

Motor Vehicle Sales Act 2003

The purpose of the Act is to promote and protect the interests of the consumers when selling or purchasing motor vehicles. The National Enforcement Unit (NEU), a business unit of the Ministry of Economic Development, has responsibilities to enforce certain parts of the Act relating to non-compliance or breaches of applicable sections.

The provisions enforced by the NEU are sections 95-119, which relate in part to unregistered traders and odometer tampering. This does not include offences related to the Supplier Information Notice (SIN). The Commerce Commission enforces SIN card offences.

Car Yards and Fairs

The NEU have visited car yards throughout the country, either in response to referrals from the Registrar or through conducting general enquiries. Illegal traders identified in the course of these visits are now either registered or in the process of registering. Visited 1906 car yards since the inception of Act.

Banning

Banned Person List - Individual

Full Name	Period of Ban	Reason for Ban
Mark Gregory	5 years from 17 May 2005	Convicted under Sec 99 MVSA Odometer tampering
Timothy Andrew Whittle	From 25 October 2005 until such time as the order is cancelled or varied by the Court	Order by the Court under Sec 69 of the MVSA 2003
Clinton John Swift	5 years from 27 March 2006	Convicted under Sec 95(1) of the MVSA 2003
Brett Eric Collins	5 years from 16 June 2006	Convicted under Sec 95(1) of the MVSA 2003

* Some individuals removed as period of ban expired.

Banned Person List – Company

Name of Company	Period of Ban	Reason for Ban
Complete Jag UR Service Limited	5 years from 27 March 2006	Convicted under Sec 95(1) of the MVSA 2003
Coles Motor Company Limited	5 years from 15 August 2006	Convicted under Sec 103 of the MVSA 2003
Daiichi Autos Limited	5 years from 13 October 2006	Convicted under Sec 99 of the MVSA 2003

For further details visit www.motortraders.med.govt.nz

Section 95(1) (a) - Carrying on in business while not a registered trader.

Section 99 – Odometer tampering.

Section 103/104 – Failing to pay money to the principal/failing to provide account.

Section 107 – Providing false information.

1. **Mark Gregory** – Convicted under Sec 99(1) of the Motor Vehicle Sales Act 2003, Odometer Tampering. Sentenced to a fine of \$2,000.00 and ordered to pay \$2,000.00 reparation to Yale Motors as well as court costs on the 17th May 2005.

The National Enforcement Unit

2. **Nigel John Hicks** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, selling more than 6 vehicles in a 12 month period and not being a licensed Motor Trader. Sentenced to a fine of \$900.00 and \$130.00 court costs and \$300.00 Solicitors fees on the 10th June 2005.
3. **Carnation Holdings** – Convicted and discharged under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, carried on business while not a registered trader on the 12th October 2005.
4. **Brett Collins** - Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, for trading while being an unregistered trader. Sentenced to a fine of \$2,500.00 plus court costs of \$130.00 on the 25th January 2006.
5. **Sharad Awadh** – Convicted under Sec 95(1)(a) of the Motor Vehicle Act 2003, for trading while being an unregistered trader. Sentenced to a fine of \$2,000.00 on the 27th January 2006.
6. **Gavin Bruce** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, importing more than 3 vehicles while not being a registered trader. He imported 5 vehicles and was sentenced to \$1,000.00 for every vehicle imported after 3. His total fine was \$2,000.00, \$600.00 for witness expenses, \$500.00 for Crown fees and \$130.00 for court costs on the 13th February 2006.
7. **Impact Off Road Limited** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, trading whilst not being registered as a trader. Sentenced to a fine of \$5,000.00 and court costs of \$130.00 on the 7th February 2006.
8. **Vespa-U Holdings Limited** - Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, trading whilst not being deemed a registered trader. The company received an \$8,000.00 fine plus \$130.00 court costs on the 23rd March 2006.
9. **Complete Jag UR Service Limited** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, advertising on Trade Me whilst being an unregistered Trader. Sentenced to a fine of \$6,000.00 and also convicted for being an unregistered trader on the website cjaguars.com and fined \$6,000.00 on the 27th March 2006.
10. **Clinton John Swift** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, for aiding and abetting Completer Jag UR Services Limited to carry on business on Trade Me whilst not being a registered trader, he was sentenced to a fine of \$6,000.00. He was also convicted for aiding and abetting Complete Jag UR Services Limited to carry on a business on Cjaguars.com whilst unregistered and sentenced to a fine of \$2,000.00 on the 27th March 2006.
11. **Jap Parts Limited** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, carried on business while not a registered trader. Sentenced to a fine of \$4,000.00 on the 7th April 2006.
12. **Christopher Hammond** - Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, for trading whilst not being a registered trader. Sentenced to a fine of \$300.00 plus \$130 court costs and a contribution to the informant's solicitors fees of \$50.00 on the 3rd April 2006.
13. **SM Leasing Limited** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, trading whilst not being registered as a trader. Sentenced to a fine of \$4,000.00 plus \$130.00 court costs on the 30th June 2006.
14. **Dinesh Kumar** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, for importing cars. Sentenced to a fine of \$6,000.00 plus \$130.00 court costs on the 8th May 2006.
15. **Aero Wholesale Limited** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, where the company Imported 82 Vehicles without being a registered trader. The company was sentenced to a \$1,000.00 fine plus \$1,000.00 towards legal fees on the 15th May 2006.

The National Enforcement Unit

16. **Malcolm Sutton** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, for trading whilst not being registered. Sentenced to a fine of \$3,000.00 plus \$130.00 court costs on the 1st May 2006.
17. **Capital Vehicle Imports** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, the Company imported 40 vehicles from 9th November 2004 until 2nd March 2005. The Company was sentenced to a \$4,500.00 fine, Solicitors fees of \$100.00 and court costs of \$130.00 on the 26th July 2006.
18. **Brett Eric Collins** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, for being an unregistered motor vehicle trader. Sentenced to a fine of \$5,000.00. This is his second breach within a year and qualifies to be deemed a banned trader. Convicted on the 26th July 2006.
19. **Coles Motor Company Limited** - Convicted under Sec 103 x4 and Sec 104 x4 of the Motor Vehicle Sales Act 2003. The company was sentenced to a fine of \$2,000.00 for each charge under Sec 103 and ordered to pay \$130.00 court costs on all 8 charges plus \$300.00 Solicitors fees. The total fine being a sum of \$9,340.00 on the 15th August 2006.
20. **Daichi Autos Limited** – Convicted under Sec 99(1) of the Motor Vehicle Sales Act 2003, for Odometer Tampering. The Company was convicted and discharged and banned as a Motor Vehicle Trader on the 13th October 2006.
21. **Real Deal Wholesalers Limited** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, for carrying on in business whilst not being a registered trader. Sentenced to a fine of \$6,500 plus \$130 court costs and \$250 legal fees on the 30th November 2006.
22. **Autocentre Rotorua Limited and Robin Francis Knowles**- Convicted under Sec 103 and Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, agent failing to pay money to a principal and unregistered trading. Sentenced to \$15,000.00 reparation and \$400.00 Solicitors fees on the 7th December 2006.
23. **Rod Renata**- Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, carrying on in business whilst not being a registered trader. Sentenced to a \$5,000.00 fine plus \$130.00 court costs on the 15th January 2007.
24. **David Alexander Rolfe**- Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, trading while not being a registered trader. Sentenced to a \$1,500.00 fine and \$130.00 court costs on the 2nd March 2007.
25. **Be Thi Duong** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, trading while not a registered trader. Sentenced to a \$500.00 fine on the 9th March 2007.
26. **Gregory Bastion** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003, carrying on a business whilst not being a registered trader. Sentenced to a \$3,500.00 fine and \$130.00 court costs on the 22nd May 2007.
27. **Peter Riki Hapuku Te Nahu** –Convicted under Sec 107(1)(a) of the Motor Vehicle Sales Act 2003, provides false information. Convicted and ordered to come up for sentence if called upon within the next nine months from the 29th May 2007.
28. **Joseph Isaac Hook**- Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003. Sentenced to a \$5000.00 fine, \$130 court costs and \$250 Solicitors fees on the 12th July 2007.
29. **Monaco Car Company** –Convicted and discharged under Sec 103 x 2 of the Motor Vehicle Sales Act 2003, failing to pay money to a principal, and Sec 104 x 2 failure to provide account on the 4th July 2007.
30. **Alan McGuiness** – Convicted under Sec 95(1) (a) of the Motor Vehicle Sales Act 2003 for importing 9 motor vehicles. Sentenced to a fine of \$2000.00 plus witness expenses of \$1500.00 on the 4th September 2007.

The National Enforcement Unit

31. **U-Drive Truck and Car Hire Limited** – Convicted under Sec 99(1) x 6 of the Motor Vehicle Sales Act 2003 for Odometer tampering. Sentenced to a fine of \$4000.00 plus court costs and Solicitors costs of \$1500 and reparation of \$12694,97 on the 19th September 2007.
32. **Linda Plaisted** - Convicted under Sec 95(1) (a) of the Motor Vehicle Sales Act 2003 for trading whilst being an unregistered trader. Sentenced to a fine of \$1500.00 plus solicitors fees and court costs on 11 October 2007.
33. **Michael Tolhopf** - Convicted under Sec 95(1) (a) of the Motor Vehicle Sales Act 2003 for trading whilst being an unregistered trader. Sentenced to a fine of \$5000.00 plus solicitors fees and court costs on 11 October 2007.
34. **Trevor Leslie Tolhopf** - Convicted under Sec 95(1) (a) of the Motor Vehicle Sales Act 2003 for trading whilst being an unregistered trader. Sentenced to a fine of \$5500.00 plus solicitors fees and court costs on 11 October 2007.
35. **Robert Hall** - Convicted under Sec 95(1) (a) of the Motor Vehicle Sales Act 2003 for trading whilst being an unregistered trader. Sentenced to a fine of \$2500.00 plus solicitors fees and court costs on 11 October 2007.
36. **Christopher John Hays** - Convicted under Sec 99(1) of the Motor Vehicle Sales Act 2003 for odometer tampering. Sentenced to a fine of \$2500.00 plus court costs and solicitors fees, also to pay reparation of \$2420.00 on the 6 November 2007.
37. **Cameron Rashid Dodkin** – Convicted under Sec 95(1)(a) of the Motor Vehicle Sales Act 2003 for being an unregistered Motor vehicle trader and trading whilst being a banned Director. Sentenced to a fine of \$2500.00 plus \$130.00 court costs on the 29th January 2008.
38. **RV Motor Homes World (2003) LTD – Mike Holt** – convicted under Sec 95 (1)(a) of the Motor Vehicle Sales Act 2003 for trading whilst being an unregistered trader. Convicted and ordered to pay court costs of \$130.00 on the 21st January 2008.
39. **Timothy Clarence Smith** – Convicted under Sec 103 of The Motor Vehicle Sales Act 2003 for failing to pay money to a principal. Sentenced on the 26th March 2008 to a \$1000.00 fine plus \$300.00 Solicitors fees.
40. **Brett Eric Collins** – Convicted under Sec 96 of the Motor Vehicle Sales Act 2003, a Banned Person Participates in Business of Motor Vehicle Trading. Sentenced on the 22 April 2008 to a fine of \$7500.00 plus \$130.00 court costs.
41. **Andrew James Baird** – Convicted under Sec 107(1)(a) of the Motor Vehicle Sales Act 2003, provides false information. Sentenced on the 30 April 2008 to a fine of \$300.00 plus \$130.00 court costs.
42. **Naser Alshammary** – Convicted under Sec 95 of the Motor Vehicle Sales Act 2003, for trading whilst being an unregistered trader. Sentenced on the 30 April 2008 to a fine of \$5,500.00, court costs of \$130.00 plus Solicitors fees of \$100.00.
43. **Matavai James Lamkum** – Convicted under Sec 107(1)(a) of the Motor Vehicle Sales Act 2003 – false statement in that he was a disqualified from being a registered trader due to a conviction of dishonesty. Sentenced to a fine of \$1000.00 plus court costs \$130.00 on the 29th May 2008.
44. **Henry Holt** – Convicted under Sec 95(1) (a) of the Motor Vehicle Sales Act 2003, trading while not being a registered trader. Sentenced to a \$1500 fine and \$130 court costs on the 18th September 2008.
45. **Barry Edward Wilkinson**- Convicted under Sec 107 of the Motor Vehicle Sales Act 2003 for Making a false statutory declaration.. Convicted and discharged on the 15 July 2008
46. **Jamie Paul Cooban O'Brien** – Convicted under Sec 95(1) (a) of the Motor Vehicle Sales Act 2003, trading while not being a registered trader. Sentenced to a \$1000.00 fine, \$250 solicitor's fees and \$130 court costs on the 20th January 2009.