

MOTOR-VEHICLE DEALERS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Motor-Vehicle Dealers Act 1958.

Clause 1 relates to the Short Title.

Clause 2: Section 2A of the principal Act (inserted by section 5 of the Motor-Vehicle Dealers Amendment Act 1964) provides that the holder of an auctioneer's licence shall not be deemed to be a motor-vehicle dealer by reason of the fact that he sells or offers a motor vehicle for sale by auction under instructions from a Sheriff, a bailiff, the personal representative of a deceased person, the Official Assignee, the liquidator of a company, a receiver for debenture holders, or a person who has left or is about to leave New Zealand, and the sale or offering is in execution of a legal process or forms part of the general realisation of the assets of the person concerned.

This clause extends that provision, and applies it in cases where a licensed auctioneer sells or offers for sale any motor vehicle under instructions from a person who is entitled to a lien on it under section 46 of the Wages Protection and Contractors' Liens Act 1939 for work done on the motor vehicle.

Clause 3 amends section 21 of the principal Act to require a motor-vehicle dealer to keep a record of every motor vehicle that he accepts for the purpose of sale or exchange or for the purpose of any other dealing in relation to the motor vehicle, as well as a record of every transaction in which he has acted as a dealer in relation to a motor vehicle.

The Court recently decided that section 21 does not require a motor-vehicle dealer to keep a record of a motor vehicle received by him for sale on commission until the motor vehicle is actually sold. This clause will extend section 21, and require a record to be kept where a motor vehicle is received for sale or exchange or other dealing on commission.

Clause 4: Section 34 (2) (c) of the principal Act authorises the making of regulations prescribing the fees payable on the issue or renewal of licences. This clause authorises the regulations to require the fee to be paid with the relevant application and the refund of the fee or a specified part of it if the application is refused or is withdrawn. The amendment is made retrospective in order to validate such regulations already made.

Hon. Mr Hanan

MOTOR-VEHICLE DEALERS AMENDMENT

ANALYSIS

Title
1. Short Title

2. Sales of motor-vehicles by auction
3. Record of transactions
4. Regulations as to fees

A BILL INTITULED

An Act to amend the Motor-Vehicle Dealers Act 1958

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Motor-Vehicle Dealers Amendment Act 1967, and shall be read together with and deemed part of the Motor-Vehicle Dealers Act 1958* (hereinafter referred to as the principal Act).
- 10 2. **Sales of motor-vehicles by auction**—Section 2A of the principal Act (as inserted by section 5 of the Motor-Vehicle Dealers Amendment Act 1964) is hereby amended by adding to paragraph (f) the word “or” and by adding the following paragraph:
- 15 “(g) Under instructions from a person entitled to a lien on the motor vehicle under the provisions of section 46 of the Wages Protection and Contractors’ Liens Act 1939.”

*1958, No. 112

Amendments: 1964, No. 39; 1966, No. 75

3. Record of transactions—Section 21 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Every motor-vehicle dealer shall keep in the prescribed form a record of— 5

“(a) Every motor vehicle that he purchases, or accepts for the purpose of sale or exchange or for the purpose of any other dealing in relation to the motor vehicle; and

“(b) Every transaction in which he has acted as a dealer 10 in relation to any motor vehicle.”

4. Regulations as to fees—Section 34 of the principal Act is hereby amended as from its commencement by adding to paragraph (c) of subsection (2) the words “requiring any fee to be paid at the time of the filing of the relevant applica- 15 tion, and providing for a refund of the fee or a specified part thereof if the application is refused or is withdrawn”.