

General comments on the proposed Amateur Built Vehicle Regulations

Pursuant to Section 14 of the Norwegian Road Traffic Act, the ministry may issue more detailed provisions, among other things, concerning the approval of vehicles.

The approval of specified vehicle groups (including motorcycles) in Norway is regulated in detail in the Regulations of 4 October 1994 No 918 on Technical Requirements for and Approval of Motor Vehicles, Parts and Equipment (the Motor Vehicle Regulations, and by the Regulations of 5 July 2012 No 817 on the Approval of Cars and Trailers for Cars, in force since 15 September 2012. Chapter 7 of the Motor Vehicle Regulations contains more detailed rules for the repair, alteration and rebuilding of vehicles after they have been approved and registered.

Furthermore, a new EU Regulation relating to the approval of motorcycles is currently under preparation.

In connection with the preparatory work, it has been considered whether Chapter 7 of the current Motor Vehicle Regulations should be amended or a new set of regulations prepared for amateur built vehicles. Given that amateur built vehicles comprise both cars and motorcycles, we find it most appropriate to present a proposal for a separate set of regulations. The proposed regulations will include approval processes, case processing rules and technical requirements for amateur built vehicles, as well as separate provisions relating to fees and sanctions. If the legal authority for these provisions were to be based in part on Chapter 7 of the current Motor Vehicle Regulations and in part on the proposed new Regulations on the Approval of Cars and Trailers for Cars and the upcoming new Motorcycle Approval Regulations, the result would be an approval system that is both complex and not very user-friendly.

We also see a need to revise Chapter 7 of the current Motor Vehicle Regulations as a consequence of the proposed Amateur Built Vehicle Regulations. The reason for such a revision is the need to draw a clear distinction between the approval of amateur built vehicles, on the one hand, and the repair and alteration/rebuilding of vehicles in general, on the other. Among other things, this is important in relation to which technical requirements the individual vehicles must meet, as the technical requirements for the approval of amateur built vehicles are more lenient in some areas. Any changes to an already approved amateur built vehicle must also be assessed on the basis of the technical requirements set out in the new Amateur Built Motor Vehicle Regulations, and not on the current Motor Vehicle Regulations or the Regulations on the Approval of Cars and Trailers for Cars, as in the case of vehicles altered and assessed pursuant to Chapter 7 of the Motor Vehicle Regulations.

Comments on the individual provisions in the proposed Amateur Built Vehicle Regulations:

Chapter 1 General/introductory provisions

Comments on Section 1 *Area of application etc.*:

Among other things, the area of application of the regulation is delimited in relation to modifications to ordinary vehicles, which must be assessed pursuant to Chapter 7 of the

current Motor Vehicle Regulations. See also the above general comments on the need for a revision of Chapter 7.

It is proposed that the area of application be limited to vehicles on which a building process is initiated after the entry into force of the regulations. The purpose is to ensure that vehicles that are finally approved as amateur built vehicles have undergone all the stages of the application, project evaluation and building process in their entirety. If not, the scope of the scheme could easily become much broader in that alteration projects that have proceeded too far pursuant to the provisions of the Motor Vehicle Regulations and hence become rebuilding projects, would be included without having been evaluated pursuant to the Amateur Built Vehicle Regulations.

Furthermore, it must in principle be possible for amateur built vehicles to be built by private individuals without allowing production for commercial purposes. That is why serially manufactured vehicles are not included, as that would come into conflict with the intention behind establishing the approval scheme (see below concerning the definition of 'amateur built vehicle') and delimitation is also proposed in relation to vehicles built in a *commercial context*.

Comments on Section 2 Definitions:

Re (a)

The Directorate of Public Roads points out that if regulations relating to amateur built vehicles are to function as intended, one of the most important preconditions is a clear definition of what an amateur built vehicle actually is. The following factors were emphasised during the preparatory work in 2011 that was carried out in cooperation with the special interest organisations: What is feasible as regards regulations for amateur built vehicles? How can acceptance and ownership of the planned approval process be achieved? What risks are involved in private individuals applying for approval of a building project and building amateur built vehicles?

In the proposed definition of amateur built vehicles, we wish to limit the scope of the scheme to groups that have actually called for such regulations, i.e. the individual enthusiasts who wish to build their own vehicle. Hence, it is only individuals who can initiate a building process for an amateur built vehicle. This is also related to the delimitation in relation to serial production. Accordingly, the approval process cannot be used for building for commercial purposes, which would undermine the concept of 'amateur building'. The delimitation in relation to building for commercial purposes must also be seen in conjunction with the proposed limitation on the number of vehicles/approvals per year, see the proposed Section 4. Any opening for production for commercial purposes would quickly use up the quota and thereby limit the opportunities for private individuals to build their own vehicles.

Re (b)

It is also necessary to define *kit vehicles* (kit car and kit bike). It has been discussed in connection with the preparatory work whether *kit vehicles* should come under the scope of the proposed regulations.

The Directorate of Public Roads point out that omitting kits from the scope of the regulations could undermine the approval scheme in that kits will nevertheless be built in Norway, and attempts made to have them registered as amateur built vehicles or they would be exported for approval in another EEA State for subsequent importation to Norway. Another challenge in

that connection is that the kits on the market are often made up of parts from many sub-suppliers, so that the 'builder' could order these parts directly from the same sub-suppliers and then seek to have the vehicle approved as an amateur built vehicle.

The special interest organisation '*Norsk Forening for Spesielle og Ombygde Kjøretøy*' (NFSOK) points out that including kit cars / kit bikes in the scope of the regulations can easily lead to the limit on the number of amateur built vehicles (see the proposed Section 4) being filled up by kits alone. This is in conflict with the organisation's wish for regulations for amateur built vehicles.

Another factor is the tax problem relating to the approval scheme for amateur built vehicles and kits. Reference is made here to the fact that NFSOK has been in contact with Norwegian Customs and Excise about the possibility of a more lenient tax scheme for amateur built vehicles, but that a final reply has yet to be received from Norwegian Customs and Excise in that connection.

The conclusion is that, even if use of the word 'kit' is avoided, it will not be possible to limit the building of such vehicles. Increasing the quota under the amateur regulations and dividing it between kits and amateur built vehicles should therefore be considered. On that basis, it is proposed to include kits under the scope of the regulations, with a separate quota for the number of vehicles that can be approved per year.

It is important to have clear definitions of both amateur built vehicles and kits in order to prevent circumvention of the regulations, particularly if different tax rates apply to amateur built vehicles, kits and ordinary approved vehicles.

In these regulations, 'kit' means a building kit delivered by a manufacturer of 'kit vehicles'. Typical examples of building kits are vehicles designed for final assembly by a private individual. They often consist of a chassis and body, or a self-supporting body (monocoque), where the engine, gears and suspension (usually from mass-produced vehicles) are procured and assembled by the builder. Another common variant is a building kit consisting of a body that is designed to be mounted on a standard or slightly modified chassis with an engine and gears from a mass-produced vehicle.

It should not be possible to circumvent the ordinary technical or tax requirements by having a vehicle approved as a 'kit', where, for example, a monocoque from a factory-manufactured vehicle is used and assembled into a complete vehicle by the builder. Nor will the definition of 'kit' include a new or second-hand, factory-manufactured motorcycle that has been disassembled in whole or in part before delivery and then reassembled by a private individual.

The dividing line between amateur built vehicles and kits will be discussed in more detail in the supplementary guidelines to the final regulations. This will also include assessing whether replacing the body of, for example, a VW beetle to make a beach buggy, Porsche Speedster etc. falls under the scope of the provisions on amateur built vehicles or kit cars, or whether this should be assessed in the context of the definition of alteration in connection with the revision of Chapter 7.

We also request input from the consultation bodies on whether or not the scope of the proposed regulations should include kit vehicles, and comments on the two proposed alternative definitions of 'kit vehicle'.

Re (c)

The Directorate of Public Roads has found it necessary to define *own use*. The definition is important both for delimitation in relation to 'amateur building' for commercial purposes and in relation to what use of the vehicle will be permitted. The definition refers to the term 'transport for which a permit is required', taken from the Commercial Transport Act and pertaining regulations.

Pursuant to the Commercial Transport Act, a permit is required for all *passenger transport* by motor vehicle in return for compensation. As regards use of amateur built vehicles in relation to what is deemed to be transport for which a permit is required, reference is made to Chapter 4 of the Commercial Transport Act, with clarifications/exemptions, for example the assessment of what constitutes transport in return for compensation.

It also follows from the 'Permit Regulations' that the weight limit for *goods transport* requiring a permit is 3 500 kg for cars and cars with trailers. This means that a permit will only be required for an amateur built car if transport of this kind is carried out using a car and a trailer that together weigh more than 3 500 kg. We cannot see that there are any problems associated with this in our context.

Second paragraph of the provision

In order to prevent the Amateur Built Vehicle Regulations being used to evade the normal approval and registration process for vehicles manufactured in the ordinary manner that are assembled outside the manufacturer's organisation, it is important to have a negative definition that clearly and unambiguously states which vehicles are definitely not covered by the scheme. See Section 1 second paragraph, which excludes serially manufactured motor vehicles from the scope of the regulations. This is nevertheless not an obstacle to a project that includes main components from serially manufactured vehicles being deemed to be an amateur built vehicle. Here, the degree of self-building will be an important delimitation factor.

Pursuant to this wording, the replacement of main components of a motorcycle will still be regulated by Chapter 7 of the Motor Vehicle Regulations and not by the Amateur Built Vehicle Regulations.

Comments on Section 3 Categories of motor vehicle:

In relation to the intention behind and implementation of an approval scheme for amateur built vehicles, it is proposed that the scheme be limited to specific categories of vehicle. In the proposed regulations, it is proposed that the scheme for amateur built vehicles shall include vehicles in categories M1 (up to 3 500kg) and N1 for cars, and L3-4-5e for motorcycles.

Re (a)

In accordance with the intention and area of use of amateur built vehicles, it is considered expedient to limit cars for passenger transport to category M1. Such a delimitation will mean that, in category M, the scheme will only include 'passenger cars' with a maximum of nine seats and that vehicles in the M2 and M3 'bus categories' will therefore fall outside the scope of the scheme. The Directorate of Public Roads considers this to be a natural delimitation, as the use of amateur built vehicles will not be permitted in passenger transport for commercial purposes; they shall be used as passenger cars. The 3 500 kg limit has been set with regard to the technical approval process. In this context, reference is made to the challenges that could

be involved in using the simplified approval process to verify that vehicles with a total weight of more than 3 500 kg are built and fitted out with due attention to road safety. This could apply in particular to brake systems and chassis structure. Moreover, it is traditionally 'light vehicles' that are built in those countries that have corresponding regulations. This is also the type of vehicle for which empirical data and well-tested design principles exist, which is an important precondition for the introduction of a simplified approval scheme. A limit of 3 500 kg also tallies with the weight limit for N1 vehicles.

Re (b)

It has been discussed whether it was necessary to include N1 vehicles in the scheme. The Directorate of Public Roads points out that it is obliged to technically classify vehicles in accordance with the definitions in EU law. Accordingly, a vehicle built with a cargo compartment/load deck of sufficient size behind the front seats, will technically have to be classified as an N vehicle.

Vehicles in category N1 are largely light vehicles built in accordance with the same design principles as M1 vehicles. Reference is also made to the fact that N1 vehicles are small vans and, like M1 vehicles, they are often used by private individuals today. We find it natural to include them in our proposal. In the Directorate of Public Roads' opinion, what was mentioned above concerning M1 vehicles also applies in relation to the weight limit for the N1 category (3 500 kg).

Re (c) and (d)

It is proposed to include two-wheeled motorcycles, with or without a side-car, in categories L3e and L4e, and three-wheeled motorcycles with symmetrically placed wheels (trikes) in category L5e) in the scheme. These categories include the traditional categories of motorcycle to which alterations are carried out today.

On the other hand, it is not proposed to include four-wheeled motorcycles (L7e), mopeds (L1e and L2e), light motorcycles and medium heavy motorcycles in the scheme. Part of the reason for this is that such vehicles are regulated by relatively extensive EU regulations concerning engine power and/or rules against performance tuning, which the Directorate of Public Roads believes it will be difficult to document/check and enforce for amateur built vehicles. Vehicles in these categories are also subject to driving licence regulations based on the vehicle's engine power and/or design speed. The Directorate of Public Roads considers that, both for the public and for the directorate itself, it will be disproportionately demanding in terms of resources to ensure that these requirements are met by amateur built vehicles.

The Directorate of Public Roads refers to the EU proposal for a new Motorcycle Regulation and to the possibility of changes being made to the categories mentioned under (c) and (d). The proposed new Regulation does not include any changes to the main categories L3e and L4e. On the other hand, it does propose introducing the subcategories A1 (light motorcycle), A2 (medium-heavy motorcycle) and A3 (heavy motorcycle). When the EU Regulation is finally adopted, the Directorate of Public Roads will consider whether it is necessary to make changes to the categories included in its proposed regulations.

Chapter 2 Concerning approval

Comments on Section 4 Case processing rules:

First paragraph of the provision

The fact that amateur built vehicles are built individually and not serially manufactured means that they should also be subject to individual approval. The approval procedure will be the same as for the individual approval of ordinary vehicles, such, however, that some items may require an extra inspection before final approval can be granted, because they are individually built vehicles.

Because of the limitation on the number of amateur built vehicles that can be approved and the complexity of the approval process, only a limited number of NPRA Driver and Vehicle Licensing Offices will be authorised to approve amateur built vehicles.

Second paragraph of the provision

There is currently a specialist agreement in place between the Directorate of Public Roads and NPRA Region West, establishing the Norwegian Public Roads Administration's (NPRA) specialist group for alterations, rebuilding and repairs (SFOOR). In light of the area of application of the specialist agreement, it is natural that SFOOR will also assist the Directorate of Public Roads with drawing up guidelines and supervision of the approval of amateur built vehicles. SFOOR's expertise is directly transferable to the needs that exist in connection with amateur built vehicles.

Third paragraph of the provision

The Directorate of Public Roads points out that the approval scheme for amateur built vehicles will constitute an exception from the system for ordinary vehicle approval. Amateur built vehicles will be deemed to be new vehicles that have never previously been registered. This will apply even if many of the vehicles built will resemble older vehicles in appearance. The approval scheme means that the technical requirements will be more lenient than those that otherwise apply to the approval of vehicles. Furthermore, for the NPRA, the approval scheme will be demanding in terms of resources as regards both the application process and building inspections (see from Section 5 onwards).

The Directorate has considered whether the limitation in number should apply to *the number of applications per year* or *the number of approvals per year*.

Limiting *the number of applications per year* will prevent more projects from being started than the NPRA has the capacity to follow up. The disadvantage is that there is a risk that some applicants will apply simply to ensure that they have the possibility of building an amateur built vehicle, without having an actual plan for implementing and completing the building project. The advantage is that private individuals will be prevented from starting projects that the NPRA lacks the resources to follow up, because the applicant will be dependent on a greater degree of precision in the application than if a project could be unconditionally applied for and started.

If the limitation applies to the *number of approvals per year*, this will have to be considered in relation to the time of completion, see Section 6 concerning the deadline for completion. Once a vehicle has been completed and is drivable, it would not be reasonable if the individual builder had to wait for final approval because a given number of amateur built vehicles had been granted approval during the period. The individual building process and the time it takes to complete a project will also vary widely.

For the NPRA, it will probably be easier to maintain an overview of the number of approvals granted per year, and a limitation that is linked to the time of approval will also be easier in

relation to any relaxation of the technical requirements, including subsequent amendments (mainly tightening up) of technical requirements that could affect on-going building projects. This is nevertheless a practical issue that should not be decisive for how the numbers are limited.

We request input from the consultation bodies on whether the limitation should be linked to *the number of applications per year* or *the number of approvals per year*.

As regards the actual number, regardless of whether it is the number of applications per year or the number of approvals per year that is regulated:

In our talks with the special interest organisations NFSOK, Amcar and NMCU, they pointed out that the market is ready for an approval scheme for amateur built vehicles and that it would be inexpedient to place too strict limits on the numbers. There is great demand among enthusiasts. Given that the consultation proposal seeks to include vehicle kits in the approval scheme, the number of approvals per year should be assessed accordingly. The Directorate of Public Roads points out that the NPRA may have limited capacity to follow up individual building projects

Fourth paragraph of the provision

A more detailed description of what a building project application should include is proposed. On this basis, a separate application form should also be produced, together with a process description, to ensure that the NPRA's regional office has all the relevant information at the earliest possible time. The application form / process description should specify minimum requirements for information that must be available at the time of application.

The Directorate of Public Roads will not define formal requirements for the formulation of building project applications, however. We nonetheless find it expedient that a proposal for an application form be prepared that meets the NPRA's own information needs and informs the applicant about the process that will be started. A good application form will call attention to the amount of work that is required and make it easier for both the NPRA and the applicant to provide supplementary information during the process. It will also make it easier for the agency to provide guidance and generally ensure a more orderly process and simpler inspections.

In connection with the application process, specified components will also have to be presented for inspection at NPRA's regional office, see also the second paragraph and the need for specialisation in the processing of applications, inspection and approval of amateur built vehicles. For example, the builder/applicant should present the raw chassis, including a receipt showing its origin, and not bring a fully 'restored' chassis for first-time presentation. See the comments on Section 5 for further details.

The Directorate of Public Roads points out that an application must always be submitted prior to starting on an amateur built vehicle building project; see also the proposed Section 1 concerning area of application. It will therefore not be possible to apply for approval of amateur built vehicles until the proposed regulations have been adopted and have entered into force. Any changes made to vehicles before the entry into force of these regulations must therefore be evaluated on the basis of Chapter 7 of the Motor Vehicle Regulations.

Furthermore, in principle, it will not be possible to apply for a building project relating to a vehicle that is already being altered. Among other things, this has to do with the changes that can be made pursuant to Chapter 7 of the Motor Vehicle Regulations, and it underpins the need to revise Chapter 7 of the current Motor Vehicle Regulations in order to ensure a clearer distinction between alterations, rebuilding and repairs, on the one hand, and amateur building, on the other. It is nevertheless clear that the dividing line between what should be evaluated pursuant to these proposed regulations and what falls under the scope of Chapter 7 of the Motor Vehicle Regulations must be drawn in practice, and that it is not possible at present, before the proposed regulations are in place, to fully draw the line for each individual case. In future, the delineation will largely be a job for the specialist function.

NFSOK has pointed out that it is important to have a dynamic approval process and a good project that means that the customers will seek guidance, and that good guidance ensures approval. In connection with its preparation of guidelines for the approval scheme, the Directorate of Public Roads will endeavour to meet these needs.

In the guidelines, it will also be necessary to clarify what constitutes a finished vehicle and when the vehicle can be presented for final approval. A minimum requirement for a 'finished vehicle' must be that it is actually drivable.

Fourth paragraph (a) of the provision Identity-bearing components

The proposed regulations include an exhaustive list of what are deemed to be identity-bearing components.

The Directorate of Public Roads refers to the need for credibility concerning the use/reuse of parts. When a project is started, each component must be presented and evaluated by examining its age and condition, among other things, and, for example, whether the engine has been overhauled or is presented for first-time inspection as a 'worn' component. If the use of new parts that have probably been imported from abroad is discovered, it must be documented that the components have been processed for VAT purposes by Norwegian Customs and Excise.

Fourth paragraph (b) of the provision Origin of the components

The provision lists components in a building project whose origin must be documented, see (c) for more details.

Fourth paragraph (c) of the provision Requirements for documentation

A requirement for documentation of the origin and procurement of each component is proposed. By 'origin' in this context, we mean the manufacturer of the part, alternatively the type of vehicle for which the part is intended or similar, and documentation of ownership of the components that are to be used. It is important to specify which requirements will apply to documentation. The requirements for documentation must be realistic, and it is proposed that the components whose origin/procurement must be documented should comprise identity-bearing components in addition to the components listed under this item (c).

The Directorate of Public Roads points out that there should be some form of documentation for the aforementioned identity-bearing components, for example a receipt, customs documents etc. Furthermore, the Directorate of Public Roads believes that the origin of more components than the identity-bearing components should also be documented; see (b).

The Directorate of Public Roads notes that it is necessary to first clarify what documentation we require, and which components it is necessary to document the origin and procurement of, before discussing what constitutes adequate documentation. In other words, a more detailed assessment of the documentation is required. The assessment should include factors relating to the origin of second-hand parts, the exercise of discretionary judgement on the part of the authorities, the question of whether the documentation requirement can be relaxed if the project owner presents a self-declaration, possible sanctions in the case of false declarations.

It has been questioned whether it is possible to consider the requirement for documentation in relation to the age of the component. The requirement for documentation must also be seen in light of a certain need for control in relation to crime. How can we achieve an amateur build scheme that both has reasonable requirements for documentation and also contributes to the prevention of crime? Among other things, the Directorate of Public Roads has been informed that builders in the USA have to account for the main components that will be used and, if applicable, contact the police to have a component approved.

One possible solution (see also above), is to require a self-declaration for the main components where documentation cannot be provided in the form of receipts etc. If stolen parts are used / components are used incorrectly, there should be a legal basis for imposing sanctions, including the possibility of confiscation of the vehicle.

Enthusiasts state that they need to be able to use/recycle old parts. What individual builders commit to in relation to the approval system must be seen in the context of a possible user-controlled system. In the preparatory work, NFSOK has pointed out that it knows the milieu involved and will often know how to obtain reliable information about the history of the parts. The organisation also points to the importance of correct practice on the part of the approval authority, for example, common criteria for exercising discretionary judgement, and of the authorities not exaggerating the documentation requirement.

Comments on Section 5 *Inspection of the building project*:

The Directorate of Public Roads points out that the approval of amateur built vehicles should be regulated by inspections throughout the project period. This is also related to the area of application of the proposed regulations, where we initially pointed out that alteration and rebuilding work that goes too far pursuant to Chapter 7 of the current Motor Vehicle Regulations cannot be approved as an amateur build, such, however that drawing the dividing line between what is covered by the proposed regulations and what is covered by Chapter 7 of the Motor Vehicle Regulations will fall under the specialist function's area of responsibility in future evaluations.

In connection with the preparatory work, it was discussed whether a given number of mandatory inspections should be defined or whether it was preferable to include a description of what is to be inspected, i.e. at what stages of the building project the vehicle must be presented for inspection. Among other things, the NPRA needs to know when the identity of a vehicle is defined, and to have the possibility of sealing certain components, or of stamping identification marks.

After further discussion, it was concluded, as is evident from the proposed regulations, that the regulations should specify the stages at which a vehicle must be presented for inspection. The number of inspections is then self-evident. After further specification of the necessary approval processes, it has also been clarified that the inspection of building projects will be

the same for both cars and motorcycles. The industry and the approval authorities agree that it is important that guidance is provided about what can be approved, both prior to and during the application process.

First paragraph of the provision

Steps in the building process for both amateur built cars and motorcycles.

1. Start-up and building

- a) **Application and start-up inspection.** At this stage, the origin of available main components should be checked; other, new or used, main components will be checked during the building process (the builder has a notification obligation during the project). When processing the application, the probability of completion should also be considered, cf. the requirement for the payment of a fee upon application.
- b) **Welded chassis/ load-bearing structure /body** (raw, unground welds). Documentation of purchase of the parts must be presented. (Note that documentation will be checked at all stages in the building process.)
If a ready-made chassis is used, inspections (a) and (b) can sometimes be carried out at the same time. The conditions for this will be set out in the inspection guidelines.
- c) **The assembled vehicle.** As far as possible, brackets, pipes etc. must be in place. It is at this stage the chassis number is assigned and stamped. It must be possible to read any component markings. It is recommended that the vehicle should not be painted /surface coated as certain structural adjustments can be expected.
- d) **Final inspection of the finished drivable vehicle.** The vehicle must be fully drivable with permanent solutions in place (i.e.: the requirements for interior/exterior design, control devices, lights etc. must be met).

The inspections described in (a) to (d) are minimum requirements for the presentation of a building project.

The chassis number is assigned in connection with inspection (d) (see Section 5(d)), i.e. when the project is deemed to pass from the project stage to a finished drivable vehicle. It is an advantage if the chassis number is assigned at a time when it is practical to have it stamped on the chassis or other load-bearing structure, before final assembly and painting of the vehicle. Note, in that connection, that final inspection pursuant to (d) does not require the vehicle to have been painted, and that assignment of a chassis number at this stage should therefore not be a problem. Reference is otherwise made to Section 7 concerning transfer of a building project.

2. Entering approval in the Autosys system and notification of Norwegian Customs and Excise

The vehicle is entered in the motor vehicle register in accordance with the procedures for the individual approval of vehicles in Autosys. In accordance with the procedures, the person reporting the vehicle for registration (the owner) must also be registered. The vehicle must then be processed by Norwegian Customs and Excise before it can be registered to the owner and a vehicle registration certificate issued.

In the Directorate of Public Roads' opinion, a vehicle registration certificate must be issued to the applicant/builder before the vehicle can be said to be *registered for the first time by an individual for his/her own use* in accordance with the definition, and hence deemed to have been completed.

Third paragraph of the provision

In relation to the definition of 'own use', it is proposed that, if an individual has been granted an application, that person cannot apply to start a new project before the first project has been completed. We see that this could involve a problem in relation to when a building project must be deemed to be so completed that a new application can be submitted. The Directorate of Public Roads therefore believes that it is important to have a strict definition of 'completed' in this context that means that the final inspection has been carried out and the result approved, and that the vehicle is registered to the applicant. Alternatively, the building project must have been transferred to a new owner, see the proposed Section 7.

Comments on Section 6 Deadline for completion of a building project

It is proposed that the vehicle should be finally approved within five and three years, respectively, for several reasons. Based on experience, the nature of a long-term building project will change during the course of the building period. Changes will also take place in the technical requirements and in what is deemed to be a favourable vehicle design and construction based on considerations of expediency and road safety.

It is nevertheless proposed that the deadline for completion of a project can be extended upon application, so that the NPRA regional office can carry out a concrete overall evaluation of the project seen in relation to changes to the regulations after start-up of the project.

Comments on Section 7 Transfer of a building project:

The Directorate of Public Roads finds it expedient to regulate how a project that has been started can be transferred to a new owner. It is a requirement for such transfer that a new application is submitted and considered and that a corresponding fee is paid for such processing.

If, on the other hand, a chassis number has been assigned, final inspection carried out in accordance with Section 5 first paragraph (d) and the vehicle is registered to the applicant, the sale will be subject to the ordinary rules for the transfer of vehicles.

Comments on Section 8 Fees:

The Directorate of Public Roads is of the opinion that separate fees should be stipulated for the approval process for amateur built vehicles. In that connection, reference is made to the special fees that apply in both the UK and Sweden.

Both the size of the fee and when the fee should be paid have been discussed with the special interest organisations in connection with the preparatory work. The fee must be paid upon application and it will not be refunded if the application is rejected. This is in order to ensure that applicants do not start an application process or a building project without having considered the matter thoroughly beforehand, and in order to avoid speculative start-ups of building projects.

It is proposed to split the fee in two, so that the first part of the fee covers the costs of application and intermediate inspections (Section 5(a) – (c)), while the second part covers the final inspection (Section 5(d)). Cf. Section 20 first paragraph of the Regulations on the Approval of Cars and Trailers for Cars. Here, we have endeavoured to ensure that there is legal authority for applying the rate for individual approval of vehicles pursuant to Section 20

fourth paragraph of the Regulations on the Approval of Cars and Trailers for Cars directly to the approval process for amateur built vehicles.

The rate for individual approval of vehicles pursuant to Section 20 fourth paragraph of the Regulations on the Approval of Cars and Trailers for Cars is currently NOK 470. If part two of the fee for the approval process for amateur built vehicles only covers this part of the process, the first part of the fee could possibly be disproportionately high in relation to starting a project. We will therefore consider this more closely in connection with a final decision on how the fee should be split. When the fee is to be finally decided and the partial payments specified, it may be necessary to consider introducing more equal fees for building inspections (Section 5(a) – (c)) and the final inspection (Section 5(d)).

The size of the fee

The Directorate of Public Roads refers to the agency's work on fees that reflect costs correctly, and sees it as important that fees for the approval process relating to amateur built vehicles are correct in relation to the costs and cover the approval authority's costs in connection with the process, without being a source of income to the state. In connection with the stipulation of fees, relevant costs that are actually incurred by the approval authority should be estimated. Based on experience from the today's processing of extensive alteration cases, it is estimated that the time spent on inspections pursuant to Section 5(a) – (c) will be 10/12 hours for motorcycles/cars, respectively.

In Sweden, amateur built vehicles are inspected by the national organisation of vehicle builders (*Sveriges fordonsbyggares riksförorganisation, Bilprovningen*) or another inspection body, and processed by the Swedish Transport Agency (*Transportstyrelsen*). As of October 2012, this involved costs of just over NOK 8 000 for cars and NOK 7 000 for motorcycles.

Comments on Section 9: Requirements for registration, follow-up inspections and periodic inspections of approved vehicles

Second paragraph of the provision

It is proposed that approved amateur built vehicles be presented for inspection free of charge after two years. The proposed time for this inspection is the month that is two years after the registration date and one month either side. The inspection will be carried out by inspectors who work on inspecting amateur built vehicles. It is intended to uncover whether the components used and the chosen design solutions are appropriate over time and whether the vehicle constitutes a risk to road safety. However, the main aim of such inspections is to provide the agency and the user with knowledge about the vehicle and alternative design solutions. If, on the other hand, it is concluded that the same vehicle design and construction will not be recommended in future, this will not constitute grounds for refusing further use of the vehicle. Only matters that involve a direct threat to road safety will have to be rectified/alterd before further use.

Third paragraph of the provision

After the second-year inspection, the vehicles will be subject to the ordinary system of periodic vehicle inspections. We see a need to produce guidelines for inspection bodies that carry out periodic inspections of amateur built vehicles. This need will not arise before several years have elapsed, and draft guidelines have therefore not been prepared in connection with this consultation procedure.

Fourth paragraph of the provision

This paragraph makes it clear that an amateur built vehicle will be regarded as a new vehicle, i.e. on approval, the vehicle should in principle have met the technical vehicle requirements that apply to new cars and paid the full fee, and been subject to periodic vehicle inspections, cf. above. These proposed regulations are intended to regulate a separate approval scheme and the adaptation of technical requirements. As regards taxes, there is an on-going dialogue between the special interest organisations and Norwegian Customs and Excise.

Comments on Section 10 Relationship to other technical regulations

No comments.

Chapter 3: Technical requirements for the approval of amateur built vehicles

It is proposed that the technical requirements for amateur built vehicles should be broken down into the following categories: general technical provisions, design provisions and environmental requirements. We see this as an expedient breakdown that will avoid having what would otherwise be a long and complex provision on technical requirements. Furthermore, it reflects the categories used in EU legislation for technical requirements for vehicles.

The technical requirements to which reference is made are to some extent general and overriding. More detailed inspection guidelines will therefore be necessary that describe inspection methods and procedures. This will ensure equal treatment and predictability for those who build such vehicles. SFOOR has started preparing such inspection guidelines, using similar schemes in other countries as a template.

The technical requirements that apply under these regulations for granting approval of applications for building projects must be met for approval of the building project to be granted. This applies even if the technical requirements are changed during the building period. In connection with the renewal of an application, for example in connection with the transfer of a building project pursuant to Section 7 of the regulations, it must nonetheless be considered whether more recent technical requirements must be satisfied by a given building project.

Note also that the proposed Sections 11, 12 and 13(e), (l), (o), (r) third paragraph subparagraph 1(a)¹ and (s) have been discussed with NFSOK during the preparatory work.

Comments on Section 11 General requirements

This provision sets out the general requirements that apply to amateur built vehicles. It refers to the Motor Vehicle Regulations as the national regulations that will continue to apply as requirements for amateur built vehicles. Reference is made to the wording of the Motor Vehicle Regulations of 4 October 1994 No 918 as amended on the entry into force on 15 September 2012 of the new Regulations on the Approval of Cars and Trailers for Cars.

In addition, a number of provisions are listed from which exemption cannot be granted. These are general provisions that apply to all categories of vehicles, for example requirements for approval before a vehicle is used, requirements for vehicles in use, requirements for new approval in connection with the alteration of vehicles, definitions of vehicle categories, general requirements for design and load-bearing structures.

¹ Translator's comment: Section 13 has no subparagraph 1(a).

It is also pointed out that amateur built vehicles must meet the technical requirements in Chapters 9-50 of the Motor Vehicle Regulations to which particular reference is made in the Amateur Built Vehicle Regulations. The individual requirements are discussed in more detail below.

Third paragraph of the provision

The wording of Chapter 9 of the Motor Vehicle Regulations, see also Section 13 of the Road Traffic Act, has been included in Section 11 third paragraph of these regulations. The paragraph also includes a supplementary formulation stating that the vehicle's environmental and road safety properties must be intact up to the vehicle's maximum design speed. The Directorate of Public Roads finds it expedient to include a provision for amateur built vehicles, which are not the work of a major manufacturer and not subject to the same product development system or inspection methods as type-approved vehicles, whereby it is made clear that the vehicle must have properties that ensure that its environmental friendliness and road safety are assured up to its maximum design speed. This provision can serve as a safety valve if vehicles are presented that, seen in isolation, satisfy each of the individual inspection points mentioned in the regulations, but that are not safe in an environmental or road safety perspective when viewed overall. For example, a vehicle can have a maximum design speed of around 200km/h, but be unsuitable for speeds exceeding 60 km/h because of its driving properties or design principles.

The regulations relating to amateur built vehicles are based on traditional vehicle categories that can be built in accordance with recognised principles and approved for use on public roads. These general requirements and the pertaining technical requirements can prevent the building of bathtubs or sofas on wheels with engines that, seen in isolation, satisfy the somewhat more lenient technical requirements for amateur built vehicles, but that are unsafe from a road safety perspective when used under normal traffic conditions. The same wording is also included in the Swedish regulations for amateur built vehicles

Comments on Section 12 Engine and environmental requirements

Re (a) first paragraph

It is proposed to limit the means of propulsion to combustion engines (petrol/diesel) and electric motors that use a storage battery as energy source. Among other things, this is in order to ensure an approval process that is feasible and does not involve having to evaluate alternative means of propulsion, which would be very demanding in terms of resources. The regulations would also have to be much more comprehensive if it were possible for other means of propulsion to be approved. In the Directorate of Public Road's opinion, the regulations for amateur built vehicles should not facilitate a simplified approval process for new/alternative technologies. The grounds for having a simplified approval process are chiefly that the vehicles are built in accordance with recognised principles, which justifies a more lenient inspection regime. In the case of new/alternative technologies, we lack empirical experience on which to base an evaluation of the technical solutions that are used, and it must therefore be evaluated in each individual case whether the desired solution has been adequately tested/documentated.

Moreover, approval processes for new/alternative technologies are described in Article 20 of Directive 2007/46/EC. The article contains requirements for both the environmental and road safety aspects of such technologies, and it also requires that tests have been conducted to demonstrate this.

Electric cars are generally subject to stringent requirements because of the risk of fire. It is therefore important to also set strict requirements in this area for amateur built cars. The Directorate of Public Roads therefore wishes to continue the established practice for the approval of electrically powered vehicles. The work of implementing UNECE 100 in the Norwegian regulatory framework will be followed up to ensure that amateur built vehicles also comply with these regulations. Since our regulations for electric vehicles are generally incomplete and under preparation, the wording of references to the EU/UNECE rules for electric propulsion motors and battery packages for amateur-built vehicles should correspond to the wording of the current regulations for other vehicles.

Point (a) second paragraph

For cars, the Directorate of Public Roads suggests a limit on engine output of 15 kW per 100 kg, corresponding to the rules in Sweden.

One of the reasons for this is that amateur built vehicles are not tested according to the hot performance brake test (Type I test).

In connection with the preparatory work, NFSOK felt that the proposed output limit of 15 kW per 100 kg unladen weight was low and that it should be possible to approve 20 kW per 100 kg. They referred, among other things, to the Swedish regulations, where this is permitted. NFSOK also pointed out that a possible consequence of the permitted output limit being too low is that the weight of amateur built vehicles will be increased in order to ensure a higher output. In such case there is a risk that a 'demonstration engine' will be used for approval purposes. NFSOK proposes that, for vehicles with better brakes, it should also be possible to consider increasing the output.

The Directorate of Public Roads will consider whether to increase the required braking power in connection with increased engine output. Reference is made to the Swedish regulations which have increased the retardation requirement (from 5.8 m/s^2 to 7.5 m/s^2) for cars for which approval is sought for outputs in excess of 15 kW per 100 kg and up to 20 kW per 100 kg. This braking requirement must be met without the wheels locking. In the Directorate of Public Roads' view, if the output limit is increased to 20 kW per 100 kg, this must be reflected in more stringent requirements for retardation as is the case in the Swedish regulations. This will be given further consideration. The Directorate of Public Roads requests input from the consultation bodies on this point.

In consultation with NFSOK, an output limit of 50 kW per 100 kg has been proposed for motorcycles. The Directorate of Public Roads requests input from the consultation bodies concerning whether this limit is too high. In the case of both cars and motorcycles, the general design requirements will naturally also apply to the design of the chassis/ load-bearing structure. This means that engines with a disproportionately high torque that has an adverse impact on a vehicle's load-bearing structures and/or driving properties will not necessarily be approved, even if the engine output is within the limits. The same may be the case if an engine with an inexpedient engine characteristic is used that results in the driving properties becoming difficult/unpredictable. This will be the case, for example, in engines designed for use in connection with motor sport and/or that have a short effective rpm range. Engines with an abnormally steep output/torque curve can result in difficult driving properties. The engine must be designed for driving on public roads and for predictable and controllable driving properties.

The term 'manufacturer' as described in Sections 23-1(1) and 23-5(2) of the Motor Vehicle Regulations has been clarified in order to avoid any doubt about who is deemed to be the manufacturer of the engine.

If a one-off tax is introduced for amateur built vehicles based on engine capacity and/or output as one of the tax components, one of the consequences will be that it will be necessary to set a limit on output pursuant to Sections 23-1(3) and 23-5(2) of the Motor Vehicle Regulations. The Directorate of Public Roads envisages that, where a complete engine and pertaining components from an existing vehicle (electronics, suction, exhaust etc.) are used, the output specified by the engine manufacturer can be used. The same could apply to the use of a complete engine supplied by manufacturers' after-sales departments (for example Ford Racing) and where the output is stated for the ready-built engine unit. If a partially rebuilt engine is used, or an engine that is altered in relation to the original specifications, output measurements must be presented in accordance with the provisions in Section 23-1(3) or 23-5(2), respectively.

If engine capacity and/or output are not included as a tax component for amateur built vehicles, the Directorate of Public Roads will consider whether to use flywheel output, based on chassis dynamometer measurements of performance at the wheels in accordance with the ISO standard.

Re (b)

The proposed noise requirement corresponds to the requirement that applied to new passenger cars from 1 January 1972 until 31 December 1978. In the Directorate of Public Road's opinion, this noise limit will not expose the public to excessive nuisance noise, at the same time as it does not make the building of amateur vehicles too complicated. For purposes of comparison, the current requirement for new cars to which these regulations do not apply is 74 db(A).

Noise at standstill shall be stated in the vehicle registration certificate as a reference value for use in periodic vehicle inspections and/or roadside inspections.

Re (c)

The proposed exhaust requirement corresponds to the requirements that apply to other vehicles in use. It is more lenient than the requirements for full measurement in connection with type approval. The Directorate of Public Roads nevertheless considers these requirements to be environmentally acceptable, seen in relation to the limited number of vehicles that it will be permitted to build.

This means that it will be permitted to use petrol engines with a carburettor without catalytic converter. Naturally, it will also be possible to use an engine with an advanced three-way catalytic converter with lambda sensor control.

Re (d)

The general requirements for vehicles' cabling and electromagnetic noise will also apply to amateur built vehicles. In the Directorate of Public Roads' opinion, these requirements will largely be met by using electrical components designed for use in vehicles and that have an appropriate system for suppressing electromagnetic noise.

For vehicles with conventional (old-fashioned) technology with hardly any electronics, and that have an appropriate system for suppressing electromagnetic noise, the requirements are deemed to be satisfied. If electromagnetic engine control, accelerator etc. are used, units of

equipment taken as a whole from vehicles designed for the European market are deemed to satisfy the requirements. The Directorate of Public Roads will make further investigations to ascertain the degree to which corresponding requirements for electromagnetic protection apply to equipment designed for other markets, particularly the US and Japanese markets.

For vehicles in which wireless transmission will be used, for example between control devices and pertaining components, it must be ensured that these components operate at frequencies that are lawful in Norway/Europe, and that they do not interfere with other material and/or cannot be exposed to interference from other sources. See the list of frequencies and more detailed rules set out in the (Norwegian) Regulations relating to EEA Requirements for Telecommunications Terminal Equipment.

http://lovdata.no/cgi-wift/wiftldles?doc=/app/gratis/www/docroot/for/sf/sd/sd-20000620-0628.html&emne=radio*%20%2b%20og*%20%2b%20teleterminal*&

The Directorate of Public Roads is endeavouring to clarify with the Norwegian Post and Telecommunications Authority what requirements are set out in the above-mentioned Directive² and regulations.

Comments on Section 13 Functional safety requirements etc.

Re (a)

Reference is made to the general design requirements set out in Section 11-1 of the Motor Vehicle Regulations. This provision sets out general requirements for vehicle design. These requirements shall ensure that the vehicle is built so that the load-bearing structure is dimensioned for the vehicle's weight and the loads to which it may be exposed. The design of the vehicle must also take account of properties in connection with impacts/collisions, to avoid unnecessary displacement of the steering column, engine etc.

If the load-bearing structure of a vehicle is built in accordance with recognised principles and using commonly used structural materials, it will normally be deemed to satisfy the design requirements. Engine output and torque will also be factors that must be taken into account in the evaluation of load-bearing structures. Where the builder wishes to use unconventional design principles and/or materials, he/she must expect to have to present calculations substantiating/documenting strength and suitability to a greater extent.

Re (b)

No comments.

Re (c)

No comments.

Re (d)

No comments.

Re (e)

The legal authority for the proposed *functional requirements* for safeguarding against crushing is found in Directive 74/60/EEC, but the proposal does not require full compliance with that Directive. The purpose of this requirement is to provide some form of protection

² Directive 1999/5/EC.

against crushing where a power-operated (or otherwise non-manually operated) roof panel, windows or similar are installed.

Re (f)

In principle, the doors of amateur built vehicles with doors shall be front-hinged, see Section 17-2 of the Motor Vehicle Regulations. This provision also applies to enclosed motorcycles.

Rear-hinged doors are in principle not permitted pursuant to Section 17-2. Amateur built vehicles with rear-hinged doors may nonetheless be approved, where such doors meet the functional requirements set out in UNECE Reg. 11.02. Top-hinged doors must also be evaluated in relation to the same functional and safety requirements, particularly in relation to the possibility of evacuation in an emergency should the vehicle roll over.

The Directorate of Public Roads will look more closely at the functional requirements in connection with the drawing up of guidelines for the approval of amateur built vehicles.

Re (g)

The number of seats shall be stipulated by the approval authority since amateur built vehicles do not have an ordinary manufacturer. Side-facing seats will not be approved for road safety reasons.

Re (h)

No comments.

Re (i)

No comments.

Re (j)

No comments.

Re (k)

No comments.

Re (l)

No comments.

Re (m)

The colour of lights must be in accordance with Chapter 28 of the Motor Vehicle Regulations. Correctly installed E-approved/e-approved (or DOT-approved) lights of the right colour will satisfy the requirements. In principle, the requirements for lighting equipment are the same as the minimum requirements set out in 76/756/EEA as amended, i.e. UNECE Reg. 48. We have nevertheless chosen to refer to the wording of the Motor Vehicle Regulations. Section 28-3 seen in conjunction with Sections 28-4 – 28-9 of the Motor Vehicle Regulations set out requirements for lighting equipment corresponding to those that apply under international law, but the wording is more accessible for the amateur builder.

Re (n)

No comments.

Re (o)

For environmental reasons, it is proposed that air conditioning systems in amateur built vehicles shall not be filled with fluorinated coolant with a GWP value of more than 150. On this point, the Directorate of Public Roads finds no grounds for applying more lenient requirements to amateur built vehicles. The reason is that it is assumed that the air conditioning system will be bought as a ready-made component for assembly and installation in the amateur built vehicle.

Re (p)

No comments.

Re (q)

A steering column with a shock-absorbing function taken from a factory-manufactured vehicle is deemed to meet the requirements of the proposed regulations.

What we mean by a steering column that provides corresponding protection is one that, for example, has universal joints that ensure lateral displacement in relation to the steering worm/steering rack. This means that collision forces are not transferred in a straight line from the steering worm/steering rack to the steering column.

Re (r)

No comments.

Re (s)

No comments.

Comments on Section 14 General design requirements:

Re (a), (b) and (c)

The requirements for marking the vehicle mean that the chassis or other appropriate part of the load-bearing structure shall be stamped with a chassis number and the vehicle shall be marked with the make or type designation, for example in the form of a manufacturer's plate. The Norwegian Public Roads Administration has clarified that a World Manufacturer Identifier (WMI) code can be assigned and used for amateur builds and kit vehicles. This means that the Norwegian Public Roads Administration will assign a 17-digit chassis number in accordance with the WMI code. An application for assignment of a WMI code has been sent to Standard Online AS. That is why the designations mentioned in Section 14 are provisional; they will be corrected when a code has been assigned.

On assignment of a vehicle identification number (VIN), the project owner at the time shall be entered as notifier on form 221 – Notification for tax calculation and registration purposes. At the same time, notification of the vehicle as a vehicle shall be sent to Norwegian Customs and Excise, corresponding to the import date for vehicles that are imported.

If the chassis is already stamped with a 17-digit chassis number in accordance with WMI, it is proposed that the manufacturer and chassis number be changed in accordance with the procedure described in Directive 2007/46/EC Annex XVII point 4.

The Norwegian Public Roads Administration will consider which parts of the VIN shall be assigned and, if relevant, whether parts of the number can be chosen by the builder. It will also be considered whether amateur built vehicles and kits should be coded separately.

Vehicles that are approved pursuant to these regulations must be fitted with a manufacturer's plate in accordance with Commission Regulation (EC) 19/2011. The Norwegian Public Roads Administration will consider whether a common template should be prepared for the manufacturer's plate that is to be used. An example of a manufacturer's plate pursuant to Commission Regulations (EC) 19/2011 is shown below.

STELLA AUTO S.P.A
e3*2007/46*0004
ZFS159000AZ000055
1 850 kg
3 290 kg
1 – 1 100 kg
2 – 880 kg

Model of a manufacturer's statutory plate for a vehicle of category M1 type-approved in Italy

Re (d)

NFSOK points out that the standard for weight distribution in the USA is '75 kg per passenger x the number of passengers, plus 10 kg baggage per person'. The Norwegian Public Roads Administration points to the importance of having vehicles that can be used. The Directorate of Public Roads points out that the EU weight specifications are minimum rather than maximum limits; see also the weight specifications for camper vans.

This provision is designed to provide the approval authority with a statutory basis for stipulating permitted weights of amateur built vehicles even though the builder wishes to increase the weight in relation to what must be deemed to be safe. In this context, administrative practice is available concerning the importation of vintage vehicles with incomplete technical data. Furthermore, the final indent provides a legal basis for stipulating, for example, trailer weights for vehicles designed to pull a trailer.

Re (e)

No comments.

Re (f)

No comments.

Re (g)

No comments.

Re (h)

No comments.

Re (i)

No comments.

Re (j)

FIA is an abbreviation for Fédération Internationale de l'Automobile. FMVSS – Federal Motor Vehicle Safety Standards are the technical standards in the USA.

Re (k)

No comments.

Re (I)

No comments.

Chapter 4: Concluding provisions

Comments on Section 15:

The register of building projects / granted applications must be seen in conjunction with the limitation on the number of amateur built /kit vehicles in Section 4. Regardless of whether the limitation concerns the number of applications or the number of vehicles, the number must be registered in each individual region.)

Applications/ the register shall be handled in accordance with the filing and document handling instructions applicable at all times.

Comments on Section 16:

No comments.

Additional comments:

The proposed regulations are based on Section 9 final paragraph of the new Regulations on the Approval of Cars and Trailers for Cars.

Exemption provisions:

The proposed regulations do not include a separate exemption provision. One of the reasons for this is that amateur built vehicles are per se an exemption from the ordinary approval procedure. We therefore do not find any grounds for deviating from the technical requirements that it is proposed to introduce for amateur built vehicles. There is otherwise only a limited need for exemption rules in relation to case processing rules.

Proposed new EU Motorcycle Regulations and questions relating to amateur built vehicles:

In connection with the EU's work on the proposal for a new Regulation for motorcycles, account has been taken of the need for the Regulation to include individual approval, and vehicles built by the owner / amateur built vehicles are discussed in that context. We will consider this in more detail in our own work on implementing the Regulation in Norwegian law.

Additional comments concerning standards:

The technical requirements for amateur built vehicles largely concern matters that can be assessed by the Norwegian Public Roads Administration's inspectors in relation to the descriptions of the technical requirements in Sections 12 – 14 of the regulations. In the same way as provided for in the Motor Vehicle Regulations and a few of the requirements in the Regulations on Approval of Cars and Trailers for Cars, documented fulfilment of requirements levels pursuant to EU law can replace satisfaction of the requirements mentioned in Sections 12 – 14. The same applies to UNECE regulations implemented in Norwegian law.

In other words, a component or system approved pursuant to EU law or UNECE regulations will be deemed to have been approved. In such cases, the inspection will concern whether the

component/system has the correct dimensions and has been correctly installed. See also the corresponding requirements area in the Motor Vehicle Regulations as regards which international laws can replace the national requirements mentioned there.

Where the content of other countries' technical regulations is known and in accordance with the requirements set out in these regulations, they can be applied *mutatis mutandis* to components/systems. The same applies to other international standards mentioned above.

Decisions and appeals:

The Directorate of Public Roads refers to the proposed statutory requirements for inspections of building projects; see Section 5 of the proposal. Both in that connection and in relation to Section 4, the question will be whether formal decisions are made in connection with building projects. It is important in relation to the inspection of a building project, the case processing rules pursuant to the Public Administration Act, to private individuals and the approval authority to be clear about when a formal decision is made pursuant to the Public Administration Act that can be appealed.

Based on experience from the alteration of vehicles pursuant to Chapter 7 of the Motor Vehicle Regulations, it is important to be aware of the difference between providing guidance to the applicant and making a formal decision. It is also important to explain to the applicant what is involved in a positive reply to an application to start an amateur built vehicle project. As discussed in the comments on Section 11 General requirements, and particularly the comments on the third paragraph, there are certain factors relating to a vehicle's properties that cannot be approved before the finished vehicle has been inspected and road tested.

A positive reply to an application for building an amateur built vehicle will be more like an agreement between the applicant and the Norwegian National Roads Administration than a formal decision. At that time, it is unlikely that any part of the building project can be said to have been unconditionally approved. Final approval will depend on the vehicle being built as agreed and with good workmanship, and on the final inspection, which includes testing of driving properties and brakes, having a positive outcome. It is nevertheless a requirement in the public administration that our case processing is dependable, which in this context involves keeping a record or a log of what is said during inspections, agreements between the applicant and inspector and other matters that may be of importance to the final decision in the case. Pursuant to the system currently used for case processing ('SVEIS'), keeping such a log will in practice mean that notes are saved under the applicant's case number.

In the Public Roads Administration's opinion, in the processing of applications, the evaluation of the chosen fundamental technical solution for the building project, together with vehicle design and construction, will be decisions that can be appealed, while the actual quality of the work will have to be evaluated after completion of the project. It is important, however, to focus on avoiding unnecessary red tape and bureaucracy in the system. When an application for a building project is granted, the applicant will normally not have any reason to appeal. A clear rejection of an application, or a refusal to process an application, is a decision that can be appealed. Since the building of an amateur built vehicle will be a process under continual development and probable modification, formal requirements for frequent decisions during the process could generate unnecessary amounts of red tape in these cases. In this context, the Directorate of Public Roads refers to Section 4 of the proposed regulations, which concerns the role of SFOOR: It is SFOOR, with the help of its regional contacts, that will decide in the first instance whether to grant or reject a building project application, and that will follow up

the building projects as they progress. This will ensure that such projects are uniformly and thoroughly evaluated throughout the country already in the first instance.

The exercise of authority and NFSOK's involvement

A clear distinction must be made between the exercise of authority by the Norwegian Public Roads Administration and NFSOK's involvement.

Among other things, the special interest organisations have pointed out that NFSOK can provide guidance prior to an application being sent and help applicants to fill in the application form. In relation to the Norwegian Public Roads Administration, NFSOK has stated that it wishes to have 'ownership' in order to ensure involvement in the building process. This will help to ensure that the guidance provided during the building process is of good quality. In connection with the preparatory work, NFSOK pointed out that the organisation should be involved from the time an applicant has an idea for a building project. This will enable NFSOK to play an active role in providing guidance and helping with the application process and building specifications. Reference is also made to the fact that not all customers will be happy about having to travel far in order to have their components inspected. The Directorate of Public Roads has taken a positive view of NFSOK's willingness to be involved with the enthusiasts.

We also point out that it will be possible for our inspectors who are responsible for amateur built vehicles to travel around and conduct inspections of the individual building projects.

As regards the preparation of inspection guidelines and building guidelines, reference is made to the *inspection guidelines* currently being prepared by the Norwegian Public Roads Administration for inspections carried out by our inspectors during the building process and in connection with final approval. The special interest organisations are naturally free to prepare building guidelines themselves to help the individual builders during the building process.