

In April 2013, the Queensland Government approved amendments to the *Police Powers and Responsibilities Act 2000*, regarding motor vehicle impoundment with the aim of improving road safety. The amended legislation commenced on 1 November 2013.

The new laws extend the existing two categories of vehicle related offences along with broadening the current impoundment and forfeiture provisions.

Hooning and other reckless driving offences are broken into two categories: Type 1 and Type 2.

TYPE 1 OFFENCES:

Type 1 vehicle related offences are defined under section 69A of the *Police Powers and Responsibilities Act 2000*:

(a) any of the following four offences committed in circumstances that involve a speed trial, a race between motor vehicles, or a burn out

- dangerous operation of a motor vehicle
- careless driving
- organising, promoting or taking part in racing and speed trials
- wilfully starting or driving a motor vehicle in a way that makes unnecessary noise or smoke

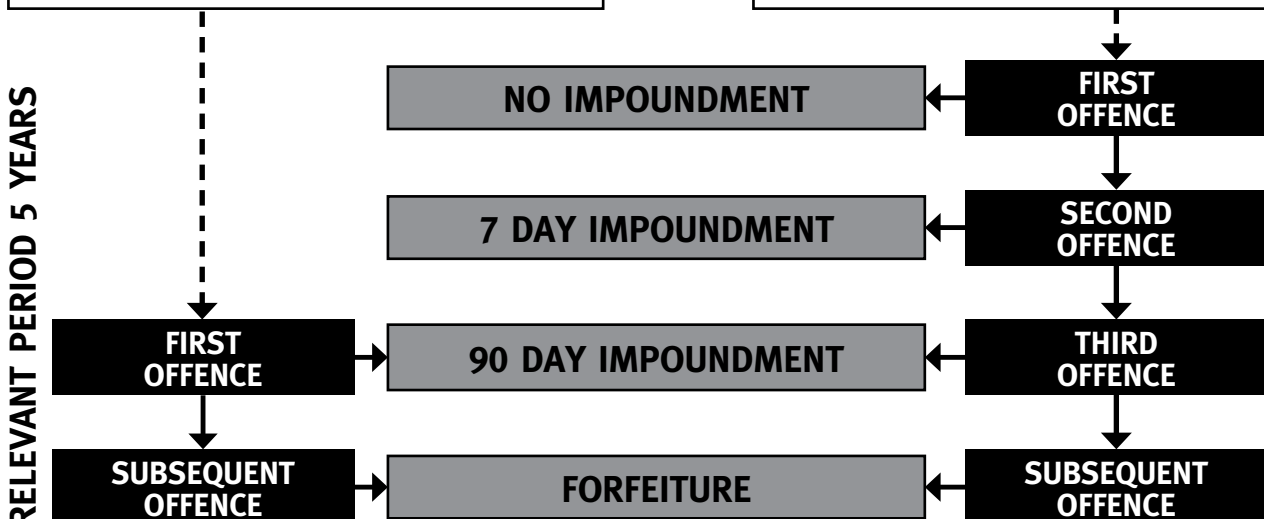
OR

b) Evade police.

TYPE 2 OFFENCES:

Type 2 vehicle related offences are defined under section 69A of the *Police Powers and Responsibilities Act 2000*:

- Driving a vehicle while it is uninsured and unregistered
- Unlicensed driving
- High-range drink driving – 0.15% and over
- Exceeding the speed limit by more than 40km/h.
- Drive an illegally modified vehicle not complying with prescribed sections of the vehicle standards and safety
- Failure to supply a specimen of breath or blood; or
- Driving while under a 24 hour suspension.



GO TOO FAR LOSE YOUR CAR.



FREQUENTLY ASKED QUESTIONS

What happens if you commit a type 1 or type 2 vehicle related offence?

You can be issued an infringement notice, a notice to appear or arrested and have to appear before a magistrates court. In addition to any infringement notice or court penalties, the vehicle you are driving may be subject to being impounded or immobilised for a prescribed period.

What are the periods of impoundment or immobilisation?

For Type 1 vehicle related offences:

- 1st Offence – 90 day period
- 2nd Offence – vehicle is impounded and subject to forfeiture at the end of all proceedings.

For Type 2 vehicle related offences:

- 1st Offence – No impoundment or immobilisation
- 2nd Offence – 7 day period
- 3rd Offence – 90 day period
- 4th Offence – vehicle is impounded and subject to forfeiture at the end of all proceedings.

What is immobilisation?

In certain circumstances your vehicle may be subject to immobilisation by removal and confiscation of the number plates. This provides an alternative to impounding a motor vehicle in a holding yard for the prescribed period.

What if you are not the registered owner of the vehicle?

It is irrelevant if you are not the registered owner of the vehicle. The vehicle in which the offence is committed is subject to impoundment or immobilisation.

Who is liable for the costs of towing and/or storage?

The driver of the vehicle is liable to pay all fees of towing and storage of the vehicle for the prescribed impoundment period. Dependent on the length of the impoundment period this could be a substantial cost.

Can you apply for early release of your motor vehicle?

The owner or usual driver of the motor vehicle can make an application to the Commissioner of Police for the release of a vehicle prior to the impoundment or immobilisation period ending. The application must be made on the following grounds:

- severe financial or physical hardship
 - the circumstances giving rise to the offence have been rectified – unlicensed and unregistered only
 - the offence occurred without the owner's consent
- OR
- the impoundment or immobilisation was unreasonable.

The application can be made through the Queensland Police Service website and must be accompanied by appropriate supporting documentation to substantiate the application.

WHERE CAN I FIND MORE INFORMATION?

For more information visit the QPS Website

<http://www.police.qld.gov.au>

Parliamentary Committee Report and Public Consultation

<http://www.parliament.qld.gov.au>

Department of Transport and Main Roads guidelines for modifications to vehicles

<http://www.tmr.qld.gov.au>

Disclaimer: This fact sheet is provided as general information only. We encourage you to seek independent legal advice regarding your specific circumstances.

**Improving road safety by putting
the brakes on hooning.**

