



**AN BILLE UM THRÁCHT AR BHÓITHRE (LEASÚ), 2012
ROAD TRAFFIC (AMENDMENT) BILL 2012**

EXPLANATORY MEMORANDUM

Section 1 is a standard section stating that the short title of the Act is the Road Traffic (Amendment) Act 2012.

Section 2 deals with commencement stating that the Act shall commence on such day or days as the Minister shall prescribe.

Section 3 of the Act contains the definition for the odometer of the vehicle; otherwise known as the speedometer of the vehicle.

Section 4, subsection (1) introduces a criminal offence of “tampering with an odometer” on a vehicle. It states that a person must knowingly or recklessly make an adjustment to an odometer and thereby misrepresent the true mileage of the vehicle to be guilty of the offence in the section.

Subsection 2 sets out the penalty for an offence under subsection (1), stating that a person guilty of an offence under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding five thousand Euro or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment, or, on conviction on indictment, to a fine not exceeding ten thousand Euro or to imprisonment for a term not exceeding two years, or to both such fine and such imprisonment.

Subsection 3 states that no offence is committed under subs 1 when an odometer is adjusted to reflect the true mileage of the vehicle.

Section 5 introduces the offence of offering for sale any vehicle in which the odometer has been tampered with within the meaning of *section 4*. Subsection (2) states that this offence is committed regardless of whether the sale takes place — thus in circumstances where a commercial car dealer has left the vehicle for sale on their forecourt this is enough to trigger the offence, regardless of whether the vehicle is subsequently taken off the market. However, subsection (3) states that no offence is committed by the car dealer in this instance where he/she has taken “reasonable steps” to ensure that the vehicle has not been tampered with within the meaning of *section 4*. Subsection (5) states that taking reasonable steps would include the receiving of a statement certifying the accuracy of the mileage from the previous owner of the vehicle. Subsection (5) states the penalties for this offence.

Section 6 introduces the offence of signing a false Vehicle Mileage Certificate. Consistent with *section 5(4)*, the Bill proposes to introduce the concept of a vehicle mileage certificate which should be signed by the owner of a vehicle on point of sale. The section introduces an offence of signing a vehicle mileage certificate knowing that the mileage on the certificate is inaccurate. Subsection 2 states the penalties for this offence.

The *Schedule* to the Bill contains a sample vehicle mileage certificate which the buyer and commercial seller can print from the Act and can request the vehicle owner to sign at the point of sale.

Deputy Anthony Lawlor,
December, 2012.