. Insert instead:

31 Sale notice for demonstrator motor vehicle: section 24 (6)

- (1) For the purposes of section 24 (6) of the Act:
 - (a) Form 4 is the prescribed form where a motor vehicle is to be sold with a statutory warranty but without a defect notice, and
 - (b) Form 6 is the prescribed form where a motor vehicle is to be sold with a statutory warranty and with a defect notice, and
 - (c) Form 8 is the prescribed form where the sale of a motor vehicle does not attract a statutory warranty.
- (2) For the purposes of section 24 (6) of the Act, the prescribed particulars are the particulars required to be inserted to complete the relevant form.
- (3) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.
- (4) For the purposes of the definition of *defect notice* in section 4 (1) of the Act, Form 6 (to the extent to which it deals with warranty exclusions for specified defects) is the prescribed form for a defect notice given in relation to a demonstrator motor vehicle sold by a dealer.

[3] Clause 33 Disposal notice for second-hand motor vehicle sold to trade owner: section 25 (2)

Omit the clause.

[4] Clause 35 Sale notice for exempted motor vehicle (other than motor cycle) sold without statutory warranty: section 28 (5)

Omit “Form 14”. Insert instead “Form 8”.

[5] Clause 39

Omit the clause. Insert instead:

39 Sale notice for defective second-hand motor cycle: section 29 (3)

For the purposes of section 29 (3) of the Act, Form 5 is the prescribed form where a motor cycle is not more than 5 years old, has travelled no more than 30,000 kilometres and is offered or displayed for sale with a defect notice.

[6] Clause 40 Sale notice for motor vehicle sold at car market: section 29B

Omit clause 40 (1). Insert instead:

- (1) For the purposes of section 29B of the Act, Form 18 is the prescribed form where a motor vehicle is offered or displayed for sale.

[7] Clause 49 Price-related advertising

Omit “or demonstrator” wherever occurring in clause 49 (b) and (c).

[8] Clause 50 Advertising of charges

Omit “or demonstrator” from clause 50 (1).

[9] Schedule 3 Forms

Omit Form 2. Insert instead:

Form 2 Dealers’ and wholesalers’ register

(Clause 18 (1) (b))

Motor Dealers Act 1974: section 21

NAME OF LICENSEE LICENCE No

| DETAILS OF ACQUISITION | | | | | | | | |
|------------------------|---------------------|--------------|--------------------|---|--------------------------|-----------|-------------------|------------------|
| Entry No | Date of acquisition | How acquired | Make and body type | Model designation and date of manufacture | Registration No (if any) | Engine No | VIN or chassis No | Odometer reading |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

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Schedule 1 Amendments

All columns to be completed

| DETAILS OF ACQUISITION continued | DETAILS OF DISPOSAL | | | | | |
|--|---------------------|--------------|-----------------------------------|--------------------------------------|------------------|---|
| Name and address of person from whom vehicle acquired (If trade owner, also insert licence No) | Date of disposal | How disposed | Type & serial No of disposal form | Cash price at which vehicle disposed | Odometer reading | Name and address of person to whom vehicle disposed (If trade owner also insert motor dealer licence No) (If private purchaser at auction also insert driver licence No) |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[10] Schedule 3, Forms 3, 4, 5, 6 and 13

Omit “Name (print) and Signature of Dealer, Agent or Employee Effecting Sale” wherever occurring.

Insert instead “Name (print) and Signature of Person Effecting Sale”.

[11] Schedule 3, Forms 3, 4, 5 and 6

Renumber Part 3 of each Form as Part 2. Renumber existing Part 2 as Part 3.

[12] Schedule 3, Form 3

Omit the following from Part 3 (as renumbered by item [11]):

| | | | |
|-------------------|---------------|-------------------|--------------------------|
| Trade-in (if any) | (Description) | (Registration No) | Trade-in Allowance \$ |
|-------------------|---------------|-------------------|--------------------------|

[13] Schedule 3, Form 4

Omit “(Clause 28 (1) (a))” from the matter immediately under the heading.

Insert instead “(Clauses 28 (1) (a) and 31 (1) (a))”.

[14] Schedule 3, Form 5

Omit “39 (a)” from the matter immediately under the heading.

Insert instead “39”.

[15] Schedule 6, Form 6

Insert “, 31 (1) (b)” after “Clauses 28 (1) (b) and (4)” in the matter immediately under the heading.

[16] Schedule 3, Forms 7, 7A, 11, 11A, 14 and 19

Omit the forms.

[17] Schedule 3, Form 8

Omit the Form. Insert instead:

Form 8 Sale notice—no warranty

No warranty under *Motor Dealers Act 1974* applies to this vehicle.

(Clauses 28 (1) (c), 31 (1) (c) and 35)

Motor Dealers Act 1974: *section 24/section 28

Register Details

Book No _____

Entry No _____

Part 1 (To be completed when vehicle offered or displayed for sale)

| | | | |
|---|--|--------------------------------|--------------------|
| Dealer | | Licence No | |
| Full Business Address of Dealer Where Vehicle Sold | | | |
| (No) | | (Street) | (Suburb/Town/City) |
| Make of Vehicle | | Engine No | |
| Model Designation | | VIN or Chassis No | |
| Date of Manufacture | | Distance Travelled | km |
| Body Type | | Registration No | |
| Cash Price \$ | | Date of Expiry of Registration | |
| | | Date of Notice | |

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Schedule 1 Amendments

Part 2 (To be completed when vehicle offered or displayed for sale)

Note. This Part is to be deleted if the form is attached to a vehicle pursuant to section 28 of the Act (for the purpose of exempting a dealer from the statutory obligation to repair defects appearing or occurring in the vehicle).

The information below has been checked with the Register of Encumbered Vehicles (REVS).

Note. REVS records do not include written off vehicles that were repaired and re-registered prior to 1 July 2003. For more information about what is recorded on the register, contact REVS.

THE VEHICLE IS/IS NOT* LISTED ON REVS AS BEING, OR HAVING BEEN, A WRITTEN OFF OR WRECKED MOTOR VEHICLE.

* **NOTE:** Delete whichever is inapplicable

Part 3 (To be completed at or before time of sale)

Cash Price at Which Vehicle Sold \$

Odometer Reading at Time of Sale km

Serial No of Inspection Report (RTA) Date of Issue of Report
(where applicable)

Purchaser's Full Name

Purchaser's Address

Trade-in (if any) (Description) (Registration No) Trade-in Allowance \$

Purchaser's Signature Date of Sale

Name (print) and Signature of Person Effecting Sale

Unless this vehicle is unregistered and the registration plates removed or is substantially demolished, the dealer must deliver to the purchaser an inspection report issued in accordance with the regulations under the *Road Transport (Vehicle Registration) Act 1997*, which has been issued not more than 90 days before the date of sale stating that the vehicle is roadworthy unless registration of the vehicle has been effected within one month before that date.

Part 4

THERE IS NO WARRANTY UNDER THE MOTOR DEALERS ACT 1974 IN RESPECT OF THE SALE OF THIS VEHICLE. ACCORDINGLY THE DEALER IS NOT REQUIRED BY THE ACT TO REPAIR OR MAKE GOOD ANY DEFECT WHICH MAY EXIST OR OCCUR IN THIS VEHICLE.

[18] Schedule 3, Form 13

Omit “**and demonstrator**” from the heading to the Form.

[19] Schedule 3, Form 18

Omit the Form. Insert instead:

Form 18 Car market register and notice

(Clauses 18 (1) (e) and 40 (1))

Motor Dealers Act 1974: sections 21 and 29B

M

Date

| |
|---|
| TITLE GUARANTEED/TITLE NOT GUARANTEED* |
| <p>THIS VEHICLE IS SOLD WITHOUT STATUTORY WARRANTY UNDER THE MOTOR DEALERS ACT 1974.</p> <p>THE CAR MARKET OPERATOR GUARANTEES THE VENDOR HAS UNENCUMBERED TITLE TO THE VEHICLE./THE VENDOR'S TITLE TO THE VEHICLE IS NOT GUARANTEED BY THE CAR MARKET OPERATOR.*</p> |

| | |
|------------------------------|--|
| VEHICLE DETAILS | Registered No |
| Make | Engine No |
| Model | Odometer km |
| Body Type | Date of Manufacture |
| Certificate of Inspection No | Date of Issue |

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Schedule 1 Amendments

| | |
|-----------------------------|---------|
| REGISTERED OWNER | |
| Name | |
| Address | |
| | |
| Expiry Date of Registration | |
| Source of Information | |
| Registration Papers | YES/NO* |
| Interim Receipt | YES/NO* |
| Other (specify) | |

| | |
|---|-------------|
| DETAILS OF DRIVER (when vehicle enters market) | |
| Name | |
| Address | |
| | |
| Licence No | Expiry Date |
| Driver's Signature | |

* **NOTE:** Delete whichever is inapplicable

BY AUTHORITY
