

Act on Licences for Roadworthiness Tests of Vehicles

(1099/1998; amendments up to 353/2005 included)

Section 1

Purpose of the Act and scope of application

- (1) The purpose of this Act is, by means of roadworthiness testing, to promote traffic safety and to decrease the environmental hazards caused by vehicles as well as to promote the availability of roadworthiness testing services.
- (2) This Act applies to licence applicants and those carrying out licensed roadworthiness tests for vehicles as well as to parties giving further training required in roadworthiness testing.

Section 2

Tasks subject to a licence (1102/2002)

- (1) Roadworthiness tests for vehicles may only be carried out by a party who has been granted a licence referred to in this Act.
- (2) A licence may not be granted for type-approvals of vehicles.
- (3) It may be provided for by Government Decree that minor parts of roadworthiness tests, such as testing of exhaust emissions, breaking systems, coupling, and speed limiters, may also be carried out by a party other than the one to whom the licence has been granted. The party carrying out such duties must have at its disposal adequate testing equipment as well as personnel qualified and trained for the task in question. Those reported for these duties are under the supervision of the Finnish Vehicle Administration, which may decide not to approve their testing if it has been carried out inappropriately or if the maintenance of the testing equipment or the measuring accuracy have been neglected.
- (4) Provisions on the terms and requirements set for parties performing roadworthiness tests referred to above in subsection 1; on the supervision of the operations; and on performance certificates and their validity are laid down in a Government Decree.
- (5) A Ministry of Defence Decree lays down provisions on which military vehicles shall be tested for roadworthiness in vehicle testing premises referred to in this Act and which military vehicles shall be tested by the Defence Forces themselves. Testing for roadworthiness in the Defence Forces is provided by a Ministry of Defence Decree.

Section 3

Prerequisites for granting a licence (1102/2002)

- (1) A licence shall be granted to an applicant that is reliable, qualified, financially sound and independent. The applicant shall also be able to ensure a sufficiently high standard of operations and equal treatment of customers as well as to attend to appropriate data protection.
- (2) A licence shall not be granted if the application or the circumstances

otherwise indicate that the arrangements relating to the application have been made in order to circumvent the provisions on the prerequisites of a licence.

- (3) A licence shall not be granted to an agency, institution or educational establishment maintained by the State, a municipality or a joint municipal authority.
- (4) A licence applicant shall be a legal person registered in Finland.

Section 4

Evaluating the reliability of an applicant

A licence applicant may be deemed reliable if the applicant, the person responsible for the operations or carrying out the roadworthiness tests or, in the case of an applicant operating in the form of a company, a member or deputy member of its board of directors or supervisory board, its managing director, partner or a person in another controlling position has not, by his or her actions, shown to be obviously unsuitable to carry out roadworthiness testing or to perform the tests. None of the above persons may in any case have been sentenced:

- 1) for a serious violation of the provisions on roadworthiness tests of vehicles, registration, taxation, bookkeeping or asset management unless otherwise deemed by the Vehicle Administration; or
- 2) to imprisonment in the past five years or to a fine in the past three years for a crime that can be deemed to show the person to be clearly unsuitable to carry out roadworthiness testing or to perform the tests.

Section 5

Qualifications of an applicant (353/2005)

- (1) A licence applicant shall be deemed qualified if a competent person responsible for roadworthiness testing has been notified for the vehicle testing centre.
- (2) As proof of competence, the basic training of the person responsible for roadworthiness testing shall be at least a course in auto technology in a technical college or a corresponding applicable examination at the level of a technician. Training in periodical roadworthiness testing (vehicle inspector examination) and special training corresponding to the scope of the licence shall be required as additional training as well as related practical experience and periodic refresher training for the purpose of keeping up professional skills.

Section 6

Evaluating the independence of an applicant

- (1) A licence applicant may be deemed independent if the applicant or a person in his or her employment does not carry out or have a commercial, financial or other interdependent relationship with anyone who carries out:
 - 1) manufacture, import, sale, design, marketing, repair or service of vehicles or their parts or equipment;
 - 2) damage inspection services of vehicles relating to insurance activities; or
 - 3) operates transport subject to a licence.
- (2) Nor may a licence applicant have an interdependent relationship with an association formed by parties carrying out the operations referred to in subsection 1.
- (3) Renting premises or equipment required for operations subject to a licence to

or from a party carrying out operations referred to in subsections 1 and 2 shall not be deemed an interdependent relationship referred to in the said subsections.

Section 7 *Scope of a licence (1102/2002)*

A licence shall be granted upon application and restricted by the type of roadworthiness test as follows:

- 1) periodical technical tests and supervisory tests; or
- 2) all types of tests.

Section 8 *Applying for a licence*

The following shall be appended to a licence application:

- 1) an extract from the Trade Register and an account of ownership in the case of an applicant operating in the form of a company or partnership;
- 2) a notification of the municipality in which the operations will be carried out;
- 3) an account of how the applicant will ensure a sufficiently high standard of his or her operations and equal treatment of customers;
- 4) a notification of the person responsible for roadworthiness testing;
- 5) an account of how the applicant intends to implement the connections to the data system of road traffic and how the applicant will attend to appropriate data protection;
- 6) an account of how the premises, equipment as well as personnel and other persons referred to in section 4 fulfil the requirements for the services indicated in the application; as well as
- 7) any other account required by the Vehicle Administration.

Section 9 *Granting of a licence*

The Vehicle Administration shall grant a licence for a maximum term of five years to an applicant that fulfils the requirements laid down in sections 3 – 6 and presents the accounts referred to in section 8. A decision on the granting of a licence may set conditions subject to which the licence shall be granted. A licence shall be granted separately for each vehicle testing centre.

Section 10 *Competence requirements for a person carrying out roadworthiness tests (353/2005)*

- (1) A person carrying out roadworthiness tests is required to have as his or her basic training at least a course in auto technology in a technical college or to have taken a corresponding applicable examination at the level of a technician. Training in periodical roadworthiness testing (*vehicle inspector examination*) and special training corresponding to the testing duties of the person in question as well as related practical experience and periodic refresher training for the purpose of keeping up professional skills are required as additional training.
- (2) A person who has had, at the minimum, basic training in auto technology in a polytechnic degree programme or in some other corresponding degree programme

as well as taken the vehicle inspector examination and undergone the related practical training is allowed to perform periodical tests for vehicles whose total mass in use and in registration is not more than 3.5 tonnes. When such a person performs roadworthiness tests, a person carrying out roadworthiness tests referred to in subsection 1 shall be present at the vehicle testing centre. The right to perform roadworthiness tests referred to in this subsection is valid for one year from the date of taking the vehicle inspector examination.

Section 11

Premises of a vehicle testing centre

(1) The premises of a vehicle testing centre shall be such that roadworthiness tests can be carried out there appropriately irrespective of the weather. Separate premises for testing light and heavy vehicle fleet shall be situated in the immediate vicinity of each other so that the person responsible for the roadworthiness tests will factually be able to take responsibility for the roadworthiness testing of the vehicle testing centre.

(2) A test track suitable for test driving light vehicles and closed from other traffic shall be situated in the immediate vicinity of the vehicle testing centre.

Section 12

Starting the operations

(1) Roadworthiness testing subject to a licence may be started after the Vehicle Administration has:

1) ascertained that the licence holder's premises comply with section 11 and are suitable for roadworthiness testing;

2) approved the licence holder's testing equipment as suitable for operations subject to the licence;

3) ascertained that the licence holder's connections to the data system of road traffic are appropriate;

4) ascertained the competence of the licence holder's personnel for the tasks subject to the licence; and

5) ascertained that the conditions relating to the operations correspond to the prerequisites required from licensed operations also in other respects.

(2) If roadworthiness testing complying with the licence has not been started within six months from the granting of the licence, the licence shall lapse. For a special reason, the Vehicle Administration may extend the term.

Section 13

Equality (1017/2003)

(1) The licence holder is obliged to accept for, and carry out, a roadworthiness test of the vehicle of every customer requesting it in compliance with the provisions and his or her licence.

(2) The licence holder shall make appropriate arrangements in order to ensure that the end result of a roadworthiness test is not affected by anything else than an evaluation of the state of the vehicle and its compliance with other provisions.

(3) Roadworthiness tests for vehicles shall be carried out irrespective of the make, model, or date of introduction of the vehicle or other similar factors.

(4) Provisions on the obligation of a licence holder and a holder of a right to provide training to provide linguistic services are laid down in the Language Act (423/2003).

Section 14

Good administration (1017/2003)

(1) When performing public administrative duties referred to in this Act licence holders and holders of a right to provide training shall comply with the provisions of the Administrative Procedure Act (434/2003). However, section 28(1)(4) of the Administrative Procedure Act shall not be applied to a person employed by a holder of a right to provide training.

(2) When performing public administrative duties referred to in this Act licence holders and holders of a right to provide training shall comply with the provisions of the Act on the Openness of Government Activities (621/1999).

Section 15

Secondary place of business

(1) In an exceptional case, the Vehicle Administration may grant a licence holder the right to establish a secondary place of business to be managed from the vehicle testing centre if the supply of vehicle testing services offered in the area is would otherwise be insufficient. Only vehicles with a total mass not exceeding 3.5 tonnes may be tested at the secondary place of business. Otherwise the provisions on a vehicle testing centre apply, where applicable, to a secondary place of business.

(2) When evaluating the insufficiency of the supply of vehicle testing services, at least the following must be taken into account: the distance of the planned secondary place of business from the vehicle testing centre referred to in section 7, typical distances for transacting business in the area, and the size of the vehicle fleet subject to roadworthiness testing.

(3) Six months after the date on which a vehicle testing centre referred to in section 7 has started its operations in the area the Vehicle Administration shall terminate a licence holder's right to a secondary place of business.

Section 16

Renewal of a licence

(1) The documents referred to in section 8 shall, where applicable, be appended to an application for a licence renewal.

(2) When processing an application, the prerequisites for the granting of a licence as well as the fact as to whether or not roadworthiness testing been carried out in compliance with the licence and otherwise appropriately shall be taken into consideration. Before making a decision on an application, the Vehicle Administration may, if necessary, implement the measures referred to in section 12 regarding the starting of operations.

(3) If an application for the renewal of a licence has been submitted no later than three months prior to the last day of validity of the licence, roadworthiness testing may be carried out under the licence until the matter has been decided.

Section 17
Termination of roadworthiness testing

When the operations of a vehicle testing centre are interrupted or terminated, the licence holder shall upon request deliver the documents and forms directly relating to roadworthiness testing to the Vehicle Administration.

Section 18
Training provider

- (1) Organisations approved by the Vehicle Administration provide training to persons responsible for roadworthiness testing and to those carrying out roadworthiness tests. The right to provide training is given for a fixed period to an applicant considered to have the qualifications to provide the training and who can appoint a person approved by the Vehicle Administration to be responsible for the training. The decision on the right to provide training may set conditions under which the right to provide training shall be granted.
- (2) The Vehicle Administration may revoke the right to provide training for a fixed period or in full if:
 - a) the organisation is no longer qualified to provide the training;
 - b) the provisions laid down on the training or the conditions set upon the granting of the right to provide training have not been complied with; or
 - c) the training has not in other respects been appropriate.
- (3) The Vehicle Administration may give an organisation the right to arrange an individual refresher training event. The provisions of this Act on an applicant for the right to provide training and on the granting of the right to provide training apply, where applicable, to the party arranging such an event.
- (4) The Vehicle Administration may provide special and refresher training if necessary.

Section 19
Examinations relating to training

- (1) With the exception of the final test of the vehicle inspector examination, the training provider shall arrange the examinations laid down by the competent Ministry, hereinafter the Ministry. The party arranging the examination shall issue a certificate for a successfully passed examination.
- (2) Provisions on the contents and the supervision of the examinations shall be provided by a Decision of the Ministry.

Section 20
Supervision

- (1) Compliance with this Act and the provisions issued under it shall be supervised by the Vehicle Administration.
- (2) A licence holder shall upon request submit to the Vehicle Administration information required for the supervision of compliance with this Act and the provisions issued under it as well as information necessary to ascertain the general prerequisites set for a licence holder as well as the standard of attending to the tasks of roadworthiness testing including the necessary information on the accounts,

asset management, administration, renting of premises and equipment as well as on the persons carrying out roadworthiness tests and the testing carried out. The holder of a right to provide training shall upon request submit to the Vehicle Administration the information necessary for the supervision of compliance with this Act and the provisions issued under it as well as information required to ascertain the qualifications of the holder of the right to provide training and the standard of the training including information on the persons providing training as well as on the training provided.

(3) A licence holder and a holder of the right to provide training shall immediately notify the Vehicle Administration of changes in personnel responsible for the operations as well as of any other significant changes in the operations. A licence holder shall also notify of changes in its ownership.

(4) In order to supervise compliance with this Act and the provisions issued under it, the Vehicle Administration shall have the right to perform inspections in premises where operations subject to the licence are being carried out. A licence holder shall be under an obligation to ensure that the conditions enable the inspections to be made.

(5) The police are under an obligation to give executive assistance for the supervision of compliance with this Act and the provisions issued under it.

Section 21

Measures owing to defects

(1) The Vehicle Administration shall revoke a licence for a fixed term or in full if:

- 1) the licence holder does not carry out roadworthiness testing of vehicles regularly in a vehicle testing centre or if it terminates the operations in question;
- 2) the licence holder no longer fulfils the prerequisites for the granting of a licence;
- 3) the licence holder has been declared bankrupt;
- 4) a business prohibition has been imposed upon the licence holder or a representative of the licence holder in a controlling position.

(2) The Vehicle Administration may revoke a licence or give the licence holder a reprimand or a written warning if:

- 1) vehicles which quite obviously do not comply with the provisions have been approved in roadworthiness tests for use on the road; however, a reprimand or a written warning may be issued even if only one vehicle not complying with the provisions has been approved;
- 2) the proportion of vehicles that have not passed the roadworthiness test the first time significantly deviates from the general national level without justification;
- 3) in connection with roadworthiness tests, supervision relating to the taxation of vehicles has been neglected or a task has otherwise been neglected which has separately been prescribed to be carried out in connection with roadworthiness testing;
- 4) the requirement for equal treatment referred to in section 13 or other requirements laid down in this Act have been violated;
- 5) the licence holder violates the requirements provided for a licence by a decision of the Ministry or those set in the conditions of the licence; or if
- 6) the accounts, asset management or other management of the licence holder do not fulfil the prerequisites set for the operations.

(3) If it becomes apparent that there are essential defects or abuse in

roadworthiness testing, the Vehicle Administration may temporarily prohibit the roadworthiness testing of the licence holder and, where necessary, prevent the use of the information in the data system of road traffic and the storing of data in the data system. A temporary prohibition and prevention of the use and storage shall be valid until the matter of licence revocation has been finally decided upon under subsection 1 or 2. The matter shall be decided as soon as possible.

(4) Decisions relating to licence revocation, temporary prohibition of roadworthiness testing or the use of the information in the data system of road traffic and the storing of data therein shall be complied with irrespective of a possible appeal against the decision.

Section 21 a

Supervision in technical roadside inspections (1102/2002)

(1) The Vehicle Administration may take part in a technical roadside inspection referred to in the Vehicles Act (1090/2002) with the purpose of, besides the inspection provided in section 70 of the mentioned Act, supervising the inspection performed at vehicle testing centres. Instead of a person entitled to carry out roadworthiness tests a public servant of the Vehicle Administration acts as the technical vehicle expert in the inspection. A public servant of the Vehicle Administration has the same authority in the inspection as the person entitled to perform the inspection as referred to in section 71 of the Vehicles Act.

(2) A public servant of the Vehicle Administration participating in a technical roadside inspection as an expert shall have a certificate issued by the Administration of his or her authority to participate in a technical roadside inspection. The certificate must be presented upon request to the driver of the vehicle under inspection.

Section 22

Coercive measures

(1) If an inspection or other circumstances indicate that the premises or equipment used in roadworthiness testing do not fulfil the essential requirements laid down in this Act or in the provisions issued under it, the Vehicle Administration may either prohibit the use of the premises or equipment or restrict their use.

(2) The Vehicle Administration may enforce the duty to deliver the documents and forms referred to in section 17, the duty to inform referred to in section 20(2), the prohibition referred to in section 21(3) and the prohibition or restriction referred to in subsection 1 of this section by a penalty payment. The provisions of the Penalty Payments Act (1990/1113) shall apply to the penalty payment. A person who does not comply with a duty, prohibition or restriction provided in this Act and enforced by a penalty payment cannot be sentenced for the same offence.

Section 23

Personal data files

The Vehicle Administration shall have the right to obtain necessary data from the criminal records and the driver's licence register for the handling and supervision of matters relating to the granting and revocation of a licence. Information of a crime may be delivered to a licence holder in connection with the measures referred to in section 21.

Section 24 *Secrecy obligation*

A licence holder or a person in his employment may not disclose to a third party any information concerning a crime committed by a person referred to in section 4 which has been obtained from the criminal records or the driver's licence register under section 23.

Section 24 a Roadworthiness testing fee (1102/2002)

- (1) The Vehicle Administration collects from the holders of roadworthiness testing licence a fixed roadworthiness testing fee for each vehicle test performed. The collected fees must in total meet the overall costs incurred to the Vehicle Administration from the following:
- 1) development of roadworthiness testing and related support measures;
 - 2) supervision of roadworthiness testing;
 - 3) keeping a register of vehicles for the purposes of roadworthiness testing performed by holders of roadworthiness testing licences;
 - 4) duties related to technical roadside inspections;
 - 5) costs incurred by supervisory tests provided to be reimbursed by the Vehicle Administration.
- (2) Further provisions on the amount of the roadworthiness testing fee are given by a Ministry of Transport and Communications Decree. In other respects the provisions of the Act on Criteria for Charges Payable to the State (150/1992) shall be observed.

Section 25 *Penal provisions (606/2002)*

- (1) Anyone carrying out roadworthiness tests for vehicles without a proper licence shall be sentenced for *impersonating a public official* in accordance with the provisions of chapter 16, section 9 of the Penal Code (1889/39).
- (2) A party neglecting to submit a notification or the duty to submit information as provided in this Act or in the provisions issued under it or prevents or hampers the carrying out of an inspection referred to in section 20(4) shall be sentenced for a *violation of the provisions on licences for roadworthiness tests for vehicles* to a fine.
- (3) Provisions on criminal liability for public acts apply to persons performing roadworthiness tests.
- (4) A violation of the secrecy obligation referred to in section 24 shall be punished under chapter 38, section 1 or 2 of the Penal Code unless the act is punishable under chapter 40, section 5 of the Penal Code.

Section 26 *Applying for rectification*

Rectification of a decision made by a licence holder in an issue concerning roadworthiness testing or by a training provider in an issue concerning training may be demanded from the Vehicle Administration unless otherwise provided in an Act or Decree. The demand for rectification shall be made within 30 days from the reception of notice of the decision. Directions for demanding rectification shall be

appended to the decision.

Section 27
Further provisions and instructions

- (1) Further provisions on the implementation of this Act are given by Decree. Provisions on appointing a training commission to render assistance to the Vehicle Administration shall also be provided by Decree.
- (2) The Ministry may issue further provisions on the general prerequisites for granting a licence, the premises and equipment used for roadworthiness testing as well as on the test track, on carrying out the tests outside the vehicle testing centre, the standard of roadworthiness testing and quality assurance, entering information about roadworthiness tests in the vehicle register, the storing of documents relating to roadworthiness testing as well as on cooperation with the authorities.
- (3) Further provisions on the granting of the right to provide training; length, more detailed structure and contents of the training; practical experience relating to the training; tests; examinations and supervision; certificates to be issued for the training; the tasks of the training commission; as well as on other matters relating to the training shall be issued by the Ministry.
- (4) The Vehicle Administration may issue instructions on the application of this Act and the provisions issued under it.

Section 28
Entry into force

- (1) This Act enters into force on 1 March 1999.
- (2) This Act repeals the Act on Licences for Vehicle Inspection and Registration of 18 December 1995 (1995/1593). Section 22(5) of the Act shall, however, be repealed as of 1 January 2000.
- (3) Measures necessary for the implementation of the Act may be undertaken before the Act's entry into force.

Section 29
Transitional provisions (1102/2002)

1. Provisions issued under the Act repealed by this Act remain in force until otherwise provided or decided.
2. Licences granted prior to the entry into force of this Act for vehicle testing and registration tasks remain in force as such for the period indicated in the licence. This Act applies to licence holders carrying out roadworthiness tests under the licence and the Act repealed by this Act and the provisions issued under it apply to parties carrying out registrations.
3. The rights of parties carrying out registrations under a licence for roadworthiness testing and registration to obtain information from the data system of road traffic and to store information in the data system are determined by the provisions of the Act on the Data System of Road Traffic (819/1989) in force at the time of the entry into force of this Act.
4. If the holder of a licence for roadworthiness testing and registration concludes a contract referred to in section 3 of the Act on the Registration of Vehicles (1100/1998) with the Vehicle Administration on the handling of

registrations, his or her licence regarding registrations expires upon the entry into force of the contract.

5. A licence granted to an agency, institution or educational establishment referred to in section 3(3) may be renewed notwithstanding the provisions of the mentioned subsection 3 or subsection 4 of the same section.

6. Upon the entry into force of this Act, competence requirements laid down in section 5 or under this Act for a person responsible for roadworthiness testing are deemed to be met if he or she takes part in the provided refresher training and has:

- a) during the last two years prior to the entry into force of the Act worked as the person responsible for roadworthiness testing at a vehicle testing centre that corresponds to the scope of his or her licence for a minimum of six months; or
- b) since 1 November 1998 worked and upon the entry into force of this Act is still working as the person responsible for roadworthiness testing at a vehicle testing centre corresponding to the scope of the licence.

7. Upon the entry into force of this Act, professional qualifications laid down in section 10 or under this Act for a person carrying out roadworthiness testing are deemed to be met if he or she takes part in the provided refresher training and has:

- a) during the last two years prior to the entry into force of the Act worked in roadworthiness testing that is in conformity with the determined scope of his or her testing tasks for a minimum of six months; or
- b) since 1 November 1998 worked and upon the entry into force of this Act is still working in roadworthiness testing that is in conformity with the determined scope of his or her testing tasks.

The implementing provisions of Act of 12 July 2002 (606/2002) read as follows:
This Act enters into force on 1 October 2002.

The implementing provisions of Act of 11 December 2002 (1102/2002) read as follows:

- (1) This Act enters into force on 1 January 2003.
- (2) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

The implementing provisions of Act of 5 December 2003 (1017/2003) read as follows:

This Act enters into force on 1 January 2004.

The implementing provisions of Act of 27 May 2005 (353/2005) read as follows:

- (1) This Act enters into force on 1 June 2005.
- (2) A person meeting the requirements set for a person responsible for roadworthiness testing or the qualification requirements for a person carrying out roadworthiness testing is deemed to meet the qualification requirements provided in sections 5 and 10.