

Vehicle Standards Information

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What is an individually constructed vehicle?

Purpose

This Vehicle Standards Information sheet No. 53 (VSI.53) provides advice about what constitutes an individually constructed vehicle (ICV), and identifies the differences between ICVs and modified vehicles. It only applies to light vehicles with a Gross Vehicle Mass (GVM) of 4.5 tonnes or less.

Introduction

The term ICV was introduced to define a one-off vehicle constructed by enthusiasts to their own design and for their own use, frequently using parts sourced from a range of vehicles or even using home-made components. Recently the term has become less straightforward as enthusiasts have begun doing more extensive modifications to existing vehicles involving mixing and matching components from established vehicles.

A person who builds or modifies a vehicle and supplies it to the market before it is first used on the road is deemed to be a manufacturer under federal legislation. These vehicles are bound by the provisions of the Commonwealth *Motor Vehicles Standards Act 1989*. These vehicles are not classified as ICVs and require an identification plate issued by the Commonwealth Government.

If the vehicle is for the builder's own use the vehicle is covered by the *NSW Road Transport Act 2013* and *Road Transport (Vehicle Registration) Regulation 2017* (the Regulation). The intended use of the vehicle is therefore important in establishing the requirements for registering an ICV.

Whether a vehicle is classed as an ICV or simply a modified vehicle depends on the source of the constituent components and the extent to which they come from the same vehicle or models of the same vehicle.

The rules that govern modified and individually constructed vehicles are designed to prevent re-birthing, which is the fraudulent exchange of vehicle identifiers to create false records. For more information on modified vehicles, please refer to [VSI.06 Light vehicle modifications](#) and [Vehicle Standards Bulletin No.14 \(VSB.14\)](#).

Work not classed as a significant modification

The following work is not a significant modification and does not produce an ICV:

- Replacing parts or components by identical or equivalent parts or components
- Replacing parts or components with equivalent functional performance
- Installing optional parts or components as prescribed by the vehicle's manufacturer
- Restoring a vehicle.

Note: A significant modification is one requiring certification by a [VSCCS licensed certifier](#)

What is an ICV?

An ICV is a one-off vehicle built to an individual plan or design and produced by a person for their own use, provided that person has not produced (or had produced) more than three such vehicles within the previous 12 months.

Production of more than three or more of the same vehicles in a year is inconsistent with the notion that an ICV is only for personal use.

Assessment and registration

Before they can be registered in NSW, ICVs must be assessed and certified by a licensed certifier who is registered under the Transport for NSW (TfNSW) [Vehicle Safety and Compliance Certification Scheme \(VSCCS\)](#).

The licensed certifier will complete a detailed inspection and tests to determine whether the vehicle complies with the vehicle standards set out in the Regulation, and is safe to use.

When the licensed certifier is satisfied that the ICV meets these requirements, the owner will be issued with a VSCCS compliance certificate that enables it be registered.

Notes:

1. Any reference to Transport for NSW (TfNSW) in this document is taken to include its predecessors and any successors as the vehicle registration authority in NSW
2. A list of VSCCS Licensed Certifiers is available on the TfNSW website see VSCCS Bulletin No 1.

To help ensure the ICV complies with all relevant and applicable vehicle standards, it is important that constituent components are:

- Obtained from reliable sources
- In a serviceable condition
- Are installed in accordance with best industry practices and standards.

TfNSW does not accept compliance certificates issued in other states or under other vehicle certification schemes.

If you intend to apply for NSW registration for an ICV that was previously registered in another jurisdiction, it must still be assessed and certified by a NSW VSCCS Licensed Certifier.

Different types of vehicles

This section describes different types of vehicles and provides information about whether they are considered to be ICVs or modified vehicles.

1. Vehicle constructed from parts

Vehicles may be made up of components sourced from one or more production vehicles or from an aftermarket automotive supplier. The parts do not need to be new.

For vehicles manufactured from a combination of components:

- a) If a vehicle's bodyshell or chassis/frame has a primary identifier recorded on NEVDIS, the resulting vehicle retains the identity of the vehicle associated with the identifier; this means the vehicle is either a modified or a restored vehicle. This does not authorise the restoration of a vehicle from a component of a body/chassis/frame that contains the identifier
- b) If any of the components were previously combined in a registered vehicle, it may be considered an extensively modified vehicle, refer to type 4 below.

Note: A primary identifier means a vehicle identification number (VIN), chassis number or frame number.

2. Vehicles constructed form a kit

A vehicle built using a bodyshell, chassis or frame obtained as part of a kit is classed as an ICV.

3. Replica vehicles

A replica vehicle is one built using parts that are, as close as practicable, identical in appearance and dimensions to the equivalent part in the original production vehicle.

A replica vehicle, whether or not it is manufactured from a kit, is an ICV.

4. Modified vehicles with changes to the monocoque, bodyshell or chassis/frame

A vehicle's bodyshell and/or chassis/frame plays an important role in its overall strength and stability, and usually has the vehicle's primary identifier marked on it.

Modifications to a vehicle's bodyshell or chassis/frame can affect the vehicle's strength and stability and the extent of those modifications will determine whether or it is classified as an ICV.

See below for further clarification:

a) A modified production vehicle, where significant modifications have been made, is not considered to be an ICV if:

- The completed vehicle is recognisable as the original
- They include some major alterations to the vehicle body, engine, drive-train or chassis but each major component (whether modified or not) remains recognizable.

Note: these modifications will still require certification.

b) Modified production vehicles where extensive modifications have been made are considered to be ICVs if they:

- They are unrecognisable as the original
- Involve major alterations such as the combination of one or more major sections/components of various production vehicles
- Do not retain a VIN

5. Vehicles with changes to the engine and driveline

A vehicle is considered to be an ICV if the arrangement of its engine and driveline is substantially changed, eg the engine is moved from front to rear or to a mid-mounted position, unless the different configuration was offered as a variant by the manufacturers.

6. Motorcycle trikes manufactured from a production vehicle

The conversion of a production two-wheel motorcycle to a three-wheel trike changes the vehicle's category under the Australian Design Rules (from an L Category vehicle to an LEM, LEP or LEG category) and results in significant changes in terms of safety and performance such that the entire vehicle is required to be re-assessed.

A trike manufactured in this way ceases to be a production vehicle and is an ICV – regardless of whether or not it uses frame modifications or a bolt on component. A trike manufactured in this way is an ICV and requires certification in order to be registered.

7. Restored vehicles

The Regulation includes provisions for a restored vehicle which is:

“A vehicle that is being or has been restored to the vehicle's manufacturer's specifications, so far as it is practicable to meet the specifications.”

A restored vehicle is not considered to be an ICV or even a modified vehicle - regardless of the extent of the restoration or the number of new components used as replacement parts. A restored vehicle will:

- Retain some original component or components and in particular the chassis and body

- Use either genuine original replacement parts or newly manufactured parts that replicate the originals.

A replica manufactured entirely from new parts and components therefor cannot be classified as a restored vehicle. In addition an entirely different vehicle built around an original component is also not a 'restored vehicle.' This type of vehicle would either be a modified vehicle or an ICV depending on the original component(s) used.

If an old component is replaced with one manufactured from a different material – for example, a fibreglass body used instead of steel – evidence may be required to explain why it was not reasonably practicable to use a component manufactured from the original material.

In some cases, a change in construction material may result in such significant changes to a vehicle's characteristics that it cannot be considered to be a restored vehicle.

If a new frame, chassis or bodyshell that does not have a primary identifier is to be used in a restored vehicle, a primary identifier must be obtained from TfNSW.

Manufacturing an ICV on behalf of another person

In accordance with the *Motor Vehicles Standards Act 1989*, a person may not manufacture an ICV to deliver the vehicle to a person for use in transport in Australia.

Persons who manufacture a small number of vehicles are subject to the requirements of the Commonwealth Low Volume Scheme for New Vehicles. For more information, refer to advice from the [Department of Infrastructure, Transport, Regional Development and Communications](#).

Limits on numbers

A person may manufacture up to three ICVs for themselves in any consecutive 12 month period.

Using parts from written-off vehicles

Prior to January 2011, the former Regulation held provisions for two types of written-off vehicles:

- Repairable write-offs (which could be repaired and re-registered)
- Statutory write-offs (which could not be used on the roads again).

This distinction has now been removed, and the provisions apply to all vehicles classified as 'written-off'.

A written-off vehicle is a vehicle that has been damaged to such an extent, from a crash or other incident, that it is more cost-effective for an insurance company to pay the owner its declared value than to repair it.

The vehicle's registration is cancelled, and it cannot be repaired for use on the roads again. This eliminates the risks posed by a poorly repaired vehicle and reduces the likelihood of it being used in fraudulent activities. However, some parts may be used to repair other vehicles or construct an ICV, the extent and nature of the damage determining the parts that can be used.

The Regulation requires:

- A vehicle to comply with the applicable vehicle standards
- The vehicle and its parts and equipment are suitable for safe use and are in a thoroughly serviceable condition.

Components from written-off vehicles used to construct an ICV must be of suitable quality and condition so the vehicle meets those standards and does not pose a risk to its occupants and other road users.

General

Parts and components from a written-off vehicle used to manufacture an ICV must be in good and serviceable condition.

All non-structural, bolt-on body parts (such as guards, panels, doors), running gear, mechanical parts, trim, lamps, etc), and, subject to the limitations outlined below, all structural sections other than structural components bearing a primary identifier (eg nose clips, long or short rear clips, side cuts, floor pan, turret), may be used in building an ICV.

It is NOT permissible to interfere with, remove (including cut away that part) or obliterate a primary identifier on a structural component in order to use that component.

Limitations

The following limitations apply to the parts of written-off vehicles that may be incorporated in an individually constructed vehicle:

If the vehicle was written-off because of fire damage or collision damage, the parts to be used must have no fire/heat or impact damage

Structural sections obtained from vehicles that cannot be identified or that have no written-off vehicle history, particularly those from interstate or overseas, must not be used in constructing another vehicle unless evidence is available that shows the source of the components and all related transactions.

Parts of written-off vehicles that must not be reused

The following parts and components from a written-off vehicle must not be used in building an individually constructed vehicle:

- Devices providing current, earth or control signals for a vehicle braking system or device or for any occupant protection system or device (such as seat belt pre-tensioners, air bag control or deployment modules etc) sourced from any vehicle written-off because of damage by impact, fire/heat or salt/fresh water immersion
- Air bags and seat belts sourced from any written-off vehicle damaged by impact, fire/heat or salt/fresh water immersion
- Components that contain or contained the primary identifier of the written off vehicle
- It may be necessary to repair components from the written-off vehicle before they can be incorporated in an ICV. In such circumstances, the following rules apply:
- Damaged sub-frames or rails must not be repaired or straightened unless the repair is recommended by the vehicle manufacturer, in which case it must be done in accordance with their guidelines
- Components or parts must be fitted or sealed in the same manner used in manufacturing the original vehicle eg adhesives and expanding type sealers

Note: This is important when fitting a windscreen or rear window as these form part of the vehicle's structure, and if they are incorrectly fitted, the roof strength and its performance will be compromised, particularly in a roll-over.

- Damaged side intrusion bars must be replaced and attached in the same manner as the original

- All panels must be correctly sealed and treated with the appropriate anti-corrosion protection in accordance with the vehicle manufacturer's guidelines or industry codes of practice.

Date of applicable vehicle standards

In determining the vehicle standards that apply to an ICV, its 'date of manufacture' may be one of the following:

- Date on which approval to build the ICV is issued by TfNSW;
- Date the vehicle is presented for first registration (including applying for a VIN).

For an ICV transferred from another jurisdiction, the applicable vehicle standards are those that applied at the date of it was first registered in that jurisdiction as an ICV.

Exceptional circumstances and further clarification

This VSI is intended to give general advice on ICVs. Information on exceptional circumstances not covered by this VSI, or on the possibility of obtaining an exemption, can be obtained from TfNSW Vehicle Standards Unit at: vsc@transport.nsw.gov.au.

If you have any doubts please contact TfNSW's Vehicle Standards unit to obtain advice about whether or not a vehicle will be considered an ICV for the purpose of registration.

Further information

NSW Legislation

- *Road Transport (Vehicle Registration) Regulation 2017*

legislation.nsw.gov.au

Service NSW (SNSW)

To register a vehicle, apply for a permit and to apply for a driver or rider license

To locate your nearest SNSW office

<https://www.service.nsw.gov.au/> | T 13 77 88

Transport for NSW

For Information & advice related to vehicle registration, permits & driver/rider licenses

roads-waterways.transport.nsw.gov.au | T 13 22 13

TfNSW Technical Enquiries

For Information & advice related to vehicle construction, modification and registration requirements in NSW

PO Box 1120, Parramatta NSW 2124

E technical.enquiries@transport.nsw.gov.au | T 1300 137 302 | F (02) 8837 0037

TfNSW Vehicle Safety Compliance Certification Scheme (VSCCS)

For Information & advice related to VSCCS Licensed Certifiers.

VSCCS | E vscs@transport.nsw.gov.au | T 1300 336 206

Department of Infrastructure, Transport, Regional Development and Communications

For information related to building or importing road vehicles for use in road transport within Australia; also for information on & to access Australian Design Rules (ADRs) & associated Circulars; Vehicle Standards Bulletins (VSBs)

GPO Box 594 Canberra ACT 2601

infrastructure.gov.au | T 1800 815 272 | F (02) 6274 6013

National Heavy Vehicle Regulator

For Information & advice related to the construction and modification of heavy vehicles (ie those with a GVM or ATM exceeding 4.5tonnes); requirements for heavy vehicle permits & exemptions.

PO Box 492, Fortitude Valley Q 4006

nhvr.gov.au E info@nhvr.gov.au | T 1300 696 487 | F (07) 3309 8777