OFFICIAL

Frequently Asked Questions

Vehicle Impound and Unlicensed Motorcycle Matters

Important: This is general information. The RTA, the exact offence, prior history and the circumstances of the matter determine the outcome.

Quick Reference to Contents

1. Vehicle Impound

Impound periods and surrender notices.

Why was my vehicle impounded?

A vehicle may be impounded where police reasonably suspect that an impounding offence under the RTA has occurred. Common pathways include Hoon driving and No Authority to Drive (No MDL) behaviour.

RTA reference: RTA Part V Division 4; the exact provision depends on the offence.

How long will my vehicle be impounded?

A first Hoon impounding offence is 28 days, and a second or subsequent Hoon impounding offence is three months. A No MDL impounding offence is 28 days for first and subsequent offences.

RTA reference: RTA ss.79 and 79A and related provisions.

Can the impound period be extended?

Yes. If a relevant previous Hoon charge is identified after a 28-day notice has been served, the period may be extended and a Notice of Extension issued. Withdrawn charges and acquittals are not counted as previous charges for this purpose.

RTA reference: RTA impounding provisions; confirm the exact offence and history.

Can a court order further impoundment or confiscation?

Yes. Following conviction, a court may impose an additional impoundment period or order confiscation through the section 80G process. For a driver licence offence, a second or subsequent conviction may result in up to three months, and a third or subsequent conviction may result in up to six months or confiscation. A road rage offence may result in up to six months or confiscation.

RTA reference: RTA s.80G process; the court determines the outcome.

What is a Surrender notice?

A surrender notice is an alternative where immediate roadside impoundment is impracticable, therefore the vehicle is to be surrendered to the nominated contractor yard within 7 days.. The circumstances may be due to a camera file investigation, remote location, duty of care, urgent operational priorities, contractor unavailability, private property constraints or extensive crash damage.

RTA reference: RTA s.79BA for vehicles.

When can a surrender notice be issued?

Must be issued within 28 days after the impounding offence and may be given personally or by registered post. The notice identifies where the vehicle must be surrendered.

RTA reference: RTA s.79BA and consequences under s.79BB.

What happens if I do not surrender the vehicle?

Failure to comply may be an offence. Police may seize the vehicle when it is located. Disposing of an interest in the vehicle or reducing its value without court authority may also be an offence.

RTA reference: RTA s.79BB(5) and (6).

What if the driver was unknown?

The surrender notice may be issued to the responsible person. If the driver is not identified within 28 days.

RTA reference: RTA surrender notice provisions; the responsible-person pathway applies.

Release, payments and property.

When can my vehicle be released?

A vehicle can only be released when then 28 days impound period or 3-month impound period has elapsed or an early release application has been approved on written instructions authorised by the Commissioner delegate (senior officer). The collecting person must be positively identified and authorised.

RTA reference: RTA release provisions, including s.79D where applicable.

What do I need to collect the vehicle?

The vehicle owner can attend the storage yard with 100 points of identification and a completed vehicle release form and payment of all impoundment costs to recover the impounded vehicle.

RTA reference: RTA release and police-expense provisions.

Can another person collect it?

Authorisation for a third party to collect the vehicle requires a Vehicle Release Form to be submitted to VIU for processing, accompanied by identification for both the owner and the authorised collector. Ownership disputes, deceased estates and third-party issues are referred to VIU.

What if it is a company vehicle?

You require a motor vehicle release form, ASIC company documents identifying the business owner, 100 points of identification of the business owner and payment of outstanding towage and storage fees. If a director authorises another person to collect the vehicle on the company's behalf, the authorised representative must also provide 100 points of identification and email the release application to VIU for approval.

Can I collect property from the vehicle?

An owner may apply for property release. 100 points of identification including photo identification must be provided at the holding yard once approved by VIU. Items fitted to, or forming part of, the vehicle cannot be removed.

Can I apply for a payment plan?

Payment plans are available on application from owners who have an inability to pay in full, evidence of financial hardship will form part of your application. Generally, if approved 60 per cent is paid at release and the remaining 40 per cent over six fortnightly instalments. A payment plan will not be approved or extended beyond the disposal date. Payment plans must be signed by the vehicle owner using a stylus, pen or finger and cannot be typed or left blank.

Early release, ownership and disposal

Can I apply for early release because of hardship?

Exceptional hardship may be authorised by a senior officer where the threshold is met. Serious Medical circumstances, public transport availability(limited or unavailable public transport, family and domestic violence concerns or imminent risk, and significant business loss here vehicle is required for work involving a work vehicle. Ordinary inconvenience attending work or school is generally not exceptional hardship and financial hardship. Refer to the web page for more information.

RTA reference: RTA early-release provisions, including s.79D where applicable.

What information supports an exceptional hardship application?

Provide evidence that directly establishes the claimed hardship. All claimed hardship must be supported as VIU may check public transport, hire vehicles and other vehicles at known addresses and medical appointments. Refer to the web page for more information.

RTA reference: RTA early-release framework; the statutory threshold must be met.

What if the vehicle was stolen?

A stolen vehicle should have an ongoing active police investigation for early release of the vehicle, VIU may require a person to be charged and convicted in court prior to accepting a refund of cost application.

What if ownership is disputed or the owner has died?

Ownership disputes, deceased estates and third-party interests are referred to VIU for resolution before release.

What happens if the vehicle is not collected?

If the vehicle remains uncollected 21 days after the impound period expires, it will be auctioned or destroyed (crushed) after the required 14 days written notice.

RTA reference: RTA disposal provisions for impounded or confiscated vehicles.

2. Unlicensed Motorcycle and Similar Devices

Impoundment and claim of right.

When may police impound an unlicensed motorcycle?

Police may impound an unlicensed motorcycle used on a road if its use constitutes an offence under section 4(2) of the Road Traffic (Vehicles) Act 2012 and it was not licensed, or covered by a permit or number plates, at any time during the previous two years. The power may be exercised within 28 days after the suspected use.

RTA reference: RTA s.80O.

How long is it impounded?

Unlicensed motorcycle and ERD’s are impounded for 14 days and then confiscated to the Commissioner, subject to the claim-of-right process.

RTA reference: RTA ss.80T and 80S.

Can I make a claim of right?

A person may lodge a claim within 10 days after impoundment if the RTA criteria are met. The claimant must be a responsible person, not an immediate family member of the driver, not the driver, and the suspected use must have happened without the claimant’s knowledge and acquiescence. Evidence must be provided and form part of your claim of rights application.

RTA reference: RTA s.80S.

What happens if my claim is accepted or rejected?

If accepted, the Commissioners delegate must arrange return of the motorcycle as soon as practicable. If rejected, written notice must be given. Confiscation occurs on the statutory date after no claim is received or after the last claim is rejected.

RTA reference: RTA ss.80S and 80T.

Does the process apply to quad bikes?

Quad bikes are not impounded as unlicensed motorcycles, although another impound pathway may apply if the facts support it.

RTA reference: RTA s.80O applies to a motorcycle meeting the statutory criteria.

What if the rider is under 18?

The notice must also be given to a responsible adult where required.

RTA reference: RTA s.80O(3).

Can a surrender notice be issued for the motorcycle?

Yes, where immediate impoundment is impracticable. Failure to surrender, disposal of an interest or reduction in value without court authority may be offences.

RTA reference: RTA ss.80P and 80Q.

E-bikes, Pedelecs and electric rideable

Can an e-bike or similar device be treated as an unlicensed motorcycle?

Potentially. The guide states that a power-assisted pedal cycle requires testing against 200 W and a pedelec against 250 W, unless other evidence establishes the relevant output.

Non-compliant Electric Rideable Devices (ERD) are also subject to the unlicensed motorcycle legislation.

If they do not meet the applicable definition, it will be treated as an unlicensed motorcycle where the legislative criteria are met.

RTA reference: RTA s.80O, read with the Road Traffic Code 2000 and Road Traffic (Vehicles) Act 2012.

Why might the device need testing?

Testing may be needed to establish power, classification or whether the device meets the applicable definition. The result effects whether the RTA unlicensed-motorcycle pathway is available.

RTA reference: RTA s.80O criteria must be established.

Does every non-compliant device have to be impounded?

The RTA uses a discretionary power: a police officer may seize and impound when the statutory criteria are met.

RTA reference: RTA s.80O(2).

Release, expenses and disposal.

Who pays impounding and storage expenses?

If the motorcycle is confiscated, the driver at the time of the suspected use is liable for reasonable impounding expenses and storage expenses incurred after confiscation and after disposal. This includes juveniles who were riding the motorcycle at the time of impoundment.

RTA reference: RTA s.80U.

What happens after confiscation?

The Commissioner may sell or otherwise dispose of the confiscated motorcycle or an item on it. Sale proceeds are applied in the statutory priority order.

RTA reference: RTA s.80V.

What if sale proceeds do not cover the expenses?

The driver will be liable for the difference between the statutory expenses and the sale proceeds.

RTA reference: RTA s.80W.

Can an item on the motorcycle be returned?

The owner of an item may apply to the Magistrates Court for an order that the **ITEM ONLY** be returned. This does not include the motorcycle.

RTA reference: RTA s.80V(3).

3. Information to have ready

- ☐ Impound or police reference number
- ☐ Registration, VIN, frame number or identifying details
- ☐ Photo identification
- ☐ Evidence of ownership or authority to act
- ☐ The notice or decision relevant to the enquiry
- ☐ Evidence supporting any claim of right or exceptional hardship