



Summary of requirements for registering and using a vehicle modified for a person with a disability

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GENERAL

The NSW Government is committed to reducing road trauma and has a long term goal of zero fatalities and serious injuries on our roads. A key element in improving road safety is the level of safety a vehicle provides its occupants, and the risk it poses other road users. To ensure vehicles provide at least a minimum level of safety, before they can be sold in Australia they must comply with safety standards known as the Australian Design Rules (ADRs). Once a vehicle is registered in NSW, the Road Transport (Vehicle Registration) Regulation (the Regulation) requires that it continues to comply with the ADRs and other mandatory standards, even when modified (although there are exceptions to this rule – see below.) Significant modifications can affect the vehicle's compliance with the applicable vehicle standards, and the Regulation requires that significantly modified vehicles are assessed and certified for compliance with those standards before they can be registered for use on NSW roads or road related areas. Modifying a vehicle for a person with a disability often requires the vehicle to be significantly modified to allow the person easy access, comfortable and safe accommodation, and, for a driver, to operate it correctly.

Before a significantly modified vehicle can be registered, it must have a certificate of compliance issued by an authorised person known as a *licensed certifier* who must inspect the vehicle and be satisfied that it complies with the applicable vehicle standards. The process of assessing and certifying a significantly modified vehicle is subject to the provisions of the Vehicle Safety Compliance Certification Scheme.

Some vehicle modifications are so extreme that it is not possible for the modified vehicle to comply with all the applicable vehicle standards. In these circumstances, the vehicle may be exempted from those standards. A vehicle that does not comply with an applicable standard can pose a major risk to the vehicle's occupants and other road users if the risk that the standard is intended to mitigate is not be adequately controlled. For this reason, Transport for NSW, as the registration authority, will only issue an exemption if the modification is essential for the intended use of the vehicle, and appropriate measures are taken to ensure there are no uncontrolled risks when the vehicle is subsequently used on roads or road related areas.

An application for an exemption can only be made by the registered operator or their authorised representative. The application must include evidence from an occupational therapist (OT) or medical practitioner, that includes an assessment of the person's disability and confirmation that the modification is required to suit their particular needs, whether as the driver or as a passenger. Some conditions can deteriorate over time, increasing a person's level of disability with associated restrictions in movement, and a driving assessment report used to support the application should state the period for which it is valid, and whether it is necessary to reassess the person once that elapses. The application must also include a statement from a licensed certifier that details the modification and indicates the applicable vehicle standards for which the exemption is required. The exemption should be obtained prior to modifying the vehicle so there is confidence that the modified vehicle can be registered in NSW.

In some cases, the modification may not be sufficient to control risks from a vehicle's non-compliance with an applicable standard, so conditions are imposed to help ensure that the modified vehicle is safe to operate on road and road related areas. A vehicle with an exemption requires a certificate of compliance from a licensed certifier once the modification is completed. The certificate must confirm that the modification has been carried out in accordance with the exemption, including conditions that may have been imposed.

Under the Regulation, the registered operator is responsible for registering and maintaining a vehicle. A registered operator does not have to be an individual, but can be a corporation that has a number of persons nominated to drive a vehicle, such as a pool vehicle, or a primary driver, such as a company car. This is permitted, providing each nominated driver has been appropriately assessed for the modified vehicle(s).

In some situations, there are road safety benefits in permitting a person with a disability who is not a registered operator or nominated driver using a vehicle with a specific type of modification, such as for test driving prior to purchase, or simply for learning to drive. Where this occurs, to help it is done safely, the driver must be accompanied by a representative of the registered operator; the vehicle must be fitted with dual controls that allows the representative operate the vehicle if necessary, such as in an emergency; and the person should have a referral from an OT or other suitable medical practitioner stating that the type of modified vehicle is suitable for the person's disability.

Renting or hiring a vehicle modified for a person with a disability presents a road safety risk as there is no guarantee that the modified vehicle is suitable for each prospective driver's needs. For this reason, a person can only rent or hire a vehicle modified for a person with a disability if they have an OT's driving assessment report for that specific vehicle. TfNSW is working with interested stakeholders to review this policy.

FREQUENTLY ASKED QUESTIONS

VEHICLE

- **Why do I need a certificate of compliance for my vehicle?**

Vehicles with significant modifications must be assessed and certified for compliance with the applicable vehicle standards before they can be registered in NSW.

- **Where do I get a certificate of compliance?**

The certificate of compliance must be provided by a licensed certifier. A list of licensed certifiers is available at <https://www.rms.nsw.gov.au/documents/business-industry/examiners/vsccs-bulletin-01-licensed-certifiers.pdf>.

- **When do I need an exemption for my vehicle?**

An exemption is required when a modified vehicle does not comply with all the applicable standards. The exemption should be obtained prior to modifying the vehicle.

- **What do I need to provide to be granted an exemption?**

The following must be provided:

- a copy of the vehicle's certificate of registration;
- a copy of the registered operator's driver's licence or authorisation to make the application on behalf of the registered operator;
- evidence from a specialist supporting the particular modification – a driving assessment report from an OT with suitable training, qualifications and experience is acceptable to Transport for NSW for this purpose; and
- a statement from a licensed certifier detailing the modification and indicates the applicable vehicle standards for which the exemption is required;

The application for the exemption must be made by the registered operator or their authorised representative.

- **Why are some exemptions issued with conditions?**

Conditions may be necessary to help ensure that all risks associated with the modified vehicle are adequately controlled and the vehicle is suitable for safe use.

- **Do I also need a certificate of compliance if I have an exemption?**

Yes, and the certificate must include a statement confirming that the modification has been carried out in accordance with the exemption.

PERSON

- **Why do I need an OT's driving assessment report?**

To support the need to modify the vehicle to the extent it no longer complies with the applicable vehicle standard(s).

- **What must the OT's driving assessment report contain?**

The OT's driving assessment report should contain an assessment of your particular condition and why the intended modification will assist you in using the vehicle. It should also state whether your condition is likely to deteriorate over time, and if so, the period the driving assessment report remains valid and when you may need to be reassessed.

- **When do I need an OT's driving assessment report?**

An OT's driving assessment report is only required if –

- your vehicle requires an exemption; and
- it will be the first time you have used a vehicle subject to this type of exemption other than for training or test purposes; or
- the OT's driving assessment report is no longer current; or
- your disability has deteriorated over time and the previous OT's driving assessment report no longer covers additional limitations you may have.

An OT's driving assessment report is not required if:

- the vehicle does not require an exemption, even if it requires a certificate of compliance; or
- you have made the same modifications to a different vehicle; and
- your disability has not deteriorated since the previous OT's driving assessment report was issued and the driving assessment report is still current.

- **Who can apply for an exemption?**

The application for the exemption must be made by or on behalf of the registered operator even if the modification is required for someone else with a disability, such as a family member.

OPERATING AN EXEMPTED VEHICLE REGISTERED TO A CORPORATION

- **When can I operate a vehicle with an exemption for a disabled person that is registered to a corporation?**

You may operate a vehicle that is registered to a corporation provided:

- The vehicle is being used for training or testing purposes and –
 - you are accompanied by a competent person authorised by the registered operator;
 - the vehicle is fitted with duplicate driving controls which allows the competent person assume control if necessary; and
 - you have a referral from an OT stating that the type of modification is suitable for your disability.or
- It is a company vehicle, either a pool vehicle or one allocated primarily for your use (e.g. a company car), and –
 - the Registered Operator has nominated you as a driver for that vehicle; and
 - you have been assessed by an OT as outlined in "What must the OT's driving assessment report contain?" above.
 - you have an OT driving assessment report for the vehicle that meets the requirements outlined in "What must the OT's driving assessment report contain?" above.
 - disability.

- **Can I rent or hire a vehicle with an exemption for a disabled person?**

Currently, you can only rent or hire a vehicle if you have an OT's driving assessment report for that specific vehicle. This restriction is under review.