



Department of Transport
An Roinn Iompair



RSA

Regulating Written-off Vehicles

Department of Transport and the Road Safety Authority

22 December 2010

Údarás Um Shábháilteacht Ar Bhóithre
Road Safety Authority

Executive Summary

The European Commission's Road Safety Unit¹ has indicated that defective vehicles contribute directly or substantially to between 5% and 10% of all road traffic collisions in the European Union². Written-off vehicles which have been substantially damaged beyond repair are dangerously defective. A written-off vehicle that can be repaired, but has been repaired incorrectly is also a defective vehicle.

Such vehicles present an increased risk to the safety of all road users and data from the insurance industry would suggest they are over twice as likely to be involved in a road traffic incident as is the average for the national fleet³.

A vehicle that has been written-off as a result of serious damage to its structural integrity should not be permitted continued use on a public road. Such vehicles are dangerously defective and unsafe.

Vehicles can also be written-off for financial reasons and not due to the degree of damage they have sustained. Such vehicles can be used again on a public road if repaired correctly.

In 2008 Ireland put in place an administrative system to deal with written-off vehicles and this provides us with a strong foundation for developing and implementing a permanent system.

As the standard of vehicles on our roads is so fundamental to road safety, it is proposed that the current administrative system be enhanced and strengthened through a legislative base.

¹ Directorate General for Mobility & Transport

² In Ireland less than 1% of Road Traffic Collisions were as a result of a defective vehicle being the primary contributory factor (Road Collision Facts 2008)

³ Figures taken from InsuranceLink, Ireland's Centralised Claim database managed by Risk Intelligence Ireland (www.riskintelligence.ie)

This consultation proposes that any future system for regulating written off vehicles should incorporate:

- Clear definitions of categories of vehicles which must be permanently written off and those which are capable of being repaired and put safely back in use on our roads
- Regulation of imported written-off/salvaged vehicles
- Requirements to ensure the details of vehicles written-off are notified and recorded
- Regulation of the ownership of a written-off vehicle
- Requirements governing the standard of repair of written-off vehicles being put back on Irish roads are to a minimum national standard

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1. Invitation to comment

The Department of Transport (DoT) and the Road Safety Authority (RSA) are undertaking a review of the regulation, classification and safety issues associated with Written-off Vehicles with a view to incorporating provisions in respect of regulating written-off vehicles in Road Traffic legislation.

Consulting with individuals, companies, organisations and associations who are interested in developing proposals to regulate written-off vehicles is an important part of this process.

This document sets out Ireland's current written-off vehicle policy and practice and reviews international procedures. It also proposes options for the future regulation of written-off vehicles in Ireland.

Before recommendations to the Minister for Transport are finalised we are seeking your comments and views. We wish to ensure that the policy for regulating written-off vehicles reflects the views and concerns of the Irish public.

2. Introduction

Irish Road Traffic Regulations set out specific requirements for all vehicles using Irish public roads. In particular these Regulations prohibit the use of a vehicle on Irish roads if it represents a danger to any road user⁴. This in some cases may be true of a written-off vehicle.

A specific process for regulating written-off vehicles is not currently included in Road Traffic legislation. To include a specific process for regulating written off vehicles in Road Traffic legislation requires a legal definition of a written-off vehicle and a clearly defined procedure for written-off vehicles to be repaired and allowed again on a public road. Where a written-off vehicle is determined to be damaged beyond repair it would be prohibited from further use on a public road.

3. Background and current practice

In 2007 it became apparent that there were vehicles in use on Irish roads that had previously been written-off. In response the Department of Transport immediately put in place an administrative system to deal with these vehicles and this is currently managed by the Department's Driver and Vehicle Computer Services Division (DVCSD).

At present this system permanently "locks down"⁵ the records of a vehicle on the National Vehicle and Driver File (NVDF), identified by an insurance company as being a total write-off, and a letter is sent to the owners of those written-off vehicles observed to be still in-use⁶.

The purpose of this letter is to make the owner aware of their vehicle's write-off status. It also advises that such a written-off vehicle cannot be brought back on the road and that no further NVDF transactions can take place for that vehicle.

⁴ Road Traffic (Construction, Equipment and Use of Vehicles) Regulations 1963

⁵ "Locks down/locked down" certain transactions cannot be processed for a vehicle with its records locked down on the NVDF (e.g. renewal of motor tax, change of ownership etc.).

⁶ The National Vehicle Data File (NVDF) records recent activity (such as renewal of annual motor tax, change of ownership etc.) for vehicles still in-service/in-use.

The DVCSD also receive notification from the Revenue Commissioners of vehicles determined to be written-off or salvage vehicles in another country but then imported and registered in Ireland. The records of these vehicles are locked down on the NVDF and their owners are advised to have the vehicles examined by a suitably qualified automotive engineer/assessor who would certify the vehicle. This certification is necessary to ensure that the repaired vehicle adheres to the minimum legal requirements set out in Road Traffic legislation.

Receipt of this certification enables the locked down status to be removed from the vehicle's NVDF records.

4. International approach and related developments

In general vehicle standards authorities and vehicle insurers consider two primary factors in determining and classifying a written-off vehicle. Is the vehicle safe to repair? Is the vehicle financially viable to repair?

4.1 United Kingdom (UK)

In the UK a vehicle write-off is determined by insurance companies' (or salvage agents') automobile assessors/engineers. The write-off category in which the vehicle is placed is based on strict guidelines set out in a code of practice for the disposal of motor vehicle salvage.

The insurance companies are also required to inform the UK's Department for Transport, Driver and Vehicle Licensing Agency (DVLA) of any vehicle determined to be a write-off.

A written-off vehicle is categorised in the UK as follows:

- Category A: Beyond repair vehicle must be crushed
- Category B: Vehicles body must be crushed but may be used for supplying some replacement parts
- Category C: Vehicle has been extensively damaged but can be repaired
- Category D: Vehicle has been damaged, insurer decided not to repair

If the vehicle is written-off in Categories A and B, then the vehicle must be crushed as the structural integrity of the vehicle has been seriously compromised. Such vehicles are not suitable for repair as there are no realistic checks that can be carried out to determine if the repairs make the vehicle safe. As a result such vehicles are not permitted further use on a public road.

If the written-off vehicle is determined to be in Category C or D then it can be repaired and permitted for road use following completion of a Vehicle Identity Check (VIC). Category C and D written-off vehicles remain "flagged" on the DVLA system until the VIC is completed.

The purpose of the VIC is to ensure that a stolen vehicle is not passed off as a written-off and repaired vehicle. Such vehicles are known as “Ringers”. A “Ringer” is a stolen vehicle that has had its identification numbers replaced by a set from another vehicle. This allows the original identity of the stolen vehicle to be concealed. The replacement identification numbers used on the stolen vehicle are very often sourced from a similar vehicle that has been written-off.

The VIC check does not require any special investigation of the repairs or the standard of repairs carried out to a written-off vehicle. Instead the UK’s periodic roadworthiness inspection (MOT), for cars three years and older, is regarded as sufficient. To remove a VIC marker the car must:

- be roadworthy and capable of being driven under its own power (however there is no positive check for this)
- have a valid MOT if it is over 3 years old
- be driven by an insured person
- display front and rear number plates

4.2 Australia

Australian legislation provides for two types of written-off vehicles (i) statutory and (ii) total loss. Statutory write-offs are not permitted to be used on the public road again while total loss vehicles can be repaired and re-used.

A Total lost write-off is defined as:

- A vehicle damaged by collision, fire, flood, accident, trespass, dismantling, demolition or other event, to the extent that its fair salvage value, plus the cost of repairing the vehicle for use on a public street would be more than the fair market value of the vehicle immediately before the event that caused the damage.

A statutory write-off is described as:

- A vehicle that is assessed as a total loss and is:

- A motor vehicle (other than a motor bike) that has been immersed in saltwater for any period above the doorsill level, or immersed in freshwater up to the dashboard or steering wheel for more than 48 hours.
- A motor bike that has been fully immersed in saltwater for any period, or fully immersed in freshwater for more than 48 hours.
- A motor vehicle or trailer that is burnt to such an extent that it is fit only for wrecking or scrap.
- A motor vehicle or trailer that is stripped of all, or a combination of most, interior and exterior body parts, panels and components (for example, engine, wheels, bonnet, guards, doors, boot lid).
- A motor vehicle (other than a motor bike) that is damaged according to at least three of the following impact damage indicators:
 - Damage to an area of the roof equal to or exceeding 300 x 300mm.
 - Damage to an area of the cabin floor pan equal to or exceeding 300 x 300mm.
 - Damage to an area of the firewall equal to or exceeding 300 x 300mm.
 - Damage to the suspension. Cracked or broken major mechanical components such as the engine block and transmission casings. A motor bike that has impact damage (excluding scratching) to the suspension and at least two areas of structural frame damage.

A statutory write-off will have its registration cancelled and this cancellation recorded against the vehicles Vehicle Identification Number (VIN) on Australia's central vehicle register. A statutory write-off will not be allowed re-registration or be used on a public road again.

4.3 European Car and Driving License Information System (EUCARIS)

EUCARIS is a pan-European communications network developed to allow participating countries to exchange data relating to motor vehicles and driving licences between the relevant registration authorities. EUCARIS enables organisations in Member States to consult on-line any motor vehicle data kept in the national registers of countries affiliated to the system. It is expected that Ireland will become a member of EUCARIS in 2011.

As this system allows for the identification of vehicles that have been written-off, scrapped or stolen in Europe it could be utilised in this country as a powerful reference tool in the regulation of written-off vehicles which are imported into this country.

4.4 End of Life Vehicles (ELV's) in Ireland

The Waste Management (End of Life Vehicles) Regulations 2006 provide for the implementation in Ireland of Directive 2000/53/EC on end of life vehicles. The Regulations introduced new environmental standards to ensure that materials are recovered and recycled from vehicles in a way that does not harm the environment.

In the event of the destruction of passenger cars and light commercial vehicles (less than 3,500 kg), the vehicle registration certificate/licensing certificate must be surrendered to an Authorised Treatment Facility (ATF) where the vehicle is being deposited for destruction.

The Regulations require a Certificate of Destruction (COD) which is issued to the registered owner following delivery of their vehicle to an ATF. The COD is a declaration that the vehicle will be destroyed in accordance with the requirements of the regulations and that the event will be noted on the NVDF. When a COD is issued for a vehicle, the vehicle cannot be subsequently licensed or used in a public place and the relevant record on the NVDF is locked down and no further activity can be processed.

Vehicles not subject to ELV regulations (vehicles with more than 8 passenger seats and commercial vehicles over 3,500 kg) have a 'scrapped destroyed' status notification put against their NVDF record.

5. Options for control of written-off vehicles in Ireland

It is a key basic road safety requirement that all vehicles on our roads conform to a minimum standard of construction. New vehicles coming onto our roads will have gone through a rigorous type approval⁷ process to ensure that they meet basic safety standards. During the course of their life, vehicles in use on our roads are required to be maintained in a safe state⁸ and fit for purpose.

All road users and, in particular, purchasers of second hand vehicles, should have assurance that vehicles have not been written-off and then repaired when they are not capable of being repaired. There should also be assurance that if a vehicle has been written-off and repaired that the repair has been completed to a minimum standard. A full vehicle history should also be available.

As the standard of vehicles on our roads is fundamental to road safety, it is proposed that the current administrative system to deal with written-off vehicles be enhanced and strengthened through a legislative base.

Importantly, this legislative base would clearly define the written-off vehicle categories which must be permanently prohibited from road use. It would also set out the categories of written-off vehicles that can again be used on our roads if repaired correctly.

⁷ European Communities Whole Vehicle Type Approval (ECWVTA)

⁸ Road Traffic (Construction, Equipment and Use of Vehicles) Regulations S.I. No. 190 of 1963

5.1 Issues to be addressed

The specific issues to be addressed in developing a formal system for regulating written-off vehicles in Ireland are discussed at 5.1.1 to 5.1.12 below.

5.1.1 Definition of a Written-off Vehicle

It is essential that a written-off vehicle is correctly categorised. A clear written-off vehicle definition in Road Traffic legislation would set out the basis for the future of the vehicle and any assessment carried out by a third party (e.g. an insurance company/salvage agent).

The primary objective of any assessment carried out on a written-off vehicle must be to investigate whether the structural integrity of the vehicle has been compromised and assess the level of damage to safety or environmentally critical components. A secondary concern is the assessment of the financial implications of any damage.

It is proposed that any legal definition of a written-off vehicle would have two distinct write-off classifications:

- Statutory write-off
- Financial write-off

Statutory write-offs would describe written-off vehicles that have sustained extensive damage. The integrity of the vehicles construction would be seriously compromised and therefore all such written-off vehicles would be prohibited from further use on public roads.

A vehicle determined to be a statutory write-off would have to be destroyed in line with the appropriate end of life requirements. Importantly a statutory write-off could not be reclassified as a financial write-off before its destruction.

A statutory write-off definition would allow the Minister of Transport to determine the stage at which a written-off vehicle would be prohibited from further use on a public road. This definition would be used by a third party

(such as insurance companies and salvage agents) in their assessment of a written-off vehicle.

Financial write-offs would not have had their physical integrity compromised but would be determined to be uneconomical to repair. Financial write-offs could be used again provided the repaired vehicle was inspected and certified as meeting the minimum standard for use on a public road.

The definition of a written-off vehicle would have the following sub classifications:

- Category A: a statutory written-off vehicle that must be destroyed (in line with End of Life Vehicle or Scrapped/Destroyed requirements)
- Category B: a statutory written-off vehicle body that must be destroyed but specified components, technical units, or systems may be used for supplying some replacement parts (in line with End of Life Vehicle requirements)
- Category C: a financial written-off vehicle (not being a statutory written-off vehicle) that has been extensively damaged but can be repaired
- Category D: a financial written-off vehicle (not being a statutory written-off vehicle) that has been lightly damaged but can be repaired

5.1.2 Imported written-off vehicles

Written-off vehicles being imported into Ireland, having been written-off in another jurisdiction, would be regulated in the same manner as vehicles written-off in this country. That is:

- vehicles determined in another jurisdiction to be a class of write-off that should not again be used on the road would not be registered in Ireland and the owners of such vehicles would be obliged to bring the vehicle to an Authorised Treatment Facility for destruction
- vehicles identified as a write-off for financial reasons could be registered but only after providing standard of repair certification as required for a Irish financial write-off

Where the write-off classification cannot be determined the Revenue Commissioners would assume that the vehicle is a statutory write-off and it would not be registered.

To assist in identifying an imported written-off vehicle the Revenue Commissioners would require an original copy of the vehicles registration documents and/or a certificate of permanent export (similar to that currently available from vehicles being imported from the UK) at its preregistration inspection. The details of the vehicle would also be investigated with the assistance of the EUCARIS system. It is also proposed that the Gardai would be notified of any attempted registration of a written-off vehicle in contravention of these requirements.

5.1.3 Vehicles written-off before registration

There are times when vehicles are written-off before first registration e.g. vehicles which have been damaged in some way prior to sale at the distributor's facility, main dealership or garage.

These written-off vehicles would be subject to the same registration procedures as imported written-off vehicles and car dealerships/distributors would not be permitted to register such vehicles through the Revenue Online System.

5.1.4 Destroying statutory written-off vehicles

Owners of a statutory written-off passenger car or light commercial vehicle (less than 3,500 kg) would be required to have the vehicle destroyed at an Authorised Treatment Facility in line to the requirements of Waste Management (End of Life) Regulations.

The owner of a statutory written-off vehicle would receive a Certificate of Destruction for their vehicle upon taking it to an Authorised Treatment Facility and an End of Life notification will be recorded on the NVDF.

Owners of statutory written-off vehicles not subject to Waste Management (End of Life) Regulations would be required to have their vehicle

Scrapped/Destroyed and disposed of at a designated treatment facility in a similar manner to that of End of Life requirements. The Scrapped/Destroyed notification would be sent directly by the vehicle owner to the National Vehicle and Driver File.

5.1.5 Recording and notifying details of written-off vehicles

Key to an effective system of regulating written-off vehicles is accessibility to accurate write-off vehicle histories for prospective owners, public bodies and enforcement authorities. Therefore, it is proposed that the current administrative system of notifying and recording written-off vehicles be made mandatory.

Whoever determines a vehicle to be a write-off (e.g. an insurance company, salvage company or a vehicle distributor/dealership/garage) would be legally required to notify a designated central authority of a vehicles write-off classification.

On receipt of a write-off notification the vehicle would have its records locked down on the National Vehicle and Driver File. The vehicle's write-off classification would be recorded and the locked down status on the National Vehicle and Driver File would remain permanently in place for statutory write-offs.

Financial write-offs would have their records locked down until standard of repair certification is provided to show the vehicle has been repaired and is fit for use on a public road. If standard of repair certification is provided for the vehicle it would be recorded on the National Vehicle and Driver File. The owner of a financial write-off would be unable to process specific transactions for their vehicle (e.g. renew their vehicle's annual motor tax) while its NVDF record is locked down.

The Gardai would be notified if any NVDF transactions were attempted for a statutory written-off vehicle or for a financial write-off without standard of repair certification.

In the case of imported financial write-offs such details would be captured at the time of registration.

5.1.6 Ownership of a written-off vehicle

In some cases the vehicle owner, at the time the vehicle was determined to be a write-off, remains the named owner on the National Vehicle and Driver File even though the vehicle subsequently becomes the possession of an insurance company or Authorised Treatment Facility.

It is proposed that if a written-off vehicle becomes the possession of an insurance company or Authorised Treatment Facility then the registered ownership of the vehicle would be formally transferred into the name of the insurance company or Authorised Treatment Facility as appropriate.

5.1.7 Insuring a written-off vehicle

A vehicle insurer is liable for the damages or costs arising from the negligent use of a vehicle.⁹ The insurance industry has an important role in ensuring that written-off vehicles are only used on our roads again where they are financial write offs and where they have been repaired and certified to a minimum standard.

It is proposed to prohibit statutory written-off vehicles from being insured. It is proposed that financial write-offs can only be insured once they have the appropriate standard of repair certification. Insurers will need access to NVDF data to identify such instances.

⁹ Part VI, 56 of Road Traffic Act 1961.

5.1.8 Getting a financial write-off back on the road

It is proposed that a financial write-off can only be put back on the road once it has been repaired and the vehicle has been inspected and certified to show it is of a minimum standard.

There are already robust provisions and requirements in Road Traffic law to ensure vehicles on our roads are fit for purpose :

- Vehicle owners and drivers are obliged to ensure that the vehicles and their parts and equipment are maintained in good and efficient working order that they present no danger to road users.
- Suppliers of new and second hand vehicles are obliged to ensure the vehicles they supply are safe and in compliance with Road Traffic requirements.
- Irish law requires that components or parts fitted to vehicles are Type Approved where the vehicle has been subject to such requirements on registration or entry into service¹⁰. This applies to vehicle components including exhaust systems, brake linings, catalytic convertors, tyres, etc.
- Since April 2009, Ireland has a national Individual Vehicle Approval (IVA)¹¹ system which assesses vehicles against a detailed minimum technical standard. New vehicles must meet this minimum technical standard in order to be registered and used on our roads.
- As a vehicle must be maintained in a fit for purpose state and be safe, the original manufacturers' specifications must be adhered to when replacing components or undertaking vehicle modifications/repairs.

¹⁰ Road Traffic (Components and Separate Technical Units) Regulations, 2007

¹¹ European Communities (Road Vehicles: Type-approval) Regulations, 2009, Part 5, Technical Specification and Technical Requirements (Supplementary) For Individual Approvals

These requirements would form the basis of the minimum standard used to assess if a financial write-off is suitable to be allowed back on our roads.

Any such assessment would primarily ensure the repaired vehicle complies with the requirements of Irish Road Traffic Construction, Equipment and Use of Vehicles, Construction and Use of Vehicles and Lighting of Vehicles Regulations.

It would also ensure that component parts are replaced with Type Approved ones where required and that the original vehicle manufacturers' specifications/guidelines are adhered to.

The national Type Approval inspection for new vehicles, IVA, would provide the model for how a financial write-off vehicle inspection would be undertaken and what certification ("standard of repair certification") should be subsequently issued to the vehicle.

5.1.9 Who can carry out a financial write-off inspection and issue standard of repair certification?

It is proposed that only approved facilities or suitably qualified individuals/companies be allowed to inspect a financial write-off and issue certification to show that it has been repaired correctly and is of a minimum standard.

Two options are suggested for the owner of a financial write-off to obtain certification on the standard of repair :

- Option 1 : Only Approved Test Centres could inspect and certify financial write-offs.
- Option 2 : Both Approved Test Centres and Suitably Qualified Individuals could inspect and certify financial write-offs.

Option 1 : Approved Test Centres (ATCs)

ATCs have been approved by the National Standards Authority of Ireland (NSAI) to carry out national Type Approval testing of vehicles. They are

located across the country and currently use the national minimum technical standard for the approval of new vehicles before they enter into service in Ireland.

The national Type Approval test of vehicles includes a procedure for approving single vehicles (Individual Vehicle Approvals¹² (IVA)). IVA itself allows for amateur-built vehicles, or vehicles built in very low volumes (Schedule 7 Vehicles), to be approved for entry into service in Ireland.

The IVA visual inspection and certification procedure for amateur-built and low volume vehicles could be adapted for checking and certifying that the repairs carried out to a written-off vehicle are acceptable. Such a check would be carried out at an Approved Test Centre (ATC).

Such an IVA based scheme would be suitable for having a written-off vehicle inspected and certified at an ATC. The benefits of using an ATC are:

- a high level of assurance of a written-off vehicle's certification as ATCs have NSAI approval
- a familiarity with the national minimum technical standards for new vehicles entering into service in Ireland
- the expertise, testing facilities and equipment necessary to undertake a comprehensive written-off vehicle inspection

Option 2 : Approved Test Centres and Suitably Qualified Individuals

At present suitably qualified individuals (SQI's) provide certification that a written-off vehicle adheres to the minimum legal requirements set out in Road Traffic legislation. As this is the case both ATCs, as suggested above, and SQI's could provide standard of repair certification for a written-off vehicle.

It is important, however, that an SQI meets a minimum professional standard and has the capacity and capability to provide independent certification of a

¹² S.I. No. 158/2009 — European Communities (Road Vehicles: Type-approval) Regulations 2009, PART 5 Technical Specification and Technical Requirements (Supplementary) For Individual Approvals

written-off vehicle. The SQIs qualifications, experience, access to adequate facilities and knowledge of vehicle design and repair is critical to ensuring an adequate minimum standard of certification.

The definition contained in S.I. No. 47 of 1998¹³ provides a good basis for defining an SQI as “a mechanical or automotive engineer, an automotive assessor or a person with similar qualifications who..... by reason of his or her competence, experience and independence, is an appropriate person to assess the fitness and safety of a mechanically propelled vehicle.”

A recognised list of SQI's could be compiled by insurance companies and made publicly available.

It is recommended that SQI's would have to meet the following minimum requirements in order to be able to certify that a written-off vehicle had been correctly repaired:

- Engineering/Technical Qualification (Level 7 or higher accredited courses¹⁴) or appropriate accreditation with Engineers Ireland¹⁵ or the Institute of Automotive Engineer Assessors¹⁶
- A minimum of 5 years experience of working in a suitable technical environment (preferably Automotive or Engineering Environment)
- Access to adequate facilities to carry out a thorough vehicle examination
- Professional indemnity insurance.

¹³ Road Traffic (Public Service Vehicles) (Amendment) Regulations

¹⁴ See Engineers Ireland, Accredited Courses.

¹⁵ Chartered or Associate Engineer.

¹⁶ Member or Incorporated Member.

5.1.10 Written-off vehicle assessment

Where an ATC or SQI is engaged by the owner of a written-off vehicle to provide standard of repair certification to the vehicle, they would be required to carry out a comprehensive inspection of the vehicle and how it has been repaired. They would also need to ensure that they have the necessary information to hand when carrying out the inspection.

This information would include a report from the insurance company stating why the vehicle had been determined to be a write-off, and possibly supporting documentation from the company, garage or mechanic who carried out repairs to the vehicle. They should also ensure the assessment comprehensively covers all relevant legal and technical requirements relating to the minimum standard of a vehicle when using Irish roads as set out in section 5.1.8.

Standard of repair certification would be developed for completion by an ATC or SQI and issued to the owner of a written-off vehicle if it is found after its inspection to meet with the appropriate minimum standard.

5.1.11 Enforcement

Any regulation of written-off vehicles would make it an offence to use a statutory written-off vehicle on our roads.

It would be an offence to use a financial write-off on a public road if it does not have the appropriate standard of repair certification (i.e. the vehicle's locked down status has not been removed from the National Vehicle and Driver File).

Enforcement of these requirements would be carried out by An Garda Síochána who will have access to write-off data on the NVDF. It is proposed that a driver using a statutory write-off on a public road would have their vehicle seized and would be prosecuted for dangerous driving. The seized vehicle would be taken to an Approved Treatment Facility for destruction. The costs associated with this would be charged to the driver of the vehicle.

A driver using an uncertified financial write-off would also have their vehicle seized and would receive a direct summons to court and penalty points on conviction. The seized vehicle would have to undergo standard of repair inspection and certification before being released to the vehicle owner. Alternatively the seized vehicle would be taken to an Approved Treatment Facility for destruction. The costs associated with these would be charged to the driver of the vehicle.

5.1.12 Written-off vehicles and the period roadworthiness inspection

It is proposed that a statutory write-off would be unable to undergo a periodic roadworthiness inspection¹⁷. A financial write-off would only be able to undergo its roadworthiness test if it has the appropriate standard of repair certification (i.e. its locked down status on the NVDF has been removed).

It is worth stating that the inspection and certification of a written-off vehicle is distinct from the roadworthiness inspection which simply confirms that the vehicle was roadworthy based on a check on the components of a vehicle which are subject to wear and degradation through normal use of a vehicle. It does not check the standard of repair to a vehicle or that the repairs adhere to a minimum standard. The financial write-off inspection would provide independent assurance following an in-depth inspection that the financial write-off has been repaired to a minimum standard and is fit to return to the road.

For example if the front suspension unit of a vehicle has been badly damaged and subsequently replaced, the roadworthiness inspection would check that the components of the new suspension unit are functioning correctly but would not check that it is the correct suspension unit for the vehicle.

¹⁷ National Car Test (NCT) for cars carried out at NCT test centres and the Commercial Vehicle Test (CVT) for vans, trucks and buses carried out at VTN test centres.

Your views

We wish to hear from all road users, interest groups and others who may have views, advice and suggestions in the development of a system for regulating written-off vehicles in this country. In summary this consultation paper proposes that:

- A specific process to regulate written-off vehicles be provided for in Road Traffic legislation
- A definition of a written-off vehicle which sets out the basis for both the future of the vehicle and any assessment carried out by a third party
- The prohibition of certain written-off vehicles from being registered in Ireland if they were written-off in another jurisdiction or written-off before registration.
- A power to require the destruction of statutory written-off vehicles.
- A requirement that a vehicle insurer or other specified persons inform a designated central authority of vehicles determined to have been written-off and a provision to lock down the records of a written-off vehicle on the National Vehicle Driver File.
- A requirement that whoever takes possession of a written-off vehicle also becomes the vehicles registered owner (e.g. insurance companies, salvage agents, garage, etc).
- Requirements be introduced regarding the insuring or reinsuring of written-off vehicles.
- A requirement that written-off vehicles which can be repaired must be certified so that they comply with a minimum standard.
- A requirement that the inspection and certification of a written-off vehicle is undertaken by competent persons/authorities.
- Enforcement and offence provisions for non compliance.

Key Questions

It would be helpful if, when you reply, you could consider the following specific questions in your response although we would, of course, also be pleased to hear any other relevant comments that you may wish to make.

1. Should legislation be put in place in Ireland to require written-off vehicles to be regulated?
2. Do you agree with the proposed methods to regulate written-off vehicles in Ireland?
3. Do you agree that severely damaged written-off vehicles should be prohibited from further use on Irish roads?
4. Do you agree that vehicles written-off for financial reasons should undergo an inspection and certification procedure before being used again on Irish roads?
5. Do you agree that it should not be possible to reclassify a vehicle's write-off category?
6. Do you agree that the insurance industry should ensure that written-off and repaired vehicles they insure are of a minimum standard or repair? Do you have views on what its role should be?
7. Two options have been put forward as to who can inspect and certify a financial write-off – Option 1: Approved Test Centres, Option 2: Approved Test Centres & Suitably Qualified Individuals. Which do you agree with?
8. Are the requirements for the Suitably Qualified Individual, who would inspect and certify a written-off vehicle, sufficient?
9. Are the offences proposed for using a written-off vehicle on a public road sufficient? Do you have any views on what the level of offence this should be?

Contact Details

The consultative process commences on Wednesday 22 December 2010 and lasts until 4 February 2011. Comments should be e-mailed to:

writeoffconsultation@rsa.ie or posted to:

Vehicle Standards Section
Road Safety Authority
Moy Valley Business Park
Primrose Hill
Ballina
Co Mayo

Working To Save Lives

Údarás Um Shábháilteacht Ar Bhóithre Road Safety Authority

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