

South Australia



**MOTOR VEHICLES (CHEQUE AND DEBIT OR CREDIT CARD  
PAYMENTS) AMENDMENT ACT 1998**

**No. 53 of 1998**

**SUMMARY OF PROVISIONS**

1. Short title
2. Amendment of s. 138B—Effect of dishonoured cheques, etc. on transactions under the Act



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**ELIZABETHAE II REGINAE**

**A.D. 1998**

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**No. 53 of 1998**

**An Act to amend the Motor Vehicles Act 1959.**

[

*Assented to 3 September 1998*]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Motor Vehicles (Cheque and Debit or Credit Card Payments) Amendment Act 1998*.

(2) The *Motor Vehicles Act 1959* is referred to in this Act as "the principal Act".

**Amendment of s. 138B—Effect of dishonoured cheques, etc. on transactions under the Act**

2. Section 138B of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) If—

- (a) an amount payable to the Registrar under this Act or lawfully collected by the Registrar on behalf of any other person or body is purportedly paid by the giving of a cheque or use of a debit card or credit card; and
- (b) the cheque is dishonoured on presentation or the amount is not paid to the Registrar by the body that issued the card or is required to be repaid by the Registrar,

the transaction in relation to which the payment was purportedly made will be taken to be, and to always have been, void and of no effect.;

(b) by striking out from subsection (2) "complete payment of the due amount" and substituting "make payment in accordance with subsection (3)";

(c) by striking out subsection (3) and substituting the following subsection:

(3) If a person on whom a notice has been served under subsection (2) pays the due amount and the prescribed charges in the time specified, the transaction will be taken to be, and to always have been, effective.;

- (d) by inserting in subsection (6) "and the prescribed charges" after "thing" second occurring;
- (e) by inserting in subsection (7)(a) "and the prescribed charges" after "due amount";
- (f) by inserting in subsection (7)(b) ", and the prescribed charges" after "Registrar thinks fit";
- (g) by inserting after subsection (7) the following subsection:

(8) In this section—

"prescribed charges" means—

- (a) the prescribed administration fee; and
- (b) any charges imposed on the Registrar in respect of the dishonoured cheque or debit card or credit card transaction concerned.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor