



Public consultation on post registration vehicle modifications as part of a review process being carried out on this subject. (Closed 20th March 2013).

As part of its efforts to improve the standard and roadworthiness of Irish vehicles, the Road Safety Authority (RSA) launched a public consultation on Vehicle Modifications. The RSA wishes to hear from all vehicle owners, road users, interest groups and members of the public who may have views, advice or suggestions on how to ensure that any modification carried out to a vehicle is fit for purpose, roadworthy, environmentally acceptable and safe.

Your Views

Please use the questionnaire below when responding to the post registration vehicle modifications consultation document.

Note: Appendix 1 of the consultation document sets out the main safety and environmentally critical modifications which should be considered a priority for inclusion in the proposed control procedure / approval process.

Note: Appendix 2 of the consultation document sets out other common modifications for which guidelines may be introduced at some point on the future.

The RSA welcomes feedback on all vehicle modifications.

Questions for all Irish road users, interested parties and the general public

Question	Section for reference	Response
1. Please identify the vehicle modifications that you believe to be a danger to other road users <i>(give additional details where necessary)</i>	1 & Appendix 1&2	Excessively tinted windows, locked differentials, fuel tank alterations, older headlamps retrofitted with HID bulbs, incorrect tyre speed-load ratings, poor tyre construction.
2. Please identify the vehicle		Excessively loud exhausts,

<p>modifications that you believe to be a nuisance to other road users and the general public</p> <p><i>(give additional details where necessary)</i></p>	1 & Appendix 1&2	excessively tinted windows, older headlamps retrofitted with HID bulbs
3. Do you think the vehicle modifications should be regulated?	1, 2, Appendix 1 & 2	No
4. If you believe vehicle modifications should be regulated please set out your preferred option:	4	
<p>Self-declaration by vehicle owner</p> <p>Introduce a dedicated approval process for vehicle modifications</p>		
5. Why did you choose this option for the regulation of vehicle modifications?	Table 1, 4	
6. Have you views on what is the best way to identify vehicle modifications? <i>(please set out clearly the type of vehicle modification and how it would be identified)</i>	4	Vehicle modifications relevant to road safety or emissions should be easily identified at the NCT stage, i.e. at present window tint levels, exhaust noise levels, headlamp beam quality, suspension geometry and exhaust emissions are all checked adequately as part of the NCT process. Any vehicle with unsafe brakes or steering will fail the NCT regardless. Any modifications that occur between NCT intervals should be picked up by RSA inspectors and/or Gardai at roadside checks.
7. Have you views on what is the best way to enforce the regulation of vehicle modifications? <i>(please set out clearly the type of vehicle modification and how it would be enforced)</i>	4.4	Any vehicle that doesn't meet with NCT criteria, as above, should be failed until the issue is rectified. Unsafe modifications picked up at the roadside should incur a cash fine and a mandatory period to rectify the defect and to present it for testing.

Additional questions for Vehicle modifiers / Automotive Industry / Vehicle Insurers / Owners of modified vehicles / Public Bodies

<p>8. What vehicle modifications are of interest to you:</p> <p>a. modifications to commercial vehicles (goods or passenger vehicles)</p> <p>b. conversion of a goods vehicle into a passenger vehicle (e.g. van to mini-bus)</p> <p>c. performance or cosmetic enhancements to passenger cars or motorcycles</p> <p><i>(set out the specific vehicle modification e.g. fitting bodywork to a truck, coil-over suspension on a car or performance exhaust on a motorcycle)</i></p>	<p>Appendix 1 & 2</p>	<p>C. Primarily upgrades for reasons of safety and practicality for older cars, e.g. the replacement of drum brakes with more modern disc brakes, replacement of contact breaker ignition systems with electronic solid-state ignition systems, upgrades to cooling systems by way of fitting larger radiators and electric fans, replacement of lever-arm shock absorbers with telescopic shock absorbers, suspension upgrades and adjustment of ride height to improve handling, fitting of larger alloy wheels for cosmetic and performance purposes, the fitting of more modern engines and transmissions to older cars, replacement of narrow crossply tyres with wider radial tyres etc.</p>
<p>9. What are the benefits (economic or otherwise) of being able to carry out such a modification(s)?</p>	<p>Appendix 1 & 2</p>	<p>There are obvious economic benefits to the Exchequer through sales of aftermarket parts and services, the safety and efficiency of the vehicles concerned is enhanced in almost every case, and such modifications are carried out as part of a hobby enjoyed by many thousands of responsible motorists and car enthusiasts in this country, who wish to personalise their private vehicle for reasons of self-expression, cosmetics, safety and/or efficiency.</p>
<p>10. Is there a road safety concern with such a modification(s)?</p>	<p>Appendix 1 & 2</p>	<p>No</p>
<p>11. In your opinion what is the appropriate standard that should apply when undertaking this type of vehicle modification(s)?</p>	<p>4, Step 2</p>	<p>The standards set out by the NCT testing procedure, as this is deemed to be the national vehicle roadworthiness test.</p>

Additional comments from all Irish road users, interested parties and the general public

12. Have you any other comments?

Firstly, let us state categorically that we are in favour of promoting road safety, as is any other reasonable citizen of the Irish state, and we want to take this opportunity to commend the RSA on reducing deaths on Irish roads by 12% in 2012, far above the EU average of 9%, which makes Ireland one of the safest EU states to drive in at present. However, as enthusiasts of both modern, classic and vintage cars ourselves, and having worked closely with vintage and classic owners through our publications for a number of years, we are totally opposed to this proposal for a number of reasons.

We have a genuine concern that this proposal focuses disproportionately on the upgrading of private cars by their owners. While some of the proposal has to do with modifications to commercial vehicles chassis, bus seating etc, which we have no problem with whatsoever, it does seem to pay what we feel is undue attention to the tiny minority of upgraded or modified passenger cars on the road. As you list in your road collision facts on your own website, vehicle factors contribute to less than 1% of fatal road collisions each year, on average. Modified private cars and vintage/classic cars make up only a very small percentage of the overall number of cars on the road, hence the number of such hobby vehicles involved in fatal road collisions must be a tiny fraction of 1%; hardly a reason to unfairly target the hobby motorist given that the resources could be better spent dealing with many other, more pressing road safety issues such as driver awareness and education, enforcement of mobile phone use while driving, inadequate signage, road quality, proper functioning of lamps etc. We would like to know what statistics the RSA have in relation to road traffic accidents caused by modifications to private cars, if any

While some of the points identified in this proposal are welcome on nuisance grounds, e.g. restrictions on the retrofitting of high-intensity discharge bulbs (HID or Xenon) into older headlamps, excessively loud exhausts or excessively-tinted windows, there seems to be little in the proposal that would actually have a tangible effect on either road safety statistics or exhaust emissions, as it claims to seek to do. For instance, the latter is already tested satisfactorily by the NCT under the current system, so why is the subject of environmental implications constantly brought up in this proposal when it is already an NCT fail item? Not only is the environmental impact of a vehicle already currently monitored by the NCT, but nowhere in its own mission statement does the RSA claim to have any responsibility for environmental protection.

We believe the proposal seems to seek to limit, or at least make unreasonably difficult, the process of making logical, sensible upgrades of ANY kind to a privately-owned passenger car. What would be desirable is a fair and transparent way of ensuring that all cars are safe for use on public roads, not the imposition of some kind of whitewash blanket restriction on everyday motorists accessorising and upgrading their own private car in a responsible

manner, as they have done since the dawn of the motorcar itself.

Why not expand the current NCT system to incorporate inspections on upgraded car components, while also ensuring adequate policing on the road by the Garda Síochána and the RSA's own roadside inspectors, who puzzlingly are left out of the list of public bodies on page 7 of the proposal?

Introducing another layer of testing or certification, e.g. under the auspices of the NSAI, would introduce further expense and complication to the car roadworthiness system, when we are already supposed to have a dedicated car roadworthiness testing body in this country in the NCTS. The staff of the current NCT system should be trained to identify upgrades that could cause a safety concern, with a process of approval then being available to the vehicle owner, and a defined period of time provided to have this modification rectified or approved. This process has to be open and fair, and should be independent; we suggest that a certain number of NCT centres have this process, and trained persons available to them.

The vast majority of car enthusiasts are mature and responsible people, with a long-standing interest in their hobby. Upgrades to private cars are done to either improve their aesthetic appearance or to improve their performance, and are done using high-quality parts that are tailored for that vehicle. An upgraded car reflect the tastes of the owner, and is a perfectly reasonable form of freedom of expression. Unduly restricting this kind of creative freedom is highly undesirable, and unfair. For years the image of the modified car community has been tarnished by the behaviour of an antisocial minority of drivers who are not true enthusiasts, who drive dangerously, drive after consuming alcohol or drugs, indulge in handbrake turns on the public road etc. This does not reflect the behaviour of the law-abiding majority, who are never heard about in the media. In fact, there is a very mature and responsible fanbase for modified cars in this country, as reflected in the readership of both of our magazines. The limiting, or even banning outright, of car modifications will not have any effect on antisocial driving behaviour by the minority. They can and will continue their antics in any car, be it standard or modified. Any ordinary family hatchback can be used to drive dangerously, break the speed limit or to perform handbrake turns or skids. The individuals themselves need to be targeted for these public order offences, not the cars they are driving, or else the majority will end up being unfairly penalised because of the loutish behaviour of a few. How do the RSA propose to actually target anti-social drivers instead of the cars being used?

We have serious misgivings as to the accuracy of some of the information presented in this proposal, which seems to contradict itself on many points. In the introduction on page 2 the RSA claims that a number of EU member states have dedicated control procedures for car modifications, yet they fail to list these states or these procedures. The information in Section 2.1 for UK legislation in relation to the Notifiable Alteration System applies only to

commercial vehicles, and the outlining of the issuing of a Q-prefix isn't really applicable as it applies only to radically-altered vehicles, and not those being discussed here; there is no correlation between what qualifies as a Q-registered vehicle and what the RSA are proposing.

Incidentally, a proposal in the UK in 2012 to implement similar regulations to the RSA's was scrapped. In Section 2.2, when discussing the Australian system, the proposal is misleading when it suggests that the owner of a modified vehicle must submit an application to local government detailing the modifications; in fact, a large number of modifications do not require any extra certification in Australia, as well as in New Zealand, which is also listed. We must query the pertinence of listing Australia and New Zealand's systems when our own neighbouring states in the European Union are not, despite the RSA's claims within this proposal that EU member states have similar systems already in place? Similarly, on page 7, when listing the bodies that control vehicle modifications in Ireland, no mention is given to the RSA's own roadside vehicle inspectors, a dedicated inspectorate who are already charged with carrying out roadside safety checks for commercial vehicles. Could these not be utilised to police unsafe modifications in conjunction with the Garda Siochana? It is also stated that not even one of the many bodies listed, which includes the NCT and the NSAI, is qualified to "provide the necessary assurance that a vehicle modification is of an appropriate standard", yet the RSA is proposing to introduce further complication to this obviously inefficient and unwieldy system instead of adapting the structures already in place! On page 15 it is proposed that modified vehicles only be "inspected/tested/certified by an NSAI Approved Test Centre" as opposed to an NCT centre, even though these NSAI centres are all commercial vehicle testing stations, and therefore have no qualifications to deal with modified private cars. On page 17, in reference to extra roadworthiness testing for modified vehicles after they are certified, it is stated that "whilst this roadworthiness test would not consider if a vehicle modification is of an appropriate standard, it would check that the brakes, steering, suspension etc are all functioning correctly on the modified vehicle." If all those functions are operating correctly, then what doubt can there be that the vehicle modification is safe? Yet again, on page 18, Section 4.3 the RSA admits outright that they will not be able control items such as engine chipping, replacement seating / safety belt installation, suspension changes etc even after the proposed control procedures are introduced; this is a direct admittance that this proposal is flawed from the outset, and yet is another reason that the proposal in its current format should be scrapped. Again, we propose that all of these modifications could be picked up at the NCT stage if suitable training and testing equipment was available to the NCT staff.

Sadly, such contradictions and lack of common sense as listed above are evident throughout the RSA proposal, and it is clear to us that commercial vehicles should be dealt with in a completely separate proposal to cars and motorcycles, both for reasons of clarity and to deal properly with the very different forms of usage and regulation for these different vehicle

categories. After all, why should privately-owned cars and motorcycles, many of which are strictly for hobby use in this instance, be dealt with in the same manner as heavy goods vehicles that are operated for commercial purposes only? While our area of expertise does not extend to motorcycles, we would request that they should be given the same consideration as cars, including at the very least, as we propose, an exemption from the proposed legislation for hobby vehicles or examples older than thirty years old.

We trust that representations have already been made on behalf of motorcyclists by the MAG Motorcycle Action Group and similar organisations.

There are numerous other issues with the proposal as it stands. If a motorist buys a car in good faith that later turns out to be modified, is he or she then liable to enforcement and penalties? It is unfair to impose this on someone who is unaware of changes made to a car, without consultation or without giving the new owner the chance to put the situation right. Again, if a proper procedure was available through the NCT system this would be avoided. If there is a cost attached to self-declaration, or indeed a complicated system of registration, this will represent yet another tax or charge for the motorist, which cannot be accepted. As for the dedicated approval system, as the RSA quite rightly point out in Section 1, the current situation in Ireland would rely on “individuals in a public body [who] may not be technically competent to identify the modification and assess whether it’s fit for purpose and safe, especially if it’s complex or hidden.” Is it therefore possible that a vehicle owner that has spent many months and many hundreds, if not thousands, of Euros upgrading or accessorising their car can be left at the discretion of an unqualified examiner who may be ‘having a bad day’, or who may, because of their own lack of knowledge of the car or upgrade, mark the vehicle down unjustly? As no similar process for policing car modifications exists in the United Kingdom, such a situation would do little more than send modified car owners (and their revenue-generating cash) into Northern Ireland to have their modifications carried out there by whoever they see fit, causing a further loss in Exchequer earnings in the border counties.

Upgrades to classic and vintage cars are predominantly made for reasons of safety and practicality, e.g. the replacement of drum brakes with more modern disc brakes, replacement of contact breaker ignition systems with electronic solid-state ignition systems, upgrades to cooling systems by way of fitting larger radiators and electric fans, replacement of lever-arm shock absorbers with telescopic shock absorbers, suspension upgrades and adjustment of ride height to improve handling, fitting of larger alloy wheels for cosmetic and performance purposes, the fitting of more modern engines and transmissions to older cars, replacement of narrow crossply tyres with wider radial tyres etc. It is difficult to see how any of these measures could be seen as a risk to road safety. Yet, in the section of the proposal entitled Vehicle Modification Standard, the RSA propose that “the most critical guidelines a vehicle modifier must adhere to when modifying a vehicle are the original

vehicle manufacturer's design specifications." For vehicles over 30 years of age the original vehicle manufacturer's design specifications in most cases are not available. At another point in the proposal it is stated that "a modified vehicle should be approved by the manufacturer." There are thousands of cars on our roads built by manufacturers that are no longer in existence, such as Morris, Austin and MG, so where do owners of these classics bring them to have them 'manufacturer approved'? And, in the cases where the manufacturer is still in operation, have the RSA held consultations with these manufacturers about this part of the proposal? Are manufacturers prepared, with qualified staff available, for the arrival of cars for inspection that in some cases will be up to 100 years old? It is clear that the proposal in its current format is totally unworkable for older cars and many other hobby vehicles.

The proposal to have a modified vehicle go through a roadworthiness test in advance of its next test (page 17) is again a unfair proposal. If the upgrade has, under the proposed system, been certified as legal, then why should the car be tested yet again? This is totally unnecessary, and can only be viewed as a cynical revenue-generating exercise and an attack on a small minority's hobby. There is no way of policing any car, modified or not, between NCT tests, so why have an upgraded car tested on multiple occasions? If a standard 5-year-old car passes its NCT today, but on the way home is involved in a collision and has to be repaired, the quality of this work will remain unchecked by the NCTS for the next 23 months, so the issues raised are not solely those of modified cars. Most owners of modified or upgraded cars do not, and will not, risk the safety of themselves, other road users or their prized vehicle through poor workmanship or the fitment of sub-standard parts. In most cases, owners of upgraded vehicles spend many thousands of Euros on their hobby, fitting parts that are tailored specifically for their chosen model and manufactured by reputable and long-standing companies, which are TUV-certified in most instances. Why would rigorously-tested TUV-certified upgrade parts not be accepted as roadworthy in Ireland? Is Europe not an open market?

Under no circumstance should a car be seized, or a direct summons to court be part of the enforcement, as suggested on page 20 of the proposal. If a modification with safety concerns is noticed at the NCT stage then there should be a system in place to deal with it. We cannot have Gardaí going around, who as the proposal points out "may not be technically capable of identifying a vehicle modification," seizing cars and issuing summons because they don't like the look of the car or the driver. If the car was involved in illegal behaviour on the road, then by all means the driver should be dealt with, but not the car. In a case where a Garda believes a car has been modified to a level where there is a definite safety concern, then they should, at the state's cost, request that the car be brought to a suitable NCT centre within a defined time, where a qualified person can confirm if this is the case or not. If the upgrade is found to be a safety concern, then the owner should be given a defined time to get their vehicle in order. There would need to be an appeals procedure built into all levels of this system, for reasons of fairness for the motorist.

In yet another example of state bodies not communicating effectively with each other, pages 7 and 8 of the proposal list a number of organisations that currently have “fragmented control” over modified vehicles. If the databases of these organisations were simply aligned with each other this would streamline the entire proposed procedure in one fell swoop, without the need to introduce any new vehicle examination bodies. It is also mentioned that suitably-qualified personnel currently don’t exist to examine modified vehicles on the roadside, yet in 2008, 3,244 HGVs were inspected by RSA vehicle inspectors during roadside checks, as stated on your own website. These inspectors are clearly already fulfilling the task of inspecting vehicles, and if gaps in policing dangerous modified cars do exist, why can these inspectors not be pressed into service in that regard?

Finally, as indicated in Figure 2 on page 18 of the proposal, the proposed vehicle modification approval procedure would have no less than 13 steps involving 4 bodies plus the vehicle owner; can we take a moment to look at what we would think is a typical example of what will happen if this is implemented? Imagine that a car enthusiast buys a standard car that they plan on modifying, say a VW Golf. Normally, enthusiasts carry out their upgrades in a progressive manner over a period of time due to the costs involved in purchasing quality parts, so they start off by tinting the windows. With this done, they contact the NSAI, which sets the ball rolling on the 13-step process through the NVDF, NSAI, ATC and DVCSD. Based on the way similar procedures operate in Ireland at present, this will most likely take a number of months. In the meantime, the car owner now has the money to upgrade his wheels and tyres, which he duly does, and again contacts the NSAI to notify them of the upgrade, instigating yet another 13-step process. This continues over the next two years as the car owner upgrades the brakes, suspension, steering and adds a cosmetic body kit, notifying the NSAI on each occasion. So, in the owner’s attempts to modify a car legally they will have bombarded 4 bodies with 9 requests to start proceedings on a 13-step process, all of which could theoretically be running concurrently. We would doubt that the Dept. of Transport and its associated bodies have the manpower to handle the influx of such requests. This really is a ludicrous system, when all the above modifications could be picked up at the NCT stage and evaluated by a qualified person; the proposal itself admits on page 11 that a similar process for updating the NVDF is already in operation at NCT centres.

In closing, if this proposal is to be taken seriously then it must be completely rethought and resubmitted to the public, and the RSA should have interested parties involved from an early stage, unlike this time around, when no notice we can find was provided in the media. Our own two publications, the country’s leading magazines concerning classic and modified cars, were not even notified, despite previous efforts to be included on the RSA’s mailing list. Under no circumstances should cars of over 30 years of age be included in any of the legislation proposed, at the very least, as the lack of available manufacturer information on these cars would make them wholly unsuitable for the proposed system of using

manufacturer recommendations to restrict modifications. There is no country that our research has shown in which vintage or classic cars are exposed to such scrutiny. In fact, in European Directive 2009/40/EC it is requested that vintage vehicles be exempt from such changes in legislation.

We look forward to meeting an RSA representative in person in the near future to further discuss the concerns of Irish classic and modified vehicle owners.

Yours sincerely,

Thomas Heavey, Editor and Managing Director, Irish Vintage Scene Magazine,
Andrew Pollock, Editor, Retro Classics Magazine.

Who to contact with your views

The consultative process commences on the 6 February 2013 and lasts until 20 March 2013. Comments should be e-mailed to: modsconsultation@rsa.ie or posted to:

Vehicle Modification Consultation
Vehicle Standards Section
Road Safety Authority
Moy Valley Business Park
Primrose Hill
Ballina
Co Mayo