

16. Commercial vehicles to be licensed in the State

- (1) Where a commercial vehicle for which there is not a valid vehicle licence granted or issued under this Act, is used on a road (except in the prescribed circumstances or otherwise with the prior approval of the Director General,) the owner of the vehicle and every person so using the vehicle or causing or permitting its use, commits an offence.

Minimum penalty: An amount equal to the fees that would be payable for the issue of a vehicle licence under this Act for the vehicle, for a period of 6 months, irreducible in mitigation notwithstanding the provisions of any other Act.

- (2) For the purposes of subsection (1) —
- (a) a vehicle licence issued by another State or Territory of the Commonwealth shall not be regarded as a licence granted under this Act notwithstanding the provisions of section 15(6); and
 - (b) “**commercial vehicle**” means a motor wagon, tractor (prime mover type) or a trailer, within the descriptions respectively given thereto in the First Schedule of which the aggregate weight exceeds 2 540 kilograms or a semi-trailer or a converter dolly trailer within the descriptions respectively given thereto in the First Schedule.
- (3) The provisions of subsection (1) do not apply to the use of a vehicle on a road if the vehicle is being so used in the course of trade, commerce or intercourse among States.
- (4) Without affecting the liability of any person for or in respect of an offence against subsection (1), it is hereby declared that a person who commits an offence against subsection (1) shall not, by reason thereof, be regarded for the purposes of any contract or policy of insurance, irrespective of where or by whom the contract or policy was executed or issued, as having owned, used, or caused or permitted the use of, a vehicle for which there was not a valid vehicle licence granted or issued under this Act.

[Section 16 amended by No. 105 of 1981 s.19; No. 82 of 1982 s.5; No. 57 of 1995 s.5; No. 76 of 1996 s.20(3).]