

**80GA. Application for s. 80B to 80CB order, which vehicle can be subject of**

- (1) The Commissioner cannot apply for an order under section 80B(1), 80C(1), 80CA(1) or 80CB(1) for the impounding or confiscation of a vehicle unless —
  - (a) the offender is a responsible person for the vehicle; and
  - (b) the vehicle is —
    - (i) in the case of an order under section 80B(1) or 80C(1), the vehicle used in the offence or a substitute vehicle nominated by the Commissioner under subsection (2);
    - (ii) in the case of an order under section 80CA(1) or 80CB(1), the vehicle referred to in paragraph (b)(i) of the definition of *road rage circumstances* in section 78A or a substitute vehicle nominated by the Commissioner under subsection (2).
- (2) If the alleged offender is not a responsible person for the vehicle to which subsection (1)(b) would, if the Commissioner did not nominate a substitute vehicle, refer, the Commissioner may nominate as a substitute vehicle a motor vehicle for which the alleged offender is, at the time of applying for the order, a responsible person.
- (3) The Commissioner cannot nominate a substitute vehicle unless at least 14 days before the application is made the Commissioner gives to the alleged offender written notice of the intention to apply for the order in respect of that vehicle.