



Storm or flood damaged vehicles

Information for consumers

It is expected thousands of flood-damaged vehicles could be offered for sale by private sellers, motor vehicle dealers and auction markets in the coming weeks.

If you are in the market for a second-hand vehicle you should be aware of the different obligations motor vehicle dealers, insurance companies and private sellers have to comply with before they sell a water-damaged vehicle.

Water-damaged motor vehicles may fall under two categories:

1. Statutory write-off

A statutory write-off is too badly damaged to be repaired to a standard that is safe for road use. The vehicle identification number (VIN) or chassis number is recorded as a statutory write-off, and the vehicle is not allowed to be registered. These vehicles are only suitable for use as parts or scrap metal.

A statutory write-off includes a:

- motor vehicle that has been immersed in fresh, salt and/or brackish water above the inner doorsill level for any period; or
- motorbike that has been fully immersed in salt water for any period, or fresh water for more than 48 hours.

2. Repairable write-off

A repairable write-off has been assessed as uneconomical to repair. The vehicle identification number (VIN) or chassis number is recorded as a repairable write-off and the vehicle will only be registered if it:

- is repaired;
- passes a safety inspection; and
- passes a written-off vehicle inspection.

A repairable write-off may include a:

- a motor vehicle that has been assessed as a total loss but is not a statutory write-off; or
- a water damaged motor vehicle that is not a statutory write-off.

The Department of Transport maintains a register of written-off motor vehicles. It has details of vehicles under 15 years old that have been classified as written-off. A written-off vehicle certificate provides information on the status of a written-off vehicle. It will detail the date of the write-off and the reason (for example, impact, fire or water damage).

Buying or selling a damaged vehicle

Dealers and Auctioneers

While there is no legal obligation for a dealer to disclose the history of a motor vehicle (unless specifically asked), it is an offence under the Australian Consumer Law for the vehicle to be misrepresented.

Consequently, a dealer cannot misrepresent the vehicle in any advertising or during the negotiation process.

It is therefore imperative that you ask the dealer about the history of the vehicle, and specifically, if it has been a write-off.

The majority of Auctioneers will advise if a vehicle is a repairable write-off or statutory write-off prior to the vehicle being auctioned.

Private sellers

If you buy a water-damaged vehicle privately, we strongly recommend you have it checked by a qualified mechanic. If you undertake your own checks, you should check for the following:

- the glove box for a tide mark;
- under the seat mountings for signs of water debris;
- open the fuse box and check for debris; and
- lift seat covers and inspect original fabric.

You should also undertake a Personal Properties Securities Register (PPSR) check. This will let you know if the vehicle has been written-off, stolen or has money owing on it. You will need to have the vehicle identification number (VIN) to perform the search.

Safeguards

The Department of Transport has set up three main safeguards to help consumers and businesses protect themselves against purchasing vehicles that have been written-off. These safeguards are:

- the written-off vehicle register;
- vehicle information check, which offers those planning to buy a second-hand vehicle a quick and easy way to obtain important information before purchase. A vehicle information check can be purchased for a car, truck, caravan, trailer, bus or motorcycle which was manufactured on or after 1 January 1989; and
- written-off vehicle inspections, which confirm the identity of repairable written-off vehicles before registration (this is part of the relicensing process).

Who makes entries to the written-off vehicle register?

Organisations that work with written-off vehicles are required to notify the Department of Transport when a vehicle is written-off or dismantled for parts.

The written-off vehicle register captures information about written-off vehicles that are 15 years old or less, including:

- motor vehicles with a Gross Vehicle Mass up to and including 4.5 tonnes;
- trailers with an aggregate trailer mass of 4.5 tonnes and over;
- motorbikes; and
- caravans.

The majority of information supplied to the written-off vehicle register will come from insurance companies. If you fall in to one of the categories below you will need to become a written-off vehicle notifier.

- insurance companies;
- auction houses that take possession of a written-off vehicle not currently recorded on the register;

- motor vehicle dealers that take possession of a written-off vehicle not currently recorded on the register;
- auto-part dismantlers taking possession of a written-off vehicle or dismantling a vehicle not currently recorded on the register; and
- loss assessors, assessing a vehicle for someone other than an insurer.

What if it's a one-off case?

Individuals who are self-insured (this includes businesses) are required by law to notify the Department of Transport if their vehicle is written-off or is being dismantled and this hasn't been notified to the Department of Transport by an insurance assessor.

Individuals and businesses that don't normally handle written-off vehicles, but take possession of a vehicle that isn't recorded on the register, will need to inform the Department of Transport. To do this, you must complete and lodge the relevant form with the Department of Transport. This will cancel the vehicle's registration.

If the vehicle is a repairable write-off and the owner wants to have it registered, a written-off vehicle inspection must be undertaken.

Date of effect: February 2018

Department of Mines, Industry Regulation and Safety

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