**Second Reading and Third Reading of the Law**

**SERVICES AND PROFESSION'S LICENSING IN THE VEHICLE INDUSTRY LAW, 5776 – 2016**

**CHAPTER A: PURPOSE AND DEFINITIONS**

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| Purpose | 1. | The purpose of this law is to regulate the services in the vehicle industry, including but not limited to the import field to guarantee all of these: appropriate professional standard by the service providers, maintaining the vehicle's safety, protecting public peace and safety, providing a regular and available service to recipients of the service, the existence of appropriate conditions at places where the services are rendered, promoting competition in the vehicle industry and consumer protection. | | |
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| Definitions | 2. | In This Law –  "Prototype" – | | Model – basis to manufacture a vehicle or automotive product; |
|  |  | "Professional Training Division" – | | The training and development of human resources division at the Ministry of Economics and Industry; |
|  |  | "Warranty" - | | Rendering a service, without a charge, after selling a vehicle or automotive product, including repair, service or replacing a vehicle or an automotive product, to guarantee roadworthiness; |
|  |  | "Interested Party" – | | As defined in the Companies Law, 5759 – 1999[[1]](#footnote-1); |
|  |  | "Vehicle Model" - | | Serial of vehicles of a specific make having common technical data that the vehicle manufacturer determined a name therefore comprised of letters or numbers and documented in the vehicle's roadworthiness documents and in the vehicle's license; |
|  |  | "European Standard Requirements" – | | Directive or regulation of the European Community, as in effect from time to time; |
|  |  | ”American Standard Requirements" – | | Federal United States Standard or Regulation, as in effect from time to time; |
|  |  | "Engineer" and "Certified Technician" – | | As defined in the Engineers and Certified Technicians Law, 5773 – 2012[[2]](#footnote-2); |
|  |  | "The Committee" – | | The Knesset's Economics Committee; |
|  |  | "Consumer Protection Law"; | | The Consumer Protection Law, 5741 – 1981[[3]](#footnote-3); |
|  |  | "Penal Law" - | | The Penal Law, 5737 – 1977[[4]](#footnote-4); |
|  |  | "The Standards Law" – | | The Standards Law, 5713 – 1953[[5]](#footnote-5); |
|  |  | "Import" - | | Bringing or causing the bringing of a vehicle or automotive product into Israel, by sea, land or air; |
|  |  | "Minor Importer" - | | Whoever engages in the importing and marketing of a vehicle and imports vehicles in accordance with an agreement with a person in a foreign country and holds a license pursuant to Section 44; |
|  |  | "Direct Importer" - | | Whoever engages in the importing and marketing of a vehicle and imports vehicles in accordance with an agreement with a vehicle manufacturer in a foreign country and holds a license pursuant to Section 41; |
|  |  | "Commercial Importer" - | | Each one of these:   1. Minor Importer; 2. Direct Importer; 3. Indirect Importer; |
|  |  | "Indirect Importer" - | | Whoever engages in the importing and marketing of a vehicle and imports vehicles in accordance with an agreement with an authorized agent and holds a license pursuant to Section 42; |
|  |  | "Manufacturing" Of A Vehicle Or Automotive Product - | | Including but not limited to installation, assembly or refurbishment of a vehicle or of an automotive product, assembling it from parts or from a set of parts, or making a change to the nature, quality or form of a vehicle or of an automotive product, and all within the framework of the manufacturing process; |
|  |  | "Manufacturer" Of An Automotive Product - | | A person engaging in the manufacturing of automotive products outside Israel, whether in person or through others, including the packaging of goods or pouring them into tanks; |
|  |  | "Vehicle Manufacturer In A Foreign Country" - | | A vehicle manufacturer who designed and manufactured a vehicle outside Israel, whether in person or together with other manufacturers, or such a manufacturer who was authorized in writing to act on its behalf and to sell a vehicle of its make; |
|  |  | "Engineer" - | | A registered engineer as defined in the Engineers and Architects Law, 5718 – 1958[[6]](#footnote-6); |
|  |  | "Repair Shop" - | | A place where repairs, maintenance or testing services of a vehicle are carried out or advice in connection with such services is given; |
|  |  | "Specialized Repair Shop" – | | Within the meaning thereof in Section 129; |
|  |  | "Mobile Repair Shop" - | | A vehicle serving to render services as stated in Section 135(b) of the Law; |
|  |  | "Authorized Importer's Servicing Repair Shop" - | | A specialized repair shop of a commercial importer or specialized repair shop associated with a commercial importer by an agreement to service a vehicle of a make imported by that importer; |
|  |  | "Automotive Product" - | | Accessory, part, set of parts, device to the exclusion of a device that is a tool solely serving a repair shop or manufacturer, facility or liquid, solid or gas material, serving or designed to serve for the assembly, maintenance or proper operation of a vehicle or to guarantee its safety or to guarantee the safety of the user thereof or its convenience, and any one of them if it is required to be in the vehicle by law; |
|  |  | "Substitute Automotive Product" - | | An automotive product that is not an original automotive product; |
|  |  | "Original Automotive Product" - | | An automotive product manufactured pursuant to the conditions and instructions determined by the vehicle manufacturer to manufacture the vehicle; |
|  |  | "Used Automotive Product" - | | An automotive product that was disassembled from a vehicle other than to be reassembled in the same vehicle; |
|  |  | "The Total Price" - | | As defined in Section 17A of the Consumer Protection Law; |
|  |  | "Personal Import Vehicle Importer" - | | Whoever imports a vehicle pursuant to Section 33; |
|  |  | "Director" - | | An employee of the Ministry serving therein as the Traffic Director General; |
|  |  | "Repair Shop's Professional Manager" - | | A person holding a license to professionally run a repair shop pursuant to Section 136; |
|  |  | "Standardization Document" - | | A document attesting to the vehicle or automotive product complying with the standardization requirements; |
|  |  | "Catalogue Number" - | | An identification number of an automotive product determined by the manufacturer of the product, vehicle manufacturer or importer of an automotive product, provided that the importer of the automotive product does not determine the same catalogue number as determined by such a manufacturer; |
|  |  | "Authorized Vehicle Laboratory " - | | A vehicle laboratory authorized to confirm compliance with an official standard pursuant to Section 12 of the Standards Law; |
|  |  | "Recognized European Laboratory" - | | A laboratory to test a vehicle or its parts authorized and approved pursuant to the European Community Directive 2007/46/EC and any revisions thereto; |
|  |  | "Recognized American Laboratory" - | | A laboratory to test a vehicle or its parts authorized and approved by the National Highway Traffic Safety Director (NHTSA); |
|  |  | "Authorized Vehicle Laboratory " - | | A laboratory to test a vehicle or automotive product approved by the Director pursuant to Section 236; |
|  |  | "Manufacturing Enterprise" - | | A place where a vehicle or automotive product is manufactured; |
|  |  | "Profession In The Vehicle Industry" - | | Each one of these:   1. Professional management of a repair shop; 2. Vehicle Assessor; 3. Vehicle importing broker; |
|  |  | "Vehicle Marketer" - | | Commercial importer or Holder of a license to manufacture a vehicle and marketing thereof by a seller of a vehicle, including but not limited to someone else on its behalf; |
|  |  | "The Ministry" - | | Ministry of Transport and Road Safety; |
|  |  | "Personal Import Broker" - | | A holder of a license pursuant to Section 68 to be a personal import broker; |
|  |  | "Vehicle Class" - | | Class of vehicle pursuant to the Traffic Ordinance[[7]](#footnote-7) as detailed below, including the primary classifications and secondary classifications pursuant to the aforementioned Ordinance:   1. "Passenger Vehicle" – M Class Vehicle; 2. "Commercial Vehicle" – N Class Vehicle; 3. "Tow or Support" – O Class Vehicle; 4. "Motorbike" – L Class Vehicle; 5. "Tractor" and "Mobile Machine" – T Class Vehicle; |
|  |  | "Vehicle From Importer Dealer" - | | Holder of a license pursuant to Section 89 to purchase a vehicle from a direct importer or indirect importer and sell it through a business pursuant to that section; |
|  |  | "Vehicle Not From Importer Dealer" - | | Holder of a license pursuant to Section 92 to purchase a vehicle that is not a vehicle from an importer and sell it through a business pursuant to that section; |
|  |  | "Authorized Dealer" – | | Primary Agent or Secondary Agent; |
|  |  | "Secondary Agent" - | | A person who has contracted with a primary agent, in respect of a vehicle make imported by a direct importer, pursuant to which that person is authorized to act on the primary agent's behalf and sell a vehicle manufactured by the vehicle manufacturer with whom the primary agent has contracted to sell a vehicle; such an agreement will be in writing or other manner to be determined by the Minister and pursuant to the conditions determined in this respect pursuant to Section 42(c)(2), and for a period of no less than one year; |
|  |  | "Primary Agent" - | | A person who has contracted in writing with a vehicle manufacturer in a foreign country for periods detailed below, pursuant to which it is authorized to sell a vehicle of a make manufactured by that vehicle manufacturer and the conditions determined by the Minister pursuant to Section 42(c)(1) have been met;   1. In respect of a vehicle make imported by a direct importer – for a period of no less than one year or a shorter period determined by the Minister in Section 42(c)(1); 2. In respect of a vehicle make that is not imported by a direct importer – for a period of no less than two years or a shorter period as determined by the Minister pursuant to Section 42(c)(1); |
|  |  | "Trading Automotive Products" - | | Purchasing automotive products, selling them, marketing them and delivering or showcasing them for sale, and all by way of a profession; |
|  |  | "Dealer" and "Authorized Dealer" – | | As defined in the Value Added Tax Law, 5736 -1975[[8]](#footnote-8); |
|  |  | "Personal Interest" - | | Including but not limited to a personal interest of a relative or body which he or a relative has control thereof; |
|  |  | "Going Concern Doctrine" - | | Within the meaning thereof in the opinion that was published by the Accountants Association in Israel. |
|  |  | "The Import And Export Ordinance" - | | The Import and Export Ordinance [New Version], 5739 – 1979[[9]](#footnote-9); |
|  |  | "Tire" - | | A rubber hoop which is part of a motor vehicle's wheel that is of the two or support type; |
|  |  | "Relative" - | | Spouse, parent, grandparent, brother or sister, offspring, spouse of an offspring and the spouses of each one of these or other person dependent upon a person and partner, employer or employee of that person; |
|  |  | "License" - | | License to render vehicle service or license to engage in a profession in the vehicle industry issued pursuant to this Law; |
|  |  | "Import License" - | | Import license, import approval or compliance with conditions in accordance with the provisions in the Import and Export Ordinance; |
|  |  | "License To Operate a Repair Shop" - | | Within the meaning thereof in Section 127; |
|  |  | "License To Operate a Mobile Repair Shop" - | | Within the meaning thereof in Section 135; |
|  |  | "Commercial Importer's License" - | | Within the meaning thereof in Part B of Chapter D; |
|  |  | "License To Manufacture Automotive Products" - | | Within the meaning thereof in Part B of Chapter G; |
|  |  | "License To Manufacture A Vehicle And Market It" | | Within the meaning thereof in Part A of Chapter C; |
|  |  | "License To Trade Automotive Products" – | | Within the meaning thereof in Part D of Chapter G; |
|  |  | "Vehicle License" - | | Within the meaning thereof in Section 2 of the Traffic Ordinance; |
|  |  | "Vehicle", "Motor Vehicle" and "Licensing Authority" - | | As defined in the Traffic Ordinance; |
|  |  | "New Vehicle" - | | A vehicle not yet registered to travel on roads in Israel or in a foreign country" |
|  |  | "Vehicle Registered In A Foreign Country" - | | A vehicle first registered to travel on roads in a foreign country and 30 days have not yet passed since such a registration date and until the date the vehicle registered in the Law of lading is shipped to Israel; |
|  |  | "Authorized Import Authority" - | | Whoever the Minister authorized to serve as the competent authority pursuant to the Import and Export Ordinance; |
|  |  | "Vehicle Assessment" - | | An opinion including at least one of the following details and the vehicle appraised value, if necessary, accompanying one of these, and additional details if determined pursuant to Section 153:   1. Details of the repair required in the vehicle that sustained damage to restore the vehicle to its original condition other than within the framework of an offer to receive service at a repair shop; 2. Assessing the cost of the repair as stated in Paragraph (1), other than within the framework of an offer to receive services at a repair shop; 3. Assessing the difference in value of the vehicle due to damage it sustained, and if it cannot be repaired – determining that the vehicle is a total loss pursuant to the Traffic Ordinance; |
|  |  | "Marketing A Vehicle" - | | Sale of a vehicle, delivery, showcasing for sale of a vehicle, including but not limited to the sale or showcasing it for sale through another on behalf of someone who engages in such activities; |
|  |  | "Vehicle Service" - | | Each one of these:   1. Manufacturing a vehicle in Israel and marketing it; 2. Importing a vehicle and marketing it; 3. Trading a vehicle from an importer as defined in Section 88; 4. Manufacturing automotive products in Israel; 5. Trading automotive products; 6. Operating a repair shop or mobile repair shop; 7. Trading a vehicle that is not a vehicle from an importer as defined in Section 88; |
|  |  | "Control" – | | As defined in the Securities Law, 5728 – 1968[[10]](#footnote-10); |
|  |  | "Vehicle Assessment" - | | Assessing the damage a vehicle sustained by a Vehicle Assessor; |
|  |  | "Vehicle Assessor" - | | A Holder of a license to engage in vehicle assessments pursuant to Chapter I; |
|  |  | "Make" - | | Any vehicle manufactured by a vehicle manufacturer with a common name it determined, documented in the vehicle's standardization documents and in the vehicle license; |
|  |  | "Description" - | | A description in writing, verbal, in a painting or by any other manner practiced in the trade in which there is a notice, direct or indirect, pertaining to one of the following details:   1. In respect of a vehicle or automotive product – 2. Quantity, weight and dimensions; 3. Country manufactured and manufacturer's name; 4. The manufacturer's commercial logo; 5. Materials or components; 6. Quality and durability; 7. Defects therein; 8. Purpose of use thereof; 9. Adapting an automotive product to a vehicle; 10. Tests and results; 11. Responsibility for roadworthiness and warranty period; 12. Repair and maintenance services rendered on the vehicle or automotive product and responsibility to render these services, prices thereof and the period during which they were rendered. 13. Price, including but not limited to discounts on the price; 14. Details pertaining to payments for the vehicle and credit terms; 15. Manufacturing date; 16. Catalogue number; 17. The date the vehicle was first registered as roadworthy in the foreign country; 18. In respect of service – 19. Content of the service and scope thereof; 20. Nature of the service, level and purpose; 21. Manner the service is rendered, duration and conditions thereof; 22. Responsibility for roadworthiness of parts or parts systems that were serviced, the warranty period regarding actions taken, warranty conditions and changes to apply during the warranty period; 23. Price, including but not limited to discounts; |
|  |  | "Personal Import Broker" - | | Advice, training or locating a vehicle, in consideration for money or money in kind, for the parties to engage in a transaction to purchase a vehicle in a foreign country and import it pursuant to Section 33; |
|  |  | "Manufacturing Plan" - | | A plan including details in respect of the manner the vehicle is manufactured, part of a vehicle or automotive product on the assembly line and data in respect of the finished product, including *inter alia*, a technical description and data in connection with a vehicle or automotive product, details relating to processing the materials and manufacturing of components, the manufacturing process and assembly and chassis number; |
|  |  | "Certificate of Completion" - | | A certificate given by the Ministry of Economics and Industry attesting to the fact that the recipient of the certificate successfully passed all the requirements of the professional course; |
|  |  | "Profession Certificate" - | | Within the meaning thereof in Section 46 of the Employment Service Law, 5719 – 1959[[11]](#footnote-11); |
|  |  | "Serial Safety Malfunction" - | | A serial malfunction in the vehicle associated with the vehicle's operation, which in the vehicle manufacturer's opinion is likely to cause a safety hazard to the users thereof or to the general public and therefore the manufacturer gave notice thereof, to the exclusion of a Holder of a license to manufacture and market a vehicle; |
|  |  | "Israeli Standard" and "Official Standard" - | | Within the meaning thereof in the Standards Law; |
|  |  | "The Minister" - | | Minister of Transport and Road Safety. |
| **CHAPTER B: LICENSING THE RENDERING OF VEHICLE SERVICES AND LICENSING PROFESSIONS IN THE VEHICLE INDUSTRY**  **PART A: PROVISIONS IN RESPECT OF LICENSES** | | | | |
| Rendering Vehicle Services And Licensing Duty | 3. | (a) A person will not provide a vehicle service unless it receives a license from the Director to provide such a service and in accordance with the license conditions and the provisions in his Law.  (b) The Director may determine in a license to render vehicle services conditions and restrictions to apply to the holder of a license, including –   1. The types of services the holder of a license is authorized to give; 2. Types of vehicles the holder of a license is authorized to render services to; 3. Facilities and equipment required to render the service; 4. Quality and control assurance; 5. The place where the service will be rendered; 6. Conditions and restrictions where the purpose thereof is to guarantee the service level and guaranteeing safety; 7. Provisions to protect the environment in accordance with the provisions in any law. | | |
| Engaging In A Profession In The Vehicle Industry And License Duty | 4. | (a)  (b)  (c) | A person will not engage in a vehicle industry profession unless it received a license from the Director to engage in that profession and in accordance with the license conditions and provisions pursuant to this Law.  The Director may determine in a license to engage in a profession in the vehicle industry conditions and restrictions to apply to the holder of a license, including –   1. Types of vehicles the holder of a license is authorized to provide services to; 2. Documentation duty and saving documentation; 3. Conditions and restrictions where the purpose thereof is to guarantee the service level and quality and to maintain safety levels.   Notwithstanding the provisions in Sub-section (a), a specialist in vehicle assessments may, during his internship period execute professional actions in accordance with the provisions determined in Section 152. | |
| Submitting An Application For A License | 5. | (a) | A license Applicant under this Law or an applicant requesting to renew a license (in this Law – The Applicant), will submit an application in writing to the Director. | |
|  |  | (b) | The Applicant will attach documents to its application attesting to the fulfillment of the conditions to grant a license. | |
|  |  | (c) | The Director may demand any information or document it needs to make a decision regarding the application from the Applicant. | |
| Granting A License And Publishing The Holders of a license | 6. | (a) | The Director will grant a license to an Applicant who satisfies the conditions to receive that license. | |
|  |  | (b) | The Director will publish on the Ministry's website a list of names of valid holders of a license, and will state therein only the type of license and number; such a list will be revised from time to time. | |
| License Or Approval Periods | 7. | (a) | The period during which the licenses are valid pursuant to this Law will be six years, and in respect of a minor importer's license – two years; however, the validity period of the licenses and approvals as detailed below will be up to December 31 in the year in which they were granted:   1. Approval to manufacture a vehicle model according to Part B of Chapter C and approval to manufacture an automotive product model pursuant to Part B of Chapter G; 2. A vehicle import license pursuant to Section 31 and a vehicle import license of a mobile machine type pursuant to Section 37. | |
|  |  | (b) | Notwithstanding the provisions in Sub-section (a), the validity period of a license or approval as stated in that Sub-section will not exceed the validity period of the documents which constitute a condition precedent to it being granted under this law; where the validity of those documents were extended before the end of the license or approval period, the holder of a license or the approval holder will submit the revised documents to the Director; where the Director approved, to its satisfaction, the revised documents, the license period or approval period accordingly will be extended until the end of the validity period of the documents or until the end of the license or approval period pursuant to this section, according to the shorter period. | |
|  |  | (c) | The Minister, with the Committee's approval, may change the validity of the license or approval period as stated in this section, and may determine in that manner special reasons where upon them being satisfied the Director may grant a license or approval for a shorter period than that determined in respect of that type of license or approval. | |
| Refusal To Grant Or Renew A License | 8. | The Director may refuse to grant or renew an Applicant's license even if the Applicant satisfied the conditions to receive the license, if the Applicant was convicted of a criminal offense or disciplinary offense, and due to the nature, severity or circumstances thereof, it is not worthy of engaging in rendering a vehicle service or in a profession in the vehicle industry in respect of which it requested the license, or if an indictment of a criminal offense as stated above was filed and a final verdict was not yet rendered, provided that it was given an opportunity to plead its case. | | |
| Exemption From Conditions To Receive A License | 9. | The Minister, with the Committee's approval, may determine conditions where pursuant to the fulfillment thereof the Director may, in a written reasoned decision, exempt it from all or some of the conditions to receive the requested license, to an Applicant holding another license pursuant to this Law or to uphold an international undertaking that the country is privy to, provided that this does not jeopardize safety or competition; the Director's authority under this section cannot be delegated. | | |
| Revoking A License, Suspending It, Restricting It Or Non-Renewal | 10. | (a) | The Director may revoke a license, suspend it until conditions that it so instructs are satisfied, restrict it or refuse to renew it, after giving the holder of a license an opportunity to plead its case, if the holder of a license satisfies one of these:   1. The license was given on the basis of false or misleading information; 2. It ceased to engage in the business subject matter of the license; 3. It does not comply with all or some of the conditions to receive the license; 4. It breached a material condition of the license conditions; 5. It breached an obligation or prohibition imposed upon it as a holder of a license pursuant to this Law; 6. A winding up order, temporary winding up order, receivership order, receipt of assets order or stay of proceedings order pursuant to any law that was issued against it; 7. It was convicted of a criminal offense or disciplinary offense where due to the nature, severity or circumstances thereof it is not worthy of engaging in rendering vehicle services or to work in the vehicle industry profession in respect of which the license was given, or an indictment of a criminal offense was filed as stated above and a final verdict regarding its case has not yet been rendered; 8. (a) The restrictive trade practices commissioner held that it is a party to a restrictive trade practice or that it is a monopolist who abused its status in the market, pursuant to Section 43(a)(1) or (5) of the Restrictive Trade Practices Law, 5748 – 1988[[12]](#footnote-12), or that a pecuniary sanction was imposed upon it pursuant to Section 50D(a)(1), (2) the final section in relation to a breach of condition (3), (4), (5) or (6) of the aforementioned Law, and all if the provisions in sub-paragraph (b) were fulfilled.   (b) The Director will exercise its power pursuant to this paragraph after considering the circumstances and severity of the conduct due to which the restrictive trade practices commissioner exercised its power pursuant to sub-paragraph (a) and the existence of additional proceedings pursuant to the Restrictive Trade Practices Law, 5748 – 1988, in respect of the determination or imposing the pecuniary sanction; however, the Director will not exercise its power under this paragraph, if it was proven that the holder of a license or the license Applicant ceased such conduct;   1. In respect of professionally managing a repair shop and personal import broker – 2. It did not comply with the Director's instructions in respect of professional courses pursuant to Section 14; 3. It fulfilled the circumstances listed in the list pursuant to Section 13(b)(1) attesting to fearing a conflict of interests; 4. It breached the professional ethics rules determined pursuant to Section 13(b) (2). | |
|  |  | (b) | The holder of a license fulfilled one of the grounds listed in Sub-section (a)(2), (4) or (5), and the breach can be remedied, the Director will not revoke the license, will not suspend it, restrict it and will not refuse to renew it due to those grounds until after the holder of a license has been served with a warning in which the breach is mentioned and instructs it to remedy the breach within 21 days of the warning being served; where the holder of a license did not remedy the breach to the Director's satisfaction, the Director may exercise its power pursuant to this section vis-à-vis the holder of a license. | |
|  |  | (c) | Should the Director have reasonable grounds to assume that the holder of a license fulfills one of the grounds listed in Sub-section (a), and is convinced that there is an urgent need to suspend its license to immediately protect the public, it may suspend the license forthwith, provided that the holder of a license is given an opportunity to plead its case as soon as possible after the suspension, and no later than 30 days following the suspension date; such a suspension will be for the minimum period necessary. | |
|  |  | (d) | In respect of a Vehicle Assessor the Director will not exercise its power pursuant to this section, to the exclusion of its power under Sub-section (C), due to one of the grounds listed in Sub-section (a)(4), (5) or (7). | |
|  |  | (e) | The Director's power to revoke a license pursuant to this section cannot be delegated. | |
| Application For A License To Engage In A Profession In The Vehicle Industry After It Is Revoked | 11. | Where a license to engage in a profession in the vehicle industry is revoked pursuant to the provisions in Section 10, the former holder of a license will not file an application for a new license to engage in that profession until after three years have elapsed since the revocation date. | | |
| **PART B: THE HOLDER OF A LICENSE'S DUTIES – GENERAL PROVISIONS** | | | | |
| Prohibition To Transfer A License | 12. | A holder of a license will not transfer its license to another unless the transfer is approved by the Director in a reasoned written decision and in accordance with the conditions instructed by the Director. | | |
| Conflict Of Interests And Professional Ethics Rules | 13. | (a) | A holder of a license to engage in a profession in the vehicle industry will not engage in its profession–   1. In a manner that gives rise to fearing a conflict of interests between its interest and the interest of its customer, including but not limited to a conflict of interests between its business in the profession in the vehicle industry and another business of his, in accordance with the provisions determined in Sub-section (b)(1); 2. Contrary to the professional ethics rules determined pursuant to Sub-section (b) (2). | |
|  |  | (b) | (1) The Minister, with the Committee's approval, will determine a list of circumstances which attest to a fear of a conflict of interests of the holder of a license to engage in a profession in the vehicle industry, including but not limited to businesses giving rise to such a conflict of interests.  (2) The Minister, with the Committee's approval, will determine professional ethics rules in respect of the holder of a license's conduct to engage in a profession in the vehicle industry.   1. Regulations pursuant to this Sub-section in respect of a vehicle assessment will be enacted after consulting with the Advisory Board in respect of a Vehicle Assessor who is appointed pursuant to Part B of Chapter I, and in respect of professional managers of repair shops – after consulting with the Advisory Board in respect of professional managers of repair shops appointed pursuant to Part C of Chapter H. 2. Regulations pursuant to this Sub-section will also be published on the Ministry's website. | |
| Professional Courses And Periodic Training | 14. | (a) | The Director may instruct a holder of a license engaging in a profession in the vehicle industry to participate in professional seminars as he so instructs due to technological developments or a change in regulations or legislation justifying this, including demanding sitting an exam as a condition precedent to satisfying the duty of participating in a seminar as stated above. | |
|  |  | (b) | The Minister may determine provisions in respect of periodic training for a holder of a license servicing vehicles and those employed by him or on its behalf, including in respect of the duty to sit an exam as a condition precedent to completing training, and in respect of the training dates and scope thereof pursuant to the type of vehicle service rendered by the holder of a license. | |
| Notice Pertaining To Change Applicable To The Holder Of A License | 15. | A holder of a license will notify the Director of any change applicable to it, concerning the conditions to obtain the license or grounds to refuse the awarding of a license, within 15 days of the day the change applies. | | |
| Reporting And Remitting Details To The Director | 16. | A holder of a license will remit to the Director, upon its demand and to execute the provisions under this Law, a service report, including but not limited to details regarding the vehicle or automotive product, including details regarding the quantity, quality, compliance with roadworthiness requirements, import, trade and marketing methods of a vehicle or automotive product, and any other detail necessary to execute the provision under this Law; the Director, Ministry employee or anyone on their behalf, who learned of information remitted under this Section will not disclose such information and will not make any use thereof other than to execute the provisions under this Law or pursuant to a court order. | | |
| Refusing To Provide A Service | 17. | (a) | A holder of a license to service a vehicle will not refuse to render a service to a customer requesting such service pursuant to similar conditions to the conditions it provides the service to a similar customer unless it shows that there are reasons justifying it not to render the service pursuant to similar conditions (in this Section – Unreasonable Refusal), and all in accordance with the provisions in Sub-section (b). | |
|  |  | (b) | The Minister, with the Committee's approval will determine circumstances and conditions to be considered an unreasonable refusal, reasons justifying the refusing to render service and conditions that are considered similar in respect of this section. | |
| Displaying License | 18. |  | A holder of a license will keep its license at his place of business and will display it to a customer, Director, Supervisor or to a Supervisor authorized by law to demand the displaying thereof, or to a police officer, upon their demand; if the place of business is a place where service is offered to the public, the license will be displayed in a visible spot. | |
| Invoice To Customer | 19. |  | Without derogating from the provisions in the law, a holder of a license will not sell a vehicle or automotive product, will not transfer ownership or possession thereof and will not render a service to a customer unless the invoice it is to provide the customer by law includes the details as determined by the Minister. | |
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| **CHAPTER C: MANUFACTURING A VEHICLE**  **PART A: LICENSE TO MANUFACTURE A VEHICLE AND MARKETING THEREOF** | | | | |
| License To Manufacture A Vehicle And Marketing Thereof | 20. |  | Whoever satisfies all of these may receive a license to manufacture a vehicle and market it: | |
|  |  | (1) | It is an authorized dealer, resident of Israel or corporation duly registered in Israel where at least one of the interested parties therein and its general manager are Israeli residents; | |
|  |  | (2) | It has available to it a place, building and equipment or types of equipment suitable to manufacture a vehicle and store it, and all as the Minister so determines; | |
|  |  | (3) | It has available to it an engineer or practical engineer having experience in the vehicle industry suitable to manufacture vehicles and all as the Minister so determined, and belongs to the Division pursuant to Section 8 of the Engineers and Architects Law, 5718 – 1958, determined by the Minister after consulting with the Minister for Economics and Industry; the Minister may determine various experience requirements in respect of such an engineer and practical engineer; | |
|  |  | (4) | It presented to the Director fitting internal and external Supervisory arrangements for the manufacturing work being performed at the manufacturing enterprise, *inter alia* to guarantee the serial manufacturing of the vehicle matching the prototype of the vehicle model, all as determined by the Minister; | |
|  |  | (5) | It has available to it a system to market automotive products; | |
|  |  | (6) | It furnished to the Director a letter of undertaking –   1. To supply automotive products for the vehicle it manufactured for at least seven years following the day it is first sold to the customer, and vehicle maintenance services, in accordance with the provisions in Section 27; 2. To extend warranty for a vehicle it manufactures in accordance with the provisions in Section 28; | |
|  |  | (7) | It insured the manufacturing enterprise's products as determined by the Minister, after consulting with the Minister of Finance; | |
|  |  | (8) | It furnished to the Director confirmation from an accountant attesting to the fact that it has equity available to it as determined by the Minister and that it satisfies the going concern doctrine. | |
| **PART B: APPROVAL TO MANUFACTURE A VEHICLE MODEL** | | | | |
| Approval To Manufacture A Vehicle Model | 21. | (a) | A person will not manufacture a vehicle model and will not market a vehicle model it manufactured unless it receives approval to manufacture a vehicle model pursuant to the provisions in this part and in accordance with the approval conditions and the provisions in this Law. | |
|  |  | (b) | Whoever satisfies all of these is entitled to receive approval to manufacture a vehicle model:   1. He holds a license to manufacture a vehicle and to market it; 2. The Director approved the design to manufacture the vehicle model at the manufacturing enterprise and the prototype to be manufactured pursuant to such a manufacturing design; 3. He proved to the Director that the prototype of the vehicle model that he seeks to manufacture or a change in structure that he intends to make in a vehicle satisfies the roadworthiness requirements and the demands set by the Minister, including the requirements in respect of quality and safety and presented to the Director approval from an Authorized Vehicle Laboratory proving that the vehicle satisfies such requirements unless the Director exempted it of the obligation to present an approval from such a laboratory after being convinced that he has sufficient information pertaining to the vehicle satisfying those requirements; 4. He proved to the Director that he has the ability to provide the maintenance services for the vehicle model in accordance with the requirements set by the Minister; 5. In respect of manufacturing a vehicle model also manufactured in a foreign country – he engaged in a contract to manufacture the vehicle with a vehicle manufacturer in a foreign country. | |
|  |  | (c) | The Director will state in the manufacturing license the vehicle model the holder of a license may manufacture at the manufacturing enterprise. | |
| **PART C: THE HOLDER OF A LICENSE'S OBLIGATIONS TO MANUFACTURE AND MARKET A VEHICLE** | | | | |
| Equipment, Facilities, Supervision And Quality Control Arrangements | 22. | A holder of a license to manufacture and market a vehicle will keep at the manufacturing enterprise suitable equipment or types of equipment and facilities required for the manufacturing process and will act pursuant to the internal and external supervision and quality control arrangements, and all as determined by the Minister. | | |
| Serial Safety Malfunctions – The Holder Of A License's Obligations To Manufacture And Market A Vehicle | 23. | (a) | Where a holder of a license to manufacture and market a vehicle learns of a serial safety malfunction in the vehicle or automotive product that it installed in a vehicle it manufactured as part of the manufacturing process –   1. It will notify the Director in writing of the serial safety malfunction; 2. It will publish a notice to the public regarding the serial safety malfunction in the manner and at the time determined by the Minister, with the Committee's approval; 3. It will give notice in writing of a serial safety malfunction to all vehicle owners registered in Israel that the malfunction concerns them and will invite them to the authorized service repair shops to handle the malfunction, and if it cannot be repaired – to replace the vehicle or the automotive product, and all without a charge. | |
|  |  | (b) | The Minister may determine instructions in respect of a serial safety malfunction in a vehicle manufactured by a holder of a license to manufacture and market a vehicle, including provisions pertaining to implementing the holder of a license's obligations pursuant to Sub-section (a) (1) and (3) and in respect of the notice to be delivered to the repair shops relating to handling the malfunction. | |
| Duty To Mark A Vehicle | 24. | (a) | At the end of the manufacturing process the holder of a license to manufacture and market a vehicle will mark the vehicle it manufactures with these details: chassis number in accordance with the provisions pursuant to the Traffic Ordinance, the manufacturer's name and vehicle model. | |
|  |  | (b) | The Minister may –   1. Change, with the Committee's approval, the details that must be marked pursuant to Sub-section (a); 2. Determine additional instructions in respect of such markings as stated in this section. | |
| Manufacturing And Marketing A Vehicle Not In Accordance With The Manufacturing Plan Or That Is Not Identical To The Prototype | 25. | (a) | A holder of a license to manufacture and market a vehicle will not manufacture a vehicle model and will not market it unless the vehicle is manufactured pursuant to the manufacturing design approved by the Director and is identical to the prototype of the vehicle approved by the Director. | |
|  |  | (b) | The Director may instruct the holder of a license to manufacture and market a vehicle to stop manufacturing the vehicle model manufactured not in accordance with the manufacturing design or that is not identical to the prototype, until the conditions it so instructs are satisfied, provided that it gave the holder of a license an opportunity to plead its case. | |
|  |  | (c) | The Director may instruct the holder of a license to manufacture and market a vehicle who marketed a vehicle manufactured not in accordance with the manufacturing design or the vehicle model is not identical to the prototype determined in the manufacturing design, to invite all of the vehicle owners registered in Israel and relating to the matter to the authorized service repair shops by the holder of a license, to repair the vehicle and adapt it to the manufacturing design; where the vehicle cannot be repaired as stated above- the provisions in Section 32 of the Consumer Protection Law will apply. | |
| Manufacturing A Vehicle At The Manufacturing Enterprise | 26. | A holder of a license to manufacture and market a vehicle will not manufacture a vehicle other than at the manufacturing enterprise approved by the Director, and will not market a vehicle unless manufactured at such an enterprise, and all in accordance with the provisions determined by the Minister pursuant to Section 20(2). | | |
| Maintenance Services And Automotive Products | 27. | A holder of a license to manufacture and market a vehicle will provide maintenance services to a vehicle it manufactures and will sell automotive products for such a vehicle, all as the Director determines, with the Committee's approval. | | |
| A Holder Of A License To Manufacture And Market A Vehicle – Warranty For A Vehicle | 28. | A holder of a license to manufacture and market a vehicle will extend for a vehicle it manufactures warranty as determined by the Minister, with the Committee's approval. | | |
| The Holder Of A License To Manufacture And Market A Vehicle's Reporting Duties | 29. | Without derogating from the reporting duties under this Law, the holder of a license to manufacture and market a vehicle will remit to the Director –   1. Confirmation from an accountant based on audited financial statements, in respect of the year preceding the date the approval is submitted, attesting to the fact that it has such equity as stated in Section 20(8) (in this Section - Equity) and that it satisfies the going concern doctrine; such approvals will be delivered to the Director each year and no later than the 31st of December; 2. Reporting any incident likely to cause, in the accountant's opinion, a decrease in the holder of a license's equity or the holder of a license not satisfying the going concern doctrine; such a report will be delivered to the Director as soon as possible and no later than seven days of the date the holder of a license learns of such an incident. | | |
| Exemption From The Holder Of A License To Manufacture And Market A Vehicle Duties | 30. | (a) | The Minister, with the Committee's approval, may determine vehicle manufacturing actions in respect of which all or some of the provisions in Sections 20(3), (5), (6) and (8), 21(b), 27 through to 29 will not apply, if convinced that due to the nature of those actions, there is no need to fulfill those provisions and this does not prejudice the safety or financial stability of the holder of a license to manufacture and market a vehicle; the Minister may determine in such a manner alternative or complementary conditions to guarantee that the safety standard or financial stability standard equivalent to that achieved by fulfilling such provisions is maintained. | |
|  |  | (b) | The Director, in a written reasoned decision, may exempt the manufacturing of a vehicle intended for export, from fulfilling all or some of the provisions under this chapter, if convinced that the vehicle is not marketed in Israel and is not intended for marketing here. | |
| **CHAPTER D: IMPORTING A VEHICLE**  **PART A: VEHICLE IMPORT LICENSE** | | | | |
| Vehicle Import License | 31. | (a) | A person will not import a vehicle unless it receives a vehicle import license from the authorized import authority and it is one of these, and in respect of paragraphs (3) through to (10) – even if it satisfies the conditions detailed in those paragraphs, as applicable:   1. Commercial importer; 2. It imports a vehicle by way of a personal import; 3. A rescue entity established by virtue of the law rendering a service to the public or aid organization as defined in the Civil Defense Law[[13]](#footnote-13), 5711 – 1951, provided the vehicle will serve the importing body for rescue purposes and the Director approved the import; 4. The Government Procurement Administration, provided the vehicle is intended to be used by a government Ministry or one of its certified units and intended to meet a special need, that the vehicle model is not imported by a commercial importer and that the Director approved the import; 5. A licensed enterprise for security export pursuant to the Supervision of Security Export Law, 5767 – 2007[[14]](#footnote-14), provided that the vehicle is intended to serve the importing enterprise for manufacturing and intended for export within a period of two years of the granting of the license or other period approved by the authorized import authority, in a written reasoned decision; 6. A vehicle manufacturer in a foreign country registered as a corporation in Israel and conducts research and development on vehicles in Israel, provided that the vehicle is intended to serve for research or development purposes; 7. It imports vehicles of these types: tow or support, tractor, to the exclusion of a haulage tractor, and a mobile machine, to the exclusion of a mobile crane; in this paragraph, "Mobile Crane" – a lifting machine with an arm comprised of an integrated chassis that can lift more than 150 tons or other weight determined by the Minister; 8. A person importing a vehicle to test the vehicle and to conduct technology tests on the vehicle in the field of its business or a vehicle intended to serve an teaching institution, to the exclusion of a driving teaching institution, and provided that the vehicle serves for such a purpose for a limited period and is intended for export at the end of the period, unless there is a need to use it in the teaching institution also after the aforementioned period; 9. Units and branched units of the Prime Minister's office, where their primary activity is in the State security field, provided that a senior authorized entity in those units confirmed that the vehicle is intended for operational use; 10. An entity determined by the Minister, with the Committee's approval, after being convinced that such an entity has a justification to import a vehicle other than through an entity listed in paragraphs (1) through (9). | |
|  |  | (b) | A person will not import a vehicle if it ceases to fulfill any of the conditions to obtain a vehicle import license or contrary to the license conditions. | |
|  |  | (c) | Notwithstanding the provisions in Section 7, the authorized import authority may, in a written reasoned decision, grant a license pursuant to this section for a period that is shorter than the license period pursuant to that section, if convinced that there are special circumstances justifying this, to avoid harm to safety. | |
| Commercial Importer – Conditions To Grant A Vehicle Import License | 32. | A commercial importer may receive a vehicle import license, if the vehicle satisfies all of these:   1. The vehicle model complies with the provisions in the law in respect of registering a vehicle, including the provisions relating to the vehicle safety and protection of the environment, including but not limited to the provisions pursuant to the Traffic Ordinance; 2. The vehicle model is qualified for registration in one of the European Community countries, in the United States or in Canada, to the exclusion of types of vehicles that do not require registration pursuant to the law applicable in those countries, and the vehicle was not damaged by such a manner preventing registration thereof in one of the aforementioned countries; 3. The vehicle model is motorized by an energy source approved for use in Israel pursuant to the law; 4. The vehicle model is suitable for use pursuant to the climate conditions in Israel; 5. In respect of direct importer – if all of these are satisfied: 6. The vehicle was designed or manufactured by the manufacturer with whom it engaged in an agreement pursuant to Section 41(a)(2); 7. The vehicle is a new vehicle and the number of kilometers of all the vehicle's journeys does not exceed 150; 8. In respect of indirect importer – if all of these are satisfied: 9. The vehicle was designed or manufactured by a manufacturer bound by an agreement with an authorized agent with whom it engaged in an agreement pursuant to Section 42(a)(2); 10. The vehicle was purchased from an authorized agent with whom it engaged in an agreement or was purchased from another entity and the authorized agent undertook to comply with all of the authorized agent's obligations pursuant to this Law, and is one of these: 11. A new vehicle; 12. A vehicle registered in a foreign country and the number of kilometers of all the journeys of the vehicle did not exceed 150; 13. If the vehicle's warranty is not valid, the importer has the means necessary to repair it; 14. The importer has the documents in respect of the vehicle as stated in Section 57; 15. In respect of a minor importer – a vehicle of the type stated in Section 33(a) that is a new vehicle or a vehicle registered in a foreign country and the number of kilometers of all the journeys of the vehicle did not exceed 150, and is one of these: 16. It is of a product imported by a direct importer; 17. It is of a product that is not imported by a direct importer as determined by the Minister and pursuant to the conditions determined by it, with the Committee's approval. | | |
| Importing A Vehicle For Personal Use – Conditions To Grant A Vehicle Import License | 33. | (a) | In this section, "Vehicle" – a vehicle of these types:   1. Passenger vehicle of a M1 class; 2. Passenger vehicle of a M2 class intended for a person with physical disabilities requiring this type of vehicle due to his disability, or a vehicle of such a type that is a minibus within the meaning thereof pursuant to the Traffic Ordinance; 3. Motorbike; 4. Mobile machine; 5. Commercial vehicle of a N1 class. | |
|  |  | (b) | The Applicant requesting to import a vehicle for personal use may receive a vehicle import license for one vehicle per year, upon satisfying all of these:   1. The vehicle is intended for his personal use or his family, and if he is a dealer – the vehicle is intended to transport paying passengers or to transport goods for a fee for the use of the business – self use; 2. At least one year has elapsed since the date upon which the Applicant imported a vehicle for personal use or business-self use pursuant to this section; notwithstanding the above, the Minister may determine special circumstances pursuant to which it will be possible to import more than one vehicle per year; 3. Two years have not elapsed since the manufacturing date of the vehicle until the date it is registered in Israel; 4. The vehicle is qualified to be registered in the European Communities countries, in the United States or Canada, and meets the provisions under the Traffic Ordinance and the provisions regarding vehicle safety and protection of the environment under any law; 5. The vehicle is of a product imported by a direct importer; the Minister, with the Committee's approval, may determine additional types of products that may be imported pursuant to this section pursuant to the conditions to be determined as stated above; 6. The vehicle meets the requirements stated in Section 32(3) and (4); 7. It undertakes to take the vehicle to be repaired if a serial safety malfunction is discovered after importing the vehicle and it being released from customs and so long as the vehicle is owned by him; 8. It remitted a declaration – 9. Pertaining to receiving or not receiving a service from a personal import broker, and if such service was received – remitted the brokerage agreement pursuant to Section 70 and information regarding the composition pursuant to Section 72; 10. That to the best of its knowledge there is maintenance infrastructure and automotive products to repair and service the vehicle, provided that it is not required to repair the vehicle at a specific repair shop or the repair shop of a specific dealer. | |
|  |  | (c) | Notwithstanding the provisions in Sub-section (b), a person will not import a vehicle pursuant to this section for the purpose of selling or leasing it by way of a business to the exclusion of a motor home (caravan); In this Sub-section, "Motor Home" – mobile residential wagon that is towed or motorized. | |
|  |  | (d) | The Minister with the Committee's approval may determine that the provisions in this section will also apply to an import for personal use or business – self use of a collector vehicle with the meaning thereof pursuant to the Traffic Ordinance, with changes or without changes as determined, and he may also determine other conditions to grant an import license pursuant to this Sub-section. | |
|  |  | (e) | The authorized import authority will publish on the Ministry's website a detailed notice to include all the requirements to import a vehicle pursuant to this section. | |
| Restrictions In Respect Of Payment For An Imported Vehicle For Personal Use | 34. | A person who does not import a vehicle by way of a personal import will not pay the consideration for the imported vehicle, including the tax payments applicable to it. | | |
| Restricting Transfer Of Ownership Of A Vehicle Imported For Personal Use | 35. | (a) | A person will not transfer ownership of an imported vehicle pursuant to Section 33 unless all of these have been satisfied:   1. A year has passed since the date the vehicle was registered in Israel; the Minister, with the Committee's approval, may change such a period; 2. It received from the buyer a written undertaking to bring the vehicle to be repaired if a serial safety malfunction is discovered so long as the vehicle is owned by the buyer. | |
|  |  | (b) | The Minister may determine special circumstances and if fulfilled then ownership of a vehicle that is imported pursuant to Section 33 can be transferred even if all or some of the conditions stated in Sub-section (a) were not satisfied, as he so determines. | |
|  |  | (c) | The authorized import authority will record the restriction on transferring ownership in the license to be granted pursuant to Section 33. | |
| Importing A Vehicle In Certain Cases – Conditions To Grant A Vehicle Import License | 36. | (a) | An Applicant seeking to import a vehicle and he is one of those listed in Section 31(a)(3) through to (7), (9) and (10, will be entitled to receive a vehicle import license if the conditions detailed in Section 33(b)(3), (4) and (6) in respect of the vehicle have been satisfied. | |
|  |  | (b) | The Minister may determine additional conditions to grant a vehicle import license by an entity listed in Section 31(a) (8). | |
|  |  | (c) | The Minister, with the Committee's approval may determine conditions and if satisfied the authorized import authority may, in a reasoned written decision, grant an exemption from all or some of the conditions to grant a vehicle import license pursuant to this section. | |
| License To Import A Vehicle Of A Mobile Machine Type | 37. |  | A vehicle import license of the mobile machine type can be granted pursuant to Section 32 or 33, however the provisions in Section 32(5) through to (7) or Section 33(b)(3), as applicable will not apply thereto, subject to the conditions determined by the Minister in respect of its manufacturing date. | |
| Prohibition Against Transferring, Charging Or Attaching A Vehicle Import License | 38. |  | A license that is granted pursuant to this part, including but not limited to any of the rights granted therein, cannot be transferred, charged or attached, other than with the approval of the authorized import authority due to special reasons and in writing and pursuant to the conditions as it so instructs. | |
| Canceling A Vehicle Import License, Suspending It Or Restricting It | 39. | (a) | The authorized import authority may, in a written reasoned decision, cancel a license that was granted under this part, suspend it, including but not limited to pursuant to conditions as instructed, and restrict it if the holder of a license satisfies one of these:   1. The license was given on the basis of false or misleading information; 2. It does not satisfy all or some of the conditions to receive the license; 3. It breached a material condition of the license conditions; 4. It violated a duty or prohibition imposed upon it as a holder of a license pursuant to this law; 5. A winding up order, temporary winding up order, receivership order, attachment order or stay of proceedings order was issued in its respect pursuant to any law; 6. He was convicted of a criminal offense where due to its nature, severity or circumstances, it is inappropriate for him to be authorized to import a vehicle into Israel, or an indictment was filed against him for such an offense and a final judgment regarding his case has not yet been given; however, in respect of a vehicle import license pursuant to Section 33, the provisions in this paragraph will only apply to an offense relating to such an import in that section. | |
|  |  | (b) | The authorized import authority will not cancel, suspend or restrict such a license as stated in Sub-section (a) until after it gives the holder of a license an opportunity to plead his case before it. | |
|  |  | (c) | Notwithstanding the provisions in Sub-section (b), should the authorized import authority have reasonable grounds to assume that one of the grounds listed in Sub-section (a) apply to the holder of a license and it is convinced that there is an urgent need to suspend its license to protect the greater good, it may, in a written reasoned decision, suspend the license forthwith provided that the holder of a license is given an opportunity to please its case as soon as possible following the suspension, and no later than 30 days following the suspension date; such a suspension will be for the minimum period necessary. | |
| Refusal To Grant A Vehicle Import License | 40. | (a) | The authorized import authority may refuse to grant a vehicle import license, in a written reasoned decision, even if the Applicant satisfies the conditions to receive a license pursuant to this part, if in the three years preceding the submission of the application for a license, one of these applies to the Applicant:   1. A license was cancelled that was granted to him pursuant to this part; a decision pursuant to this paragraph will be made *inter alia* considering the grounds for cancellation, pursuant to Section 39 and for the period of time that has elapsed since the cancellation; 2. The license Applicant did not receive a license pursuant to this part due to remitting false information in the application for a license. | |
|  |  | (b) | The authorized import authority will not refuse to grant a license pursuant to this part until after the Applicant of the license was given an opportunity to plead his case. | |
| **PART B: COMMERCIAL IMPORT LICENSE** | | | | |
| Direct Importer's License | 41. | (a) | Whoever satisfies all of these is entitled to receive a direct importer's license from the Director:   1. It is a duly registered corporation in Israel and at least one of its interested parties and its CEO are Israeli residents; 2. It engaged with a vehicle manufacturer in a foreign country in a written agreement to sell a vehicle manufactured by it for a period of no less than three years, and the agreement does not grant him exclusive marketing rights, directly or indirectly; 3. It furnished a letter of undertaking from the vehicle manufacturer in the foreign country – 4. To supply automotive products for every vehicle manufactured by it imported into Israel, for a period of no less than seven years following the day a vehicle is sold to a customer or for another period as determined by the Minister, with the Committee's approval; 5. To allow for realization of the warranty given by the manufacturer of every vehicle manufactured by it and that is imported into Israel, including but not limited to furnishing the technical information necessary to repair the vehicle during the warranty period; 6. In respect of handling all serial safety malfunctions that are discovered in a vehicle manufactured by the manufacturer and imported into Israel – to remit to the importer, forthwith, information regarding serial safety malfunction that were discovered during manufacturing the vehicle manufactured by it imported into Israel and the technical provisions to repair it, and to bear the cost of such handling as stated in this sub-paragraph; 7. To comply with the importer's obligations pursuant to this section if the importer is unable to do so due to one of these: 8. A winding up order, temporary winding up order, receivership order, attachment or stay of proceedings order was issued against it pursuant to any law; 9. The manufacturer requests that the importer's obligations be complied with by another entity; 10. To provide the importer with the technical information, professional literature, training and equipment to repair the vehicle and to render the maintenance services for the vehicle of a make it imports; 11. It furnished a letter of undertaking on its behalf – 12. To provide automotive products for every vehicle of a make it imports for the period stated in paragraph (3)(a); 13. To service every vehicle of a make it imports, pursuant to the warranty of the scope and period not to fall short of the warranty period pursuant to paragraph (3)(b); 14. To handle all serial safety malfunctions that are discovered in the vehicle of a make that it imports in accordance with the letter of undertaking in paragraph (3)(c) and pursuant to Section 50; 15. It has proven that there is an infrastructure to render the maintenance services for the vehicle as determined by the Minister in respect of repair shops providing these services; 16. It furnished confirmation from an accountant attesting to the fact that it has the equity as determined by the Minister, *inter alia* in accordance with the type of vehicle it imports and for the number of vehicles. | |
|  |  | (b) | The Director will record in the license pursuant to this section the make that the holder of a license may import. | |
| Indirect Importer's License | 42. | (a) | Whoever satisfies all of these may receive an indirect importer's license from the Director:   1. It is a duly registered corporation in Israel and at least one of the interested parties therein and its CEO are Israeli residents; 2. It engaged with an authorized agent in an agreement to sell a vehicle, through one of the ways detailed below, for a period of no less than one year, provided that the authorized agent engaged with the vehicle manufacturer in a foreign country for at least the aforementioned period: 3. A written agreement, and if it is a secondary agent – the agreement is to import a vehicle of a make imported by the direct importer; 4. An agreement in the manner and pursuant to the conditions determined by the Minister, after consulting with the Minister of Finance and with the Committee's approval, provided that the agreement is to sell a vehicle of the model imported by the direct importer; 5. It furnished a letter of undertaking from the authorized agent – 6. In respect of a vehicle of a make that is not imported by the direct importer – to extend the warranty for the vehicle extended by the vehicle manufacturer; 7. To notify the importer immediately of any serial safety malfunction that is discovered in the vehicle it sold to it, and in respect of a vehicle of a make that is not imported by a direct importer – to also remit to the importer technical instructions to repair the malfunction, to provide it with automotive products necessary to repair the malfunction and to bear all the costs of handling the matter as stated in this sub-paragraph; 8. In respect of a vehicle of a make that is not imported by a direct importer – to comply with the importer's obligations pursuant to this section, if the importer is unable to comply with them due to one of these circumstances: 9. A winding up order, temporary winding up order, receivership order, attachment order or stay of proceedings order were issued against it pursuant to any law; 10. The authorized agent requests that the importers obligations are fulfilled by another entity. 11. In respect of a vehicle of a make that is not imported by a direct importer – to provide the importer with the technical information, professional literature and equipment to repair and to provide maintenance services for the vehicle of a make that it imports; 12. It furnished a letter of undertaking on its behalf – 13. To provide automotive products for a vehicle that it imports, for a period of no less than seven years following the day the vehicle is sold to the customer, or for a different period determined by the Minister, with the Committee's approval; 14. To extend warranty for the vehicle it imports as stated in paragraph (3)(a) of a scope and for a period of no less than the warranty period pursuant to that paragraph; 15. In respect of a vehicle of a make that is not imported by a direct importer – to handle any serial safety malfunction that is discovered in the vehicle that the authorized agent sold it, in accordance with the letter of undertaking in paragraph (3)(b) and pursuant to Section 50; 16. It proved that there is an infrastructure to provide maintenance services for a vehicle as determined by the Minister in respect of repair shops offering these services; 17. It furnished confirmation from an accountant attesting to the fact that it has equity available to it as determined by the Minister, *inter alia* in accordance with the type of vehicle that it imports and for the number of vehicles that it imports and the fact that there is a direct importer importing a make of the vehicle that the license applicant is interested in importing. | |
|  |  | (b) | The Director recorded in a license pursuant to this section the make that the holder of a license is entitled to import. | |
|  |  | (c) | The Minister may determine –   1. Conditions in respect of the scope of the primary agent's marketing activity of the vehicle, and shorter periods than the periods determined in the definition "Primary Agent"; 2. Another way to execute an agreement between the secondary agent and the primary agent and conditions in this regard; Regulations pursuant to this paragraph require the Committee's approval. | |
| Exemption From The Conditions To Obtain A Direct Importer Or Indirect Importer's License | 43. |  | The Minister, with the Committee's approval may determine that an Applicant or type of Applicants will be entitled to receive a direct importer's license or indirect importer's license, even if they do not satisfy the conditions to receive a license as stated in Section 41 or 42 as determined, if it finds that the condition is unsuitable under the circumstances of the matter at hand, and provided that he determined provisions to maintain safety and financial stability and to guarantee the service level for the customers, insofar as this is necessary under the circumstances at hand; an exemption from satisfying the conditions stated in Section 41(a)(6) or 42(a)(6) will be determined after consulting with the Minister of Finance. | |
| Minor Importer License | 44. | (a) | Whoever satisfies all of these will be entitled to receive a minor importer's licenses from the Director:   1. It is an authorized dealer, resident of Israel or a corporation duly registered in Israel and at least one of the interested parties therein and its CEO are Israeli residents; 2. It engaged in a written agreement with the seller of the vehicle; 3. It proved that it has the infrastructure to provide the maintenance services for the vehicle as determined by the Minister in respect of repair shops providing these services; 4. It furnished confirmation from an accountant attesting to the fact that it has equity available to it as determined by the Minister, with the Minister of Finance's consent, in accordance with the type of vehicle that it imports. | |
|  |  | (b) | A minor importer may import up to 20 vehicles only per year. | |
|  |  | (c) | Notwithstanding the provisions in Sub-section (a), the Director may, in a written reasoned decision, refuse to grant a license pursuant to this section even if the license Applicant satisfies the conditions to receive the license, if convinced that this will circumvent the restriction stated in Sub-section (b), provided that the license Applicant was given an opportunity to plead its case. | |
| Promoting Competition And Reducing Centralization In The Vehicle Import Industry | 45. | The provisions in Part C of Chapter B of the Promotion of Competition and Reducing Centralization Law, 5774 – 2013[[15]](#footnote-15), *mutatis mutandis* will apply to the granting of a license pursuant to this Part, determining conditions therein or renewal thereof. | | |
| Investigating Complaints In Respect Of Commercial Importers | 46. | The Director will investigate complaints that were filed by customers of the holders of a license pursuant to this part regarding the holders of a license activity, *inter alia* in accordance with the Vehicle Import and Marketing Thereof Advisory Board's recommendation appointed pursuant to Part D. | | |
| **PART C: THE COMMERCIAL IMPORTER'S OBLIGATIONS** | | | | |
| Maintenance Services | 47. | (a) | A direct importer will provide maintenance services for every vehicle of a make that it imports in accordance with the provisions pursuant to Section 41(a) (5). | |
|  |  | (b) | An indirect importer will provide maintenance services for a vehicle that it imports in accordance with the provisions in Section 42(a) (5). | |
|  |  | (c) | A minor importer will provide maintenance services for a vehicle that it imports in accordance with the provisions pursuant to Section 44(a) (3). | |
| Supplying Automotive Products | 48. | (a) | A direct importer will supply automotive products for every vehicle of a make it imports to maintain the vehicle and ensure its roadworthiness, for the period stated in Section 41(a) (3) (a). | |
|  |  | (b) | An indirect importer will supply automotive products for every vehicle of a make it imports to maintain the vehicle and ensure its roadworthiness, for the period stated in Section 42(a) (4) (a). | |
|  |  | (c) | A direct importer and indirect importer will supply automotive products of the vehicle model they import, within seven work days of the order being received; however a direct importer may provide an automotive product for a vehicle of a model it does not import within 14 work days of the day the order is received. | |
|  |  | (d) | The provisions in Sub-section (c) will not apply due to delays in supplying an automotive product that does not exceed 45 work days of the day the order is received, provided the direct importer or the indirect importer prove that they did all they could to provide the automotive product to the customer within the aforementioned period in that sub-section and took all measures necessary to order the automotive product from any reasonable source from who it could be obtained at that time, and that it had no control over the delay in supplying the product. | |
| Providing Warranty For An Imported Vehicle | 49. | (a) | A direct importer will extend the warranty extended by the vehicle manufacturer for every vehicle it imports and will realize the warranty as stated above for every vehicle of a make it imports. | |
|  |  | (b) | An indirect importer will extend the warranty given by the vehicle manufacturer, if given, for every vehicle that it imports that is not of a make imported by the direct importer. | |
|  |  | (c) | A direct importer or indirect importer will not stipulate the validity of the warranty given pursuant to this section upon the fact that the vehicle be serviced at the importer's service repair shop or use of a specific automotive product; this provision will not apply to maintenance services for a vehicle that is under warranty, that the importer or someone on its behalf pays for at a rate of at least ninety percent; the Minister may determine a different rate in this respect. | |
| Serial Safety Malfunction In An Imported Vehicle | 50. | (a) | A direct importer will handle a serial safety malfunction at its service repair shops for any vehicle of a make that it imports, and will not demand payment from the vehicle owner for such handling, to the exclusion of accompanying costs as stated in Section 52 if the vehicle was imported pursuant to Section 33. | |
|  |  | (b) | Where the direct importer learns, whether by a notice from the vehicle manufacturer or other manner of a serial safety malfunction in a vehicle of a make it imports –   1. It will notify the Director and the importer's service repair shops in writing of the serial safety malfunction; 2. Will publish a notice to the public of the serial safety malfunction in the manner and on the date determined by the Minister; 3. It will notify all the owners of the vehicle registered in Israel that it imported, in writing of the serial safety malfunction and that the malfunction concerns them, will invite them to its service repair shop to handle the malfunction, and will handle the malfunction in accordance with the manufacturer's instructions, and all without a charge. | |
|  |  | (c) | If a direct importer notifies the Director of a serial safety malfunction that was discovered in a model of a vehicle of a make it imports, the Director will notify any indirect importer, minor importer and personal import of a vehicle thereof, who imported a vehicle of such a model, and will refer the personal import vehicle importer to the direct importer's service repair shops to handle the malfunction. | |
|  |  | (d) | The indirect importer learns, whether in a notice by the vehicle manufacturer or of the Director or any other manner including reviewing the manufacturer's publications, of a serial safety malfunction in a vehicle of the model it imports –   1. In respect of a vehicle of a make imported by a direct importer – a notice thereof will be published in public in the manner and on the date determined by the Minister, it will notify all the vehicle owners registered in Israel that it imported of the malfunction and that the malfunction that was discovered concerns them, and will invite them to the direct importer's service repair shops to handle the malfunction pursuant to Sub-section (b)(3); however if the importer proves to the Director that it has the professional ability, equipment and automotive products required to handle the serial safety malfunction that was discovered in a vehicle it imported, it may handle the malfunction at its own service repair shops. 2. In respect of a vehicle that is not of a make imported by a direct importer – a notice will be published in public in the manner and on the date determined by the Minister, it will notify all the vehicle owners registered in Israel that it imported of the malfunction and that the malfunction that was discovered concerns them, and will refer them to receive a service to handle the malfunction. | |
|  |  | (e) | A minor importer who learns, whether in a notice by the vehicle manufacturer or by the Director or any other manner including reviewing the manufacturer's publications of a serial safety malfunction in a vehicle that it imports, it will publish a notice thereof in public, in the manner and on the date determined by the Minister, and will refer all the vehicle owners registered in Israel that it imported and which the malfunction that was discovered concerns them, to the direct importer's service repair shops to handle the malfunction. | |
|  |  | (f) | The Minister may determine provisions in respect of a serial safety malfunction in an imported vehicle including provisions regarding the duty to report it to the Director to apply to commercial importers and in respect of notices to be delivered to repair shops and the vehicle owners which, as stated above, the malfunction concerns them. | |
|  |  | (g) | Regulations pursuant to this section in regard to publishing notices in public and to the vehicle owners that the serial safety malfunction concerns them will be enacted with the Committee's approval. | |
| Information Regarding Vehicle Models Imported Into Israel | 51. |  | The Director will remit to the direct importer, at least once every six months the chassis numbers of vehicles of a make that it imports and which were imported into Israel; the Minister, with the Committee's approval, may determine additional details that the Director must remit to the direct importer regarding vehicles of a make stated above and the reporting method. | |
| Payment For Accompanying Costs | 52. | (a) | In this Section, "Other Importer" – indirect importer, minor importer or personal import of vehicle, who imported the vehicle to be rendered the service pursuant to Section 49(a) or 50(a). | |
|  |  | (b) | To render the service pursuant to Section 49(a) or 50(a), the direct importer may demand from another importer a reasonable payment for accompanying costs, if applicable, that are not covered by the vehicle manufacturer's undertakings pursuant to Section 41(a)(3)(b) and (c). | |
|  |  | (c) | (1) Failing to reach a consensus between the direct importer and another importer regarding the payment pursuant to Sub-section (b), the Director, with the approval of the Ministry of Finance's employee who the Minister of Finance so authorized, may instruct the payment to be paid by the other importer to the direct importer for the accompanying costs, based on the cost and the payment linkage to the Consumer Prices Index, as applicable, and may give any other instruction as he deems fit under the circumstances of the matter at hand, including but not limited to partial payments; where the Director instructs such a payment, he will also instruct the payment date.  (2) An instruction pursuant to this Sub-section will be given within a reasonable period of time considering the circumstances of the matter at hand and no later than 60 days of the dispute being brought before the Director. | |
|  |  | (d) | Failing to reach a consensus between the direct importer and other importer regarding payment for accompanying costs will not prevent or delay the rendering of the service by the direct importer pursuant to this Law. | |
|  |  | (e) | The Minister may determine instructions pertaining to the method to calculate the payment under this section and its components, and pertaining to the linkage methods of such a payment. | |
| Restricting A Commercial Importer's Ownership Of A Repair Shop | 53. | The Minister with the Committee's approval, may determine circumstances pursuant to which a commercial importer will be required to establish more than one repair shop to handle a vehicle make that it imports or to engage with more than one such repair shop to serve as its service repair shop, in a specific district, provided that in that district it does not own or a corporation that it is the controlling shareholder therein does not own more than one such repair shop or more than the number of repair shops determined by the Minister;  In Regulations pursuant to this section, the Minister may also determine circumstances pursuant to which an exemption will be given to a commercial importer in respect of such an obligation; in this Section, "District" – a district determined pursuant to Section 3 of the Government and Law Procedures Ordinance, 5718 – 1948[[16]](#footnote-16). | | |
| Prohibited Involvement | 54. | (a) | A commercial importer will not dictate to a repair shop and will not instruct it regarding the identity of the entity from who the repair shop will purchase automotive products, to the exclusion of the issue of maintenance services for a vehicle under warranty of the rate stated in Section 49(c) or within the framework of repairing a serial safety malfunction. | |
|  |  | (b) | A commercial importer will not interfere in the import of a vehicle by another commercial importer, will not frustrate such a vehicle being imported and will not act by any means to frustrate the receipt of a commercial importer's license by another person or renewal thereof; the provisions in this Sub-section do not prevent a commercial importer from remitting information to the Director regarding the eligibility of an applicant to receive a license or to renew it as stated above. | |
| Remitting Information To A Customer | 55. |  | A commercial importer will provide a customer who purchased a vehicle from it, before signing the transaction to purchase the vehicle, information in writing regarding the vehicle pertaining to these issues:   1. The mechanical condition of the vehicle, including but not limited to safety damage as defined pursuant to the Traffic Ordinance, that the vehicle sustained; 2. The number of kilometers travelled by the vehicle from the date it was manufactured; 3. The vehicle's manufacturing year and the date it was first registered in a foreign country; 4. Serial safety malfunctions, if applicable; 5. The warranty period for the vehicle and the scope thereof, if warranty is offered by the vehicle manufacturer. | |
| The Commercial Importer's Reporting Obligation | 56. | (a) | A direct importer and indirect importer will remit to the Director a written report concerning these issues, on the dates detailed below:   1. Instructions to repair a vehicle that the vehicle manufacturer in a foreign country brought to their knowledge – promptly after such instructions being brought to the importer's knowledge; 2. The date the engagement ends with the vehicle manufacturer in a foreign country or with an authorized agent, as applicable, and the date upon which the engagement ends between the vehicle manufacturer and a primary agent or the date the certification ends given by the primary agent to the secondary agent pursuant to the agreement between the agents – promptly after the importers learned of such a date, or six months before that date, as applicable. | |
|  |  | (b) | Commercial Importer –   1. Will remit to the Director, no later than July 31 of each year, or – if the Director so approved – no later than December 31, confirmation from an accountant based on audited financial statements I respect of the year preceding the date to submit confirmation attesting to the fact that it has such equity as stated in the conditions to grant his license pursuant to this law and that he satisfies the going concern doctrine; 2. Any event will be reported to the Director likely, in the accountant's opinion, to lead to the equity required of it under this law being reduced or the going concern doctrine being prejudiced; where there was such a reduction in equity, the Director may allow it to complement the minimum equity required within 30 work days of the report date, or furnish a bank guarantee or guarantee from an insurer as defined in the Supervision of Financial Services Law (Insurance), 5741 – 1981[[17]](#footnote-17), of the equity required to complement the equity amount; a report pursuant to this paragraph will be remitted as soon as possible and no later than seven days following the date upon which the importer learned of such an event. | |
|  |  | (c) | The provisions in Sub-section (a) (1) will also apply to a minor importer with this change: instead of "which the vehicle manufacturer in a foreign country brought to their attention" will read "which the entity from who it purchased the vehicle brought to his attention". | |
|  |  | (d) | The provisions in this section do not derogate from the reporting obligations applicable to a commercial importer pursuant to this Law. | |
| The Indirect Importer Saving Documents | 57. | (a) | An indirect importer will save documents relating to vehicles it imports, including but not limited to invoices and waybills, that can be obtained through reasonable efforts allowing to keep track of the transfer of ownership of a vehicle, whether recorded or not, to the entity who purchased the vehicle from the vehicle manufacturer in the foreign country, and including details that enable identification of the vehicle. | |
|  |  | (b) | Documents pursuant to Sub-section (a) will be saved for a period of at least five years from the date the imported vehicle arrived in Israel; such documents can be saved using digital means provided that the credibility of the information is maintained and protection measures are taken to prevent unlawful hacking. | |
|  |  | (c) | The Minister, after consulting with the Minister of Finance and with the Committee's approval, may determine circumstances pursuant to which an indirect importer will be obligated to save documents allowing to track the transfer of ownership of a vehicle only back to the entity whose name the vehicle was registered in, in the foreign country, and if not registered – to another entity from who the vehicle was purchased as determined by the Minister as stated above; if the Minister of Finance's position in respect of determining provisions pursuant to this Sub-section was not submitted within 21 days of the Minister addressing him regarding the matter, at the end of that period, the consulting obligation pursuant to this sub-section will be deemed to have been satisfied. | |
|  |  | (d) | An indirect importer will remit to the Director, upon demand, documents that it saved under this section, no later than seven days of receiving the demand for such documents; the Director may remit documents it receives as stated above to the customs manager as defined in the Customs Ordinance[[18]](#footnote-18). | |
| Conditions To Contract With An Importer's Service Repair Shop And Publication Of The List Of An Importer's Service Repair Shops | 58. | (a) | A commercial importer will publish on its website the conditions it will engage with a repair shop to serve as the importer's service repair shop; the Minister, with the Committee's approval, may determine provisions in respect of such conditions and publication thereof, as well as special circumstances pursuant to which the provisions it determines in respect of cancelling such an engagement will apply. | |
|  |  | (b) | A commercial importer will publish a revised list of its service repair shops, at the site the vehicle is sold and on its website, to include the vehicle makes or models of the vehicle that each one of its service repair shops is authorized to handle, and will deliver it to the buyer no later than the vehicle delivery date; the importer will report to the Director any changes made to the list of its service repair shops and will immediately notify it if an agreement termination notice with its service repair shop is delivered. | |
| Engagement Between A Commercial Importer And An Importer's Service Repair Shop | 59. | (a) | A commercial importer will not stipulate its engagement with a repair shop to serve as the importer's service repair shop upon the conditions detailed below, will not dictate to the service repair shop or instruct it regarding such matters, will not demand reports in respect thereof from it, and will not make any use of the databases it has access to in order to inquire into the repair shops activity data regarding such issues:   1. Repairing a vehicle using a specific automotive product or specify type of automotive product without offering the customer another suitable automotive product pursuant to Section 131; 2. Only serving vehicles imported by the importer; 3. The price of the automotive product or price of the service for a vehicle that the repair shop provides; the provisions in this paragraph do not prevent the commercial importer from offering the repair shop a maximum price for the automotive products or service for such a vehicle. | |
|  |  | (b) | The provisions in Sub-section (a) will not apply in respect of automotive products and vehicle maintenance services included in the warranty of the rate stated in Section 49(c), as part of repairing a serial safety malfunction or other cases as determined by the Minister. | |
| **PART D: VEHICLE IMPORT AND MARKETING THEREOF ADVISORY BOARD** | | | | |
| Vehicle Import And Marketing Thereof Advisory Board | 60. | (a) | The Minister will appoint a vehicle import and marketing thereof Advisory Board (in this Part – The Board), and its members are as detailed below, provided that at least two of them are women:   1. Three employees of the Ministry, having suitable knowledge and experience for the Board's functions and the Minister will appoint one of them to be the chairman; 2. Two employees of an authorized vehicle laboratory having expertise in the vehicle industry; 3. Two public representatives, one of which will be a representative of consumers' organizations as defined in Section 31(c) of the Consumer Protection Law. | |
|  |  | (b) | The Minister will appoint acting members for each one of the members of the Board, who satisfy the conditions for the appointment pursuant to the provisions in this part. | |
|  |  | (c) | The Board members will be appointed for a period of three years, and may be reappointed for two additional terms in office. | |
|  |  | (d) | The appointment of Board members notice will be published in the *Reshumot* and on the Ministry's website; the composition of the Board in office will also be published on the website. | |
| Vehicle Import And Marketing Thereof Advisory Board's Functions | 61. |  | The Board 's functions are:   1. To advise the Director on these issues: 2. Refusal to grant a commercial import license, revocation of a license, suspending it or refusing to renew it, pursuant to Sections 8 and 10; 3. A vehicle marketer's obligations pursuant to Sections 77 through to 87; 4. To recommend to the Director ways of handling complaints submitted by customers of commercial importers pursuant to Section 46, insofar as compliance with the provisions pursuant to this Law is concerned. | |
| Exceptions to Appointment | 62. | A person who was convicted of a criminal offense which due to the nature, severity or circumstances thereof he is not worthy of serving as a member of the Board or whoever had an indictment filed against him for such an offense and a final verdict regarding his case has not yet been rendered will not be appointed as a member of the Board. | | |
| Terminating Term In Office | 63. | (a) | A member of the Board will cease to serve in office before the end of his term in office if one of these transpired:   1. He resigned by delivering a written resignation to the Minister and the Chairman of the Board ; 2. He ceased to satisfy the conditions of his appointment pursuant to Section 60(a), and in respect of a public representative – if appointed to be a civil servant; 3. The Minister removed him from office in a written notice due one of these: 4. He was convicted of an offense pursuant to Section 62, or an indictment was filed against him due to such an offense; 5. He was permanently unable to fulfill his role; 6. The exception stated in Section 64 applies to him; 7. He was absent from four consecutive meetings of the Board or more than three meetings held by the Board in one year without any justified reason; 8. One of the circumstances disqualifying a person from serving as a member of the Board applied to him. | |
|  |  | (b) | If a member of the Board resigns or ceases to serve as a member of the Board due to some other reason before the end of his term in office, the Minister will act as soon as possible to appoint another member in his place, in the same manner as that member was appointed pursuant to Section 60, for the rest of his term in office. | |
| Conflict Of Interests | 64. | (a) | A person will not be appointed and will not serve as a member of the Board if he is likely to find himself, directly or indirectly, frequently in a conflict of interests situation between his role as a member of the Board and his personal interest or that of a relative and another role of his, whether for consideration or without consideration. | |
|  |  | (b) | A member of the Board will refrain from participating in a deliberation and a vote at a Board meeting, if the issue being tabled is likely to cause him to find himself, directly or indirectly in a conflict of interests situation between his role as a member of the Board and his personal interest or that of a relative and another role of his, whether for consideration or without consideration; a member of the Board will not handle within the framework of his role on the Board to such a matter also outside of the Board meetings. | |
|  |  | (c) | A member of the Board who learns that the issue being tabled is likely to cause him to find himself in a conflict of interests situation as stated in Sub-sections (a) or (b), will notify the chairman of the Board thereof. | |
|  |  | (d) | In this section, "Personal Interest" – including but not limited to a personal interest of his relative or personal interest of a body that the member of the Board or his relative manage or are responsible employees therein, or an interest of a body that they have a part in the share capital thereof, a right to receive profits, a right to appoint a Director or a right to vote. | |
| Application Of Laws | 65. | Members of the Board who are not civil servants, will be treated as civil servants in respect of these statutes:   1. The Public Service Law (Gifts), 5740 – 1979[[19]](#footnote-19); 2. The Penal Law, in respect of the provisions concerning public officials; 3. The Public Service Law (Restrictions Following Retirement), 5729 – 1969[[20]](#footnote-20), after the end of their term in office on the Board ; 4. The Torts Ordinance [New Version][[21]](#footnote-21), in respect of the provisions concerning public officials. | | |
| Validity Of Actions | 66. | The Board , its powers and validity of its resolutions will not be prejudiced due to a member's office being vacated or due to a defect in his appointment or further to his appointment, provided that a majority of the members of the Board are lawfully serving. | | |
| Deliberation Procedures | 67. | (a) | The Chairman of the Board will determine the meeting dates, place and agenda. | |
|  |  | (b) | The Board's recommendations will be adopted by a majority of votes of those present at the meeting, provided that at least three members were present at the meeting including a representative from each one of the representations detailed in paragraphs (1) through (3) in Section 60(a); in the event the votes are tied, the Chairman of the Board will have an additional vote. | |
|  |  | (c) | The Board may appoint, from among its members, sub-Committees for any matter relating to its functions pursuant to this Law; the sub-Committees recommendations will be brought before the Board plenum for approval. | |
|  |  | (d) | The Board may invite to its meetings relating to fulfilling its function pursuant to Section 61(1) (b) the importers representatives provided that the representatives of every type of commercial importer holder of a license are invited. | |
|  |  | (e) | The Minister may determine provisions pertaining to the order of its work and deliberations of the Board; the Board will determine its own order of work and deliberations so long as they were not determined pursuant to this Law. | |
| **PART E: PERSONAL IMPORT BROKER ACTIVITY** | | | | |
| License To Be A Personal Import Broker | 68. | (a) | Whoever satisfies all of these may receive a license to be a personal import broker:   1. He is an individual Israeli resident who is an authorized dealer and not declared bankrupt or he is employed by a duly registered corporation where at least one of the interested parties therein and its CEO are Israeli residents; 2. He passed the theoretical exams determined by the Minister, after consulting with the Minister of Finance. | |
|  |  | (b) | A holder of personal import broker license employed by such a corporation as stated in Sub-section (a)(1) will not be entitled to engage in brokering other than within the framework of his employment in the corporation. | |
|  |  | (c) | The Minister will determine the exam procedures to receive a license pursuant to this section, the manner to receive the results of the exams and to challenge the results thereof. | |
| Personal Import Broker – Fiduciary Duty And Fairness | 69. |  | A personal import broker will act loyally, fairly and in an acceptable manner toward its customers. | |
| Broker Agreement With A Vehicle Importer | 70. | (a) | A personal import broker will engage in a written broker agreement with a personal import vehicle importer to include these details: the type of vehicle, description of the vehicle, extras for the vehicle model and cost thereof, insofar as applicable, the vehicle's manufacturing year, repair shop to provide maintenance services for the vehicle in Israel provided that it is a repair shop holding a license pursuant to this Law, the warranty period and scope thereof, if a warranty is given for the vehicle, the date the vehicle is delivered, the broker's obligations toward the importer, the total price of the vehicle, the vehicle price in the country from which it is imported, brokerage fee, the broker's details and license number, and an estimate in respect of the total tax payments applicable to the vehicle or the sale thereof, after taking all measures necessary, and reasonable under the circumstances at hand to obtain information regarding this matter from a competent entity to do so; in this Sub-section, "Total Price" – including but not limited to shipping and transporting, and to the exclusion of taxes applicable to the vehicle or the sale thereof, including value added tax, fees or other mandatory payments. | |
|  |  | (b) | A personal import broker will deliver to the vehicle importer a copy of the brokerage agreement upon signing the agreement. | |
|  |  | (c) | The Minister, with the Committee's approval, may determine additional details that the personal import broker must include in the agreement pursuant to Sub-section (a). | |
| Conditions Relating To Personal Import Brokerage | 71. | A personal import broker will not broker the import of a vehicle that does not satisfy or the personal import vehicle importer does not satisfy the conditions to grant an import license pursuant to Section 33 or if the vehicle is already at a port in Israel or a warehouse, licensing as defined in the Customs Ordinance. | | |
| Remitting Information To A Vehicle Importer | 72. |  | A personal import broker will deliver to a personal import vehicle importer, before signing the agreement to purchase the vehicle, information in writing in respect of the vehicle that it is brokering the import thereof, regarding these matters:   1. The number of previous owners of the vehicle, including but not limited to the owner of the vehicle from whom the vehicle was purchased, and their type of activity if applicable, including whether referring to a corporation engaging in the leasing or rental of a the vehicle; 2. The entity from who the vehicle was purchased and its address, if it is not the owners of the vehicle as stated in paragraph (1); 3. The number of kilometers the vehicle has travelled from the date it was manufactured; 4. The year the vehicle was manufactured and the date it was first registered in the foreign country; 5. The mechanical condition of the vehicle including but not limited to safety damage, as defined in the Traffic Ordinance, the vehicle sustained; 6. Serial safety malfunctions, if applicable; 7. The warranty period and scope thereof for the vehicle, if warranty is given by the vehicle manufacturer. | |
| Restrictions In Respect Of The Vehicle Purchase Agreement | 73. | A personal import broker, including but not limited to a corporation it owns or a corporation employing such a broker, will not be privy to an agreement to purchase a vehicle, directly or indirectly, between the personal import vehicle importer and the seller of the vehicle in the foreign country. | | |
| Payment For The Personal Import Brokerage | 74. | A personal import broker will not receive from the personal import vehicle importer payment for the brokerage, in money or in money equivalent, of an amount exceeding the amount determined for this purpose in the broker agreement. | | |
| Prohibition Against Marketing A Vehicle By A Personal Import Broker | 75. | A personal import broker will not market a vehicle and will not publish the sale thereof to the exclusion of a vehicle registered in its name pursuant to the Traffic Ordinance. | | |
| Provisions In Respect Of A Broker And Personal Import Vehicle Importer's Obligations | 76. | (a) | The Minister may determine obligations to apply to a personal import broker in addition to the obligations determined in this Law. | |
|  |  | (b) | The provisions in this Part do not derogate from the obligations of a personal import vehicle importer. | |
| **CHAPTER E: VEHICLE MARKETER'S OBLIGATIONS** | | | | |
| Selling And Marketing An Imported Vehicle | 77. | A person will not sell a vehicle that was imported into Israel by a commercial importer and a vehicle license has not yet been issued in respect thereof, and will not market it unless he is a vehicle marketer. | | |
| Unlawfully Selling A Vehicle | 78. | A vehicle marketer will not sell a vehicle that does not comply with the provisions in the law in respect of the vehicle's safety and protection of the environment, including but not limited to provisions pursuant to the Traffic Ordinance. | | |
| A Vehicle's Safety Information | 79. | A vehicle marketer will include in a vehicle advertisement that it is marketing information in respect of the vehicle's safety accessories standard, and will display at its business, in a prominent manner, a notice containing such information; the Minister with the Committee's approval will determine provisions in respect of this section, including provisions relating to the safety accessory standard to be included in the advertisement, the way the notice is to be displayed as stated above, its size and characteristics; in this section, "Advertisement" - an advertisement in writing, in print or visual digital means, intended or available to the public. | | |
| Remitting Information And Equipment Relating To Servicing A Vehicle | 80. | (a) | A vehicle marketer, to the exclusion of a minor importer, will deliver, at the request of a Holder of a license to operate a repair shop or to operate a specialized repair shop, teaching institution or other entity determined by the Minister (in this section – handling entity), information remitted to it by the vehicle manufacturer in a foreign country or authorized agent, required to service and maintain the vehicle of the make the vehicle marketer imports or manufactures, including but not limited to technical information and information pertaining to equipment and training of professionals; in this respect, "Teaching Institution" – a teaching institution that was recognized by the Ministry of Economics and Industry in respect of professional training in the vehicle servicing and maintenance fields. | |
|  |  | (b) | A vehicle marketer, to the exclusion of a minor importer, will enable a handling entity requesting this to receive all the technical information, training, equipment and other tools, including software, required to service and maintain a vehicle of a make it imports or manufactures, that it received from the vehicle manufacturer in the foreign country or from an authorized agent. | |
|  |  | (c) | The provisions in this section do not –   1. Prevent a vehicle marketer from demanding a reasonable payment for the service to be rendered pursuant to Sub-sections (a) or (b); such a payment will be subject to the provisions in Section 52, *mutatis mutandis*; 2. Impose upon a vehicle marketer liability in respect of the use made of the information that was remitted pursuant to this section; 3. Derogate from the copyrights pursuant to any law in respect of the information and equipment, if applicable. | |
| Guaranteeing The Buyer's Monies | 81. | (a) | A vehicle marketer selling a vehicle at a price exceeding 50,000 New Shekels or an amount set by the Minister pursuant to Sub-section (h), will not accept payment from a buyer exceeding 20 percent of the price of the vehicle, unless the vehicle was delivered to the buyer or it was registered in the buyer's name, and should he fail to do so – will notify the buyer, before engaging in a transaction, of its right to receive a bank guarantee pursuant to the provisions in in this section; in regard to this section, the following will also be deemed payment for a vehicle:   1. Payment on account of the vehicle price paid by a third party on the buyer's behalf; 2. Selling of another vehicle owned by the buyer to the vehicle marketer within the framework of the engagement to purchase a new vehicle executed between the vehicle marketer and buyer. | |
|  |  | (b) | A vehicle marketer will notify the buyer, at the time it notifies him of his right to receive a bank guarantee as stated in Sub-section (a), that it may demand from him reimbursement of an amount he notifies the buyer of, not to exceed one-half of the expenses paid by the vehicle marketer and associated with the issue of the bank guarantee (in this section – Reimbursement), provided that the reimbursement amount does not exceed two percent per year of the amount guaranteed by the aforementioned guarantee relative to the guarantee period. | |
|  |  | (c) | A bank guarantee pursuant to Sub-section (a) will be to guarantee the reimbursement of any payment paid by the buyer or someone on its behalf, to the vehicle marketer, on account of the vehicle price, in the event the vehicle marketer cannot transfer ownership or other right in the vehicle to the buyer as agreed in the sale contract, due to an attachment order imposed upon the vehicle or if a winding up order, temporary winding up order, receivership order, an order to appoint a receiver or stay of proceedings order pursuant to any law is issued or due to circumstances giving rise to an absolute hindrance preventing delivery of possession of a vehicle, however revocation of the sale contract in and of itself will not constitute an absolute hindrance in this respect. | |
|  |  | (d) | If the buyer requested a bank guarantee pursuant to the provisions in this section, the marketer will deliver such a guarantee to him; if the buyer waives his right to receive a bank guarantee, he will confirm that he is waiving his right by his signature provided that the marketer notifies him of such a right as stated in Sub-section (a). | |
|  |  | (e) | A bank guarantee will be returned to the vehicle marketer on the date the vehicle is delivered to the buyer and as a condition precedent to delivery of the vehicle or against reimbursement of the amount paid by the buyer to the vehicle marketer; on the date the guarantee is returned, the buyer will pay the vehicle marketer the reimbursement, and if the reimbursement amount is lower than 125 New Shekels or another amount set by the Minister pursuant to Sub-section (h), the vehicle marketer may demand reimbursement of an amount of no less than the aforementioned amount from the buyer. | |
|  |  | (f) | The parties to the vehicle purchase agreement are not entitled to stipulate upon the provisions pursuant to this section unless in the buyer's favor. | |
|  |  | (g) | The price of the vehicle stipulated in Sub-section (a) will be revised on the 1st of January of each year (in this Sub-section – The Revision Day), in accordance with the fluctuation in the index rate published in the month of November as opposed to the index published in the month of November preceding the revision day in the previous year, and in respect of the first revision day – as opposed to the index published in the month of November of the previous year; the aforementioned amount will be rounded off to the amount closest to the product of 10 New Shekels; in this respect "Index" – the Consumer Prices Index published by the Central Statistics Bureau; the Ministry's General Director will publish a notice pertaining to such a revised amount in the *Reshumot*. | |
|  |  | (h) | The Minister, with the Committee's approval, may –   1. Change the price of the vehicle as stated in Sub-section (a); 2. Change the reimbursement amount pursuant to Sub-section (b); 3. Determine the bank guarantee wording and the ways to deliver and receive it. | |
| The Vehicle Marketer's Description Of The Vehicle | 82. | (a) | The vehicle marketer will fully and correctly describe the vehicle that it is marketing. | |
|  |  | (b) | A vehicle marketer will be viewed as having complied with the provisions in Sub-section (a) if he proves that the details he remitted in the vehicle description are identical to the details remitted by the vehicle manufacturer. | |
| Providing Information To The Buyer | 83. | (a) | A vehicle marketer will deliver the vehicle operation manual to the buyer in writing in the Hebrew language and list of repair shops that offer maintenance services for the vehicle on its behalf; however a direct importer or indirect importer who imported up to twenty vehicles of a specific model or minor importer, may deliver a written vehicle operation manual to the buyer in the English language instead of the Hebrew language. | |
|  |  | (b) | Without derogating from the provisions in Sub-section (a), the Minister, with the Committee's approval, will determine provisions in respect of a vehicle operation manual summary for a vehicle to be delivered by the vehicle marketer to the buyer to include basic instructions regarding operation and safety, in the languages he so determines. | |
| Written Agreement To Purchase A Vehicle | 84. | A vehicle marketer will engage with the buyer in a written agreement to sell a vehicle to include all of these: the vehicle's technical specification, the place the vehicle is manufactured – if it is a commercial importer, the price of the vehicle, the vehicle sale terms and delivery date, and if warranty is given for the vehicle on the vehicle manufacturer's behalf or the authorized agent – the warranty period and scope thereof; a copy of the agreement will be remitted to the buyer once signed. | | |
| Registering The Vehicle | 85. | A vehicle marketer will register the vehicle in the buyer's name before delivering possession thereof to the buyer. | | |
| Duty To Provide A Warranty Certificate For A Vehicle | 86. | (a) | A vehicle marketer will not sell a vehicle without delivering a warranty certificate for the vehicle and its parts to the buyer in the Hebrew language, if warranty is extended for the vehicle by the vehicle manufacturer or the authorized agent. | |
|  |  | (b) | A vehicle marketer offering an additional warranty period exceeding the warranty period given by the vehicle manufacturer or authorized agent, will specify its terms, and if it involves payment – will present the price thereof separate from the vehicle price and will not stipulate the purchase of the vehicle upon purchasing such additional warranty. | |
| Damage Caused To The Vehicle Before Delivery Thereof To The Buyer | 87. | A vehicle marketer will report to the buyer any damage caused to the vehicle before delivery of possession thereof to the buyer including damage that was repaired; the Minister, with the Committee's approval, will determine provisions in respect of the type of damage that must be reported and in respect of the manner to report it to the buyer. | | |
| **CHAPTER F: TRADING A VEHICLE** | | | | |
| Chapter F – Definition |  |  |  | |
| 88. |  | In this chapter, "Vehicle From Importer" – a vehicle purchased from a direct importer or indirect importer to sell it through a business and first registered in Israel in the Buyer's name pursuant to the Traffic Ordinance, provided that the conditions to import a vehicle by an importer have been satisfied as stated pursuant to Section 32(5) or (6). | | |
| Dealer Of A Vehicle from an Importer License | 89. | Whoever satisfies all of these may receive a dealer of a vehicle from an importer license :   1. He is an individual Israeli resident that is an authorized dealer, or a corporation duly registered in Israel and at least one of the interested parties therein and its CEO are Israeli residents; 2. He has a suitable place available to him to run his business, including space for parking vehicles it sells, as determined by the Minister; 3. He furnished confirmation from an accountant attesting to the fact that he has the equity as determined by the Minister, after consulting with the Minister of Finance, in accordance with the type of vehicle, and in respect of whoever holds a license pursuant to this section in the previous year – also in accordance with the number of vehicles he sold in that year. | | |
| Application Of Obligations Upon A Dealer Of A Vehicle From An Importer | 90. |  | The dealer of a vehicle from an importer will be subject to the obligations determined in Sections 81 through to 87, *mutatis mutandis*. | |
| Reporting Duty In Respect Of Equity | 91. | (a) | A dealer of a vehicle from an importer will submit to the Director, by the 31st of July each year, confirmation from an accountant based on the audited financial statements in respect of the year previous, as determined by the Minister, and pursuant to which it has the equity as stated in Section 89(3). | |
|  |  | (b) | If the dealer of a vehicle from an importer equity falls below the equity stated in Section 89(3), this will be reported to the Director in writing within seven days. | |
| Dealer Of A Vehicle That Is Not A Vehicle From An Importer License | 92. | Whoever satisfies all of these will be entitled to receive a license to purchase a vehicle that is not a vehicle from an importer and sell it through a business:   1. It is an individual Israeli resident that is an authorized dealer or a corporation duly registered in Israel and at least one of the interested parties therein and its CEO are Israeli residents; 2. He has a suitable place available to him to run his business, including space for parking vehicles it sells, as determined by the Minister; 3. Additional conditions insofar as determined by the Minister, with the Committee's approval. | | |
| Application Of Obligations Upon A Dealer Of A Vehicle That Is Not A Vehicle From An Importer | 93. | (a) | A dealer of a vehicle that is not a vehicle a from an importer will be subject to the obligations determined in Sections 82 and 87, and the provisions in the Sale of Used Vehicles Law (Entitlement to Information and Proper Disclosure), 5768 – 2008[[22]](#footnote-22), and all *mutatis mutandis*. | |
|  |  | (b) | A dealer of a vehicle that is not a vehicle from an importer will register the vehicle in the buyer's name, as soon as possible after delivery thereof and no later than the end of six work days following such a date. | |
| Duty To Place Signage | 94. | A holder of a license pursuant to this chapter will place a prominent sign at the place of sale which will include his name and license number. | | |
| Prohibition Against Transporting Cargo For Consideration | 95. | A holder of a license pursuant to this chapter will not carry passengers for consideration in vehicles it trades and will not transport cargo for consideration in such vehicles, and will not permit another to do so. | | |
| **CHAPTER G: AUTOMOTIVE PRODUCTS**  **PART A: DEFINITIONS** | | | | |
| Chapter G –Definitions | 96. | In this chapter, "Automotive Product" –   1. In respect of manufacturing – an automotive product determined by the Minister in an order pursuant to Section 97; 2. In respect of importing – an automotive product determined by the Minister in an order pursuant to Section 108; 3. In respect of dealing – an automotive product as defined in Section 2, to the exclusion of a product or type of product determined by the Minister in an order pursuant to Section 126. | | |
| **PART B: MANUFACTURING AUTOMOTIVE PRODUCTS** | | | | |
| Determining Application Upon Automotive Products – Part B | 97. | The Minister will determine in an order, considering safety and environmental reasons, automotive products designed to be marketed in Israel only, where the provisions in this part will apply thereto, to the exclusion of automotive products for a vehicle of a tractor and mobile machine type and a vehicle that is exempted from the registration and licensing obligations pursuant to that ordinance; such an order will be determined with the consent of the Minister of Finance and the Minister of Economics and Industry. | | |
| License To Manufacture Automotive Products | 98. | Whoever satisfies all of these may receive a license to manufacturer automotive products:   1. Whoever is an authorized dealer or corporation duly registered in Israel and at least one of the interested parties and its CEO are Israeli residents; 2. It has a suitable place and equipment available to it to manufacture automotive products that it wishes to manufacture and store them; 3. It has a person in charge of the manufacturing process at the manufacturing enterprise available to it who possesses the education, know-how and experience in the automotive products field, as determined by the Minister; 4. It presented an agreement with an Authorized Vehicle Laboratory for the license period at least, to supervise the manufacturing of the automotive products at the manufacturing enterprise pursuant to the Supervisory arrangements determined by the Minister, *inter alia*, to guarantee that the serial manufacturing of the automotive product matches its prototype; 5. It presented to the Director suitable in-house Supervisory arrangements to guarantee quality and quality control over the manufacturing work being carried out at the manufacturing enterprise, *inter alia* to guarantee that the serial manufacturing of the automotive product matches its prototype; | | |
| Duty To Receive Approval To Manufacture An Automotive Product Model | 99. | An individual will not manufacture an automotive product unless it received approval to manufacture the automotive product model pursuant to the provisions in this Part, and in accordance with the approval conditions and the provisions pursuant to this Law. | | |
| Approval To Manufacture An Automotive Product Model At The Manufacturing Enterprise | 100. | (a) | Whoever satisfies all of these may receive approval to manufacture an automotive product model:   1. It holds a license to manufacture automotive products; 2. It presented to the Director approval from an approved laboratory that the prototype of the automotive product that it wishes to manufacture at the manufacturing enterprise complies with the official standard requirements, and if there is no official standard for the product - presented one of these to the Director: 3. Approval from an Authorized Vehicle Laboratory that the prototype complies with the roadworthiness requirements set by the Minister, after consulting with the Minister of Economics and Industry based on the European roadworthiness requirements or the American roadworthiness requirements; the roadworthiness requirements set by the Minister will be of a safety level equivalent to the foreign roadworthiness requirements as stated above and will not determine harsher requirements than those in the foreign roadworthiness requirements; 4. In respect of an automotive product that has European roadworthiness requirements – approval from a recognized European laboratory or Authorized Vehicle Laboratory that it satisfies the European roadworthiness requirements or the standard of one of the countries in the European Community, provided that the requirements of that standard corresponds with the safety level determined in the European roadworthiness requirements and in that country they act pursuant to such a standard; 5. In respect of an automotive product that satisfies the American roadworthiness requirements – approval from a recognized American laboratory in respect of compliance with the American roadworthiness requirements; 6. In respect of an automotive product that has an Israeli standard determined by the Minister in an order, after consulting with the Minister of Economics and Industry, and it is not an official standard – approval from an Authorized Vehicle Laboratory that it complies with such a standard; 7. In respect of an automotive product where there is no standardization requirement as stated in sub-paragraphs (a) through (d) – approval from an Authorized Vehicle Laboratory that it satisfies the quality and safety requirements set by the Minister, after consulting with the Minister of Economics and Industry, based on a specification approved by the Standards Institution pursuant to the Standards Law; 8. It presented a plan approved by an Authorized Vehicle Laboratory, to manufacture the automotive products that it wishes to manufacture at the manufacturing enterprise. | |
|  |  | (b) | The Director will state in the license pursuant to this section the automotive product model that the holder of a license may manufacture at the manufacturing enterprise. | |
| Equipment, Facilities And Supervisory Arrangements | 101. | A holder of a license to manufacture automotive products will keep at the manufacturing enterprise the appropriate equipment and facilities required for the manufacturing process and will act in accordance with the Supervisory arrangements pursuant to Section 98(4) and (5). | | |
| Safety Defect In The Manufacturing Of Automotive Products | 102. | If a holder of a license to manufacture automotive products learns that there is a serial defect in the automotive product it manufactured and that the defect may have an impact on the vehicle's safety in which the products is installed or intended to be installed therein (in this Section – Safety Defect) –   1. It will publish a notice regarding the issue, in the manner and at the time the Minister determined with the Committee's approval; 2. It will invite everyone who received the automotive product from it, unless there is a real difficulty in finding it, to handle the safety defect, and if the automotive product cannot be repaired – to replace it and all without a charge. | | |
| The Duty To Mark An Automotive Product By The Holder of a license To Manufacture Automotive Products | 103. | At the end of the manufacturing process the Holder of a license to manufacture automotive products will mark the automotive product that it manufactures or on its packaging, in addition to the details it must mention pursuant to the Consumer Protection Law, the product's catalogue number and the roadworthiness requirements pursuant to which it was manufactured. | | |
| Description Of The Automotive Product By The Holder of a license To Manufacture Automotive Products | 104. | A Holder of a license to manufacture automotive products will fully and correctly describe the automotive products it manufactures. | | |
| An Automotive Product That Was Not Manufactured Pursuant To A Manufacturing Design Or That Is Not Identical To A Prototype | 105. | (a) | A Holder of a license to manufacture automotive products will not manufacture an automotive product unless the automotive product was manufactured pursuant to a manufacturing design approved by the Director and is identical to a prototype of the automotive product as stated in Section 100(a) (2) and (3) approved by the Director. | |
|  |  | (b) | The Director may instruct the Holder of a license to manufacture automotive products to stop the manufacturing of an automotive product model that it manufactures contrary to the provisions in sub-section (a), until the conditions the Director instructs the holder of a license to fulfill have been met, provided that it gave it an opportunity to plead its case. | |
|  |  | (c) | The Director may instruct the Holder of a license to manufacture automotive products who manufactured an automotive product contrary to the provisions in sub-section (a), to invite all of those who he transferred possession of the specific automotive product to in order to repair the product and have it comply with the manufacturing design; if the automotive product cannot be repaired – the provisions in Section32 of the Consumer Prices Law will apply, *mutatis mutandis*. | |
| Manufacturing An Automotive Product At A Manufacturing Enterprise | 106. | A Holder of a license to manufacture an automotive product will not manufacture an automotive product other than at the manufacturing enterprise approved by the Director pursuant to Section 98(2). | | |
| Warranty For Automotive Products – A Holder Of A License To Manufacture Automotive Products | 107. | (a) | A Holder of a license to manufacture an automotive product will provide for the automotive product that it manufactures warranty of no less than three months or 6,000 kilometers, from the day the product is installed in the vehicle, and if no such installation is necessary – from the day it is delivered to the customer, and all pursuant to the earlier date; the Minister with the Committee's approval, may change the period or the number of kilometers mentioned above in this sub-section. | |
|  |  | (b) | Notwithstanding the provisions in sub-section (a), if the law, including the Consumer Protection Law, prescribes a longer warranty period than that stated above – the longer period will apply. | |
| **PART C: IMPORTING AUTOMOTIVE PRODUCTS** | | | | |
| Determining Application Upon Automotive Products – Part C | 108. |  | The Minister will determine in an order, considering safety or environmental reasons, the automotive products or types of automotive products that the provisions in this Part will apply to them, including but not limited to in accordance with the designation of the automotive product or the purpose of use thereof, to the exclusion of automotive products for a vehicle of the tractor type that is not of the haulage ATV type, ATV or SUV, and a vehicle that is exempted from the registration and licensing obligations pursuant to that Ordinance; such an order will be determined with the Minister of Finance and the Minister of Economics and Industry's consent. | |
| Importing An Automotive Product Model | 109. | (a) | A person may import an automotive product model if it holds a license to deal in automotive products and the automotive product model it seeks to import satisfies the official standard requirements, pursuant to an approval from an approved laboratory, and if here is no such official standard for the model – upon the fulfillment of one these, as applicable:   1. In respect of a model that does have European roadworthiness requirements – such roadworthiness requirements or requirements of standard of one of the countries in the European Community provided that the requirements of that standard match the safety level pursuant to the European roadworthiness requirements and in that country they following such a standard. 2. In respect of an automotive product model that satisfies the American roadworthiness requirements - such roadworthiness requirements and the Applicant will remit a written statement that the model has been marketed in the United States for at least eight months on the application submission date, and that no recall notices were published on the National Highway Traffic Safety Administration (NHSTA) website in the three years preceding the submission of the application; or a notice pertaining to an investigation in the two years preceding the submission of the application; the Minister may determine provisions in respect of publishing such notices and check them, including additional or alternative ways to publish or check them. 3. In addition to the provisions in sub-paragraph (a), in respect of an automotive product model mentioned in that sub-section that is manufactured outside the United States and is not imported from it, the importer must prove that the product was manufactured at an enterprise at which the serial manufacturing of that product matches the product's prototype; 4. In respect of an automotive product model that it was marked with or its packaging was marked that it complies with the European roadworthiness requirements and the American roadworthiness requirements – the European roadworthiness requirements; 5. In respect of an automotive product model that complies with an Israeli standard that is not an official standard, determined by the Minister, with the consent of the Minister of Finance and the Minister of Economics and Industry – such standard requirements; 6. In respect of an automotive product model that has no roadworthiness requirements or standards as stated in paragraphs (1) through (4) – quality and safety requirements determined by the Minister with the consent of the Minister of Finance and the Minister of Economics and Industry; 7. In respect of an automotive product model that complies with the Canadian roadworthiness requirements – such roadworthiness requirements provided that the Minister, with the Committee's approval, determined models of automotive products in compliance with the Canadian roadworthiness requirements that may be imported if they comply with such roadworthiness requirements and the ways to prove them; in regulations pursuant to this paragraph the Minister may determine that the provisions in this Part will apply to such automotive products, as adjusted and modified as determined. | |
|  |  | (b) | Proving the automotive product model complies with the requirements as stated in sub-section (a) will be as detailed below:   1. In respect of an original automotive product model – by marking the product or its packaging, as duly determined by the vehicle manufacturer, identifying the manufacturer or by displaying approval from the vehicle manufacturer or a certificate from a recognized European laboratory, a recognized American laboratory or Authorized Vehicle Laboratory pertaining to the fact that the model complies with the vehicle manufacturer's specification requirements; 2. In respect of a substitute automotive product model that complies with the European roadworthiness requirements stated in sub-section (a) – by displaying the certificate from a recognized European laboratory or Authorized Vehicle Laboratory certified in this field; 3. In respect of a substitute automotive product model that has a standard from one of the countries in the European Community as stated in sub-section (a) – by displaying a certificate from a recognized European laboratory or from an Authorized Vehicle Laboratory ; 4. In respect of a substitute automotive product model that complies with American roadworthiness requirements as stated in sub-section (a) and is imported from the United States – by one of these: the automotive product manufacturer's declaration, certificate from a recognized American laboratory or a certificate from an Authorized Vehicle Laboratory ; 5. In respect of a substitute automotive product model that complies with American roadworthiness requirements as stated in sub-section (a) and is not imported from the United States – by one of these certificates: recognized European laboratory, recognized American laboratory or Authorized Vehicle Laboratory ; 6. In respect of a substitute automotive product model marked pursuant to roadworthiness requirements complying with the European roadworthiness requirements and the American roadworthiness requirements as stated in sub-section (a) – by displaying a certificate from a recognized European laboratory or an Authorized Vehicle Laboratory ; 7. In respect of a substitute automotive product model that complies with Israeli standard requirements that is not an official standard as stated in sub-section a) – by displaying a certificate from an Authorized Vehicle Laboratory ; 8. In respect of a substitute automotive product model relating to quality and safety requirements pursuant to sub-section (a) – by displaying a certificate from an Authorized Vehicle Laboratory or other manner determined by the Minister, with the consent of the Minister of Finance and the Minister of Economics and Industry; 9. In respect of an automotive product model that satisfies the Canadian roadworthiness requirements – in accordance with the provisions determined by the Minister as stated in sub-section (a). | |
|  |  | (c) | In addition to the provisions in this section, a person may import tires if from the date the tire was manufactured the number of months have not yet elapsed as determined by the Minister, after consulting with the Minister of Economics and Industry; the Minister may determine additional conditions in respect of importing tires, including various provisions regarding importing from different places and exceptions or alternative conditions to the roadworthiness requirements and proof methods determined in this section. | |
| Licensing Duty In Respect Of Importing Certain Automotive Products | 110. | (a) | Notwithstanding the provisions in Section 109, the Minister may determine types of automotive products that a person may import if it holds an import license from the authorized import authority, after he finds that the conditions stated in Section 109 have been met. | |
|  |  | (b) | A person will not import an automotive product if the import thereof is subject to a licensing duty pursuant to this Law without an import license, if it ceases to comply with any of the conditions to receive the license or contrary to the license conditions. | |
| Exemption From Having To Prove Compliance With The Roadworthiness Requirements | 111. | (a) | Notwithstanding the provisions in Section 109, a person seeking to import an automotive product of the model duly imported pursuant to that section, may submit to the Director a request for an exemption from having to prove the model's compliance with the roadworthiness requirements stated in that section, to the exclusion of an official standard; the exemption applicant pursuant to this section will attach information and documents to its request, to the Director's satisfaction, to allow it to identify the automotive product model. | |
|  |  | (b) | The Director may approve the exemption request pursuant to sub-section (a), in a written reasoned decision, if convinced that the automotive product model requesting to be imported is identical to a model that is duly imported and it was proven that it complies with the roadworthiness requirements. | |
| Importing Automotive Products For Personal Use Or A Teaching Institution's Needs | 112. | (a) | A person requesting to import automotive products for personal use may import automotive products or receive an license to import them pursuant to Section 110, as applicable, to import four automotive products of the same type in a year, at the very most, upon satisfying all of these:   1. The automotive products are intended for personal use, and if a dealer – for business use – self use; 2. The automotive products are of the type determined by the Minister in an order of the type of automotive products determined in Section 108; 3. The automotive products comply with the roadworthiness requirements pursuant to Section 109, insofar as applicable; proof of the automotive products compliance with the roadworthiness requirements will be by marking the product or the product's packaging, pursuant to the standardization requirements, and in respect of automotive products that are not subject to the marking duty pursuant to the roadworthiness requirements – through any other information in writing attesting to them complying with the roadworthiness requirements; 4. The applicant declared in writing that the automotive products will be installed in a vehicle in a repair shop that received a license to operate a repair shop, unless pursuant to this law it is not required to be installed at a repair shop; 5. The applicant did not import in the year preceding the license application date more than four automotive products of the type he is requesting to import. | |
|  |  | (b) | A person requesting to import automotive products for a teaching institution's needs may import automotive products or receive a license to import them pursuant to Section 110, as applicable, to import automotive products of the number necessary for the teaching institution, and in this respect the provisions in sub-section (a)(1) through to (3) will apply, *mutatis mutandis*. | |
|  |  | (c) | A person will not import an automotive product pursuant to this section for the purpose of selling it to another. | |
| Importing Original Automotive Products | 113. | The Minister may determine, due to safety and the greater good's protection reasons, types of automotive products that are not to be imported unless they are original automotive products; regulations pursuant to this section will be enacted with the consent of the Minister of Finance and the Minister of Economics and Industry and the Committee's approval. | | |
| Importing Used Automotive Products | 114. | (a) | A person will not import used automotive products. | |
|  |  | (b) | Notwithstanding the provisions in sub-section (a), the authorized import authority may grant a license to import used automotive products –   1. For the purpose of installing them in a collectors vehicle within the meaning thereof pursuant to the Traffic Ordinance, pursuant to conditions determined in the license; 2. Of the type determined by the Minister, after consulting with the Minister of Economics and Industry, pursuant to the conditions determined in the license. | |
|  |  | (c) | In this section "Automotive Product" – as defined in Section 2. | |
| Exemption From Complying With The Conditions To Import Automotive Products Or To Obtain A License To Import Automotive Products | 115. | The Minister, with the Committee's approval may determine that under certain circumstances to be determined the authorized import authority may allow an importer of automotive products to be exempted from complying with the conditions to import automotive products or from obtaining a license pursuant to Sections 109 and 110, as applicable, and the Minister may also determine alternative conditions or complementary conditions to those conditions; however, an exemption under this section will not be given in respect of goods that are prohibited from being imported pursuant to any law. | | |
| Part C – Exception To Application | 116. | The Minister, with the Committee's approval, may determine that certain provisions in this Part will not apply to the import of automotive products intended to be installed in a vehicle of the type he so determines. | | |
| **PART D: TRADING WITH AUTOMOTIVE PRODUCTS** | | | | |
| License To Trade Automotive Products | 117. | (a) | Whoever satisfies all of these may receive a license to trade with automotive products:   1. He has a suitable place to store automotive products as determined by the Minister, pursuant to the type of automotive product; however if the Director finds, due to the nature of the license applicant's activity there is no need for such a storage place, he may exempt the license applicant, in a written reasoned decision, of the obligation pursuant to this paragraph, provided that he determined in the license alternative conditions to guarantee safety of trading of the automotive products; an exemption pursuant to this paragraph may give in respect of a type of automotive product; granting an exemption under this paragraph will be published on the Ministry's website; 2. He is a professional that satisfies the conditions detailed below or has such a professional available to him: 3. He has proven experience of two years at least in trading automotive products of the type the license applicant is seeking to trade, or holds one or more professional certificates in vehicle professions as determined by the Minister, after consulting with the Minister of Economics and Industry, and in respect of a holder of a license trading tires – he is the professional manager of a repair shop to repair tires and pneumatic tubes or is a certified technician, or engineer or divisional engineer as determined by the Minister, after consulting with the Minister of Economics and Industry; 4. He passed the exams under the exams program determined by the Minister after consulting with the Minister of Economics and Industry; the Minister will determine the exams procedures, the manner to receive exam results and challenging their results. | |
|  |  | (b) | Notwithstanding the provisions in this section, holders of a license detailed below will be deemed as holders of a license to trade automotive products:   1. The holder of license to manufacture a vehicle and market it; 2. The Holder of a license for commercial import; 3. The Holder of a license to operate a repair shop. | |
|  |  | (c) | The Minister, with the Committee's approval may determine provisions in respect of an exemption from the obligation to hold a license pursuant to this section, including an exemption in respect of trading automotive products for types of vehicles as determined. | |
| Conditions To Trade Automotive Products | 118. | (a) | A Holder of a license trading automotive products will not trade an imported automotive product unless the automotive product was imported in accordance with the provisions pursuant to the Import and Export Ordinance, insofar as applicable thereto, and in respect of an automotive product determined pursuant to Section 108 – also in accordance with the provisions of Part C. | |
|  |  | (b) | A person will not trade an imported automotive product that is a used automotive product as stated in Section 114(a), unless the automotive product is intended for one or more of these:   1. Use of the raw materials from which the automotive product is made; 2. Assembly thereof in a vehicle that is not designed to travel on roads as defined in the Traffic Ordinance; 3. Assembly thereof in collectors vehicle within the meaning thereof pursuant to the Traffic Ordinance. | |
| Liability For An Automotive Product – Holder Of A License Trading Automotive Products | 119. | (a) | A Holder of a license trading automotive products will not sell an automotive product unless it gave the buyer, at the time of the sale a warranty certificate for the automotive product and for its proper operation of a period of no less than three months or travel up to 6,000 kilometers from the day the product is installed in the vehicle, insofar as it is necessary to install it as stated above to use the product, and if installation is not necessary – from the day it is delivered to the buyer, and all on the earliest date; the Minister, with the Committee's approval, may change the period and the number of kilometers as stated in this sub-section. | |
|  |  | (b) | Notwithstanding the provisions in sub-section (a) –   1. The law, including the Consumer Protection Law, determined a longer warranty period than the period stated in that sub-section – the longer period will apply; 2. The warranty period to be given by the Holder of a license trading automotive products to a customer will not be less than the warranty period given by the automotive product manufacturer or someone on its behalf; 3. A holder of a license trading automotive products may give a customer warranty for the automotive product in an invoice that is delivered to the customer by law, provided that the invoice contains details determined by the Minister, after consulting with the Minister of Economics and Industry and with the Committee's approval; in such regulations the Minister may determine the minimum size of the fonts and the manner the warranty details will be presented in the invoice; provisions pursuant to this paragraph will not apply to automotive products that are subject to the provisions of the Consumer Protection Law, in respect of warranty and service post-sale. | |
| Description Of The Automotive Products By The Holder Of A License Trading Automotive Products | 120. | A holder of a license trading automotive products will provide a full and correct description of the automotive products that it is trading, and will give the customer instructions pertaining to installing them, assembling them and use thereof or will refer him to receive service at a repair shop, pursuant to the type of product. | | |
| Marking Automotive Products By The Holder Of A License Trading Automotive Products | 121. | (a) | (1) A holder of a license trading automotive products will not trade automotive products unless the product or the packaging thereof is marked in addition to the details that must be marked pursuant to the Consumer Protection Law, with the catalogue number and the roadworthiness requirements pursuant to which it is manufactured, if applicable.  (2) The provisions in paragraph (1), to the exclusion of marking the catalogue number and to the exclusion of marking, pursuant to the Consumer Protection Law, the manufacturer's name or commercial logo, will not apply to a holder of a license to manufacture a vehicle and marketing thereof in respect of an automotive product serving to manufacture the vehicle.  (3) The Minister may determine that the holder of a license trading automotive products will be exempted from the duty to mark the catalogue number and roadworthiness requirements as stated in paragraph (1) pursuant to conditions and in respect of the types of automotive products he determines. | |
|  |  | (b) | The marking date of the details stated in sub-section (a) will be in accordance with the roadworthiness requirements listed in Section 109, if they determined provisions in respect of the marking date; if such provisions were not determined in the standardization requirements – the marking obligation will apply after importing the product and at the very latest before marketing it to the consumer, however the holder of a license trading automotive products may mark the automotive product before it is imported; notwithstanding the provisions above, marking the catalogue number and the marking pursuant to the Consumer Protection Law of the manufacturer's name or its commercial logo, on the imported automotive product will be done before it is imported. | |
| Safety Defect In An Automotive Product | 122. |  | If the Director, holder of a license pursuant to this Law or Authorized Vehicle Laboratory discovered that there is a serial safety defect in the automotive product, including a defect that vested within the framework of the manufacturing process, likely to affect the vehicle's safety in which it is installed or intended to be installed therein (in this Section – Safety Defect), these provisions will apply:   1. The holder of a license or the Authorized Vehicle Laboratory will notify the Director thereof; 2. The Director will notify all the holder of a licenses to trade automotive products of the safety defect and will publish a notice pertaining thereto on the Ministry's website and on an additional website dealing in the vehicle industry where access thereto is open to the general public; 3. The holder of a license trading automotive products who received such a notice as stated in paragraph (2) will immediately cease, upon receiving the notice, marketing the automotive product, will act using reasonable efforts to track owners of the vehicles in which such a product was installed and will invite them to replace it without a charge, including but not limited to disassembling the defective product and installing a working product instead. | |
| Handling Consumers Complaints - Holder Of A License Trading Automotive Products | 123. | A holder of a license trading automotive products will handle consumers' complaints that it receives in respect of an automotive product it traded and will document the handling thereof in writing while stating the nature of the complaint and the manner it was handled, all as determined by the Minister, with the Committee's approval. | | |
| Training Professional Available To A User Manual | 124. | Without derogating from the provisions in Section 14, the Director may instruct a user manual that a professional, within the meaning thereof in Section 117(a) (2) available to it attends professional training as he so instructs due to technological developments or changes in standardization or legislation justifying this, unless the professional is the holder of a license. | | |
| Remitting Information In Respect Of A Holder Of A License Trading Automotive Products | 125. | (a) | A holder of a license trading automotive products will publish on his website or through the website of an another dealer (in this section – The Website) –   1. A notice pertaining to a safety defect in an automotive product that it markets as stated in Section 122; 2. Information concerning it and the automotive product it markets, including the total price of the automotive product for the consumer, and all as determined by the Minister, with the Committee's approval. | |
|  |  | (b) | The Director will publish on the Ministry's website a list of websites, as remitted to him by holders of licenses to trade automotive products. | |
|  |  | (c) | The Director may, in a written reasoned decision, exempt a holder of a license trading automotive products from the provisions in this section, upon considering the scope of the holder of a license's activity. | |
| Part D – Exception To Application | 126. | The provisions in this Part will not apply to automotive products or types of automotive products that the Minister determines in an order, *inter alia* according to type of vehicle. | | |
| **CHAPTER H: LICENSING REPAIR SHOPS AND PROFESSIONAL MANAGERS OF REPAIR SHOPS**  **PART A: LICENSE TO OPERATE A REPAIR SHOP** | | | | |
| License To Operate Repair Shop | 127. |  | Whoever satisfies all of these may receive a license to operate a repair shop, of one or more of the types determined by the Minister in accordance with the type of actions to be performed at the repair shop and the type of vehicle to be serviced therein:   1. There is a suitable place available to operate that type of repair shop and to park vehicles being serviced at the repair shop, and which provides suitable conditions for the repair shop employees, as determined by the Minister; 2. It has equipment or types of equipment available to it that is suitable to operate that type of repair shop, as determined by the Minister; 3. It has a suitable repair shop professional manager available to operate that type of repair shop who is present during the hours service is offered to the public; the Minister may determine that the repair shops of the type determined will have a professional manager in accordance with the type of license to operate a repair shop, and may determine the scope of work or number of employees to be employed by the repair shop, upon the fulfillment thereof it will have a number of professional managers available to it as determined; 4. It has at least one substitute repair shop professional manager available among its employees approved by the Director pursuant to Section 143(c). | |
| Performing Actions On A Vehicle | 128. | (a) | A person will not render vehicle repair services, installation of an automotive product in a vehicle, maintenance or test a vehicle (in this Chapter – Actions on a vehicle), other than at a repair shop that has been given a license to operate a repair shop or a mobile repair shop that has been given a license to operate as a mobile repair shop. | |
|  |  | (b) | The Minister, with the Committee's approval will determine actions on a vehicle, types of actions on a vehicle or circumstances to perform them, where the provisions in sub-section (a) will not apply to them; so long as such regulations were not enacted, the prohibition determined in sub-section (a) will not apply. | |
| License To Operate A Specialized Repair Shop | 129. | Whoever satisfies all of these may receive a license to operate a specialized repair shop:   1. It holds a license to operate a repair shop; 2. It has the professional ability and equipment or types of equipment suitable to handle a make of the vehicle in respect of which the application was filed, and all as determined by the Minister. | | |
| Signage Duty At A Repair Shop | 130. | (a) | A holder of a license to operate a repair shop will place a prominent sign in a visible place to customers of the repair shop to include these details:   1. The name of the repair shop and its license number; 2. The type of repair shop in accordance with the license to operate a repair shop given to it; 3. If it is a specialized repair shop – the make that it specializes in, according to the license to operate a specialized repair shop given to it pursuant to Section 129; 4. The total price per hour of work at the repair shop, in Israeli currency. | |
|  |  | (b) | The Minister, with the Committee's approval will determine the minimum size of the sign as stated in sub-section (a) and the minimum size of the fonts to appear thereon, and it may determine in the aforementioned manner additional instructions in respect of such a sign, containing additional details to be included therein. | |
|  |  | (c) | A holder of a license to operate a repair shop will not display in the repair shop a sign containing details that do not match the license to operate the repair shop given to him. | |
| Offering Types Of Automotive Products To A Customer Of The Repair Shop | 131. | (a) | A holder of a license to operate a repair shop will offer its customer, in order to perform the actions on a vehicle, more than one type of automotive product and will explain to the customer the differences between the types of products before it provides it with a price estimate pursuant to Section 132, and all unless it could not obtain more than one type using reasonable efforts; in this respect, "reasonable effort" – checking all of these and an additional or optional way determined by the Minister:   1. In publications of holders of licenses to trade automotive products pursuant to Section 125; 2. With commercial importer's service repair shops importing vehicles of the relevant make of a vehicle; 3. With holders of licenses to trade automotive products. | |
|  |  | (b) | The provisions in sub-section (a) will not apply to performing actions on a vehicle, within the framework of the warranty of a rate as stated in Section 49(c), within the framework of handling a serial safety malfunction or in other instances as determined by the Minister pursuant to Section 59(b). | |
|  |  | (c) | In this Section –  "Type" of automotive product – an original automotive product, substitute automotive product or reconditioned automotive product;  "Reconditioned Automotive Product" - a used automotive product, whether an original automotive product or a substitute automotive product, that works, was tested and qualified for use in the vehicle. | |
| Price Estimate At A Repair Shop | 132. | (a) | (1) A holder of a license to operate a repair shop will give a customer a price estimate to include the actions that the repair shop suggests to be performed on the vehicle, the expected number of hours of work, the automotive products offered pursuant to Section 131, the scope of warranty for the automotive product and the action to be performed on the vehicle and payment details (in this Section – The Price Estimate).  (2) The Minister may determine provisions in respect of additional details to be included in the price estimate.  (3) The provisions in this section will also apply if another entity, including but not limited to the Insurer, as defined in the Motor Vehicle Insurance Ordinance [New Version], 5730 – 1970[[23]](#footnote-23), is the one to bear the payment for performing all or some of the actions on a vehicle as stated above. | |
|  |  | (b) | The price estimate will first be given to the customer in a printed document or in an electronic mail message (in this Section – The First Price Estimate); the holder of a license to operate a repair shop may, with the customer's consent, revise the price estimate that was given also by other electronic or technological means, provided that it revises accordingly, and as soon as possible, the first price estimate that it gave. | |
|  |  | (c) | A holder of a license to operate a repair shop will provide a customer with the automotive products detailed in the price estimate and which were agreed upon with the customer. | |
|  |  | (d) | A holder of a license to operate a repair shop will remit to the Director, upon its demand and no later than seven days following the date upon which the demand was delivered to it, and at the times and manner determined by the Minister, copies of the price estimates and invoices given to its customers. | |
|  |  | (e) | A holder of a license to operate a repair shop will save the price estimates it gave its customers, including revised price estimates as stated in sub-section (b), for one year after being given. | |
| Installing An Automotive Product That Suits The Vehicle Model | 133. | A holder of a license to operate a repair shop will not install an automotive product in a vehicle that does not suit the vehicle model. | | |
| Prohibition Against Remitting Information To A Commercial Importer | 134. | An importer's service repair shop will not remit to the commercial importer that it has engaged with in an agreement, information pertaining to use made by the repair shop of an automotive product that was not purchased from the commercial importer. | | |
| License To Operate A Mobile Repair Shop | 135. | (a) | Whoever satisfies all of these may receive a license to operate a mobile repair shop:   1. It has a vehicle available to it with space to carry equipment or types of equipment suitable to operate a mobile repair shop, and the equipment or the types of equipment comply with the requirements determined by the Minister; 2. He is a professional manager of a repair shop whose license permits him to perform actions on a vehicle performed at a mobile repair shop pursuant to sub-section (b), or who employs a professional manager of a repair shop holding such a license and is available for the mobile repair shop during all hours of the repair shop's activity. | |
|  |  | (b) | A holder of a license to operate a mobile repair shop will only render these services, and all as determined by the Minister, with the Committee's approval:   1. Emergency repairs on a vehicle; 2. Rescuing a vehicle until it reaches a repair shop; 3. Maintenance services for tires in accordance with the safety requirements, provided that they are not provided at the shoulders of the road. | |
|  |  | (c) | A holder of a license to operate a mobile repair shop will state on the vehicle serving as a mobile repair shop the words "Mobile Repair Shop" and the license number of the repair shop. | |
|  |  | (d) | The mobile repair shop and the holder of a license to operate a mobile repair shop will be subject to the provisions in Sections 133, 134 and 139, *mutatis mutandis*. | |
| **PART B: ENGAGING IN THE PROFESSIONAL MANAGEMENT OF A REPAIR SHOP** | | | | |
| License To Professionally Manage A Repair Shop | 136. | (a) | Whoever satisfies all of these may receive a license to professionally manage a repair shop:   1. A resident of Israel; 2. Holds a valid driver's license of the type determined by the Minister; 3. He is one of these: 4. An engineer registered in the section determined by the Minister, after consulting with the Minister of Economics and Industry; 5. A practical engineer registered in the section determined by the Minister, after consulting with the Minister of Economics and Industry; 6. Certified technician registered in the section determined by the Minister, after consulting with the Minister of Economics and Industry and who successfully completed a business management course within the framework of the certification studies as a technician or within the framework of a course to professionally manage a repair shop, provided that the Director approved the syllabus of those courses, after consulting with the Director of the Professional Training Division and the Advisory Board for professional managers of repair shops appointed pursuant to Part C (in this Chapter – Professional Courses); 7. Holds a professional certificate in the profession and of the type determined by the Minister, after consulting with the Minister of Economics and Industry, or other certificate determined by the Minister, and certificates of completion of professional courses, and all as determined by the Minister; 8. He passed the exams pursuant to Section 137 or received an exemption pursuant to the same section. | |
|  |  | (b) | The Minister may determine types of licenses to professionally manage a repair shop in accordance with the type of repair shop. | |
| Exams To Receive A License To Professionally Manage A Repair Shop | 137. | (a) | The Minister, pursuant to the Advisory Board for professional managers of repair shops appointed pursuant to Part C, will determine a theoretical and practical exam program to receive a license to engage in professionally managing a repair shop, and he may determine that an engineer or practical engineer will be exempted from all or some of the exams, pursuant to the conditions he so determines. | |
|  |  | (b) | The Minister will determine the exams procedures as stated in sub-section (a), the manner to receive the exam results and to challenge its results. | |
| Professional Skills Obligation | 138. |  | Upon fulfilling his role pursuant to this Law, the professional manager of a repair shop will act skillfully and to a proper professional standard. | |
| Professional Provisions In Respect Of Performing Actions On A Vehicle | 139. | (a) | A holder of a license to operate a repair shop and professional manager of a repair shop will act in accordance with the vehicle manufacturer's instructions in respect of performing actions on a vehicle; if the vehicle manufacturer's instructions contained the hours of work required to perform the actions on a vehicle, they will be deemed as the maximum number of hours to perform those actions. | |
|  |  | (b) | The Minister may determine provisions in respect of performing actions on a vehicle that will be binding upon a holder of a license to operate a repair shop and a professional manager of a repair shop. | |
|  |  | (c) | The Director may give professional instructions in respect of performing actions on a vehicle to implement the provisions determined by the Minister pursuant to sub-section (b), to be binding upon the holder of a license to operate a repair shop and a professional manager of a repair shop, provided that he does not give such instructions other than regarding issues that there are no instructions from the manufacturer of the vehicle relating to them; the Director will publish instructions he gives pursuant to this sub-section on the Ministry's website and will distribute them to the holder of a licenses authorized to perform those actions. | |
| Supervising The Repair Shop's Employees | 140. | A professional manager of a repair shop is responsible to supervise the work of the employees engaging in servicing vehicles at the repair shop, including compliance with the provisions pursuant to Sections 131 through to 133 and 139. | | |
| Testing Proper Operation Of A Vehicle Serviced At A Repair Shop | 141. | (a) | A professional manager of a repair shop is responsible to ensure that the actions performed on a vehicle serviced at the repair shop were executed properly and will approve the proper execution thereof before delivering the vehicle to the customer. | |
|  |  | (b) | A holder of a license to operate a repair shop will not deliver a vehicle to a customer unless the professional manager of the repair shop's approval was given pursuant to sub-section (a). | |
| Reporting Defects In A Vehicle Brought To A Repair Shop | 142. | A professional manager of a repair shop will report to the Director or the Licensing Authority any safety defects in a vehicle brought to the repair shop that were not repaired, likely to endanger the traffic or safety and all in accordance with the provisions determined by the Minister, with the Committee's approval. | | |
| Duty To Have A Professional Manager Of A Repair Shop Present And Approval Of A Substitute Professional Manager | 143. | (a) | A professional manager of a repair shop will be present at the repair shop during hours service is rendered to the public unless a substitute is present at the repair shop approved by the Director pursuant to sub-section (c). | |
|  |  | (b) | Notwithstanding the provisions in sub-section (a), a holder of a license to operate a repair shop will not render a service to a vehicle at the repair shop if the professional manager of the repair shop is absent from the repair shop for a period exceeding, accumulatively, at least 60 days per year; the Director may, in a written reasoned decision, extend the foregoing period by additional periods not to exceed six months. | |
|  |  | (c) | The Director will not approve a person to serve as a substitute for the professional manager of a repair shop unless that person holds a license to professionally manage a repair shop or satisfies all of these:   1. He holds a professional certificate, in the profession and of the type determined by the Minister, after consulting with the Minister of Economics and Industry (in this section – Profession Certificate); 2. A profession certificate suitable for the types of licenses pursuant to Sections 127, 129 and 136; 3. He has experience of at least five years working at a repair shop in accordance with the profession certificate; 4. The professional manager of a repair shop declares in writing that such a person has adequate professional ability, experience and training to substitute him. | |
|  |  | (d) | The Minister may determine special circumstances pursuant to which the professional manager of a repair shop's substitute will be exempted from satisfying all or some of such conditions stated in paragraphs (1) through (3) in sub-section (c) considering *inter alia* the type of repair shop, the number of employees at the repair shop, the scope of work performed at the repair shop or the type of actions on a vehicle performed therein. | |
|  |  | (e) | A holder of a license to operate a repair shop will keep a record of the professional manager of the repair shop's absences exceeding one day of work; such a record will be saved for a year; the Director may demand that a holder of a license to operate a repair shop remit to him, within a reasonable period of time following the demand date, information regarding the professional manager of a repair shop's absences. | |
| Investigating Complaints Regarding Holder Of A Licenses Pursuant To Chapter H | 144. | The Director will investigate customers' complaints in respect of the activities of holders of licenses pursuant to this chapter. | | |
| **PART C: THE ADVISORY BOARD IN RESPECT OF PROFESSIONAL MANAGERS OF REPAIR SHOPS** | | | | |
| The Advisory Board In Respect Of Professional Managers Of Repair Shops | 145. | (a) | The Minister will appoint an advisory Board in respect of professional managers of repair shops (in this Part – The Board), and its members are:   1. Three Ministry employees to include at least one woman having the know-how and experience suitable for the Board's roles and the Minister will appoint one of them to be chairman; 2. An employee of the Ministry of Economics and Industry, pursuant to the Minister of Economics and Industry's recommendation; 3. Three holder of a licenses for professional management of a repair shop, to include at least one woman, pursuant to the recommendation of the organization representing the largest number of holder of a licenses to operate a repair shop. | |
|  |  | (b) | The Minister will appoint a substitute for each one of the Board members satisfying the appointment conditions pursuant to the provisions in this Part. | |
|  |  | (c) | The Board members will be appointed for a period of three years and can be reappointed for two additional terms in office. | |
|  |  | (d) | An appointment notice of the Board members will be published in the *Reshumot* and on the Ministry's website; the composition of the Board serving in office will also be published on the website. | |
|  |  | (e) | The Board and its members, *mutatis mutandis* will be subject to the provisions in Sections 62 through to 66, in respect of exclusions to appointments, terminating term in office, conflict of interests, applying laws to the Board members who are not civil servants and validity of actions. | |
| The Functions Of The Advisory Board In Respect Of Professional Managers Of Repair Shops | 146. |  | The Board's functions are:   1. To advise the Minister or the Director, as applicable, on these issues: 2. Determining provisions pursuant to Section 13(b) in respect of professional managers of repair shops; 3. Determining an exams plan to receive a license for professional management of repair shops pursuant to Section 137, a syllabus for a professional management course and for a business management course as stated in Section 136, and programs for professional courses for professional managers of repair shops; 4. Determining professional provisions pursuant to Section 139; 5. To review the candidates to receive a license for professional management of a repair shop, itself or through testers certified to do so, in respect of the exams stated in Section 137. | |
| Testers For The Exams To Receive A Professional Management Of A Repair Shop License | 147. | (a) | The Board may certify tests to examine candidates to receive a license for professional management of a repair shop. | |
|  |  | (b) | The testers certified pursuant to sub-section (a) and who are not civil servants will be subject to the provisions in the Penal Law, regarding public officials. | |
|  |  | (c) | The Minister will determine provisions in respect of qualification and professional experience conditions for testers as stated in this Section. | |
| Procedures Relating To The Advisory Board In Respect Of Professional Managers Of Repair Shops | 148. | (a) | The Chairman of the Board will set the date for the meetings, the venue and the agenda. | |
|  |  | (b) | The Board's resolutions will be adopted by a majority vote of those present at the meeting provided that there were at least three members present at the meeting of which there is one representative from each of the representative groups detailed in paragraphs (1) through (3) in Section 145(a); in the event of tied votes, the Chairman of the Board of will have an additional vote. | |
|  |  | (c) | The Board may appoint from among its members sub-Committees for any matter relating to its functions pursuant to this Law; the sub-Committees recommendations will be brought before the Board's plenum for approval. | |
|  |  | (d) | The Minister may determine provisions pertaining to the Board's order of work and deliberations; the Board will set its own order of work and deliberations so long as they were not determined pursuant to this Law. | |
| **CHAPTER I: VEHICLE ASSESSMENT**  **PART A: ENGAGING IN VEHICLE ASSESSMENTS** | | | | |
| License To Assess Vehicles | 149. |  | Whoever satisfies all of these may receive a vehicle assessment license:   1. He is an Israeli resident; 2. He holds a valid driving license for a passenger vehicle that is a private vehicle of Class M1; 3. He is one of these: 4. An engineer registered with the Section determined by the Minister after consulting with the Minister of Economics and Industry; 5. A practical engineer registered with the Section determined by the Minister after consulting with the Minister of Economics and Industry; 6. A certified technician registered with the Section determined by the Minister after consulting with the Minister of Economics and Industry; 7. Holds a profession certificate in a profession and of a type determined by the Minister after consulting with the Minister of Economics and Industry and has one of these certificates: 8. A certificate attesting to him completing 12 years of study at an educational institutions approved by the Ministry of Education; 9. A certificate attesting to completing 11 years of study at an educational institution approved by the Ministry of Education and a license for professional management of a repair shop of the vehicle mechanics type or other type determined by the Minister; 10. Valid certification certificate of a safety officer on road pursuant to the Traffic Ordinance; 11. He successfully completed a vehicle assessment course where its syllabus was set by the Director and approved by the Professional Training Division; 12. He completed an internship of one year in the vehicle assessment field in accordance with the rules pursuant to Section 152, after successfully passing the exams pursuant to Section 151. | |
| Tests For Exams To Receive A Vehicle Assessment License | 150. | (a) | The Director will certify testers to examine the candidates to receive a license to engage in vehicle assessments and will notify the Director of them passing the theoretical and practical exams pursuant to Section 151. | |
|  |  | (b) | The testers who were certified pursuant to sub-section (a) and who are not civil servants will be subject to the provisions in the Penal Law, concerning public officials. | |
|  |  | (c) | The Minister will determine provisions in respect of qualifications and professional experience conditions for tests as stated in this section. | |
| Vehicle Assessment Exams | 151. | (a) | The Minister, pursuant to the suggestion of the Advisory Board relating to vehicle assessments appointed to Part B, will determine the practical and theoretical exams plan to receive a vehicle assessment license. | |
|  |  | (b) | The Minister will determine the exams procedures, the manner to receive exam results and challenging its results. | |
| Specializing In Vehicle Assessment | 152. | The Minister will determine rules in respect of specializing in vehicle assessments, including qualification conditions in respect of someone authorized to train an intern, professional actions that the intern may perform and such actions that the intern may perform only accompanied by a Vehicle Assessor. | | |
| Professional Provisions In Respect Of Vehicle Assessment | 153. | The Minister, after consulting with the Advisory Board relating to vehicle assessment issues appointed pursuant to Part B, will determine professional provisions in respect of the Vehicle Assessor and the vehicle assessment interns work, including provisions relating to testing a vehicle, writing a vehicle assessment and correcting it, reporting duties to the Director or the licensing authority concerning the vehicle that was damaged in an accident and saving documents and documentation, as well as additional details to be included in the vehicle assessment. | | |
| Correcting A Vehicle Assessment | 154. | (a) | The Director may check whether the vehicle assessment executed by a Vehicle Assessor was prepared in accordance with the professional provisions determined pursuant to Section 153. | |
|  |  | (b) | If the Director finds that an assessment that was examined pursuant to sub-section (a) was not prepared in accordance with the professional provisions, it will instruct that the assessment be corrected or cancel it, after giving the Vehicle Assessor an opportunity to plead his case. | |
|  |  | (c) | A Vehicle Assessor may, within 21 days of signing a vehicle assessment that was submitted to the licensing authority pursuant to the law, request from the Director to correct or change the assessment, provided that he submits his request no later than 90 days following the date upon which the damage to the vehicle in respect of which the assessment was prepared was caused. | |
|  |  | (d) | If the Director decides to correct or change a vehicle assessment pursuant to sub-section (c), and this necessitates revising or cancelling the vehicle license in respect of which the assessment was prepared, it will notify the licensing authority, the vehicle owner and the Vehicle Assessor who prepared the assessment thereof without delay. | |
| Place To Prepare The Vehicle Assessment | 155. | (a) | In respect of a vehicle assessment that in order to prepare it there is a need for equipment and facilities found at a repair shop, a Vehicle Assessor will only prepare the assessment at a repair shop holding a license to operate a repair shop. | |
|  |  | (b) | The Minister may determine provisions in respect of the place to prepare a vehicle assessment that is not such a vehicle assessment as stated in sub-section (a), prepared not in a repair shop. | |
| Duty To Physically Examine A Vehicle To Prepare A Vehicle Assessment | 156. | A Vehicle Assessor will not prepare a vehicle assessment other than in reliance of physically testing the vehicle; the Minister may determine provisions in respect to the manner and date to perform the physical test. | | |
| Prohibition Against Impersonating A Vehicle Assessor | 157. | Whoever is not a Vehicle Assessor will not introduce himself as a Vehicle Assessor and will not use a title or name implying that he is a Vehicle Assessor. | | |
| A Vehicle Assessor's Fairness And Independent Discretion Duty | 158. |  | Upon preparing a vehicle assessment the Vehicle Assessor will act fairly and exercising self and independent discretion, including independently identifying the entity ordering the assessment or his interest in the consent of the assessment, and will take reasonable measures to guarantee his employees credible conduct. | |
| Prohibition Against Influencing A Vehicle Assessor's Discretion Upon Preparing A Vehicle Assessment | 159. | (a) | A holder of a license pursuant to this law will not act, directly or indirectly, to influence the Vehicle Assessor's discretion in respect of preparing a vehicle assessment as determined pursuant to sub-section (b); provisions pursuant to this section will also apply to a person rendering a vehicle service or engaging in a profession in the vehicle industry acting without a license contrary to the provisions in this law. | |
|  |  | (b) | The Minister, with the Committee's approval will determine acts or omissions constituting prohibited influence on the Vehicle Assessor's discretion as stated in sub-section (a). | |
| **PART B: THE ADVISORY BOARD RELATING TO VEHICLE ASSESSMENTS** | | | | |
| The Advisory Board Relating To Vehicle Assessments | 160. | (a) | The Minister will appoint an advisory Board in relation to vehicle assessments (in this Part – The Board) where its members are as detailed below and at least two women among them:   1. Three employees of the Ministry, having experience and expertise suitable for the Board's functions, and the Minister will appoint one of them to serve as chairman; 2. Three Vehicle Assessors, pursuant to the recommendation of the national organization representing the largest number of Vehicle Assessors; 3. A representative of the Capital Market, Insurance and Savings Commissioner at the Ministry of Finance, pursuant to the Commissioner's recommendation; 4. A representative from the Israel Police pursuant to the recommendation of the head of the Traffic Division in the Israel Police; 5. A representative from the consumers organizations as defined in Section 31(a) of the Consumer Protection Law, having known how in the vehicle assessment field or the vehicle field or having legal knowledge in one of these fields. | |
|  |  | (b) | The Minister will appoint a substitute for each Board member satisfying the conditions to be appointed pursuant to the provision in this Part. | |
|  |  | (c) | The Board member will be appointed for a period of three years and can be reappointed for two additional terms in office. | |
|  |  | (d) | The Board may appoint, from among its members, sub-Committees to advise it on any matter concerning its functions pursuant to this Law. | |
|  |  | (e) | The appointment of Board members notice will be published in the *Reshumot* and on the Ministry's website; the composition of the Board in office will also be published on the website. | |
|  |  | (f) | The Board and its members, *mutatis mutandis* will be subject to the provisions in Sections 62 through to 66, in respect of exceptions to appointments, terminating term in office, conflict of interests, applying laws upon the Board members who are not civil servants and validity of actions. | |
| The Advisory Board's Functions In Respect Of Vehicle Assessments | 161. |  | The Board will advise the Minister or the Director, as applicable regarding these issues:   1. Refusing to grant a license to assess vehicles, canceling a license, suspending it or refusing to renew it, pursuant to Sections 8 and 10; 2. Determining provisions pursuant to Section 13(b) in respect of vehicle assessments; 3. Determining an exams plan to receive a license to assess vehicles pursuant to Section 151, studies program for a vehicle assessment course pursuant to Section 149(4) and professional courses for Vehicle Assessors; 4. Determining professional provisions pursuant to Section 153. | |
| The Advisory Board Relating To Vehicle Assessments Deliberation Procedures | 162. | (a) | The Chairman of the Board will determine the meeting dates, place and agenda. | |
|  |  | (b) | The Board's recommendations will be adopted by a majority of votes of those present at the meeting, provided that at least the chairman of the Board and two additional Board members were present at the meeting; in the event the votes are tied, the Chairman of the Board will decide. | |
|  |  | (c) | Upon the Board deliberating a studies program for a vehicle assessment course pursuant to Section 149(4), it will invite a representative from the Ministry of Economics and Industry to the meeting. | |
|  |  | (d) | The Minister may determine provisions pertaining to the Board's order of work and deliberations; the Board may determine its own order of work and deliberations so long as they were not determined pursuant to this Law. | |
| **PART C: VEHICLE ASSESSOR DISCIPLINARY ACTION** | | | | |
| Disciplinary Offenses | 163. | A Vehicle Assessor who committed one of these committed a disciplinary offense:   1. He acted in a manner that was unfitting for his profession; 2. Was irresponsible or grossly negligent during the course of his business as a Vehicle Assessor; 3. Acted in a manner fearing a conflict of interests contrary to the provisions in Section 13 or contrary to the Rules of Professional Ethics determined pursuant to that section; 4. Was convicted of a final judgment of a criminal offense where due to its nature, severity or circumstances he is not suitable to engage in vehicle assessments; 5. Did not comply with the Director's provisions in respect of professional courses pursuant to Section 14; 6. Acted contrary to the provisions pursuant to Section 153; 7. Prepared an assessment contrary to the provisions in Section 156; 8. Did not exercise self and independent discretion upon preparing a vehicle assessment contrary to the provisions in Section 158; 9. Influenced another Vehicle Assessor upon preparing a vehicle assessment contrary to the provisions in Section 159(b). | | |
| Appointing A Disciplinary Committee | 164. | (a) | The Minister will appoint a Disciplinary Committee whose function is to deliberate and decide on Vehicle Assessor's disciplinary offenses (in this Part – The Disciplinary Committee). | |
|  |  | (b) | The members of the Disciplinary Committee will be three members including:   1. Whoever is qualified to be appointed as a Magistrate Judge, pursuant to the Minister of Justice's suggestion, and will be the chairman; 2. A civil servant specializing in the vehicle field, holding a senior position in the Ministry and who is not the Director; 3. A Vehicle Assessor with seniority of at least seven years who is not a civil servant, pursuant to the recommendation of the Advisory Board in relation to vehicle assessments and appointed pursuant to Part B (in this Section – The Board), and if the Board did not make such a recommendation within 45 days of the Minister's address – such a Vehicle Assessor pursuant to the Minister's decision. | |
|  |  | (c) | A Board member will not be appointed as a member of the Disciplinary Committee before seven years have elapsed since he ended his term in office as a Board member. | |
|  |  | (d) | The Minister will appoint substitutes for the Disciplinary Committee members pursuant to the provisions in this section. | |
|  |  | (e) | A notice appointing the members of the Disciplinary Committee will be published in the *Reshumot*. | |
| A Disciplinary Committee Member's Term In Office | 165. | A member of the Disciplinary Committee will be appointed for a period of four years, and the Minister may reappoint him for one additional period and again reappoint him after a period of at least four consecutive years of not serving in office. | | |
| Exclusions To The Appointment Of A Disciplinary Committee Member | 166. | Whoever satisfies one of these will not be appointed as a member of the Disciplinary Committee :   1. He was convicted in a final judgment of a criminal offense or a disciplinary offense and due to its nature, severity or circumstances he is not fit to serve as a member of the Disciplinary Committee ; in this respect, "Convicted" - including but not limited to someone who the court determine that he committed an offense; 2. An indictment or complaint was filed against him due to an offense as stated in paragraph (1) and before a judgment was rendered; 3. He is likely to find himself, directly or indirectly, frequently in a conflict of interests' situation between his role as a member of the Disciplinary Committee and a personal interest and other role that he fulfills. | | |
| Terminating A Member Of The Disciplinary Committee 's Term In Office | 167. | (a) | A member of the Disciplinary Committee will cease to serve in office before the end of his term if he resigns from serving on the Disciplinary Committee by delivering a resignation notice to the Minister. | |
|  |  | (b) | The Minister may, in a written notice, remove a member of the Disciplinary Committee from office, upon one of these being fulfilled:   1. He ceased to fulfill the qualification conditions pursuant to Section 164(b); 2. He satisfied the provisions in Section 166(1), (2) or (3); 3. He was permanently unable to fulfill his role; 4. Other circumstances transpired due to which he is not fit to serve as a member of the Disciplinary Committee. | |
| Authority To End A Deliberation | 168. | A member of the Disciplinary Committee who began a deliberation and whose term in office as a member of the Disciplinary Committee ended pursuant to the provisions in Section 165 or was terminated pursuant to the provision in Section 167(a) or (b) (1), will be authorized to end the deliberation that he began within six months of the date his term in office ended or was terminated, unless the Minister sees there is a justification to shorten the period. | | |
| Suspending A Member Of The Disciplinary Committee 's Term In Office | 169. | The Minister may, in a written notice, suspend a member of the Disciplinary Committee's term in office if an indictment or complaint is filed against him as stated in Section 166(2) – until a final judgment is rendered. | | |
| Independence | 170. |  | Upon fulfilling his role a member of the Disciplinary Committee is only subordinate to the law. | |
| Prosecutor And His Functions | 171. | (a) | A Prosecutor before the Disciplinary Committee (in this Law – Prosecutor) will be the Ministry's legal advisor or a civil servant attorney authorized to do so. | |
|  |  | (b) | A complaint against a Vehicle Assessor will be filed with the Disciplinary Committee by the Prosecutor. | |
|  |  | (c) | The Prosecutor may investigate complaints regarding a Vehicle Assessor's disciplinary offenses. | |
|  |  | (d) | To execute its powers pursuant to this Law, the Prosecutor's powers are those in Section 2 of the Criminal Procedure Ordinance (Testimony)[[24]](#footnote-24), and Section 3 of the aforementioned Ordinance will apply *mutatis mutandis* to an investigation the Prosecutor conducted. | |
|  |  | (e) | If the Prosecutor is satisfied that there is *prima facie* evidence to support the fact that the Vehicle Assessor committed a disciplinary offense, he will file a complaint with the Disciplinary Committee unless he is of the opinion that there is no public interest in doing so. | |
| Right To Peruse | 172. | (a) | If a complaint is filed, the Accused and his counsel may peruse at any reasonable time the investigation material the Prosecutor has and concerning the complaint and may photocopy it. | |
|  |  | (b) | An Accused may request that the Disciplinary Committee instruct the Prosecutor to allow him to peruse material, which according to him, is investigation material and was not made available to him to peruse. | |
|  |  | (c) | A request pursuant to sub-section (b) will be deliberated before the chairman of the Disciplinary Committee presiding as a single adjudicator. | |
|  |  | (d) | Upon reviewing the request the chairman of the Disciplinary Committee may peruse the disputed material if he deems it necessary to do so. | |
|  |  | (e) | The chairman of the Disciplinary Committee's decision pursuant to sub-section (c) can be appealed within 15 days before the District Court to entertain the appeal before a single adjudicator. | |
|  |  | (f) | The provisions in this section do not derogate from the provisions in Chapter C of the Evidence Ordinance [New Version], 5731 – 1971[[25]](#footnote-25), or to allow perusal of such material state din sub-section (a) where nondisclosure thereof is permitted or disclosure thereof is prohibited pursuant to the law. | |
|  |  | (g) | A Prosecutor will not file with the Disciplinary Committee as evidence such material stated in sub-section (a) if the Accused or his counsel was not given a reasonable opportunity to peruse it and photocopy it unless they waived doing so in writing or concerns material where nondisclosure thereof is permitted or disclosure thereof is prohibited pursuant to the law. | |
| Notice To Complainant | 173. | (a) | A Complainant may receive information pertaining to the stage the investigation of the complaint it filed or is associated to him is at; however information pursuant to this sub-section will not include information where the delivery thereof is prohibited by law or delivering such material, pursuant to the Prosecutor's discretion, will prejudice the investigation or a person's privacy or wellbeing. | |
|  |  | (b) | If the Prosecutor decides that a complaint will not be filed in respect of an accusation made, he will notify the Complainant thereof in a reasoned notice. | |
|  |  | (c) | Where a complaint was filed regarding a disciplinary offense on the basis of a person's accusation, the Prosecutor will notify the Complainant that a complaint was filed and of the Disciplinary Committee's decision, if the Complainant was not present at the time the decision was made; the Prosecutor will furnish a copy of the Disciplinary Committee's decision to the Complainant unless the Disciplinary Committee decided otherwise due to reasons to be recorded. | |
| The Disciplinary Committee 's Deliberations | 174. | (a) | A disciplinary hearing will be conducted in the presence of the Plaintiff and the Accused, however the Disciplinary Committee may conduct the hearing in the Accused's absence in one of these cases:   1. The Accused's counsel appeared instead of him; 2. The Accused was not present at the hearing without a sufficient reason after being warned that if he not present without a sufficient reason the Committee may deliberate his case in his absence; | |
|  |  | (b) | Proceedings as stated in sub-section (a) that were conducted in the Accused's absence will be brought to his attention in the manner the Disciplinary Committee so instructs. | |
|  |  | (c) | The Disciplinary Committee will deliberate in chambers, unless it instructed to conduct all or part of the hearing publicly; if the Accused requested that the hearing be conducted publicly, the Disciplinary Committee will conduct it publicly unless it instructed, due to special reasons to be recorded to conduct all or some of the hearing in chambers. | |
|  |  | (d) | Notwithstanding the provisions in sub-section (c), the hearing concerning a disciplinary offense as stated in Section 163(4) will be conducted publicly, unless a judgment as stated in that section, in its entirety or in part was prohibited from being published. | |
|  |  | (e) | The Complainant may be present at a hearing that is conducted in chambers in respect of a complaint that was filed on the basis of his accusation and he is also entitled to have someone of his choice accompany him to the hearing, unless the Disciplinary Committee decided, due to special reasons to be recorded, not to allow them to be present for all or some of the hearing. | |
|  |  | (f) | The Disciplinary Committee may allow a person other than the Complainant or the Accused to be present at a hearing that is conducted in its entirety or in part, in chambers. | |
|  |  | (g) | The provisions in respect of prohibition against publication detailed in Section 70 of the Courts Law [Combined Version], 5744 – 1984[[26]](#footnote-26), *mutatis mutandis* will apply to a hearing in chambers and a public hearing pursuant to this section. | |
| The Accused's Right To Plead | 175. |  | In a hearing before the Disciplinary Committee the Accused will be given an opportunity to plead his case, to proffer evidence, have witnesses testify and to question any witness appearing before the Disciplinary Committee. | |
| Procedures And Evidential Laws | 176. | (a) | The Minister of Justice will determine the procedures before the Disciplinary Committee; so long as regulations have not been enacted as stated above or no provision in regulations has been determined, the Committee will act in the manner it deems just and most effective. | |
|  |  | (b) | The power to decide regarding procedural issues relating to a specific complaint is granted to the chairman of the Disciplinary Committee at a time the Committee is not presiding. | |
|  |  | (c) | The Disciplinary Committee is not subject to the evidential laws, except regarding privileged evidence, unless the Minister of Justice determined that the Disciplinary Committee will be subject to some of the evidential laws as he so determines. | |
|  |  | (d) | The findings and conclusions in a ruling in a final judgment in a criminal case convicting the Accused will be deemed as having been proven in a disciplinary proceeding against that same Accused. | |
| A Disciplinary Committee Whose Opinions Are Divided | 177. |  | Where the opinions of the members of the Disciplinary Committee conflict, the majority will rule; if there is no majority, the opinion which in the chairman of the Committee's opinion is more lenient with the Accused will trump, however if there was no majority in regard to a type of disciplinary action or degree thereof, the harsher opinion will join the closest more lenient decision. | |
| Missing Member Of The Panel | 178. | (a) | If a member of the Disciplinary Committee other than the chairman is absent from the hearing, the hearing will be conducted before those members who are present if the parties so agree, unless the chairman decides to adjourn the hearing. | |
|  |  | (b) | A hearing that is conducted with a member missing as stated in sub-section (a) will not end other than before a Disciplinary Committee with a full panel. | |
|  |  | (c) | Notwithstanding the provisions in Section 177, a decision by a panel with a member missing whose opinions were divided, the opinion of the chairman of the Disciplinary Committee will trump. | |
| Interrupted Panel | 179. | (a) | If a member of the Disciplinary Committee who is not the chairman cannot end the hearing, the chairman will add a substitute for that member instead of him, unless he decides, due to special reasons to be recorded and after giving the litigants an opportunity to plead their case, that adding the substitute is likely to cause a miscarriage of justice. | |
|  |  | (b) | If a substitute is added as stated in sub-section (a), the Disciplinary Committee may continue with the hearing from the stage the previous panel reached if it is of the opinion that no miscarriage of the law will be caused, after giving the litigants an opportunity to plead their case; if the Committee decides to continue with the hearing, it may use the evidence collected by the earlier panel as if itself collected it or again collect all or some of the evidence. | |
|  |  | (c) | Notwithstanding the provisions in Section 177, a decision by an interrupted panel whose opinions are divided will be adopted pursuant to the chairman of the Disciplinary Committee's opinion. | |
| Recusing A Member Of The Disciplinary Committee | 180. | (a) | A Prosecutor or Accused may request that a member of the Disciplinary Committee recuse himself from presiding over the matter if there are circumstances giving rise to a real fear of bias upon clarifying the complaint. | |
|  |  | (b) | Such a request as stated in sub-section (a) will only be entertained at the start of the hearing or immediately upon the Prosecutor or the Accused learning of the circumstance giving rise to a real fear as stated in the sub-section. | |
|  |  | (c) | If a recuse argument is raised against a member of the Disciplinary Committee , the Disciplinary Committee will decide on the matter immediately and before it makes any other decision. | |
|  |  | (d) | A decision by the Disciplinary Committee regarding recusing a member of the Committee can be appealed by the Prosecutor or Accused before the District Court within seven days of the decision being served. | |
|  |  | (e) | If a member of the Disciplinary Committee cannot continue to participate in the hearing due to a decision pursuant to sub-section (c), the provisions in Section 178 will apply. | |
| The Disciplinary Committee 's Auxiliary Powers | 181. | (a) | The Disciplinary Committee may, of its initiative or at the request of a litigant –   1. Summon a person to appear before it to testify or to exhibit something; 2. Caution or swear in a witness in accordance with the Law Amending the Evidential Laws (Cautioning Witnesses and Cancelling the Oath), 5740 – 1980[[27]](#footnote-27); 3. Request from the District Court within the jurisdiction of the presiding Committee to issue an order pursuant to Section 13 of the Evidence Ordinance [New Version], 5731 – 1971, to collect testimony; 4. To adjudicate travel expenses and accommodation and payment to witnesses summoned pursuant to this section for their time similar to a witness summoned to testify in court. | |
|  |  | (b) | If the Disciplinary Committee demanded that a person testify or present something as stated in sub-section (a)(1) and he refuses to do so without satisfactory justification to do so in the Committee's opinion, it may order him to come to before it at a time it determines in the order provided that it cautioned that person of its intention to do so; a habeas corpus pursuant to this section will be subject to the provisions in Section 73A of the Courts Law [Combined Version), 5744 – 1984, *mutatis mutandis*. | |
|  |  | (c) | The power to decide on matters pursuant to this section concerning a specific complaint is granted to the chairman of the Disciplinary Committee at a time the Committee is not deliberating. | |
| Disciplinary Means | 182. | (a) | If the Disciplinary Committee finds that the Accused committed a disciplinary offense, it may initiate one or more of these means against it:   1. Warning; 2. Reprimand; 3. A fine of an amount not to exceed the amount stated in Section 61(a)(1) of the Penal Law; 4. Stipulate him continuing to engage in the vehicle assessment profession or specific fields of activity within the framework of such a profession upon the Accused attending a professional course or probation period; 5. Suspend his license for a period not to exceed five years or restrict it for such a period to certain fields of activity; 6. Revoke his license. | |
|  |  | (b) | Someone whose license was revoked pursuant to the provisions in sub-section (a) (6) will not file an application for a license before seven years have elapsed following the day the license was revoked. | |
| Suspended Disciplinary Means | 183. | (a) | If the Disciplinary Committee decided to initiate the disciplinary means of a fine or suspending a license against an Accused, it may instruct in its decision that all or some of the foregoing disciplinary means will be suspended. | |
|  |  | (b) | If the Disciplinary Committee decided to initiate against the Accused suspended disciplinary means, the suspending condition will not be operative unless the Accused, within the period stated in the Disciplinary Committee 's decision, of no less than one year and no more than three years (in this section – "The Suspended Period"), commits one of the disciplinary offenses determined in the decision (in this section – Additional Offense), the Disciplinary Committee finds within the suspended period or thereafter the Accused committed such additional offense. | |
|  |  | (c) | The suspended period will start to run from the day the Disciplinary Committee's decision is rendered pertaining to initiating the suspended disciplinary means against the Accused, unless the Disciplinary Committee instructs otherwise. | |
| The Disciplinary Committee 's Other Decisions | 184. |  | The Disciplinary Committee may, in addition to the provisions in Sections 182 and 183 –   1. Compel the Accused to pay the proceedings expenses to the State or the Complainant of an amount it so instructs and will not exceed an amount or rate determine by the Minister of Justice, if convinced that he conducted his defense in an annoying or invidious manner; 2. Compel the Complainant to pay the proceedings expenses to the State or the Accused of an amount it so instructs and will not exceed an amount or rate determine by the Minister of Justice, if the Accused is acquitted and the Committee found that the complaint was filed spitefully or without any basis; 3. To compel the State to pay the defense expenses to the Accused if the Accused was acquitted and the Committee found that there was no basis to file the complaint or there are other circumstances justifying this. | |
| Appealing The Disciplinary Committee 's Decision And Staying Execution | 185. | (a) | The Prosecutor and Accused may appeal the Disciplinary Committee's decision regarding a complaint before the District Court within 45 days of being served the decision. | |
|  |  |  |  | |
|  |  | (b) | The Complainant may appeal the Disciplinary Committee's decision before the District court within 45 days of being served the decision. | |
|  |  | (c) | The District Court's decision pursuant to this section can be appealed before the Supreme Court if leave is granted from the Supreme Court's Justice or if leave is granted in the body of the judgment. | |
|  |  | (d) | (1) Filing an appeal does not prevent or stay the execution of the Disciplinary Committee's decision in respect of which an appeal has been filed unless the Disciplinary Committee decided to the contrary, and if an appeal was filed – if the Court of Appeal decided to the contrary.  (2) The Accused and the Prosecutor may appeal the Disciplinary Committee's decision pursuant to paragraph (1) before the District Court within 30 days of the decision being served. | |
| The Disciplinary Committee 's Decision Available For Public Viewing | 186. | (a) | The Disciplinary Committee may make its decisions available for public viewing on the Ministry's website and through additional ways it so instructs, and all without stating the name of the Accused and other details to identify him (in this section – Identifying Details). | |
|  |  | (b) | Notwithstanding the provisions in sub-section (a) the Disciplinary Committee may make its full or partial decision available for public viewing as stated in that sub-section, and stating the identifying details in the manner and for a limited period as it so instructs and after hearing the Prosecutor and the Accused and weighing, *inter alia* the harm to the Accused's or a third party's reputation and privacy and the need to warn the public. | |
|  |  | (c) | If the Disciplinary Committee instructs to publish its decision on the Ministry's website stating the identifying details, it will implement proper and advanced technological means to prevent, insofar as possible, viewing of the identifying details published after the publication period. | |
|  |  | (d) | The Disciplinary Committee's decisions will not be made public so long as they can be appealed, and if an appeal has been filed – so long as the appellate proceedings have not ended, unless the Appellate Court decides otherwise. | |
|  |  | (e) | The Accused and the Prosecutor may appeal the Disciplinary Committee's decision pursuant to this section in the same manner as appealing the Disciplinary Committee's decision regarding a complaint pursuant to Section 185. | |
|  |  | (f) | The Minister, with the Committee's approval, may determine provisions in respect of ways of viewing the Disciplinary Committee's decisions. | |
| Disciplinary Hearing And Criminal Proceeding | 187. | (a) | Punishment or acquittal in criminal proceedings or in disciplinary proceedings pursuant to another law do not prevent proceedings being initiated pursuant to this Chapter against a Vehicle Assessor due to the same act or omission, and initiating disciplinary means or an acquittal pursuant to this Part due to the same act or omission do not prevent criminal proceedings or disciplinary proceedings being initiated pursuant to another law against him. | |
|  |  | (b) | If an indictment is filed against a Vehicle Assessor due to an act or omission also serving as grounds to a hearing before the Disciplinary Committee pursuant to this law, the Disciplinary Committee may terminate its deliberations until a final judgment is rendered in the criminal proceeding. | |
| The Director's Power To Suspend A License Until The Proceedings Have Ended | 188. | (a) | Without derogating from the provisions in Section 10, the Director may suspend a license of a Vehicle Assessor in respect of whom a complaint or indictment was filed against him for an offense where due to its nature, severity or circumstances, he is not worthy of engaging in vehicle assessments, until the proceedings before the Disciplinary Committee or the criminal proceedings, as applicable have ended, if he is of the opinion that this is necessary to prevent a safety risk or if he viewed the severity of the matter or the greater good so necessitates. | |
|  |  | (b) | The Director will not suspend a license pursuant to sub-section (a) until after it gives the holder of a license an opportunity to plead his case. | |
|  |  | (c) | If a Vehicle Assessor's license is suspended pursuant to this section, and the Disciplinary Committee decided to suspend his license pursuant to Section 182(a)(5), the suspension period pursuant to this section will become part of the suspension period pursuant to the Disciplinary Committee 's decision as stated above. | |
| Application Of The Disciplinary Jurisdiction Upon Someone Who Ceased To Be A Vehicle Assessor And Someone Who's License Was Suspended | 189. | (a) | A Vehicle Assessor who's license was revoked will continue to be subject to the disciplinary jurisdiction before the Disciplinary Committee in respect of an event that happened before the revocation; in this respect a license that was cancelled at the request of the holder of a license or a license that was not renewed by him after it expired will be deemed a license that was revoked. | |
|  |  | (b) | A Vehicle Assessor whose license was suspended will continue during the suspension period to be subject to the disciplinary jurisdiction before the Disciplinary Committee in respect of his actions relating to vehicle assessments before the suspension or during the course thereof. | |
| Disciplinary Jurisdiction Of Vehicle Assessment Interns | 190. | (a) | During the intern period and until the final decision regarding the granting of a vehicle assessment license the vehicle assessment intern is subject to the provisions pursuant to Section 13 and the disciplinary jurisdiction and the provisions in this chapter will apply to him, *mutatis mutandis*. | |
|  |  | (b) | The Disciplinary Committee may impose upon a vehicle assessment intern who committed a disciplinary offense a warning or reprimand or disqualify him from receiving a Vehicle Assessor's license for a period not to exceed three years or permanently; if the offense constituted a violation of his obligations as an intern or prejudiced the integrity of the exams, the Disciplinary Committee may also instruct that the internship be cancelled in its entirety or in part, or cancel the exam. | |
|  |  | (c) | If the Disciplinary Committee disqualified a vehicle assessment intern from receiving a vehicle assessment license permanently, the intern will not submit an application to receive such a license before a period of seven years of him being disqualified has elapsed. | |
| **CHAPTER J: SUPERVISION AND ENFORCEMENT** | | | | |
| Certifying Supervisors | 191. | (a) | The Minister may certify Supervisors from among the Ministry's employees to be given powers pursuant to this chapter, all or some of them to supervise the execution of all or some of these provisions:   1. The provisions pursuant to this Law; 2. The provisions pursuant to the Consumer Protection Law, in respect of a vehicle and automotive product. | |
|  |  | (b) | A Supervisor will not be certified pursuant to the provisions in sub-section (a) unless he satisfies all of these:   1. The Israel Police gave notice, no later than three months of receiving the employee's details, that it does not object to him being certified due to public safety reasons, including but not limited to his criminal record; 2. He received suitable training in the field of the powers to be given to him under this chapter, as instructed by the Minister with the consent of the Minister of Public Security, and suitable training regarding issues relating to this Law and the Consumer Protection laws as instructed by the Director; 3. He satisfies additional qualification conditions as instructed by the Minister with the consent of the Minister of Public Security. | |
|  |  | (c) | A notice pertaining to certifying a Supervisor pursuant to this section will be published in the *Reshumot*. | |
|  |  | (d) | The provisions in sub-section (a) do not derogate from the supervision and enforcement powers of the Consumer Protection And Fair Trade Authority pursuant to the Consumer Protection Law, in respect of a vehicle and an automotive product. | |
| Supervisory Powers | 192. |  | To supervise the execution of the provisions stated in Section 191(a), a Supervisor may –   1. Demand from any person to give him his name and address and to show him an identity card or other official certificate identifying him; 2. Demand from any person involved in the matter to give him any knowledge or document guaranteeing or easing execution of the aforementioned provisions, including but not limited to development and manufacturing plans of a vehicle or of an automotive product; in this paragraph, "Document" – including but not limited to an output, as defined in the Computers Law, 5755 – 1995[[28]](#footnote-28); 3. To conduct tests or measure materials, vehicles and automotive products, to check manufacturing processes of vehicles and of automotive products or to take samples of materials of a quantity necessary to fulfill his role and to remit the measurements and the samples to a laboratory, to save them or to act with them in any other manner; 4. (a) If the taking of samples as stated in paragraph (3) is not sufficient to exercise the Supervisory powers pursuant to this section – to take an automotive product to test it at a laboratory; an automotive product that was taken pursuant to this paragraph will be kept for the testing period, not to exceed 90 days, and at the end of the period the Supervisor will notify whoever the product was taken from or the owners of the product (in this paragraph – The Owner of An Automotive Product) that it can pick up the product from the place it is informed of.   (b) Notwithstanding the provisions in sub-paragraph (a), a Supervisor will not be required to return an automotive product to the owner of the automotive product, if the product does not comply with the provisions in any law pursuant to the laboratory test, or if the condition of the product following the laboratory test allows for no use to be made of the product for the purpose of which it was manufactured; in such cases the Supervisor may keep the product, destroy it or act with respect thereof in any other manner, subject to the provisions in sub-paragraph (c).   1. The owner of an automotive product who views himself as being hurt by the Supervisor's decision not to return the automotive product to him due to the product not satisfying the provisions in the law as stated in sub-paragraph (b), may challenge the decision before the Director, within three days of the date the decision is delivered to him; 2. To enter a place, including but not limited to a vehicle when stationary provided that he does not enter a place used for residential purposes unless he has a court order. | |
| Enforcement Powers | 193. |  | If it is suspected that a violation of the provisions stated in Section 191(a) has been committed, the Supervisor may –   1. Investigate any person associated with such a violation or who may have knowledge regarding such a violation; the provisions in Sections 2 and 3 of the Criminal Procedure Ordinance (Testimony) will apply to an investigation pursuant to this paragraph, *mutatis mutandis*; 2. Seize any object associated with such a violation; the provisions in the fourth chapter of the Criminal Procedure Ordinance (Arrest and Search) [New Version], 5729 – 1969[[29]](#footnote-29) will apply to the seizing (in this section – The Arrest and Search Ordinance), *mutatis mutandis*; 3. Request a search order from a court pursuant to Section 23 of the Arrest and Search Ordinance, and execute it; the provisions in Sections 24(a)(1), 26 through to 28 and 45 of the Arrest and Search Ordinance will apply to a search pursuant to this paragraph, *mutatis mutandis*. | |
| Supervisor Identification | 194. |  | A Supervisor will not make any use of the powers granted to him pursuant to this chapter unless fulfilling his role and upon satisfying two of these:   1. He is openly wearing a badge identifying him and his role, and is wearing a Supervisor's uniform in the color and form instructed by the Minister in this respect, provided that such a uniform does not purport to be a police officer's uniform; 2. He holds a Supervisor's card signed by the Minister attesting to his role and powers to be presented upon demand. | |
| **CHAPTER K: PECUNIARY SANCTION** | | | | |
| Chapter K – Definitions | 195. |  | In this chapter –  "Holder of a license" – to the exclusion of a Vehicle Assessor;  "Basic Amount" – an amount detailed below, as applicable:   1. In respect of a holder of a license to manufacture and market a vehicle who is – 2. An individual authorized to manufacture and market a vehicle of the motorbike, tractor or mobile machine or vehicle that is towed or supported of the O1 and O2 class type – 15,000 New Shekels; 3. An individual authorized to manufacture and market vehicles that are not the types of vehicles stated in sub-paragraph (a) – 50,000 New Shekels; 4. Corporation – an amount that is double the amount stated in sub-paragraphs (a) or (b), as applicable; 5. In respect of a direct importer and indirect importer who are – 6. Authorized to import vehicles of the motorbike, tractor or mobile machine or vehicle that is towed or supported of the O1 and O2 class type – 200,000 New Shekels; 7. Authorized to import vehicles that are not the types of vehicles stated in sub-paragraph (a) – 1,000,000 New Shekels; 8. In respect of a minor importer who is – 9. Authorized to import vehicles of the motorbike, tractor or mobile machine or vehicle that is towed or supported of the O1 and O2 class type – 20,000 New Shekels; 10. Authorized to import vehicles that are not the types of vehicles stated in sub-paragraph (a) – 100,000 New Shekels; 11. Corporation – an amount that is fifty percent higher than the amounts stated in sub-paragraphs (a) or (b), as applicable; 12. In respect of a personal import broker – 100,000 New Shekels; 13. In respect of a vehicle dealer from an importer who is – 14. An individual authorized to trade a vehicle of the motorbike type only – 50,000 New Shekels; 15. An individual authorized to trade a vehicle that is not of the motorbike type – 200,000 New Shekels; 16. Corporation – an amount that is double the amounts stated in sub-paragraphs (a) or (b), as applicable. 17. In respect of a vehicle dealer that is not a vehicle from an importer who is – 18. An individual authorized to trade vehicles of the motorbike, tractor or mobile machine or vehicle that is towed or supported of the O1 and O2 class type – 20,000 New Shekels; 19. An individual authorized to trade vehicles that are not the types of vehicles stated in sub-paragraph (a) – 100,000 New Shekels; 20. Corporation - an amount that is double the amounts stated in sub-paragraphs (a) or (b), as applicable 21. In respect of a holder of a license to manufacture automotive products who is – 22. An individual – 25,000 New Shekels; 23. Corporation – 50,000 New Shekels; 24. In respect of a holder of a license to trade automotive products who is – 25. An individual – 15,000 New Shekels; 26. Corporation – 30,000 New Shekels; 27. In respect of a holder of a license to operate a repair shop who is – 28. An individual – 75,000 New Shekels; 29. Corporation – 100,000 New Shekels; 30. In respect of a holder of a license to operate a mobile repair shop who is – 31. An individual – 20,000 New Shekels; 32. Corporation – 30,000 New Shekels; 33. In respect of a professional manager of a repair shop or substitute pursuant to Section 143(c) at the time he is substituting – 10,000 New Shekels. | |
| Provisions In Respect Of The Basic Amount | 196. | (a) | The basic amount to apply to a violator as detailed in paragraphs (1) through (11) in the definition of "The Basic Amount" in Section 195, will be in accordance with the type of license in connection thereto the violation was committed, even if it can be classified in more than one paragraph in the aforementioned definition, and even if the violation was committed without a license. | |
|  |  | (b) | A violator who can be classified by more than one paragraph or sub-paragraph in paragraphs (1) through (11) in the definition of "The Basic Amount" in Section 195, the highest basic amount of the amounts under which he can be classified pursuant to those paragraphs or sub-paragraphs will apply to him. | |
| Prohibition Against Delegating The Director's Powers Pursuant To Chapter K | 197. | The Director's powers pursuant to this chapter cannot be delegated. | | |
| Pecuniary Sanction Of The Basic Amount | 198. |  | The Director may impose a pecuniary sanction pursuant to the provisions in this chapter of an amount equal to the basic amount upon each one of these:   1. A person who serviced a vehicle without a license, contrary to the provisions in Section 3(a); 2. A person who engaged in a profession in the vehicle industry without a license, contrary to the provisions in Section 4(a); 3. A holder of a license who transferred his license to another, contrary to the provisions in Section 12; 4. A holder of a license to engage in a profession in the vehicle industry who acted in a manner fearing a conflict of interests, contrary to the provisions in Section 13(a)(1); 5. A holder of a license to engage in a profession in the vehicle industry who breached the rules of professional ethics, contrary to the provisions in Section 13(a)(2); 6. A professional manager of a repair shop who did not attend a professional course in accordance with the provisions in Section 14; 7. A holder of a license who did not notify the Director of a change applicable to him relating to the conditions to receive the license or grounds for refusing to grant a license, contrary to the provisions in Section 15; 8. A holder of a license who did not report to the Director in accordance with the provisions in Section 16; 9. A holder of a license to service a vehicle who refused to render a service, contrary to the provisions in Section 17; 10. A holder of a license to manufacture and market a vehicle who did one of these: 11. Manufactured or marketed a vehicle without receiving approval to manufacture the vehicle model contrary to the provisions in Section 21; 12. Did not comply with its obligations in relation to handling a serial safety malfunction and notice thereof in accordance with the provisions in Section 23; 13. Manufactured or marketed a vehicle model manufactured not in accordance with the manufacturing plan or not identical to the prototype, contrary to the provisions in Section 25(a); 14. Did not fulfill its obligations in respect of a vehicle manufactured not in accordance with the manufacturing plan or that is not identical to the prototype, in accordance with the provisions in Section 25(c); 15. Manufactured or marketed a vehicle that was not manufactured at a manufacturing enterprise approved by the Director, contrary to the provisions in Section 26; 16. Did not provide maintenance services for a vehicle that it manufactured or did not sell automotive products for such a vehicle in accordance with the provisions in Section 27; 17. Did not give the warranty for a vehicle that it manufactures in accordance with the provisions pursuant to Section 28; 18. Did not report to the Director an event which in an accountant's opinion is likely to cause the equity to decrease pursuant to the law or noncompliance with the going concern doctrine, contrary to the provisions in Section 29; 19. A person who imported a vehicle without a license from the authorized importing authority, contrary to the provisions in Section 31(a); 20. A direct importer who did not extend for every vehicle that it imports the warranty extended by the vehicle manufacturer and did not realize such a warranty for every vehicle of a make that it imports, contrary to the provisions in Section 49(a); 21. An indirect importer who did not extend for every vehicle that it imports the warranty extended by the vehicle manufacturer, if extended, contrary to the provisions in Section 49(b); 22. Direct importer or indirect importer who stipulated the validity of the warranty contrary to the provisions in Section 49(c); 23. A direct importer who did not handle a serial safety malfunction in a vehicle, contrary to the provisions in Section 50(a); 24. A direct importer who did not give notice of a serial safety malfunction, contrary to the provisions in Section 50(b)(1) or (3); 25. An indirect importer who did not notify the Director of a serial safety malfunction, contrary to the provisions in Section 50(d)(2); 26. A commercial importer who did not remit approval to the Director or did not report to the Director, contrary to the provisions in Section 56(b)(1) or (2); 27. An indirect importer who did not save invoices and waybills contrary to the provisions in Section 57(a); 28. A commercial importer who stipulated its engagement with a repair shop to serve as the importer's service repair shop, dictated to the service repair shop or instructed it regarding such matters, demanded reports and made use of the databases it has access to in order to inquire into issues as stated in Section 59(a), contrary to the provisions in that section; 29. A personal import broker who brokered the import of a vehicle that does comply with the conditions detailed in Section 71; 30. A vehicle marketer who sold a vehicle that does not comply with the provisions in the Traffic Ordinance in respect of the vehicle's safety and protecting the environment, contrary to the provisions in Section 78; 31. A vehicle marketer, to the exclusion of a minor importer, who refused to remit information, contrary to the provisions in Section 80(a); 32. A vehicle marketer, to the exclusion of a minor importer, who prevented a handling entity as defined in Section 80(a) from receiving information and equipment necessary to handle and maintain a vehicle of a make that it imports or manufactures, contrary to the provisions in Section 80(b); 33. A dealer of a vehicle from an importer who did not submit to the Director an accountant's approval pertaining to the equity, contrary to the provisions pursuant to Section 91(a); 34. A dealer of a vehicle from an importer who did not report the decrease in equity to the Director, contrary to the provisions in Section 91(b); 35. A holder of a license to manufacture automotive products who did one of these: 36. Manufactured an automotive product that did not receive approval to manufacture a model of that product, contrary to the provisions in Section 99; 37. Did not keep at the manufacturing enterprise suitable equipment and facilities and did not act pursuant to the supervision arrangements, contrary to the provisions in Section 101; 38. Did not comply with its duties in respect of handling a safety defect in manufacturing the automotive product and notice thereof, contrary to the provisions in Section 102; 39. Manufactured an automotive product not in accordance with the manufacturing plan approved by the Director or that was not identical to the prototype, contrary to the provisions in Section 105(a); 40. Did not comply with its obligations in respect of an automotive product manufactured not in accordance with the manufacturing plan or that was not identical to the prototype, contrary to the provisions in Section 105(c); 41. Did not manufacture an automotive product at a manufacturing enterprise approved by the Director, contrary to the provisions in Section 106; 42. A person who imports an automotive product of the type that requires an import license pursuant to the provisions in Section 110, without an import license, if he ceases to satisfy any of the conditions to receive the import license or contrary to the license conditions, contrary to the provisions in that Section; 43. A license holder to trade automotive products who did one of these: 44. Traded an imported automotive product, contrary to the provisions in Section 118(a); 45. Traded an imported automotive product that is a used automotive product, contrary to the provisions in Section 118(b); 46. Did not remit a warranty certificate to a customer as stated in Section 119, contrary to the provisions in that Section; 47. Did not notify the Director of a safety defect in an automotive product, contrary to the provisions in Section 122(1); 48. Did not cease to market an automotive product having a safety defect, contrary to the provisions in Section 122(3); 49. Did not invite the owners of a vehicle in which an automotive product was installed with a safety defect to replace it at no charge, contrary to the provisions in Section 122(3); 50. A license holder to operate a mobile repair shop who rendered services, contrary to the provisions in Section 135(b); 51. A holder of a license to operate a repair shop who serviced a vehicle in the absence of a the professional manager of the repair shop, for a period exceeding 60 days in a year or a period exceeding the period approved by the Director pursuant to Section 143(b), contrary to the provisions in that section. | |
| Pecuniary Sanctions At A Rate Of 75 Percent Of The Basic Amount | 199. |  | The Director may impose a pecuniary sanction pursuant to the provisions in this chapter of an amount equal to 75 percent of the basic amount, upon each one of these:   1. A direct importer who did not render maintenance services to a vehicle of a make it imports, contrary to the provisions in Section 47(a); 2. An indirect importer who did not provide maintenance services to a vehicle that it imports, contrary to the provisions in Section 47(b); 3. A direct importer that does not supply automotive products for every vehicle of a make it imports in accordance with the provisions in Section 48(a), contrary to the provisions in that section; 4. An indirect importer that does not supply automotive products for a vehicle that it imports pursuant to the provisions in Section 48(b), contrary to the provisions in that section; 5. A dealer of a vehicle from an importer who did not fully and correctly describe the vehicle, contrary to the provisions in Section 82(a), applicable to it pursuant to the provisions in Section 90; 6. A holder of a license to trade automotive products who did not publish information as stated in Section 125(a), contrary to the provisions in that section; 7. A holder of a license to operate a mobile repair shop who installed an automotive product in a vehicle that is unsuitable for the model of the vehicle, contrary to the provisions in Section 133, applicable to it pursuant to Section 135(d); 8. A holder of a license to operate a mobile repair shop who acted contrary to the vehicle manufacturer's instructions or the Director's instructions in respect of performing actions on a vehicle, as applicable, as stated in Section 139, contrary to the provisions in that section, applicable to it pursuant to Section 135(d); 9. A holder of a license to operate a repair shop or a professional manager of a repair shop who acted contrary to the vehicle manufacturer's instructions or the Director's instructions in respect of performing actions on a vehicle, as applicable, as stated in Section 139(a) and (c), contrary to the provisions in that section. | |
| Pecuniary Sanction Of A Rate Of 50 Percent Of The Basic Amount | 200. |  | The Director may impose a pecuniary sanction pursuant to the provisions in this chapter of an amount equal to 50 percent of the basic amount, upon each one of these:   1. A holder of a license to manufacture and market a vehicle who did not keep at the manufacturing enterprise suitable equipment and facilities and did not act pursuant to the supervision arrangements and quality control, contrary to the provisions in Section 22; 2. A commercial importer who did not remit information to a customer, contrary to the provisions in Section 55; 3. A direct importer or indirect importer who did not report to the Director, contrary to the provisions in Section 56(a); 4. A vehicle marketer who did one of these: 5. Did not include information in an advertisement, contrary to the provisions in Section 79; 6. Did not fully and correctly describe the vehicle it markets, contrary to the provisions in Section 82(a); 7. Did not deliver to a buyer the vehicle operation manual and a list of repair shops in accordance with the provisions in Section 83; 8. A dealer of a vehicle that is not a vehicle from an importer who did not fully and correctly describe a vehicle it sells, contrary to the provisions in Section 82, applicable to it pursuant to Section 93(a); 9. A holder of a license to trade automotive products who did one of these: 10. Gave a customer warranty for a period that was shorter than the warranty the manufacturer gave, contrary to the provisions in Section 119(b)(2); 11. The professional available to him did not attend a professional course, contrary to the provisions in Section 124; 12. Did not remit information to the Director in accordance with the provisions in Section 125(b); 13. A holder of a license to operate a repair shop who installed an automotive product in a vehicle that was unsuitable for the model of the vehicle, contrary to the provisions in Section 133; 14. A holder of a license to operate a repair shop or a professional manager of a repair shop who performed actions on a vehicle contrary to the provisions in Section 139(b); 15. A professional manager of a repair shop who did not report to the Director or the licensing authority safety defects in a vehicle, contrary to the provisions in Section 142. | |
| Pecuniary Sanction Of A Rate Of 25 Percent Of The Basic Amount | 201. |  | The Director may impose a pecuniary sanction pursuant to the provisions in this chapter of an amount equal to 25 percent of the basic amount, upon each one of these:   1. A commercial importer who violated the Director's instructions in respect of payment of auxiliary costs pursuant to Section 52(c), contrary to the provisions in that section; 2. A commercial importer who did not publish its engagement terms with a repair shop to serve as the importer's service repair shop as stated in Section 58(a), contrary to the provisions in that section; 3. A personal import broker who did one of these: 4. Did not engage with a personal import vehicle importer in a broker agreement that satisfies the requirements pursuant to Section 70, or did not remit to the importer a copy of the agreement pursuant to the provisions in the aforementioned section, all contrary to the provisions in that section; 5. Did not remit to a personal import vehicle importer information in writing in accordance with the provisions in Section 72, contrary to the provisions in that section; 6. Received payment from a personal import vehicle importer of an amount exceeding the amount determined in the broker agreement, contrary to the provisions in Section 74; 7. A vehicle marketer who did not engage in a written agreement with the buyer in accordance with the provisions in Section 84 or did not remit to the buyer a copy of the agreement, contrary to the provisions in that section; 8. A dealer of a vehicle from an importer who did not engage in a written agreement with the buyer in accordance with the provisions in Section 84 or did not remit to a buyer a copy of the agreement, contrary to the provisions in that section applicable to it pursuant to the provisions in Section 90; 9. A holder of a license to manufacture automotive products who did not extend warranty for an automotive product in accordance with the provisions in Section 107; 10. A holder of a license to trade automotive products did not document consumers complaints, contrary to the provisions in Section 123; 11. A professional manager of a repair shop who did not confirm the roadworthiness of the actions performed on a vehicle, contrary to the provisions in Section 141(a); 12. A holder of a license to operate a repair shop who delivered a vehicle to a customer after the vehicle was handled at the repair shop, without the professional manager of the repair shop's approval, contrary to the provisions in Section 141(b). | |
| Pecuniary Sanctions At A Rate Of 10 Percent Of The Basic Amount | 202. |  | The Director may impose a pecuniary sanction pursuant to the provisions in this chapter of an amount equal to 10 percent of the basic amount, upon each one of these:   1. A holder of a license who violated its obligation to give an invoice to a customer in accordance with the provisions in Section 19; 2. A direct importer and indirect importer who did not provide automotive products within the period fixed to do so in Section 48(c), contrary to the provisions in that section; 3. A direct importer who did not invite the owners of vehicles to repair a serial safety malfunction, contrary to the provisions in Section 50(b)(3); 4. A minor importer who did not report to the Director, contrary to the provisions in Section 56(a) applicable to it pursuant to the provisions in Section 56(c); 5. A personal import broker who advertised a vehicle for sale, contrary to the provisions in Section 75; 6. A dealer of a vehicle from an importer who did not remit the vehicle operation manual to the buyer and a list of repair shops in accordance with the provisions in Section 83 applicable to it pursuant to the provisions in Section 90; 7. A holder of a license to manufacture automotive products who did not mark the automotive product in accordance with the provisions in Section 103; 8. A holder of a license to manufacture automotive products who did not fully and correctly describe the automotive product, contrary to the provisions in Section 104; 9. A holder of a license to trade automotive products who did not fully and correctly describe an automotive product that it imported, did not give the customer instructions pertaining to installing the product, assembling it and use thereof or did not refer the customer to receive service at a repair shop, contrary to the provisions in Section 120; 10. A holder of a license to operate a repair shop who did one of these: 11. Offered a customer only one type of automotive product, contrary to the provisions in Section 131(a); 12. Never gave a customer a price estimate, including but not limited to a revised price estimate in accordance with the provisions pursuant to Section 132(a) or (b), as applicable; 13. Never supplied to the customer an automotive product specified in the price estimate that was agreed with the customer, contrary to the provisions in Section 132(c); 14. Never remitted to the Director a copy of the price estimates and invoices, contrary to the provisions in Section 132(d); 15. Gave the commercial importer who he has contracted with information pertaining to use of the automotive product, contrary to the provisions in Section 134; 16. The professional manager of a repair shop was not present at the repair shop in accordance with the provisions in Section 143(a). | |
| Pecuniary Sanctions At A Rate Of 5 Percent Of The Basic Amount | 203. |  | The Director may impose a pecuniary sanction pursuant to the provisions in this chapter of an amount equal to 5 percent of the basic amount, upon each one of these:   1. A holder of a license who did not keep his license or did not display it in accordance with the provisions in Section 18 contrary to the provisions in that section; 2. A holder of a license to manufacture a vehicle and market it did not mark the vehicle that it manufactures in accordance with the provisions in Section 24; 3. A direct importer who did not publish a notice in public regarding a serial safety malfunction, contrary to the provisions in Section 50(b)(2); 4. An indirect importer who did not publish a notice in public regarding a serial safety malfunction, who did not invite the owners of a vehicle to repair the malfunction or did not refer the vehicle owners to repair the malfunction contrary to the provision in Section 50(d); 5. A minor importer who did not publish a notice in public regarding a serial safety malfunction or did not refer the vehicle owners to repair the malfunction, contrary to the provisions in Section 50(e); 6. A commercial importer who did not publish or revise the list of its service repair shops or did not report to the Director in accordance with the provisions in Section 58(b); 7. A marketer of a vehicle who did one of these: 8. Did not display in his business place a notice contrary to the provisions in Section 79; 9. Receive a payment from a customer exceeding 20 percent higher than the vehicle price contrary to the provisions in Section 81(a); 10. Demanded reimbursement from the buyer contrary to the provisions in Section 81(b); 11. Did not give the buyer a bank guarantee contrary to the provisions in Section 81(d); 12. Did not register the vehicle in the buyer's name contrary to the provisions in Section 85; 13. Did not give the buyer a warranty certificate contrary to the provisions in Section 86(a); 14. Offered an additional warranty period other than in accordance with the provisions in Section 86(b) or stipulated the purchase of a vehicle upon purchasing additional warranty contrary to the provisions in the aforementioned section; 15. Did not report to the buyer damage caused to the vehicle before delivery of possession thereof, contrary to the provisions in Section 87; 16. A dealer of a vehicle from an importer who violated one of the provisions listed in paragraph (7), applicable to it pursuant to the provisions in Section 90; 17. A dealer of a vehicle that is not a vehicle from an importer who did not report to the buyer damage that was caused to the vehicle before delivery of possession thereof, contrary to the provisions in Section 87, applicable to it pursuant to the provisions in Section 93(a); 18. A holder of a license pursuant to Chapter F who did not hand a sign in accordance with the provisions in Section 94; 19. A dealer of a vehicle that is not a vehicle from an importer who carried passengers for consideration in a vehicle that he trades or carried cargo for consideration in such a vehicle, contrary to the provisions in Section 95; 20. A holder of a license to trade automotive products who did not give the buyer a warranty certificate in accordance with the provisions in Section 119(a); 21. A holder of a license to trade automotive products who traded an automotive product that was not marked in accordance with the provisions in Section 121(a); 22. A holder of a license to operate a repair shop who did not hang a sign in accordance with the provisions pursuant to Section 130 or displayed a sign in the repair shop containing details that did not match the license to operate a repair shop that was given to him, contrary to the provisions in that section; 23. A holder of a license to operate a mobile repair shop who did not mark the vehicle serving as a mobile repair shop with the words "Mobile Repair Shop" in accordance with the provisions in Section 135(c); 24. A holder of a license to operate a repair shop who did not keep a log in respect of absences from work of the professional manager of the repair shop, contrary to the provisions in Section 143(e). | |
| Sanction Notice | 204. | (a) | If the Director has reasonable grounds to assume that a person violated any of the provisions pursuant to this Law, as stated in Sections 198 through to 203 (in this Chapter – The Violator), and he intends on imposing a pecuniary sanction pursuant to those sections, he will deliver a notice to the violator regarding his intention to impose the pecuniary sanction (in this chapter – Sanction Notice). | |
|  |  | (b) | In the sanction notice the Director will state, *inter alia*, these:   1. The act or omission (in this chapter – The Act) constituting the violation; 2. The pecuniary sanction amount and the period in which to pay it; 3. The violator's right to plead his case to the Director pursuant to the provisions in Section 205; 4. The power to add to the pecuniary sanction amount due to a continuous violation or repeat violation pursuant to the provisions in Section 207, and the date from which the violation will be viewed as a continuous violation for the purpose of this section. | |
| Right To Plead | 205. |  | A violator who was delivered a sanction notice pursuant to the provisions in Section 204 may plead his case to the Director, in writing or verbally as the Director so instructs, in respect of his intention to impose a pecuniary sanction and the amount thereof upon the violator, within 45 days of the date the notice was delivered, and the Director may extend the aforementioned period for an additional period not to exceed 45 days. | |
| The Director's Decision And Payment Demand | 206. | (a) | The Director will decided, after considering the arguments raised pursuant to Section 205, whether to impose the pecuniary sanction upon the violator and may reduce the pecuniary sanction amount pursuant to the provisions in Section 208. | |
|  |  | (b) | If the Director makes a decision pursuant to the provisions in sub-section (a) –   1. To impose a pecuniary sanction upon the violator – then a demand will be delivered to him, in writing, to pay the pecuniary sanction (in this chapter – Payment Demand) stating, *inter alia*, the revised pecuniary sanction amount and the period in which to pay it; 2. Not to impose a pecuniary sanction upon the violator – will deliver notice thereof to him in writing. | |
|  |  | (c) | The Director will specify the reasons for his decision in the payment demand or the notice pursuant to sub-section (b). | |
|  |  | (d) | If the violator does not plead his case pursuant to Section 205, within the period mentioned in that section, the sanction notice, at the end of the aforementioned period, will be viewed as a payment demand delivered to the violator on such a date. | |
| Continuous Violation And Repeat Violation | 207. | (a) | In respect of a continuous violation the fiftieth part of the pecuniary sanction fixed for that violation will be added for each day the violation continues; in this respect, "Continuous Violation" – a violation of any of the provisions pursuant to this Law, as stated in Sections 198 through to 203, after the Director notifies the violator of the violation of that provision. | |
|  |  | (b) | In respect of a repeat violation, an amount equal to one-half of the pecuniary sanction as stated above; in this respect, "Repeat Violation" – a violation of any of the provisions pursuant to this Law, as stated in Sections 198 through to 203 within two years of the earlier violation of that provision due to which a pecuniary sanction was imposed upon the violator or due to which he was convicted. | |
| Lesser Amounts | 208. | (a) | The Director may not impose a pecuniary sanction of an amount that is less than the amounts fixed in this chapter other than pursuant to the provisions in sub-section (b). | |
|  |  | (b) | The Minister, with the consent of the Minister of Justice and the Committee's approval, may determine instances, circumstances and considerations due to which a pecuniary sanction may be imposed of a lesser amount than the amounts fixed in this chapter, at the rates to be determined. | |
| The Revised Amount Of The Pecuniary Sanction | 209. | (a) | The pecuniary sanction will be pursuant to the revised amount on the day the payment demand is delivered, and in respect of a violator who did not plead his case to the Director as stated in Section 205 – on the day the sanction notice is delivered; if an appeal is field with the court pursuant to Section 214 and the payment of the pecuniary sanction was stayed by the Director or the Court – the pecuniary sanction will be pursuant to the revised amount on the day of the decision on appeal. | |
|  |  | (b) | The pecuniary sanction amount will be revised on the 1st of January of each year (in this sub-section – The Revision Day), in accordance with the change in the index published in the month of November as opposed to the index published in the month of November preceding the revision day in the previous year, and in respect of the first revision day – as opposed to the index published in the month of November 2016; the amount will be rounded off to an amount that is nearest to the product of 10 New Shekels; in this respect, "Index" – the Consumer Prices Index published by the Central Statistics Bureau. | |
|  |  | (c) | The Director General of the Ministry will publish a notice in the *Reshumot* pertaining to the revised pecuniary sanction amount pursuant to sub-section (b). | |
| The Date To Pay The Pecuniary Sanction | 210. |  | The violator will pay the pecuniary sanction within 45 days of the day the payment demand was delivered as stated in Section 206. | |
| Linkage Differentials And Interest | 211. |  | If the violator does not pay the pecuniary sanction on time, then linkage differentials and interest as defined in the Adjudication of Interest and Linkage Law, 5721 – 1961[[30]](#footnote-30) (in this Chapter – Linkage Differentials and Interest) will be added to the pecuniary sanction for the period in arrears, until it is paid. | |
| Collection | 212. |  | A pecuniary sanction will be paid to the State treasury, and the provisions in the Collection of Fines, Expenses and Fees Law, 5755 – 1995[[31]](#footnote-31) will apply to the collection thereof. | |
| Pecuniary Sanction Due To A Violation Pursuant To This Law And Pursuant To Another Law | 213. |  | No more than one pecuniary sanction will be imposed upon one act constituting a violation of any of the provisions pursuant to this Law listed in Sections 198 through to 203 and of a provision pursuant to another law. | |
| Appeal | 214. | (a) | The final decision by the Director pursuant to this chapter can be appealed before the Magistrate Court in which the president of the Magistrate Court presides; such an appeal will be filed within 45 days of the day the payment demand was delivered to the violator. | |
|  |  | (b) | Filing an appeal pursuant to sub-section (a) does not stay the payment of the pecuniary sanction unless the Director agreed to doing so or the Court so instructed. | |
|  |  | (c) | If the court decides to affirm the appeal that was filed pursuant to sub-section (a) after the pecuniary sanction was paid, and instructed reimbursement of the pecuniary sanction amount paid or to reduce the pecuniary sanction, the amount paid or any part that was reduced thereof in addition to linkage differentials and interest will be reimbursed from the day paid and until it is reimbursed. | |
| Publication | 215. | (a) | If the Director imposed a pecuniary sanction pursuant to the provisions in this chapter, he will publish on the Ministry's website the following details, in a manner that guarantees transparency in respect of him exercising his discretion upon reaching the decision to impose the pecuniary sanction:   1. The mere imposition of the pecuniary sanction; 2. The nature of the violation due to which the pecuniary sanction was imposed and the circumstances of the violation; 3. The pecuniary sanction amount imposed; 4. If the pecuniary sanction amount was reduced – the reasons due to which the pecuniary sanction amount was reduced and the reduction rates; 5. Details pertaining to the violator relevant to the matter; 6. The violator's name – if it is a corporation. | |
|  |  | (b) | If such an appeal as stated in Section 214 is filed, the Director will publish the fact that the appeal was filed and the results thereof in the same manner as the mere imposition of the pecuniary sanction is published. | |
|  |  | (c) | Notwithstanding the provisions in sub-section (a)(6), the Director may publish the name of the violator who is an individual if he was of the opinion that this was necessary to alert the public, after giving him an opportunity to plead his case in this respect before him; however the Director will not publish details that is considered information that a public authority is estopped from remitting pursuant to Section 9(a) of the Freedom of Information Law, 5758 – 1998[[32]](#footnote-32), and he may also not publish details pursuant to this section that is considered information that a public authority is not obligated to remit pursuant to Section 9(b) of the aforementioned law. | |
|  |  | (d) | The publishing a pecuniary sanction imposed upon a corporation pursuant to this section will be for a period of four years, and in respect of a pecuniary sanction imposed upon an individual – for a period of two years; upon publishing such information the Director will implement proper and advanced technological means to prevent, insofar as possible the possibility of perusing details that were published at the end of the publication period. | |
|  |  | (e) | The Minister may determine additional ways to publish the details mentioned in this section. | |
| Maintaining Criminal Liability | 216. | (a) | Payment of a pecuniary sanction will not derogate from an individual's criminal liability due to a violation of any of the provisions pursuant to this Law listed in Sections 198 through to 203, constituting an offense. | |
|  |  | (b) | If the Director sent a sanction notice to the violator due to a violation constituting an offense as stated in sub-section (a), an indictment will not be filed against him due to that same violation unless new facts are discovered justifying this. | |
|  |  | (c) | If an indictment is filed against an individual due to a violation constituting an offense as stated above in sub-section (a), the Director will not initiate proceedings pursuant to this chapter for the same violation, and if an indictment was filed pursuant to the circumstances mentioned in sub-section (b) after the violator paid the pecuniary sanction – the pecuniary sanction amount paid will be reimbursed in addition to linkage differentials and interest from the day it was paid and until it is reimbursed. | |
| Reporting To The Knesset – Temporary Order | 217. |  | The Director will report to the Committee, once a year, the number of pecuniary sanctions imposed, the amounts thereof, due to which violations they were imposed and the number of repeat violations performed from all the violations in the year preceding the reporting date; such a report will be delivered for five years after one year of this chapter coming into force. | |
| **CHAPTER L: PENALTY** | | | | |
| Penalty | 218. | (a) | These are punishable by a sanction as stated in Section 61(a)(2) of the Penal Law:   1. A holder of a license who transferred his license to another, contrary to the provisions in Section 12; 2. A holder of a license to service a vehicle refused to render the service, contrary to the provisions in Section 17; 3. A holder of a license to manufacture and market a vehicle who did not provide maintenance services for a vehicle it manufactures or who did not sell automotive products for a vehicle as stated above in accordance with the provisions in Section 27; 4. A direct importer who did not provide maintenance services for a vehicle of a make that it imports contrary to the provisions in Section 47(a); 5. An indirect importer who did not provide maintenance services for a vehicle it imports contrary to the provisions in Section 47(b); 6. A direct importer and an indirect importer who did not provide automotive products within the period stated in Section 48(c), contrary to the provisions in Section 48; 7. A personal import broker who was privy to a vehicle purchase agreement contrary to the provisions in Section 73; 8. A holder of a license to operate a repair shop who offered a customer only one type of automotive product, contrary to the provisions in Section 131(a); 9. A professional manager of a repair shop who did not supervise the compliance with the provisions in Section 140 by the repair shop's employees engaging in servicing vehicles at the repair shop, contrary to the provisions in that section; 10. Whoever committed an act or omission that influences a Vehicle Assessor's discretion in respect of preparing a vehicle assessment, contrary to the provisions in Section 159. | |
|  |  | (b) | These are punishable by eighteen months imprisonment or a sanction as stated in Section 61(a)(4) of the Penal Law:   1. Whoever serviced a vehicle without a license or not in accordance with the license conditions, contrary to the provisions in Section 3(a); 2. Whoever engaged in a profession in the vehicle industry without a license or not in accordance with the license conditions, contrary to the provisions in Section 4(a); 3. A commercial importer who dictated to a repair shop or instructed it of the identity of the entity from who the repair shop will purchase automotive products, contrary to the provisions in Section 54(a); 4. A commercial importer who interfered or frustrated an import of a vehicle by another commercial importer or acted to frustrate the receipt of a commercial importer's license by another person, contrary to the provisions in Section 54(b); 5. A commercial importer who stipulated its engagement with a repair shop to serve as the importer's service repair shop, dictated to a service repair shop, instructed it, demanded from it a report or made use of databases it has access to regarding such matters stated in Section 59(a), contrary to the provisions in that section; 6. Whoever sold or marketed a vehicle that was imported by a commercial importer and a vehicle license has not yet been issued in respect thereof, and is not a vehicle marketer, contrary to the provisions in Section 77; 7. A holder of a license to trade automotive products who traded an automotive product imported contrary to the provisions in Section 118; 8. A holder of a license to trade automotive products who traded an automotive product that was not marked in accordance with the provisions in Section 121(a). | |
| Continuous Offense | 219. |  | If an offense as stated in Section 218 is committed and the person committing the offense continues to commit the offense – then in addition to any other punishment will be sanctioned at a rate of five percent of the sanction amount fixed for that offense for each day the offense continues. | |
| An Offense Committed By A Corporation | 220. |  | If an offense is committed as stated in Section 218 by a corporation – then it is punishable by a sanction three times the sanction fixed for the offense. | |
| Liability Of An Officer In A Corporation | 221. | (a) | An officer in a corporation must supervise and do all that he can to prevent offenses stated in Section 218 being committed by the corporation or by any of its employees; the violator of this provision is punishable by one half the faction fixed for that offense as stated in Section 218. | |
|  |  | (b) | If an offense stated in Section 218 is committed by a corporation or by any of its employees it is presumed that an officer in the corporation violated its duty pursuant to sub-section 9a), unless he proves that he did all he could to fulfill his duty. | |
|  |  | (c) | In this section, "Officer In A Corporation" – active manager in a corporation, partner to the exclusion of a limited partner or other position holder in a corporation responsible on the corporation's behalf for the field in which the offense was committed. | |
| **CHAPTER M: APPLICATION ON THE STATE AND NATIONAL DEFENSE** | | | | |
| Chapter M – Definitions | 222. |  | In this chapter –  "Security Entity" – an entity listed in the definition of the "National Defense ";  "Security Clearance" – within the meaning thereof in Section 15 of the Israel Security Agency Law, 5762 – 2002[[33]](#footnote-33);  "Supervisor" – A Supervisor who was certified pursuant to Section 191;  "National Defense" – each one of these:   1. Ministry of Defense and its units; 2. Israel Defense Forces; 3. Units and certification units of the Prime Minister, where their primary activities are in the State security field; 4. National defense enterprises within the meaning thereof in Section 20 of the Regulation of Security in Public Bodies Law, 5758 – 1998[[34]](#footnote-34), that are not units stated in paragraph (3) and which the Minister of Defense notified the Minister thereof; 5. Israel police, Israel prison service and the witness protection authority;   "Senior Officer" or "Authorized Officer" – as defined in Section 10 of the Environmental Protection Law (Supervisory and Enforcement Powers), 5771 – 2011[[35]](#footnote-35);  "Operations Vehicle" – a designated vehicle for security – operations purposes or to maintain the public's welfare and security, or a vehicle that adjustments and changes were made therein to use it for such purposes and there is a document form the security entity attesting to the fact that will be given to the user of that vehicle;  "The Minister In Charge" – as detailed below:   1. In respect of the entities listed in paragraphs (1), (2) and (4) of the definition of "National Defense" – the Minister of Defense; 2. In respect of entities listed in paragraph (3) of the definition of "National Defense" – the Prime Minister; 3. In respect of entities listed in paragraph (5) of the definition of "National Defense" – the Minister for Public Security. | |
| Application On The State | 223. |  | The provisions in this law will also apply to the State. | |
| Application On The National Defense | 224. | (a) | Notwithstanding the provisions in Section 223, the provisions pursuant to this law will not apply to the servicing of a vehicle rendered by a security entity or to a person who works or serves, as applicable a security entity and engages by profession in the vehicle industry, all in respect of a vehicle detailed below:   1. An operations vehicle used by a security entity, provided that the vehicle is listed in the operations vehicle register kept by that entity (in this section – Operations Vehicle Register); 2. A vehicle used by a security entity that is not listed in the operations vehicle register and use is made thereof for security-operations purposes or to maintain public welfare and its security, for urgent security reasons and for a limited period, provided that the use of the vehicle was approved by whoever the head of the security entity making use of the vehicle pursuant to this paragraph so authorized and it keeps a record thereof; the security entity will give the user of a vehicle a document attesting to compliance with the provisions in this paragraph; 3. A vehicle urgently required for a mobile repair shop service, and there are special circumstances, including security, topography and climate circumstances due to which it is not possible to receive such service from a holder of a license to operate a mobile repair shop. | |
|  |  | (b) | A security entity will determine internal provisions or commands, as applicable, in respect of rendering vehicle services and engaging in professions in the vehicle industry in connection with operations vehicles it uses; such internal provisions or commands will be determined bearing in mind the provisions in this law; such an entity will advise the Director of the internal provisions or commands upon determining them or changing them or pursuant to the Director's demand. | |
|  |  | (c) | Without derogating from the provisions in sub-section (a), the Minister may exempt a specific engagement executed by a security entity with a specific holder of a license concerning the rendering of services to a vehicle used by that entity, from the application of certain sections in this law; such an exemption will be given due to special reasons, at the request of the security entity and with the consent of the Minister in charge, and will only apply to vehicles used by the security entity receiving the service pursuant to such an engagement. | |
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| Application In Respect Of A Service Rendered By A Repair Shop On A Vehicle Used By The National Defense | 225. | (a) | Notwithstanding the provisions in this Law, a holder of a license to operate a repair shop or a holder of a license to operate a mobile repair shop, with who a security entity engaged with it in an agreement to service vehicles used by that security entity, will not remit information pursuant to this law in respect of such vehicles other than subject to the information security rules of that security entity it engaged with, as stated in the agreement between them. | |
|  |  | (b) | A security entity will remit to the Director or an employee of the Ministry who the Director so authorized a notice pertaining to the engagement it executed with the holder of a license to operate a repair shop or a license to operate a mobile repair shop, in respect of servicing vehicles used by that security entity, including the identity of the holder of the license with who the engagement was executed. | |
|  |  | (c) | In this section "Vehicles" – whether operations vehicles or not. | |
| Special Provisions In Respect Of Supervisory And Enforcement Powers Vis-À-Vis The National Defense | 226. |  | Notwithstanding the provisions in Chapter J, the Supervisor will exercise its powers pursuant to this law in respect of a vehicle service and engagement in a profession in the vehicle industry executed within a National defense facility, and in respect of rendering a service by a holder of a license to operate a repair shop or license to operate a mobile repair shop on a vehicle used by the National Defense, pursuant to an engagement where notice thereof was given pursuant to Section 225 – also outside such a facility, subject to the provisions in Sections 227 through to 234. | |
| Security Clearance And Classified Information | 227. |  | A Supervisor will not exercise his powers as stated in Section 226 unless a suitable security clearance was determined for it and in accordance with the information security rules of the security entity; a security entity will advise the Director of such information security rules. | |
| Access | 228. | (a) | A senior officer or authorized officer may delay the immediate entrance of the Supervisor to the security entity's facility, if it finds that one of these were satisfied;   1. Him entering at that time will obstruct an operations activity or intelligence activity, criminal investigation or drill or broad scope training or use therein was being made of weapons; 2. Hostile activity is underway at the site; 3. Activity is being conducted at the site that the Supervisor is not authorized to be exposed to due to State security reasons or foreign relations of the State of Israel. | |
|  |  | (b) | If a senior officer or authorized officer makes a determination as stated in sub-section (a) then it will notify the Director or the employee of the Ministry who the Minister so authorized thereof and will schedule a new date for the Supervisor to enter the facility as soon as possible after the reason preventing him entering has elapsed. | |
| Identification | 229. |  | If the Supervisor demanded that a person identify himself to him to exercise his powers at a facility of a security entity, and the information security rules of the security entity prohibit that person to identify himself other than to someone so authorized, that person may refrain from presenting an identification card and stating his name or other information allowing him to be tracked insofar as required through the authorized officer, by such a manner that he may be called to an investigation if necessary. | |
| Documenting Documents | 230. |  | To exercise its powers the Supervisor may use various means to document his findings; inputting such means or terms of use thereof will be in accordance with the information security rules at the security entity by such a manner that will allow for the requisite documentation. | |
| Remitting Information And Documents | 231. | (a) | Remitting all or some information or a document to the Supervisor will be in accordance with its security clearance and in accordance with the information security rules of the security entity, however –   1. An authorized officer may instruct that certain information or document that is highly sensitive from a security aspect not be remitted to the Supervisor, even if it has the appropriate security clearance but rather to the Director; 2. An authorized officer may instruct that the Supervisor not remove from the security entity's facility a specific document that the authorized officer determined in respect thereof that it is highly sensitive; such a document will be kept at the place designated for such at the facility and will be accessible to the Supervisor or the Director, as applicable, in accordance with the security entity's information security rules. | |
|  |  | (b) | An authorized officer may instruct that classified information that is unrelated to the investigation material and unrelated directly to the Supervisory grounds not be included in the information or document remitted to the Supervisor or the Director as stated above in sub-section (a)(1), provided that it notifies the Supervisor that such information was not included. | |
| Measurements And Samples | 232. |  | Measurements and samples or the results thereof may be classified, will be executed and kept at the classified laboratories approved by the Director, with the senior officer's consent, provided that this does not prevent the execution of the measurement or the sample being taken. | |
| Seizing | 233. | (a) | The Supervisor will not seize any object that it is feared that removing it from the security entity will considerably damage the security entity's capacity, security level and its ability to protect the State security or the public welfare. | |
|  |  | (b) | An authorized officer may instruct that the Supervisor not remove from the security entity's facility a specific object that the authorized officer determined in respect thereto that it is highly sensitive; such an object will be kept at the place designated for it at the facility in accordance with the information security rules of the security entity and will be accessible to the Supervisor. | |
| Exception To Remitting Information | 234. |  | Remitting information to the Director or the Ministry employee pursuant to this chapter will be in accordance with the Director or the Ministry employee's security clearance. | |
| **CHAPTER N: MISCELLANEOUS PROVISIONS** | | | | |
| Delegating The Director's Powers | 235. |  | The Director may delegate to one or more of the Ministry employees some of the powers granted to it pursuant to this law unless determined otherwise in this law; such a delegation notice will be published in the *Reshumot*. | |
| Authorized Vehicle Laboratory | 236. |  | The Director may approve a laboratory as an Authorized Vehicle Laboratory to test a vehicle or automotive products, after it is proven that it meets a proper professional standard; a laboratory approval notice pursuant to this section will be published on the Ministry's website. | |
| Publishing A List Of Recognized Laboratories | 237. |  | The Director will publish on the Ministry's website a link to a list of European recognized laboratories and American recognized laboratories. | |
| Fees | 238. | (a) | The Minister, with the consent of the Minister of Finance and the Committee's approval, may determine –   1. Fees for applications to issue a license, certificate or approval pursuant to this law or renewal thereof, participating in an exam, challenging results of an exam and receiving an original copy or such a copy of a license, certificate or approval; 2. A reduced fee or exemption from payment of a fee for an applicable of a license holding a license of a different type pursuant to this law; 3. Ways to revise fees fixed pursuant to this sub-section, the revision dates and the payment of fees dates. | |
|  |  | (b) | In respect of this law, a license, certificate or approval will be deemed as being valid from the day the fee is paid, and payment of the fee will not validate them on a date that is earlier than the payment day. | |
| Execution And Regulations | 239. |  | The Minister is in charge of execution of the provisions in this law and he may enact regulations regarding any issue relating to execution hereof. | |
| Preserving Laws | 240. |  | The provisions in this law do not derogate from provisions in any law, including but not limited to the provisions pursuant to the Traffic Ordinance, the Import and Export Ordinance, Consumer Protection Law, Standards Law, and the Promotion of Competition and Reduction of Centralization Law, 5774 – 2013, unless expressly determined otherwise in this law. | |
| Amending The Traffic Ordinance | 241. |  | In the Traffic Ordinance [[36]](#footnote-36)- | |
|  |  | 1. After Section 9 will read:   "National Defense Vehicle" – Provisions In Respect of Registration  9A. (a) Notwithstanding the provisions pursuant to this Ordinance, the licensing authority may register a vehicle that the National Defense imported into Israel pursuant to Section 224 of the Licensing Law and to issue it a vehicle license pursuant to this Ordinance, even if the vehicle does not satisfy the registration and licensing conditions pursuant to this Ordinance, provided that all of these have been met:   1. The vehicle is used by the National Defense; 2. An Authorized Vehicle Laboratory approved that the vehicle meets the conditions instructed by the licensing authority for the registration and licensing applicant.   (b) In this section -  "The Licensing Law" – the Services and Profession's Licensing of the Vehicle Industry Law, 5776 – 2016;  "Authorized Vehicle Laboratory " and "National Defense" - within the meaning thereof in the Licensing Law;   1. In Section 25(a), after paragraph (9) will read:   "(10) Offenses pursuant to the Services and Profession's Licensing of the Vehicle Industry Law, 5776 – 2016." | | |
| Amendment To The Restriction Of Use And Registration Of Actions For Used Spare Parts Law (Preventing Theft) | 242. |  | In the Restriction Of Use And Registration Of Actions For Used Spare Parts Law (Preventing Theft) Law, 5758 – 1998[[37]](#footnote-37) –   1. In Section 1, instead of the definition "Vehicle Assessor" will read:   "Vehicle Assessor" – as defined in the Services and Profession's Licensing of the Vehicle Industry Law, 5776 – 2016;"   1. In Section 3 – 2. In sub-section (a) – 3. In paragraph (2)(a), instead of "from a Vehicle Assessor's opinion" will read "from a vehicle assessment prepared by a Vehicle Assessor"; 4. In paragraph (3), instead of "a Vehicle Assessor's opinion" will read "vehicle assessment"; 5. In sub-section (a1), instead of the definition "a Vehicle Assessor's opinion" will read:   "Vehicle Assessment" as defined in the Services and Profession's Licensing of the Vehicle Industry Law, 5776 – 2016." | |
| Amendment To The Administrative Courts Law | 243. |  | In the Administrative Courts Law, 5760 – 2000[[38]](#footnote-38), in the First Schedule, in Item 14, after sub-item (f) will read:  "(g) A decision by the authority pursuant to the Services and Profession's Licensing of the Vehicle Industry Law, 5776 – 2016." | |
| **CHAPTER O: COMMENCEMENT, TRANSITIONARY PROVISIONS AND TEMPORARY PROVISIONS** | | | | |
| Commencement | 244. | (a) | Subject to the provisions in this chapter, this law will come into force three months of its promulgation (in this Law – The Commencement Day). | |
|  |  | (b) | Part E of Chapter D and Chapter F will come into force on the 3rd Tevet 5777 (January 1, 2017). | |
|  |  | (c) | Chapter K will come into force eight months after this law is promulgated, provided that by that time regulations were enacted pursuant to Section 208; if regulations were not enacted as stated above by that date, the Minister will defer, in an order to be approved by the Committee, the date for Chapter K to come into force by additional periods not to exceed six months each time. | |
|  |  | (d) | If regulations are not enacted pursuant to all or part of this law, the Minister may, in an order, to be approved by the Committee, defer the date for this law to come into effect, in its entirety or in part, for additional periods not to exceed six months each time, provided that the total periods do not exceed two years. | |
| Initial Regulations | 245. | (a) | Initial regulations pursuant to Section 17 will be approved by the Committee within six months of the day this law is promulgated. | |
|  |  | (b) | Initial regulations pursuant to Section 87 will be approved by the Committee within three months of the day this law is promulgated. | |
|  |  | (c) | Initial regulations pursuant to Section 128(b) will be approved by the Committee within four months of the day this law is promulgated. | |
|  |  | (d) | Initial regulations pursuant to Section 159(b) will be approved by the Committee within six months of the day this law is promulgated. | |
| Promulgation Of The Law | 246. |  | This law will be promulgated in the *Reshumot* within 30 days of it being adopted by the Knesset. | |
| Preserving Validity | 247. |  | The orders detailed below and procedural provisions determined by virtue thereof and publishing it on the Ministry's website will remain in effect as drafted prior to the commencement day, and will be viewed as if determined pursuant to this law, so long as they were not amended or cancelled by law or so long no provisions pursuant to this law came into effect repealing them in respect of matters regulated therein or at the end of two years following the commencement day, the earlier of the dates:   1. The Supervising Commodities and Services Order (Manufacturing a Vehicle and Assembly Thereof), 5727 – 1967[[39]](#footnote-39) (Hereinafter – Vehicle Manufacturing Order); 2. The Supervising Commodities and Services Order (Importing a Vehicle and Rendering Services For a Vehicle), 5739 – 1978[[40]](#footnote-40) (Hereinafter – Vehicle Import Order); 3. The Supervising Commodities and Services Order (Manufacturing Automotive Products and Trading Them), 5742 – 1982[[41]](#footnote-41) (Hereinafter – Automotive Products Order); 4. The Supervising Commodities and Services Order (Repair Shops and Enterprises for Vehicles), 5730 – 1970[[42]](#footnote-42) (Hereinafter – The Repair Shops Order); 5. The Supervising Commodities and Services Order (Vehicle Assessment), 5740 – 1980[[43]](#footnote-43) (Hereinafter – Vehicle Assessment Order; | |
| Temporary Provisions In Respect Of Licenses | 248. | (a) | A license to service a vehicle issued before the commencement day and which was valid before the commencement day will be viewed as a license issued pursuant to this law and will be valid until the end of the license period and no less than six months. | |
|  |  | (b) | A license to engage in a profession in the vehicle industry issued before the commencement day and which was valid before the commencement day will be viewed as a license issued pursuant to this law. | |
|  |  | (c) | Without derogating from the generality of the provisions above in sub-sections (a) and (b), -   1. A license issued pursuant to the Manufacturing of a Vehicle Order will be viewed as a license to manufacture and market it pursuant to Section 20 and a license to trade automotive products pursuant to Section 117 , in accordance with the license conditions; 2. A license issued pursuant to the Vehicle Import Order and pursuant to the Import and Export Ordinance in respect of importing a vehicle will be viewed as a vehicle import license pursuant to Section 31; 3. A license issued pursuant to Section 9 of the Traffic Ordinance for the purpose of purchasing a vehicle and selling it through a business will be viewed as a dealer of a vehicle license that is not a vehicle from an importer pursuant to Section 92; 4. A manufacturing license pursuant to the Automotive Products Order will be viewed as a license to manufacture automotive products pursuant to Section 98; 5. An import license pursuant to the Import and Export Ordinance, in respect of automotive products requiring an import license pursuant to Section 110 will be viewed as an import license pursuant to the aforementioned section; 6. A license to trade automotive products pursuant to the Automotive Products Order will be viewed as a license to trade automotive products pursuant to Section 117; 7. An enterprise license pursuant to the Repair Shops Order will be viewed as a license to operate a repair shop pursuant to Section 127 or a license to operate a mobile repair shop pursuant to Section 135, in accordance with the license conditions and as a license to trade automotive products pursuant to Section 117, in accordance with the license conditions; 8. Certification as a professional manager of a repair shop pursuant to the Repair Shops Order will be viewed as a license to professionally manage a repair shop pursuant to Section 136, according to the type of certification; 9. Registration in the assessors' book pursuant to the Vehicle Assessors Order will be viewed as a vehicle assessment license pursuant to Section 149. | |
| Transitionary Provisions In Respect Of Certificates, Approvals, Permits And Exemptions | 249. |  | Certificates, approvals, permits and exemptions granted before the commencement day by the Director of Vehicle and Maintenance Services Division at the Ministry or whoever he so authorizes pursuant to the Supervisory Orders in Section 247 and were in effect before the commencement day will be viewed as having been issued pursuant to this law and will continue to apply for a period of six months following the commencement day or until the end of the validity period, according to the earlier date. | |
| Transitionary Provisions In Respect Of Appointments | 250. | (a) | A Ministry employee authorized pursuant to Section 30 of the Supervising Commodities and Services Law, 5718 – 1957[[44]](#footnote-44), in respect of the Supervisory Orders stated in Section 247, and his authorization was in effect before the commencement day will be viewed as having been authorized as a Supervisor pursuant to Section 191, however he will not exercise any of the powers granted to a Supervisor pursuant to Section 192 and 193 that were not granted to him pursuant to his authorization before the commencement day, until he receives appropriate training in accordance with the provisions in Section 191; the Director will publish a notice in the *Reshumot* pertaining to the identity of such Supervisors. | |
|  |  | (b) | The Advisory Board appointed pursuant to Section 6 of the Vehicle Import Order and who's appointment was in effect before the commencement day will be viewed as having been appointed pursuant to Section 60, and will continue to serve until the end of the original appointment period or until the end of six months following the commencement day, the later of the two. | |
|  |  | (c) | The Advisory Board that was appointed pursuant to Section 5 of the Vehicle Assessor's Order and who's appointment was in effect before the commencement day will be viewed as having been appointed pursuant to Section 160, and will continue to serve until the end of the original appointment period or until the end of six months following the commencement day, the later of the two. | |
|  |  | (d) | A certification Committee appointed pursuant to Section 10 of the Repair Shops Order and who's appointment was in effect before the commencement day will be viewed as having been appointed pursuant to Section 145, and will continue to serve until the end of the original appointment period or until the end of six months following the commencement day, the later of the two. | |
| Transitionary Provisions In Respect Of A Vehicle Assessor | 251. | (a) | The provisions in Section 8 of the Vehicle Assessor's Order will continue to apply in respect of procedures pursuant to that order that the Authority, within the meaning thereof in the aforementioned Order started before the commencement day pursuant to the provisions in the Order. | |
|  |  | (b) | A person who began before the commencement day his internship as a Vehicle Assessor pursuant to the provisions in the Vehicle Assessors Order, the internship will be viewed as an internship pursuant to Section 152. | |
| Transitionary Provisions In Respect Of Importing A Vehicle | 252. |  | During the period from the promulgation of this law and until the commencement day, Section 1 of the Vehicle Import Order will read:   1. In the definition of "Importer", instead of paragraph (2), will read:   "(2) Authorized Agent (Hereinafter – Parallel Importer);";   1. Instead of the definition "authorized agent" will read:   "Authorized Agent – as defined in the Services and Profession's Licensing of the Vehicle Industry Law, 5776 – 2016;";   1. In the definition "New Vehicle", at the end will read "and in respect of a parallel importer – also a vehicle registered in a foreign country as defined in the Services and Profession's Licensing of the Vehicle Industry Law, 5776 – 2016;" | |
| Transitionary Provisions In Respect Of Importing A Vehicle | 253. | (a) | During a period of four years following the commencement day Section 32(7) will read as follows: instead of "and the total number of kilometers the vehicle has traveled does not exceed 150" will read "and 12 months have not yet elapsed since its manufacturing date". | |
|  |  | (b) | In respect of a vehicle of a motorbike type, during a period of four years following the commencement day these provisions will apply:   1. The provisions and obligations applicable to a direct importer pursuant to Sections 41, 47, 48, 49 and 50 will only apply to a vehicle that it imports; 2. The provisions in Section 32(7) – will not apply; 3. In Section 33(b)(5), instead of the end of the section starting with the word "The Minister" will read "provided that the license applicant proves that there is a maintenance infrastructure in effect for a vehicle that it imports to the Director's satisfaction"; 4. The provisions in Sections 42, 49 and 50(d) will not apply in respect of a vehicle of a make that a direct importer does not import into Israel; 5. The provisions in Section 44 – will not apply. | |
|  |  | (c) | In respect of a vehicle of a type that is not a motorbike, during a period from the commencement day and until the 2nd of Tevet 5777 (December 31, 2016), the sections detailed below will be read as follows:   1. In Section 32(7)(a), instead of "a make imported by a direct importer" will read "of a model imported by a direct importer"; 2. In Section 33(b)(5), instead of "of a make imported by a direct importer" will read "of a model imported by a direct importer, or of a different model or make, provided that he proves, to the Director's satisfaction, the existence of a maintenance infrastructure for a vehicle that it imports"; 3. In Section 48(a), instead of "of a make that it imports" will read "of a model that it imports"; 4. In Section 49 – 5. In sub-section (a), instead of "of a make that it imports" will read "of a model that it imports, unless a direct importer who held an import license pursuant to the Supervision of Commodities and Services Order (importing a Vehicle and Rendering Maintenance Services For a Vehicle), 5739 – 1978, before the commencement day, gave the Authority, within the meaning thereof in the aforementioned order, before that date, an undertaking to realize the warranty given by the vehicle manufacturer in respect of any vehicle of a make that it imports."; 6. In sub-section (b), instead of the end starting with the words "of a make" will read "of the model imported by a direct importer and if the direct importer does not import such a model – will give the warranty given by the authorized agent or will itself give the warranty."; 7. In Section 50 – 8. In sub-section (a), instead of " of a make that it imports" will read "of a model that it imports" and at the end will read "however, the provisions in this sub-section will also apply in respect of a vehicle that is of a make imported by the direct importer, if the direct importer gave the authority, within the meaning thereof in the Supervision of Commodities and Services Order (Importing a Vehicle and Rendering Maintenance Services For a Vehicle), 5739 – 1978, before the commencement day or to the Director after the commencement day, an undertaking to handle a serial safety malfunction in every vehicle of a make it imports."; 9. In sub-section (b), at the top, instead of "of a make that it imports" will read "that it is responsible to handle a serial safety malfunction in respect thereof pursuant to sub-section (a)"; 10. In sub-section (c), instead of "of a make that it imports" will read "that it is responsible to handle a serial safety malfunction in respect thereof pursuant to sub-section (a)"; 11. In sub-section (d1), instead of "of a make imported by a direct importer" will read "of a model imported by a direct importer", and at the end will read "however, the provisions in this paragraph will also apply in respect of a vehicle of a make imported by a direct importer, if the direct importer gave the authority, within the meaning thereof in the Supervision of Commodities and Services Order (Importing a Vehicle and Rendering Maintenance Services For a Vehicle), 5739 – 1978, before the commencement day or to the Director after the commencement day, an undertaking to handle a serial safety malfunction in every vehicle of a make it imports." | |
|  |  | (d) | The Minister, with the Committee's approval may, in an order –   1. Extend the validity of all or some of the temporary provisions in sub-sections (a) and (b), for additional periods not to exceed six months each time, provided the total extended periods does not exceed two years; 2. Extend the validity of the temporary provision in sub-section (c) for a single period not to exceed six months. | |
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1. S.H. 5759, page 189. [↑](#footnote-ref-1)
2. S.H. 5773, page 18. [↑](#footnote-ref-2)
3. S.H. 5741, page 248. [↑](#footnote-ref-3)
4. S.H. 5747, page 226. [↑](#footnote-ref-4)
5. S.H. 5713, page 30. [↑](#footnote-ref-5)
6. S.H. 5718, page 108. [↑](#footnote-ref-6)
7. Laws of the State of Israel, New Version 7, page 173. [↑](#footnote-ref-7)
8. S.H. 5736, page 52. [↑](#footnote-ref-8)
9. Laws of the State of Israel, New Version 32, page 625. [↑](#footnote-ref-9)
10. S.H. 5728, page 234. [↑](#footnote-ref-10)
11. S.H. 5719, page 32. [↑](#footnote-ref-11)
12. S.H. 5748, page 128. [↑](#footnote-ref-12)
13. S.H. 5711, page 78. [↑](#footnote-ref-13)
14. S.H. 5767, page 398. [↑](#footnote-ref-14)
15. S.H. 5774, page 92. [↑](#footnote-ref-15)
16. O.J. 5708, Schedule A, page 1. [↑](#footnote-ref-16)
17. S.H. 5741, page 208. [↑](#footnote-ref-17)
18. Laws of the State of Israel, New Version 3, page 39. [↑](#footnote-ref-18)
19. S.H. 5740, page 2. [↑](#footnote-ref-19)
20. S.H. 5729, page 144. [↑](#footnote-ref-20)
21. Laws of the State of Israel, New Version 10, page 266. [↑](#footnote-ref-21)
22. S.H. 5768, page 816. [↑](#footnote-ref-22)
23. Laws of the State of Israel, New Version 15, page 320. [↑](#footnote-ref-23)
24. The Laws of the Land Of Israel, Volume A, page (p) 429, 467 (a). [↑](#footnote-ref-24)
25. Laws of the State of Israel, New Version 18, page 421. [↑](#footnote-ref-25)
26. S.H. 5744, page 198. [↑](#footnote-ref-26)
27. S.H. 5740, page 202. [↑](#footnote-ref-27)
28. S.H. 5755, page 366. [↑](#footnote-ref-28)
29. Laws of the State of Israel, New Version 12, page 284. [↑](#footnote-ref-29)
30. S.H. 5721, page 192. [↑](#footnote-ref-30)
31. S.H. 5755, page 170. [↑](#footnote-ref-31)
32. S.H. 5758, page 226. [↑](#footnote-ref-32)
33. S.H. 5762, page 179. [↑](#footnote-ref-33)
34. S.H. 5758, page 348. [↑](#footnote-ref-34)
35. S.H. 5771, page 738. [↑](#footnote-ref-35)
36. Laws of the State of Israel, New Version 7, page 173; S.H. 5776, page 832. [↑](#footnote-ref-36)
37. S.H. 5758, page 290; 5774, page 663. [↑](#footnote-ref-37)
38. S.H. 5760, page 190; 5776, page 880. [↑](#footnote-ref-38)
39. R.F. 5727, page 1616. [↑](#footnote-ref-39)
40. R.F. 5727, page 1616. [↑](#footnote-ref-40)
41. R.F. 5743, page 1090. [↑](#footnote-ref-41)
42. R.F. 5730, page 2186. [↑](#footnote-ref-42)
43. R.F. 5740, page 2182. [↑](#footnote-ref-43)
44. S.H. 5718, page 24. [↑](#footnote-ref-44)