

**Reprint  
as at 11 August 2017**



**Land Transport (Road Safety and Other Matters)  
Amendment Act 2011**

Public Act    2011 No 13  
Date of assent    9 May 2011  
Commencement    see section 2

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
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**This Act is administered by the Ministry of Transport.**

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#### **Schedule 4** 76

#### **Consequential amendments that come into force on 1 August 2011**

### **The Parliament of New Zealand enacts as follows:**

#### **1 Title**

This Act is the Land Transport (Road Safety and Other Matters) Amendment Act 2011.

#### **2 Commencement**

- (1) Sections 4(9), 6(1), 16, 17, 25, 28, 32, 40 to 45, 68, 91, 92, and 100(1) come into force 90 days after the date of Royal assent.
- (2) Sections 4(18), 33 to 37, and 39 come into force 180 days after the date of Royal assent.

- (3) Sections 12 and 100(4) come into force on 1 August 2011.
- (4) Sections 5, 6(2), 18, 23, 24, 26, 30, 38, 48(2), 50, 53(2), 54, 55, 59(1), 63, 64, and 100(2) come into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions.
- (5) The rest of this Act comes into force on the day after the date of Royal assent.  
Section 2(4): sections 5, 6(2), 18, 23, 24, 26, 30, 38, 48(2), 50, 55, 59(1), 63, 64, and 100(2) and Schedule 2 brought into force, on 10 September 2012, by the Land Transport (Road Safety and Other Matters) Amendment Act 2011 Commencement Order 2012 (SR 2012/203).

### 3 Principal Act amended

This Act amends the Land Transport Act 1998.

## Part 1 Amendments to principal Act

### 4 Interpretation

- (1) The definition of **enforcement authority** in section 2(1) is amended by inserting the following paragraph after paragraph (b):  
(ba) an airport authority:
- (2) The definition of **enforcement authority** in section 2(1) is further amended by repealing paragraph (d) and substituting the following paragraph:  
(d) a local authority, in the case of an infringement offence for which an infringement notice is issued by an employee of the local authority or on behalf of the local authority:
- (3) Section 2(1) is amended by repealing the definition of **hospital** and substituting the following definition:  
**hospital** means a hospital care institution within the meaning of section 58(4) of the Health and Disability Services (Safety) Act 2001
- (4) The definition of **infringement offence** in section 2(1) is amended by inserting the following paragraph after paragraph (a):  
(ab) a stationary vehicle offence:
- (5) Paragraph (c) of the definition of **infringement offence** in section 2(1) is amended by omitting “Schedule 2 of the Transport Act 1962” and substituting “regulations made under this Act”.
- (6) Paragraph (c) of the definition of **moving vehicle offence** in section 2(1) is amended by omitting “, or against the Transport Act 1962 or any regulations or bylaws made under that Act,”.
- (7) The definition of **parking warden** in section 2(1) is amended by omitting “section 7(1) of the Transport Act 1962” and substituting “section 128D”.

- (8) Paragraph (b)(iii) of the definition of **passenger service** in section 2(1) is amended by omitting “made” and substituting “made; or”.
- (9) Section 2(1) is amended by repealing the definition of **positive evidential breath test** and substituting the following definition:
- positive**, in relation to an evidential breath test, means an evidential breath test that indicates,—
- (a) in the case of a person who holds an alcohol interlock licence or a zero alcohol licence, that the breath of the person who underwent the test contains alcohol; or
  - (b) in the case of a person who is apparently younger than 20, that the breath of the person who underwent the test contains alcohol; or
  - (c) in the case of any other person, that the proportion of alcohol in the breath of the person who underwent the test exceeds 400 micrograms of alcohol per litre of breath
- (10) The definition of **qualifying bylaw** in section 2(1) is amended by—
- (a) omitting “section 22AB(1)(b)” and substituting “section 22AB(1)(a)”; and
  - (b) omitting “, section 72(1)(d) of the Transport Act 1962, section 684(1)(13) of the Local Government Act 1974,”.
- (11) Paragraph (e) of the definition of **road** in section 2(1) is amended by omitting “paragraph (d):” and substituting “paragraph (d); and”.
- (12) The definition of **speed limit** in section 2(1) is amended by omitting “the Transport Act 1962,”.
- (13) Paragraph (b) of the definition of **transport service** in section 2(1) is amended by repealing subparagraph (i) and substituting the following subparagraph:
- (i) licensed rail participants under the Railways Act 2005; and
- (14) The definition of **transport service vehicle** in section 2(1) is amended by repealing paragraph (a) and substituting the following paragraph:
- (a) a rail vehicle under the Railways Act 2005; or
- (15) Paragraph (f) of the definition of **transport service vehicle** in section 2(1) is amended by omitting “hour” and substituting “hour”.
- (16) Section 2(1) is amended by repealing the definition of **work time** and substituting the following definition:
- work time** includes (but is not limited to) all the time spent—
- (a) driving a vehicle to which section 30ZB(1) applies;
  - (b) performing work-related duties, including (but not limited to)—
    - (i) loading and unloading:

- (ii) maintenance and cleaning of vehicles (other than unpaid cleaning outside working hours):
  - (iii) administration or recording:
  - (c) in any paid employment (other than paid leave or paid breaks of at least 30 minutes' duration), whether or not related to transport activities
- (17) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

**alcohol interlock device** means a device that—

- (a) is a part of the starting system of a motor vehicle; and
- (b) uses breathalyser technology to determine whether the starting system should start the motor vehicle; and
- (c) is, for the purposes of section 65A, approved by the Minister of Transport (after consulting the Science Minister) by notice in the *Gazette*

**alcohol interlock licence** means a driver licence issued to a person who has been authorised to obtain an alcohol interlock licence by an order of a court made under section 65A(2)

**approved provider**, in relation to alcohol interlock devices, means a person approved by the Agency to install, maintain, or remove alcohol interlock devices

**heavy traffic** means—

- (a) the use of any heavy motor vehicle; or
- (b) any other traffic declared to be heavy traffic by the Agency by notice in the *Gazette*

**moped**—

- (a) means a motor vehicle (other than a power-assisted pedal cycle) that has—
  - (i) 2 wheels; and
  - (ii) a maximum speed not exceeding 50 kilometres per hour; and
  - (iii) either—
    - (A) an engine cylinder capacity not exceeding 50 cc; or
    - (B) a power source other than a piston engine; and
- (b) includes a motor vehicle running on 3 wheels if the vehicle—
  - (i) was registered before paragraph (a) came into force; and
  - (ii) falls within the definition of moped in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

**motorcycle**—

- (a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and



- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but
- (c) does not include a moped

**parking** means,—

- (a) in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes:
- (b) in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road

**parking offence** means an offence described in paragraph (a) of the definition of stationary vehicle offence

**parking warden** means a parking warden appointed under section 128D

**permanent speed limit** means a maximum speed limit set by a regulation or rule made under this Act and that is in force except when a holiday, variable, minimum, or temporary speed limit is in force

**stationary vehicle offence** means—

- (a) parking in any portion of a road in breach of—
  - (i) any Act or regulation; or
  - (ii) any bylaw made under section 22AB(1)(m) to (o):
- (b) any offence specified as a stationary vehicle offence in regulations made under this Act

**towage fee**, in respect of a parking offence, means an amount specified as the towage fee in respect of that offence by the Secretary by notice in the *Gazette*; and, for the purposes of this definition, the Secretary may prescribe different rates of towage fees in respect of different classes of persons, vehicles, products, or any other property or item, or on the basis of different times of use, or different distances, or on any other differential basis

**zero alcohol licence** means a licence that—

- (a) is issued to a person who is authorised to obtain the licence by a court order made under section 65B(2); and
- (b) authorises the person to drive on the condition that neither the person's breath nor the person's blood contains alcohol

- (18) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

**blood specimen collecting instrument** means—

- (a) a needle and syringe; or

- (b) an instrument of a kind designed for the taking of blood specimens approved by the Minister of Police (after consulting the Science Minister and the Minister of Transport) by notice in the *Gazette*

**blood specimen collecting procedure** means the taking of a blood specimen by a blood specimen collecting instrument in a manner prescribed by the Minister of Police by notice in the *Gazette*

- (19) Section 2(2) is amended by inserting “or replacement notice” after “A notice”.
- (20) Section 2(2) is amended by inserting “or replaced” after “or revoked”.
- (21) Section 2(3) is amended by inserting “or replacement notice” after “A notice”.
- (22) Section 2 is amended by adding the following subsection:
  - (5) Despite anything in subsection (1), for the purposes of any proceedings against an offence of failing to comply with work time restrictions or rest time requirements, where no continuous period of rest of least 10 hours is or has been taken, a cumulative work day is to be treated as a period that—
    - (a) begins from the commencement of any work time; and
    - (b) ends only after a continuous period of rest of at least 10 hours is taken.

Compare: 1962 No 135 s 41A(1)

## 5 Drivers to be licensed

Section 5(1)(c) is amended by omitting “a limited licence” and substituting “an alcohol interlock licence, a zero alcohol licence, or a limited licence”.

## 6 Drivers not to exceed specified alcohol limits

- (1) Section 11 is amended by repealing paragraph (c) and substituting the following paragraph:
  - (c) if the person is younger than 20,—
    - (i) the person’s breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, contains alcohol; or
    - (ii) the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, contains alcohol; or
- (2) Section 11 is amended by adding the following paragraph:
  - (d) if the person holds an alcohol interlock licence or a zero alcohol licence,—
    - (i) the person’s breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, contains alcohol; or

- (ii) the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, contains alcohol.

**7 Drivers and other road users to comply with directions of enforcement officers, etc**

Section 13(1AA) is amended by omitting "section 22AE" and substituting "section 22AF".

**8 New sections 16A and 16B inserted**

The following sections are inserted after section 16:

**16A Restriction of heavy traffic on roads**

- (1) The Agency (in relation to a State highway, the control of which has not been delegated to a territorial authority under Part 4 of the Government Roading Powers Act 1989) or another road controlling authority (in relation to any road under its control) may, by public notice, direct that any heavy traffic, or any specified kind of heavy traffic defined in the notice, may not proceed between any 2 places by way of any road or roads specified in the notice.
- (2) A copy of every notice under this section must be displayed in at least 1 prominent position on every road to which the notice applies.
- (3) Every person commits an offence, and is liable on conviction to a fine not exceeding \$1,000, who contravenes the requirements of any notice under this section unless the person proves that there was no other way reasonably available for the traffic concerned to proceed.

Compare: 1962 No 135 s 70AA

**16B Interference with operation of speed measuring devices**

Every person commits an offence who—

- (a) uses in a motor vehicle any equipment that interferes with the operation of a speed measuring device:
- (b) possesses in a motor vehicle any equipment that is designed to interfere with the operation of a speed measuring device.

**9 Doctors and optometrists to give Agency medical reports of persons unfit to drive**

Section 18(4) is repealed.

**10 Road controlling authorities may make certain bylaws**

- (1) Section 22AB(1) is amended by adding the following headings and paragraphs:

*Vehicle and road use*

- (c) prohibiting or restricting, absolutely or conditionally, any specified class of traffic (whether heavy traffic or not), or any specified motor vehicles

or class of motor vehicle that, by reason of its size or nature or the nature of the goods carried, is unsuitable for use on any road or roads:

- (d) in the case of Ministers of the Crown only, fixing, for the safety of the public or for the better preservation of the road, the maximum speed of vehicles or of specified classes of vehicles on any road:
- (e) prohibiting or restricting engine braking in any area where the permanent speed limit does not exceed 70 kilometres per hour:
- (f) prohibiting or restricting the use of vehicles on beaches:
- (g) restricting the use of motor vehicles on unformed legal roads for the purposes of protecting the environment, the road and adjoining land, and the safety of road users:
- (h) prescribing the use of roads and cycle tracks, and the construction of anything on, over, or under a road or cycle track:

*Heavy traffic*

- (i) providing for the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic:
- (j) prohibiting any specified class of heavy traffic that has caused or is likely to cause serious damage to any road, unless the cost of reinstating or strengthening the road, as estimated by the Minister or the relevant road controlling authority, as the case may be, is paid previously:
- (k) providing for the annual or other payment of any reasonable sum by any person concerned in any heavy traffic by way of compensation for any damage likely to occur as a result of the heavy traffic to any road, bridge, culvert, ferry, or ford:
- (l) providing for the establishment, in accordance with section 361 of the Local Government Act 1974, of a toll to be levied on any class of heavy traffic:

*Parking*

- (m) prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; limiting the stopping, standing, or parking of vehicles on any road to vehicles of any specified class or description; limiting the period of time that vehicles may park on any part of the road where parking is limited to such vehicles; and providing that a vehicle used for the time being for any specified purpose must be treated for the purposes of the bylaw to be of a specified class or description, whether or not the vehicle belongs to any other class or description for any other purpose:
- (n) prohibiting or restricting, subject to the erection of the prescribed signs, the parking of heavy motor vehicles, or any specified class or description

of heavy motor vehicle, on any specified road during specified hours or for a period that exceeds a specified period:

- (o) prescribing the use of parking places and transport stations, which includes (but is not limited to)—
  - (i) specifying the vehicles or classes of vehicle that may be entitled to use any parking place or transport station:
  - (ii) reserving any specified parking place or transport station for use, either generally or at specified times, only by members of the judiciary, medical practitioners, members of the diplomatic corps or consular corps, or disabled persons as defined in section 2 of the Disabled Persons Community Welfare Act 1975:
  - (iii) if in the relevant road controlling authority's opinion it would be reasonable to reserve parking places or transport stations for use by persons who reside in the vicinity,—
    - (A) reserving specified parking places or transport stations for those persons to use, either generally or at specified times; and
    - (B) setting the fees that those persons must pay to the relevant road controlling authority, whether annual or otherwise, for the use of those parking places or transport stations (provided that the fees do not exceed the reasonable cost to the relevant road controlling authority of the service involved in granting a permit to park in any parking place or transport station, collecting fees, or otherwise in relation to the reserving of any parking place or transport station):
  - (iv) prohibiting or restricting parking (being the stopping or standing of a vehicle for a period in excess of that specified in the bylaws) on specified roads or part of roads in residential areas by specified classes of vehicles, either generally or at specified times, where in the relevant road controlling authority's opinion the parking is likely to cause a nuisance or danger:
  - (v) prescribing the conditions under which any parking place or transport station may be used:
  - (vi) prescribing the charges to be paid to the relevant road controlling authority in connection with the use of any parking place or transport station, as measured by parking meters or in any other manner specified in the bylaws:
  - (vii) providing for the removal of vehicles from parking places or transport stations or roads where those vehicles are using those places or stations in breach of the bylaws, and requiring the payment of the reasonable cost of such removal:

*Signs and markings*

- (p) providing that, subject to the erection of the prescribed signs, vehicles on roads must travel in 1 specified direction only:
- (q) prohibiting, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in 1 direction to facing or travelling in the opposite direction, or prohibiting vehicles on a road, other than vehicles of a specified class, from turning to the right or to the left:
- (r) prescribing, subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning movement may be made only by buses, taxis, or vehicles of other specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants:

*Livestock*

- (s) prohibiting, either absolutely or conditionally, the crossing of any bridge or culvert by horses, cattle, sheep, pigs, or other animals, or vehicles and regulating the times at which or the manner in which any horses, cattle, sheep, pigs, or other animals, or vehicles, may cross or be taken over any bridge or culvert:
- (t) prescribing the routes by which and the times at which horses, cattle, sheep, pigs, or other animals, or specified classes of vehicles, may pass over any road:
- (u) prohibiting the driving of loose horses, cattle, sheep, pigs, or other animals along any road, otherwise than at the times and by the routes so prescribed, except with the permission of the Minister or of the relevant road controlling authority, as the case may be, and on the conditions that the Minister or the relevant road controlling authority, as the case may be, thinks fit:
- (v) prohibiting, either absolutely or conditionally, the driving of horses, cattle, sheep, pigs, or other animals along any road, and requiring that no horses, cattle, sheep, pigs, or other animals may be taken upon or enter any road unless they are confined within a motor vehicle:

*Displays, vegetation, and access*

- (w) regulating the use of any means of access constructed under section 319(1) of the Local Government Act 1974:
- (x) requiring the owner or occupier of any area of land on which a building is situated or the owner or occupier of any building or part of a building, being land or a building or part of a building to which a number has been allocated under section 319B of the Local Government Act 1974, to display that number in a position visible from the road:
- (y) regulating, controlling, or prohibiting the display or continuance of the display of posters, placards, handbills, writings, pictures, or devices for

advertising or other purposes on or over public buildings or bridges, or on or over buildings, walls, fences, posts, trees, pavements, or hoardings, that are situated—

- (i) in or on or adjoining any land or road that is the property of, or under the control of, the relevant road controlling authority; or
  - (ii) where that display is visible from a road or public place:
- (z) restricting or prohibiting the planting or erection, at or within a specified distance from corners, bends, or intersections on roads, of trees, shrubs, hedges, scrub, or other growth, or of fences or walls, that, in the opinion of the relevant road controlling authority are, or are likely to constitute, a source of nuisance or danger to traffic, and requiring the trimming or cutting down of such trees, shrubs, hedges, scrub, or other growth:
  - (za) requiring any allotment in such parts of the district as are specified in the bylaws to be fenced along its line of frontage to any road and to be kept clear of noxious plants:
  - (zb) prohibiting the cutting of grass for seed on roads or on any specified roads without the previous consent in writing of the relevant road controlling authority, either at all times or during any specified part of the year:
  - (zc) regulating the use of, and protecting, grass plots, flower beds, and shrubberies laid out in roads or on land vested in or under the control of the relevant road controlling authority by or under the authority of the relevant road controlling authority, and protecting trees growing on any roads or on land vested in or under the control of the relevant road controlling authority (whether or not planted by the relevant road controlling authority):
  - (zd) regulating or prohibiting the construction of cellars or the making of excavations within a specified distance from any road or any adjoining land, and preventing cellars and excavations from becoming a receptacle for stagnant water or other impure matter:

*Weights*

- (ze) providing for—
  - (i) the weighing or measurement of vehicle loads:
  - (ii) the computation of the weight or measurement of loads from the cubical or superficial measurements of vehicle loads:
- (zf) prescribing the quantity of material that, for the purpose of a computation, may be conclusively treated as a specified weight or measurement of vehicle loads from the cubical or superficial measurements of vehicle loads:
- (zg) providing for the drivers of vehicles to—

- (i) give information as to vehicle loads and as to the quantity, weight, size, or measurement of vehicle loads:
  - (ii) do any thing for the purpose of enabling the quantity, weight, size, or measurement of the loads to be ascertained, as may be requested by any person authorised in this regard:
- (zh) regulating the weights of vehicles or loads that may pass over bridges or culverts:
- Pedlars*
- (zi) prohibiting or permitting the occupation of stands or stalls (including vehicles used as stalls) by hawkers, pedlars, and keepers of mobile or travelling shops (subject, in the case of a State highway, to the prior consent of the Agency and to any conditions imposed by the Agency)—
    - (i) in roads, public places, and State highways as the relevant road controlling authority thinks fit; or
    - (ii) in specified roads or State highways or parts of specified roads or State highways; or
    - (iii) in any public place adjoining specified roads or State highways or parts of specified roads or State highways if the presence of the stall or stand is likely to cause an obstruction or a danger to traffic:
  - (zj) prescribing charges in respect of any permits that may be granted in relation to matters specified in paragraph (zi):
- General*
- (zk) regulating any road-related matters not addressed by paragraphs (a) to (zj), including (but not limited to) enhancing or promoting road safety or providing protection for the environment.
- (2) Section 22AB is amended by inserting the following subsections after subsection (3):
- (3A) A relevant road controlling authority may, by resolution that is publicly notified, limit a parking place or transport station or any specified part of that parking place or transport station to vehicles belonging to or used by particular persons or classes of persons or to vehicles used for particular public purposes.
  - (3B) If, under subsection (3A), a parking place or transport station is limited to vehicles belonging to or used by particular persons or classes of persons or to vehicles used for particular public purposes, no person in charge of any other vehicle may allow the vehicle to stand in the parking place or transport station.
- (3) Section 22AB is amended by repealing subsection (6) and substituting the following subsection:
- (6) In this section,—



**keeper**, in relation to a mobile or travelling shop, means the person by whom or on whose behalf any business is carried on by means of the mobile or travelling shop

**mobile or travelling shop**—

- (a) means a vehicle, whether self-propelled or not, from which goods, wares, or merchandise are offered or available for sale in the road, or from which goods, wares, or merchandise may be ordered in the road (whether or not in response to any invitation) or from which services are offered for sale in the road; but
- (b) does not include any vehicle on or from which food is sold for consumption in or at the vehicle, or any vehicle used for the purpose of transporting and delivering goods, wares, or merchandise ordered previously

**parking place** has the same meaning as in section 591(6) of the Local Government Act 1974

**railway** has the same meaning as in section 4(1) of the Railways Act 2005

**transport station** has the same meaning as in section 591(6) of the Local Government Act 1974.

Compare: 1962 No 135 s 72; 1974 No 66 ss 591A, 684

## 11 New section 24A inserted

The following section is inserted after section 24:

### 24A Authorised persons may request driver licences for certain persons

- (1) Despite section 23, the following persons may make a written request to the Agency to create and issue a driver licence for an assumed identity:
  - (a) the Commissioner, for the purpose of protecting a person who—
    - (i) is a Police employee or a person who is, has been, or may be a witness in any proceedings:
    - (ii) needs protection because of his or her relationship to a person who is, has been, or may be a witness in any proceeding:
    - (iii) needs protection because of his or her relationship to a Police employee:
  - (b) the Director of Security, for the purpose of protecting a person who is, has been, or will be—
    - (i) an employee or officer of the New Zealand Security Intelligence Service; or
    - (ii) approved by the Director of Security to undertake activities for the New Zealand Security Intelligence Service:
  - (c) the chief executive, for the purpose of protecting a person who is, has been, or will be—

- (i) a fishery officer; or
  - (ii) approved by the chief executive to undertake activities for the Ministry.
- (2) The Agency may create and issue a driver licence for an assumed identity if the Agency receives a request under subsection (1)(a), (b), or (c).
- (3) New identity information is created by the Agency by omitting, amending, or adding to—
- (a) birth information, description information, name change information, or address information (including, if necessary, the creation of other identities to support the person’s new identity information); and
  - (b) operational or administrative information as necessary, so that it supports the information described in paragraph (a).
- (4) The Agency may omit, amend, or add information as necessary if the Agency receives notification that the driver licence is no longer required, or has been compromised, from—
- (a) the Commissioner, in relation to the driver licence created as a result of a request under subsection (1)(a); or
  - (b) the Director of Security, in relation to new identity information created as a result of a request under subsection (1)(b); or
  - (c) the chief executive, in relation to the driver licence created as a result of a request under subsection (1)(c).
- (5) In this section,—
- chief executive, fishery officer, and Ministry** have the same meanings as in section 2(1) of the Fisheries Act 1996
- Director of Security, employee, and officer** have the same meanings as in section 2(1) of the New Zealand Security Intelligence Service Act 1969
- Police employee** means—
- (a) a person appointed under section 18 of the Policing Act 2008; or
  - (b) a person—
    - (i) who is a member of an overseas law enforcement agency that corresponds to the New Zealand Police; and
    - (ii) whose identity is concealed for the purpose of carrying out a policing function approved by the Commissioner.

Compare: 1995 No 16 s 65

## 12 Minimum age for driver licensing

- (1) Section 25 is amended by omitting “15” and substituting “16 years”.
- (2) Section 25 is amended by adding the following subsections as subsections (2) and (3):

- (2) However, a person who holds a New Zealand driver licence immediately before 1 August 2011 and is younger than 16 years may continue to hold that driver licence.
- (3) A person referred to in subsection (2) may apply to the Agency to reinstate or replace that licence as necessary, or apply for a limited licence if an order has been made under section 105.

### **13 Certain driver licences have no effect**

Section 29 is amended by repealing subsection (1) and substituting the following subsection:

- (1) A driver licence has no effect if—
  - (a) a person is disqualified from holding, or unqualified to hold, a driver licence;
  - (b) the licence is invalid or is issued invalidly;
  - (c) the licence is revoked, cancelled, superseded, or replaced;
  - (d) the licence is for the time being suspended under any Act.

### **14 Driver licences are property of Agency and are to be surrendered in certain circumstances**

Section 30 is amended by repealing subsection (5) and substituting the following subsection:

- (5) The Agency must, subject to sections 82A, 83, and 105(6A) and as soon as practicable after being satisfied that a person is entitled to apply for and be granted a driver licence,—
  - (a) issue a new driver licence to the person when the disqualification or suspension expires or is removed; or
  - (b) in the case where a court authorises the issue of an alcohol interlock licence, issue an alcohol interlock licence to the person; or
  - (c) in the case where a court authorises the issue of a zero alcohol licence, issue a zero alcohol licence to the person; or
  - (d) in the case where a court authorises the issue of a limited licence, issue a limited licence to the person.

### **15 Interpretation**

Paragraph (e)(ii) of the definition of **adverse decision** in section 30V is repealed.

### **16 Agency may grant exemptions or approve alternative fatigue management schemes**

Section 30ZA(1)(c) is amended by omitting “all” and substituting “specified”.

**17 New sections 30ZB and 30ZC substituted**

Sections 30ZB and 30ZC are repealed and the following sections are substituted:

**30ZB Application of subpart**

- (1) This subpart applies if, in a cumulative work period, a driver drives a vehicle that—
  - (a) requires a class 2, 3, 4, or 5 licence (as specified in the rules); or
  - (b) is used in—
    - (i) a transport service (other than a rental service); or
    - (ii) circumstances in which that vehicle must, or ought to, be operated under a transport service licence; or
  - (c) is used to carry goods for hire or reward.
- (2) Subsection (1) applies whether or not the vehicle is—
  - (a) engaged in any transport service; or
  - (b) carrying any load or passengers.
- (3) Subsection (1) does not apply to the driver of a goods service vehicle that—
  - (a) requires a class 2 licence (as specified in the rules); and
  - (b) is used within a 50 km radius of the vehicle's normal base of operation; and
  - (c) is not used for hire or reward.

**30ZC Limits on work time**

- (1) A driver subject to this subpart—
  - (a) may not exceed the work time restrictions specified in this section, the rules, or any variation granted under section 30ZA; and
  - (b) must comply with the rest time requirements specified in this section, the rules, or any variation granted under section 30ZA.
- (2) In any cumulative work day, a driver—
  - (a) may not exceed 13 hours of work time; and
  - (b) must have at least 10 hours of continuous rest time.
- (3) In any cumulative work period, a driver may not exceed 70 hours of work time.
- (4) To avoid doubt, the rules may extend the limits for a cumulative work day or period for a specified activity or service.
- (5) This section does not apply to a driver of an ambulance service, a fire brigade, or a rural fire party who is proceeding to or returning from an incident attended in response to a priority call specified in the rules.

**18 Contravention of section 5(1)(c)**

- (1) Section 32(1)(b) is amended by omitting “a limited licence” and substituting “an alcohol interlock licence, a zero alcohol licence, or a limited licence”.
- (2) Section 32(2)(a) is amended by omitting “prescribed for a driver licence or endorsement” and substituting “approved by the Agency”.

**19 Contravention of section 7 or 22 involving injury or death**

- (1) The heading to section 36 is amended by omitting “or death”.
- (2) Section 36(1)(a) is amended by omitting “or the death of”.
- (3) Section 36(1)(b) is amended by omitting “or death of”.

**20 New section 36AA inserted**

The following section is inserted after section 36:

**36AA Contravention of section 7 by causing death of another person**

- (1) A person commits an indictable offence if the person—
  - (a) drives or causes to be driven a motor vehicle recklessly and by that act or omission causes the death of another person; or
  - (b) drives or causes a motor vehicle to be driven at a speed or in a manner that, having regard to all the circumstances, is or might be dangerous to the public or to a person and, by that act or omission, causes the death of another person.
- (2) If a person is convicted of an offence against subsection (1),—
  - (a) the maximum penalty is imprisonment for a term not exceeding 10 years or a fine not exceeding \$20,000; and
  - (b) the court must order the person to be disqualified from holding or obtaining a driver licence for 1 year or more.
- (3) The imposition of a mandatory disqualification under this section is subject to section 81.

**21 Contravention of section 22A**

- (1) Section 36A is amended by repealing subsections (2) and (3) and substituting the following subsections:
- (2) A person commits an indictable offence if the person commits an offence against subsection (1)(a) or (c) and by that act or omission causes—
  - (a) an injury to another person; or
  - (b) the death of another person.
- (3) If a person is convicted of an indictable offence specified—
  - (a) under subsection (2)(a),—

- (i) the person is liable to imprisonment for a term not exceeding 5 years or a fine not exceeding \$20,000; and
  - (ii) the court must order the person to be disqualified from holding or obtaining a driver licence for 1 year or more:
  - (b) under subsection (2)(b),—
    - (i) the person is liable to imprisonment for a term not exceeding 10 years or a fine not exceeding \$20,000; and
    - (ii) the court must order the person to be disqualified from holding or obtaining a driver licence for 1 year or more.
- (2) Section 36A is amended by adding the following subsection:
- (6) The imposition of a mandatory disqualification under this section is subject to section 81.

## 22 Overloading offences

Section 43(3) is amended by omitting “or (if no such penalty is prescribed) the appropriate penalty specified in or under the Transport Act 1962”.

## 23 Contravention of section 92(4)

Section 48 is amended by repealing subsection (1) and substituting the following subsection:

- (1) A person commits an offence if the person, without reasonable excuse, fails to—
- (a) attend a driving improvement course or dangerous goods course in accordance with section 92(4), or neither attends nor pays the fee; or
  - (b) complete a driving improvement course or dangerous goods course in accordance with section 92(4), or neither attends nor pays the fee; or
  - (c) pay the fee for a driving improvement course or dangerous goods course in accordance with section 92(4).

## 24 New section 55A inserted

The following section is inserted after section 55:

### 55A Offences concerning alcohol interlock devices

- (1) This section applies if a person tampers with, or attempts to tamper with, an alcohol interlock device, or uses an alcohol interlock device in contravention of an order made by a court under section 65A(2).
- (2) If this section applies,—
  - (a) the person who holds the alcohol interlock licence to which the alcohol interlock device applies commits an offence; or

- (b) the person who tampered with, or attempted to tamper with, the alcohol interlock device or used the alcohol interlock device in contravention of an order made under section 65A(2) commits an offence.
- (3) It is a defence to proceedings for an offence against subsection (2)(a) if the person who holds an alcohol interlock licence establishes that the person—
  - (a) did not tamper with, or attempt to tamper with, the alcohol interlock device or use the alcohol interlock device in contravention of an order made under section 65A(2); and
  - (b) was not involved in the commission of the offence against subsection (2)(b).
- (4) The maximum penalty on conviction for an offence against subsection (2)(a) or (b) is a fine not exceeding \$3,000.

**25 Contravention of specified breath or blood alcohol limit by person younger than 20**

- (1) Section 57 is amended by inserting the following subsection after subsection (1):
  - (1A) A person younger than 20 commits an infringement offence if the person drives or attempts to drive a motor vehicle on a road while the person's breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, contains alcohol but the proportion of alcohol does not exceed 150 micrograms of alcohol per litre of breath.
- (2) Section 57 is amended by inserting the following subsection after subsection (2):
  - (2A) A person younger than 20 commits an infringement offence if the person drives or attempts to drive a motor vehicle on a road while the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, contains alcohol but the proportion of alcohol does not exceed 30 milligrams of alcohol per 100 millilitres of blood.

**26 New section 57AA inserted**

The following section is inserted after section 57:

**57AA Contravention of specified breath or blood alcohol limit by holder of alcohol interlock licence or zero alcohol licence**

- (1) A person who holds an alcohol interlock licence or a zero alcohol licence commits an offence if the person drives or attempts to drive a motor vehicle on a road while the person's breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, contains alcohol but the proportion of alcohol does not exceed 400 micrograms of alcohol per litre of breath.

- (2) A person who holds an alcohol interlock licence or a zero alcohol licence commits an offence if the person drives or attempts to drive a motor vehicle on a road while the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, contains alcohol but the proportion of alcohol does not exceed 80 milligrams of alcohol per 100 millilitres of blood.
- (3) If a person is convicted of an offence against subsection (1) or (2),—
  - (a) the maximum penalty is imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,250; and
  - (b) the court must order the person to be disqualified from holding or obtaining a driver licence for 3 months or more.
- (4) A person who holds an alcohol interlock licence or a zero alcohol licence commits an offence if the person drives or attempts to drive a motor vehicle on a road while the proportion of alcohol in the person's breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, exceeds 400 micrograms of alcohol per litre of breath.
- (5) A person who holds an alcohol interlock licence or a zero alcohol licence commits an offence if the person drives or attempts to drive a motor vehicle on a road while the proportion of alcohol in the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, exceeds 80 milligrams of alcohol per 100 millilitres of blood.
- (6) If a person is convicted of an offence against subsection (4) or (5),—
  - (a) the maximum penalty is imprisonment for a term not exceeding 2 years or a fine not exceeding \$6,000; and
  - (b) the court must order the person to be disqualified from holding or obtaining a driver licence for 1 year or more.
- (7) The imposition of a mandatory disqualification under this section is subject to section 81.

Section 26: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

## **27 Person in charge of motor vehicle causing injury or death**

- (1) Section 61(2) is amended by adding “; or” and also by adding the following paragraph:
  - (c) if—
    - (i) the person does not complete a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained to give the test, when required to do so by an enforcement officer under section 71A; and



- (ii) the person's blood, as ascertained from an analysis of a blood specimen subsequently taken under section 72 or 73, contains evidence of the use of a qualifying drug.
- (2) Section 61(2A) is amended by inserting "or (2)(c)" after "subsection (2)(b)".
  - (3) Section 61(3) is amended by omitting "or subsection (2)" and substituting "or (2) that causes bodily injury to another person".
  - (4) Section 61 is amended by inserting the following subsection after subsection (3):
    - (3AA) If a person is convicted of an offence against subsection (1) or (2) that causes the death of another person,—
      - (a) the maximum penalty is imprisonment for a term not exceeding 10 years or a fine not exceeding \$20,000; and
      - (b) the court must order the person to be disqualified from holding or obtaining a driver licence for 1 year or more in the case of a first or second offence against this section or section 56(1) or (2), 58(1), or 60(1).
  - (5) Section 61 is amended by inserting the following subsection after subsection (3B):
    - (3C) For the purposes of this section, a conviction for an offence against a provision of the Transport Act 1962 corresponding to an offence specified in subsection (3A) is to be treated as a conviction for an offence specified in that subsection.

## **28 Defences**

Section 64 is amended by repealing subsection (3) and substituting the following subsection:

- (3) In any proceedings against any person for an offence against section 52(1)(c) arising out of circumstances in which an enforcement officer exercised powers under section 121(2) and in respect of which a breath screening test or an evidential breath test or a blood test was undergone by the person, it is no defence that—
  - (a) the breath screening test or evidential breath test indicated that,—
    - (i) in the case of a person apparently younger than 20, the person's breath did not contain alcohol; or
    - (ii) in the case of a person who holds an alcohol interlock licence or a zero alcohol licence, the person's breath did not contain alcohol; or
    - (iii) in any other case, the proportion of alcohol in the person's breath did not exceed 400 micrograms of alcohol per litre of breath; or
  - (b) any evidence given in respect of the results of a blood test indicates that,—

- (i) in the case of a person apparently younger than 20, the person's blood did not contain alcohol; or
- (ii) in the case of a person who holds an alcohol interlock licence or a zero alcohol licence, the person's blood did not contain alcohol; or
- (iii) in any other case, the proportion of alcohol in the person's blood did not exceed 80 milligrams of alcohol per 100 millilitres of blood.

### **29 Mandatory penalties for repeat offences involving use of alcohol or drugs**

- (1) The heading above section 65 is amended by adding "*and certain first time offences*".
- (2) Section 65 is amended by repealing subsection (2) and substituting the following subsection:
  - (2) A court must make an order requiring a person to attend an assessment centre and disqualifying the person from holding or obtaining a driver licence until the Agency removes that disqualification under section 100 if—
    - (a) the court convicts that person of a second or subsequent offence against any of sections 56 to 62; and
    - (b) the previous offence was committed within 5 years of the date of the commission of the offence being dealt with by the court.
- (3) Section 65(3) is amended by omitting "The" and substituting "Despite subsection (2), the".

### **30 New sections 65A and 65B inserted**

The following sections are inserted after section 65:

#### **65A Alcohol interlock requirements for repeat offences or certain first time offences involving use of alcohol**

- (1) This section applies if—
  - (a) a court convicts a person of an offence involving the use of alcohol against any of sections 56(1), 56(2), 57(1), 57(2), 58(1)(a), 60(1)(a) to (c), 61(1), 61(2), and 62(1)(a); and
  - (b) either—
    - (i) the person convicted has previously been convicted of such an offence committed within 5 years of the date of the commission of the offence being dealt with by the court; or
    - (ii) the offence for which the person is convicted under paragraph (a) involves either or both of the following:
      - (A) the proportion of alcohol in the person's breath, as ascertained by an evidential breath test subsequently undergone

- by the person under section 69, is 800 micrograms of alcohol per litre of breath or higher:
- (B) the proportion of alcohol in the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, is 160 milligrams of alcohol per 100 millilitres of blood or higher.
- (2) If this section applies, the court must, if the court imposes a sentence for an alcohol interlock licence disqualification,—
- (a) disqualify the person from holding any driver licence for a period of 3 months; and
  - (b) make an order that—
    - (i) authorises the person to apply for an alcohol interlock licence at the end of the 3-month disqualification period; and
    - (ii) requires the person, while holding an alcohol interlock licence, to—
      - (A) drive only a vehicle or vehicles to which an alcohol interlock device is fitted; and
      - (B) apply for a zero alcohol licence, which the Agency may issue only on successful completion of the criteria specified in subparagraph (iv); and
    - (iii) provides that the person may apply for any other driver licence (including, but not limited to, a limited licence) only if the person has obtained, and has satisfied the requirements of, the alcohol interlock licence; and
    - (iv) provides that the alcohol interlock device in the person's vehicle may be removed only if the person—
      - (A) has held the alcohol interlock licence for at least 12 months; and
      - (B) has not violated any of the requirements of the alcohol interlock licence during the 6-month period preceding the date on which the alcohol interlock device is removed, or has completed an assessment and has not violated any of the requirements of the alcohol interlock licence during the 3-month period preceding the date on which the alcohol interlock device is removed; and
    - (v) ends the person's disqualification under section 65, if the person was disqualified under section 65.
- (3) The imposition of a mandatory disqualification under this section is subject to section 81.

- (4) A person who is subject to an order under subsection (2) and does not apply for an interlock licence is to be treated as a person with a licence of no effect.

**65B Mandatory zero alcohol requirements for repeat offences involving use of alcohol**

- (1) This section applies if—
- (a) a court convicts a person of an offence against any of sections 56(1), 56(2), 57(1), 57(2), 57AA, 58(1)(a), 60(1)(a) to (c), 61(1), 61(2), and 62(1)(a); and
  - (b) the person convicted has previously been convicted of such an offence committed within 5 years of the date of the commission of the offence being dealt with by the court.
- (2) If this section applies, the court must make an order authorising the person to apply for a zero alcohol licence that has effect for a period of 3 years from the issue of the licence.
- (3) A person authorised under subsection (2) may apply for a zero alcohol licence,—
- (a) in the case of a person who is subject to 1 or more orders of disqualification, no earlier than the day after the end of the last period of disqualification to which the person is subject; or
  - (b) in the case of a person who is subject to an order made under section 65A(2)(b), when the Agency makes an order under section 100A(1).
- (4) A person who is subject to an order under subsection (2) and does not apply for a zero alcohol licence is to be treated as a person with a licence of no effect under section 29(1).

**31 Blood test fee**

Section 67(1) is amended by omitting “sections 56(2), 57(2), 57A,” and substituting “sections 56(2), 57(2), 57A, 57AA,”.

**32 Who must undergo evidential breath test**

- (1) Section 69(1) is amended by omitting “if” and substituting “if,”.
- (2) Section 69(1) is amended by repealing paragraph (a) and substituting the following paragraphs:
- (a) in the case of a person who holds an alcohol interlock licence or a zero alcohol licence, the person has undergone a breath screening test under section 68 and it appears to the officer that the breath of the person who underwent the test contains alcohol; or
  - (aa) in the case of a person who is apparently younger than 20, the person has undergone a breath screening test under section 68 and it appears to the officer that the breath of the person who underwent the test contains alcohol; or

(ab) in the case of any other person, the person has undergone a breath screening test under section 68 and it appears to the officer that the proportion of alcohol in the breath of the person who underwent the test exceeds 400 micrograms of alcohol per litre of breath; or

(3) Section 69(1)(b) is repealed.

### **33 Who must give blood specimen at places other than hospital or surgery**

(1) Section 72(4) is amended by omitting “to be divided into 2 parts in accordance with section 74(1)” and substituting “for the purposes of the relevant blood specimen collecting procedure”.

(2) Section 72(4)(a) is amended by omitting “to so” and substituting “to do so”.

### **34 Who must give blood specimen in hospital or surgery**

(1) Section 73(3)(a) is amended by inserting “take a blood specimen or” after “may”.

(2) Section 73(4) is amended by omitting “to be divided into 2 parts in accordance with section 74(1)” and substituting “for the purposes of the relevant blood specimen collecting procedure”.

(3) Section 73(5) is amended by omitting “subsection (3)(b)” and substituting “subsection (3)”.

(4) Section 73(7) is amended by omitting “analyst” and substituting “laboratory”.

### **35 Procedure for dealing with blood specimens**

(1) Section 74 is amended by repealing subsections (1) and (2) and substituting the following subsection:

(1) A blood specimen taken under section 72 or 73 must be dealt with in accordance with the relevant blood specimen collecting procedure.

(2) Section 74(3) is amended by omitting “both parts of the blood specimen to an approved analyst for the analysis of 1 of those parts and the custody of the other” and substituting “the blood specimen to an approved laboratory for its analysis and custody in accordance with the relevant blood specimen collecting procedure”.

(3) Section 74(4)(a) is amended by omitting “both parts of the blood specimen to an approved analyst for the analysis of 1 of those parts and the custody of the other” and substituting “the blood specimen to an approved laboratory for its analysis and custody in accordance with the relevant blood specimen collecting procedure”.

(4) Section 74(4)(b) is amended by omitting “give” and substituting “if, at the time the blood specimen is taken, there is more than 1 approved laboratory, give”.

(5) Section 74(4)(b) is amended by repealing subparagraph (i) and substituting the following subparagraph:

- (i) identifying the approved laboratory to whom the blood specimen was (or is being) delivered or posted; and
- (6) Section 74(5)(b)(i) is amended by omitting “analyst” and substituting “laboratory”.
- (7) Section 74(5)(b) is amended by repealing subparagraph (ii) and substituting the following subparagraph:
  - (ii) that laboratory must send by registered post, personal delivery, or delivery by courier the blood specimen, held for the purpose, to the private analyst specified in the application.
- (8) Section 74(6) is amended by omitting “analyst” and substituting “laboratory”.
- (9) Section 74(8) is amended by omitting “analyst” and substituting “laboratory”.

### **36 Certificates in blood alcohol proceedings**

- (1) Section 75 is amended by repealing subsection (2) and substituting the following subsection:
- (2) This section applies to a certificate purporting to be signed by a medical practitioner or medical officer and certifying that—
  - (a) a specimen of venous blood was taken by the practitioner or medical officer in accordance with the blood specimen collecting procedure specified in the certificate from a person named in the certificate; and
  - (b) for the purposes of the specified blood specimen collecting procedure,—
    - (i) the specimen was sufficient; or
    - (ii) the specimen was insufficient and the practitioner or medical officer took a further specimen; and
  - (c) in accordance with the specified blood specimen collecting procedure, the practitioner or medical officer kept the specimen in the appropriate container or containers (as applicable); and
  - (d) each such container was received by the practitioner or medical officer in a sealed blood specimen collecting kit; and
  - (e) the practitioner or medical officer handed each such container to an enforcement officer named in the certificate.
- (2) Section 75(3) is amended by repealing paragraph (c) and substituting the following paragraph:
  - (c) the practitioner has reasonable grounds to suspect that the person is in the hospital or doctor’s surgery as a result of—
    - (i) an accident or incident involving a motor vehicle;
    - (ii) an injury or a medical condition arising subsequent to an accident or incident involving a motor vehicle; and

- (3) Section 75(4)(b) is amended by omitting “both parts of the specimen (or both specimens) to a specified approved analyst” and substituting “the specimen to a specified approved laboratory”.
- (4) Section 75(4) is amended by repealing paragraph (c) and substituting the following paragraph:
  - (c) that, if at the time the blood specimen was taken more than 1 approved laboratory exists, the practitioner or medical officer has notified the Commissioner in writing of the approved laboratory to which the specimen was delivered or posted.
- (5) Section 75(5)(a) is amended by omitting “bottle” and substituting “container”.
- (6) Section 75(6) is amended by omitting “a part of”.

### **37 Presumptions relating to blood specimens**

Section 76(1)(c) is amended by omitting “bottle” in each place where it appears and substituting in each case “container”.

### **38 Presumptions relating to alcohol-testing**

Section 77(3)(a)(ii) is amended by omitting “older” and substituting “older, or holds an alcohol interlock licence or a zero alcohol licence,”.

### **39 Circumstances in which certificate not admissible in proceedings**

- (1) Section 79(2)(a) is amended by omitting “1 part of”.
- (2) Section 79(2)(b) is amended by omitting “that part of”.
- (3) Section 79(3) is amended by omitting “1 part of”.
- (4) Section 79(3)(b) is amended by omitting “the part of” in each place where it appears.
- (5) Section 79(4)(c) is amended by repealing subparagraph (i) and substituting the following subparagraph:

- (i) in the case of a defendant who (at the time of the commission of the offence) was younger than 20 or held an alcohol interlock licence or a zero alcohol licence, no alcohol; or

### **40 Failure to keep or produce records or comply with conditions of exemption or approval**

- (1) Section 79N(a) is amended by omitting “a vehicle” and substituting “any vehicle”.
- (2) Section 79N(a)(i) is amended by omitting “; and” and substituting “; or”.
- (3) Section 79N(a)(ii) is amended by omitting “; and” and substituting “; or”.

**41 Failure to comply with prescribed work time restrictions or rest time requirements**

- (1) Section 79O(a)(i) is amended by omitting “a vehicle” and substituting “any vehicle”.
- (2) Section 79O(a)(i)(A) is amended by omitting “; and” and substituting “; or”.
- (3) Section 79O(a)(i)(B) is amended by omitting “; and” and substituting “; or”.
- (4) Section 79O(b) is amended by omitting “a vehicle” and substituting “any vehicle”.
- (5) Section 79O(b)(i) is amended by omitting “; and” and substituting “; or”.
- (6) Section 79O(b)(ii) is amended by omitting “; and” and substituting “; or”.
- (7) Section 79O(c) is amended by omitting “a vehicle” and substituting “any vehicle”.
- (8) Section 79O(c)(i) is amended by omitting “; and” and substituting “; or”.
- (9) Section 79O(c)(ii) is amended by omitting “; and” and substituting “; or”.

**42 Defences to work time offences**

Section 79P is amended by adding the following subsections:

- (3) It is not a defence in any proceedings for an offence against section 79O that a continuous period of rest time of at least 10 hours was taken before the commencement of the work time to which the relevant cumulative work day relates.
- (4) It is not a defence in any proceedings for an offence against section 79O that a continuous period of rest time of at least 24 hours was taken before the commencement of the first cumulative work day to which the relevant cumulative work period relates.

**43 New section 79PA inserted**

The following section is inserted after section 79P:

**79PA Matters to be taken into account in imposing penalty for offence against section 79O**

In determining the penalty to be imposed for an offence against section 79O, the court must take into account each of the following:

- (a) the cumulative effect of abbreviated, broken, or omitted periods of rest time;
- (b) the accumulated hours of work time;
- (c) the degree of risk to the public.



**44 Failure to discharge duties regarding logbooks**

- (1) Section 79Q(a) is amended by omitting “a vehicle” and substituting “any vehicle”.
- (2) Section 79Q(a)(i) is amended by omitting “; and” and substituting “; or”.
- (3) Section 79Q(a)(ii) is amended by omitting “; and” and substituting “; or”.

**45 Offences and proceedings concerning logbooks**

- (1) Section 79R(4)(a) is amended by omitting “a vehicle” and substituting “any vehicle”.
- (2) Section 79R(4)(a)(i) is amended by omitting “; and” and substituting “; or”.
- (3) Section 79R(4)(a)(ii) is amended by omitting “; and” and substituting “; or”.

**46 New section 79V inserted**

The following section is inserted after section 79U:

**79V Search warrants in relation to offences against section 79T or 79U**

Even though offences under section 79T or 79U are not punishable by imprisonment, a court may issue a search warrant under section 198 of the Summary Proceedings Act 1957 in relation to an incident giving rise to an offence under section 79T or 79U if a constable believes on reasonable grounds that a person has committed an offence against section 79T or 79U.

**47 Effect of disqualification**

Section 82(3) is repealed.

**48 New sections 82A to 82C inserted**

- (1) The following sections are inserted after section 82:

**82A Application for reinstatement if suspended for any period (other than under section 95), or disqualified for period not exceeding 12 months**

- (1) This section applies to a person if—
  - (a) the person’s driver licence is suspended for any period (other than under section 95); or
  - (b) the person’s disqualification does not exceed 12 months.
- (2) If this section applies, a person’s driver licence remains of no effect when the period of suspension or disqualification ends until—
  - (a) the person applies to the Agency to have the licence reinstated; and
  - (b) the Agency reinstates, if permitted by the regulations or the rules, the person’s licence in accordance with the regulations and the rules.

**82B Transitional provision concerning application of section 82A**

To avoid doubt, section 82A applies if a period of disqualification or suspension ends after the commencement of that section, even though the period of disqualification or suspension began before the commencement of that section.

- (2) The following section is inserted in its appropriate order:

**82C Application for reinstatement following expiry of alcohol interlock licence or zero alcohol licence**

- (1) This section applies to a person whose alcohol interlock licence or zero alcohol licence (as the case may be) has expired.
- (2) If this section applies, a person's driver licence remains of no effect when the alcohol interlock licence or zero alcohol licence expires until—
- (a) the person applies to the Agency to have the licence reinstated; and
  - (b) the Agency reinstates, if permitted by the regulations or the rules, the person's licence in accordance with the regulations and the rules.

**49 New licence or endorsement to be issued if disqualified driver qualifies for specified vehicle classes**

- (1) The heading to section 84 is amended by omitting “**or endorsement**”.
- (2) Section 84(1)(a) is amended by omitting “section 83(1)” and substituting “section 82A or 83(1)”.
- (3) Section 84 is amended by repealing subsection (2) and substituting the following subsection:
- (2) If this section applies, then the Agency must issue a new licence to that person to authorise that person to drive the relevant class of motor vehicle and all lower classes of motor vehicles for which that person held a licence immediately before he or she was disqualified.

**50 Particulars of court orders relating to disqualification to be sent to Agency and offender**

- (1) The heading to section 87 is amended by omitting “**court orders relating to disqualification**” and substituting “**certain court orders**”.
- (2) Section 87 is amended by repealing subsection (1) and substituting the following subsections:
- (1) This section applies to the following orders:
- (a) an order disqualifying a person from holding or obtaining a driver licence;
  - (b) an order under section 65A(2)(b)(i) (authorising the person to apply for an alcohol interlock licence);
  - (c) an order under section 65B(2) (authorising the person to apply for a zero alcohol licence):

- (d) an order under section 99 (reducing a disqualification):
  - (e) an order under section 105 (authorising the issue of a limited licence).
- (2) If a court makes an order to which this section applies, the Registrar of the court must notify the Agency and the offender in writing of the particulars of the order.

**51 Immediate suspension of transport service driver and other persons in interests of public safety**

Section 87D(1) is amended by inserting “immediately” after “concerned.”.

**52 New section 87E substituted**

Section 87E is repealed and the following section substituted:

**87E Procedure for suspending persons under section 87D**

- (1) If the Agency suspends a person under section 87D, the notice must—
- (a) inform the person of the grounds of the suspension; and
  - (b) advise the person that—
    - (i) the suspension has effect from the day on which the notice was received by the person, or any later date that is specified in the notice; and
    - (ii) the person may make submissions on the matter to the Agency and notify the person of the right of appeal under section 106.
- (2) The Agency must, as soon as practicable, consider any submissions on the matter made by the person and notify the person of the result of the consideration.

**53 New sections 90 and 90A substituted**

- (1) Section 90 is repealed and the following section is substituted:

**90 Suspension of licence or disqualification from driving under demerit points system**

- (1) If, in any 2-year period, a person has accumulated a total of 100 or more demerit points, the Agency must give notice in writing advising the person that—
- (a) the person has accumulated 100 or more demerit points; and
  - (b) the penalty specified in subsection (3) or (5) has been imposed and takes effect immediately.
- (2) The notice given under subsection (1) may be served by—
- (a) the Agency; or
  - (b) a person approved for the purpose by the Agency; or
  - (c) an enforcement officer.

- (3) If the person holds a current driver licence, the effect of a notice given under subsection (1) is that the licence—
  - (a) is suspended for a period of 3 months or, if longer than 3 months, the period calculated under section 90A; and
  - (b) remains of no effect when the period of suspension ends until the person applies to the Agency to have the licence reinstated and the Agency reinstates the licence.
- (4) A person whose driver licence has been suspended under subsection (3) may not hold or obtain a driver licence while the suspension is in force.
- (5) If the person does not hold a current driver licence, the person is disqualified from holding or obtaining a driver licence for a period of 3 months or, if longer than 3 months, the period calculated under section 90A.
- (6) A suspension or disqualification under this section begins on the date specified in the notice, which may not be earlier than the date on which the notice is served on the person.

(2) *[Repealed]*

Section 53(2): repealed, on 11 August 2017, by section 103(2) of the Land Transport Amendment Act 2017 (2017 No 34).

#### 54 Cancellation and reinstatement of demerit points

Section 91 is amended by repealing subsection (2) and substituting the following subsection:

- (2) If a suspension under section 90 is imposed in respect of a person's driver licence, or a disqualification under section 90 is imposed in respect of a person, the Agency must reduce the demerit points recorded against the person by the total number of demerit points used to calculate the person's period of suspension or disqualification under section 90A(1).

#### 55 Compulsory attendance at driving improvement course or dangerous goods course

Section 92 is amended by repealing subsection (4) and substituting the following subsections:

- (4) A person who has been ordered under subsection (1) or (2) to attend a course must,—
  - (a) within 21 days after being required to do so, pay to the person in charge of the course the fee usually charged for that course; and
  - (b) within 90 days after being required to do so, complete the course; and
  - (c) if the person has successfully completed the course, provide the court with evidence that verifies that the person has successfully completed the course.

- (5) Despite subsection (4)(b), if a person is unable to complete an appropriate driving improvement course approved by the Agency owing to factors beyond the person's control, the court may—
  - (a) grant an extension as the court considers appropriate in the circumstances; or
  - (b) suspend or cancel the order requiring the person to complete the course.

#### **56 Court may order compulsory driving test**

- (1) Section 93(1) is amended by omitting “prescribed for a driver licence or endorsement” and substituting “approved by the Agency”.
- (2) Section 93(4) is amended by omitting “prescribed” in each place where it appears and substituting in each case “approved”.
- (3) Section 93(5) is amended by omitting “prescribed” and substituting “approved”.
- (4) Section 93(6) is amended by omitting “prescribed” and substituting “approved”.

#### **57 Mandatory 28-day suspension of driver licence in certain circumstances**

- (1) Section 95(1)(a)(i) is amended by inserting “57A,” after “56(1) or (2),”.
- (2) Section 95(1)(a)(ii)(B) is amended by omitting “; and” and substituting “; or”.
- (3) Section 95 is amended by adding the following subsection:
- (9) For the purposes of this section, **driver licence** includes a foreign driver licence.

#### **58 New section 95A inserted**

The following section is inserted after section 95:

#### **95A Extension of 28-day suspension period of driver licence under section 95**

- (1) A Police employee holding the office of constable and who is of or above the position of inspector may, after giving notice in writing to the person whose driver licence has been suspended, apply to a District Court Judge for an order extending the 28-day suspension period referred to in section 95(2)(b).
- (2) An application must specify the circumstances that make it necessary to extend the 28-day suspension period.
- (3) The maximum number of applications that may be made under this section in respect of a suspended driver licence is 3.
- (4) A District Court may order that the driver licence be suspended for a further period not exceeding 28 days.
- (5) A person whose driver licence has been suspended for a further period not exceeding 28 days by an order made under subsection (4) may appeal to the High Court against that order.

- (6) The High Court may confirm, reverse, or modify the order appealed against.
- (7) Every order appealed against under this section continues in force pending the determination of the appeal, and no person is excused from complying with any of the provisions of this Act on the ground that any appeal is pending.

### **59 Vehicle seized and impounded for 28 days in certain circumstances**

- (1) Section 96(1) is amended by inserting the following paragraph after paragraph (b):
  - (ba) in the case of a person who is the holder of an alcohol interlock licence, the person operated that vehicle contrary to the conditions of that licence; or
- (2) Section 96(1)(d) is amended by repealing subparagraph (ii) and substituting the following subparagraph:
  - (ii) had received convictions for 2 or more previous offences against any of sections 56(1) or (2), 57, 57AA, 57A, 58(1), 60(1), or 61(1) or (2) within the last 4 years.

### **60 Impoundment of vehicle used in transport service**

Section 96A is amended by renumbering the first subsection (5) as subsection (4A).

### **61 Storage of impounded vehicles**

Section 97 is amended by inserting the following subsection after subsection (2):

- (2A) For the purposes of subsection (2), **owner**, in relation to an impounded vehicle, means the person who is the registered person in respect of the vehicle at the time that the vehicle is impounded.

### **62 Release of vehicle after 28 days**

- (1) The second subsection (7) in section 98 is amended by omitting “subsections (1) to (6)” and substituting “subsections (1) to (8)”.
- (2) Section 98 is amended by renumbering—
  - (a) the second subsection (6) as subsection (7); and
  - (b) the first subsection (7) as subsection (8); and
  - (c) the second subsection (7) as subsection (9).

### **63 New section 100A inserted**

The following section is inserted after section 100:

#### **100A Agency to remove alcohol interlock requirements**

- (1) If orders have been made under section 65A(2) in respect of a person (the **applicant**), the Agency must make an order removing the requirements imposed

by those orders, if satisfied that the applicant is a fit person to hold a driver licence, having regard to—

- (a) both of the following:
    - (i) a report from a medical practitioner attached to an assessment centre that is made available to the Agency by the applicant or the assessment centre; and
    - (ii) the applicant establishing to the satisfaction of the Agency that the applicant has complied with every requirement imposed by those orders, and by this Act or the rules or regulations made under this Act in relation to those orders, for a period of at least 3 months immediately before the applicant applied to have the requirements relating to the orders made under section 65A(2) removed; or
  - (b) the applicant establishing to the satisfaction of the Agency that the applicant has complied with every requirement imposed by those orders, and by this Act or the rules or regulations made under this Act in relation to those orders, for a period of at least 6 months immediately before the applicant applied to have the requirements relating to the orders made under section 65A(2) removed.
- (2) If the Agency makes an order under subsection (1), every order made under section 65A(2) that applies to the applicant concerned must be treated as having expired.
  - (3) No order may be made under subsection (1) if the applicant's alcohol interlock licence has been in force less than 12 months.
  - (4) If the Agency decides not to remove the requirements imposed by the orders made under section 65A(2), the Agency must refer the applicant to the right of appeal under section 106.

#### **64 Persons who may apply to court for limited licence**

Section 103(2) is amended by adding the following paragraph:

- (e) a person who—
  - (i) is subject to the requirements of an alcohol interlock licence; or
  - (ii) is subject to an order under section 65A but is yet to obtain an alcohol interlock licence.

#### **65 Issue of limited licence to be delayed or prohibited in certain cases**

Section 104(2) is amended by inserting “or endorsement” after “driver licence”.

#### **66 Court may make order authorising grant of limited licence**

- (1) Section 105(2) is amended by inserting the following paragraph after paragraph (a):

- (ab) the applicant meets the criteria specified in sections 103 and 104; and
- (2) Section 105(6) is amended by omitting “If” and substituting “Subject to subsection (6A) and section 30(5), if”.
- (3) Section 105 is amended by inserting the following subsection after subsection (6):
- (6A) If, after the court makes an order under this section, the Agency becomes aware that the applicant is not entitled to apply for or be granted a limited licence in accordance with sections 103 and 104, the Agency may—
- (a) decline to issue the limited licence; and
- (b) refer the applicant to the right of appeal under section 106.

**67 Enforcement officers may enforce transport legislation**

Section 113(1)(a) is amended by omitting “the Transport Act 1962,”.

**68 Enforcement officers may give directions prohibiting driving of vehicles**

- (1) Section 115(1)(a) is amended by omitting “Agency” and substituting “Minister”.
- (2) Section 115(1)(b) is amended by omitting “Agency” and substituting “Minister”.
- (3) Section 115(3)(a) is amended by omitting “Agency” and substituting “Minister”.
- (4) Section 115(6) is amended by omitting “Agency” in each place where it appears and substituting in each case “Minister”.

**69 Powers of entry**

Section 119(3)(d) is amended by omitting “subparagraph (c)” and substituting “(c)”.

**70 Enforcement officer may immobilise vehicle, etc, if driver incapable of proper control of vehicle**

The heading to section 121 is amended by omitting “if driver incapable of proper control of vehicle” and substituting “in specified circumstances”.

**71 New sections 128D and 128E inserted**

The following sections are inserted after section 128C:

**128D Appointment of parking wardens**

- (1) A local authority may appoint a person to hold the office of parking warden.
- (2) A person who holds the office of parking warden at the commencement of this section is to be treated as having been appointed under subsection (1).



- (3) A parking warden may perform the functions and duties, and exercise the powers, of a parking warden that are conferred or imposed by or under this or any other Act only on a road within the district or region of the local authority that appointed the parking warden.
- (4) A local authority that appoints a person under subsection (1) is liable for the actions of that person as a parking warden in all respects as if—
  - (a) that person were an officer or employee of the local authority (whether or not that is the case); and
  - (b) any directions given or control exercised by any other person over the parking warden in that capacity were directions given or control exercised by the local authority.

#### **128E Powers of parking wardens**

- (1) A parking warden in uniform or in possession of a warrant or other evidence of authority as a parking warden—
  - (a) may enforce the provisions of any stationary vehicle offence or special vehicle lane offence:
  - (b) may, in relation to enforcing the provisions of any stationary vehicle offence or special vehicle lane offence, direct any person on any road, and apparently in charge of or in any vehicle, to—
    - (i) provide the person's name and address and give any other particulars required as to the person's identity:
    - (ii) give any information that is within the person's knowledge and that may lead to the identification of the driver or person in charge of any vehicle:
  - (c) may direct the driver or person in charge of any vehicle on any road to remove the vehicle from the road or any specified part of any road, if the parking warden believes on reasonable grounds that—
    - (i) the vehicle causes an obstruction in the road or to any vehicle entrance to any property; or
    - (ii) the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public:
  - (d) may, if the parking warden believes on reasonable grounds that a vehicle on a road causes an obstruction in the road or to any vehicle entrance to any property or that the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public,—
    - (i) enter, or authorise another person to enter, the vehicle for the purpose of moving it or preparing it for movement; and
    - (ii) move, or authorise another person to move, the vehicle to any place where it does not constitute a traffic hazard.

- (2) Every person commits an offence and is liable to a fine not exceeding \$1,000 who—
  - (a) fails to comply with any direction given under subsection (1)(b); or
  - (b) gives, in response to a direction given under subsection (1)(b), any information that the person knows to be false.
- (3) Every person to whom any direction is given under the authority of subsection (1) must comply with the direction, and no person may do any act that is for the time being forbidden by any direction given under the authority of subsection (1).
- (4) A person who is authorised by a parking warden to enter a vehicle for the purpose of moving it or preparing it for movement or to move a vehicle to a place where it does not constitute a traffic hazard may do so, but must do everything reasonably necessary to ensure that the vehicle is not damaged while doing so.
- (5) Every person commits an offence and is liable for a fine not exceeding \$1,000 if the person—
  - (a) has possession of a vehicle as a result of its being moved under subsection (1)(d); and
  - (b) fails to deliver possession of the vehicle, as soon as practicable, to a person who produces satisfactory evidence, at any reasonable time, to the effect that the person was lawfully entitled to possession of the vehicle immediately before it was moved.

## 72 Owner liability for moving vehicle offences

- (1) The heading to section 133 is amended by adding “**and special vehicle lane offences**”.
- (2) Section 133(1) is amended by inserting “or a special vehicle lane offence” after “vehicle offence”.
- (3) Section 133(2) is amended by omitting “it is to be conclusively presumed that” and substituting “in the absence of proof to the contrary, it must be presumed that”.
- (4) Section 133(2)(a) is amended by omitting “accordingly”.
- (5) Section 133(3) is amended by inserting “or a special vehicle lane offence” after “vehicle offence”.
- (6) Section 133(5) is amended by inserting “or a special vehicle lane offence” after “offence”.

## 73 New section 133A inserted

The following section is inserted after section 133:

**133A Owner liability for stationary vehicle offences**

- (1) Proceedings for a stationary vehicle offence may be taken against 1 or more of the following persons (whether or not, in the case of a person referred to in paragraph (b) or (c), the person is an individual or was the driver, person in charge, or user of the vehicle at the time the alleged offence was committed):
  - (a) the person who allegedly committed the offence:
  - (b) the person who, at the time of the alleged offence,—
    - (i) was registered as the owner, or one of the owners, of the vehicle involved in the offence in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; or
    - (ii) was the registered person in respect of the vehicle under Part 17 of this Act:
  - (c) the person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence (whether or not jointly with any other person).
- (2) Subject to subsection (4), in any proceedings taken against a person under subsection (1)(b) or (c), in the absence of proof to the contrary, it must be presumed that—
  - (a) the person was the driver, person in charge, and user of the vehicle at the time of the alleged offence (whether or not the person is an individual); and
  - (b) the acts or omissions of the driver, person in charge, or user of the vehicle at that time were the acts or omissions of the first-mentioned person.
- (3) It is a defence to proceedings taken against a person for a stationary vehicle offence if the person proves that another person has, by virtue of an order under the Summary Proceedings Act 1957, become liable to pay a fine or costs, or both, in respect of the offence.
- (4) It is a defence to proceedings taken against a person under subsection (1)(b) or (c) if—
  - (a) the person proves that, at the time the alleged offence was committed,—
    - (i) he or she was not lawfully entitled to possession of the vehicle (either jointly with any other person or individually); or
    - (ii) another person was unlawfully in charge of the vehicle; and
  - (b) as soon as practicable after becoming aware of the alleged offence, he or she advised the enforcement authority in writing that, at the time the offence was committed, he or she was not lawfully entitled to possession of the vehicle or another person unlawfully had charge of the vehicle, as the case may be; and

- (c) he or she has done everything reasonably possible on his or her part to comply with all requests of the enforcement authority to supply to the enforcement authority information regarding the person lawfully entitled to possession, or the person who was in charge, of the vehicle at the time of the alleged offence.
- (5) In the case of any stationary vehicle offence, any defence available under subsection (3) or (4) is in addition to and not in substitution for any defences available under the enactment creating the offence.
- Compare: 1962 No 135 s 41A

#### 74 Time for instituting proceedings

- (1) Section 136(3) is amended by repealing paragraph (a) and substituting the following paragraph:
- (a) an offence against—
- (i) section 32 that involves driving while disqualified or contrary to the conditions of a licence, an alcohol interlock licence, a zero alcohol licence, or a limited licence; or
  - (ii) section 44 that involves giving information that the person knows to be false or misleading; or
- (2) Section 136(3)(b) is amended by inserting the following subparagraph after subparagraph (ii):
- (ia) the chain of responsibility under Part 6C; or

#### 75 Issue of infringement notice

Section 139 is amended by adding the following subsections:

- (6) If a parking warden has reason to believe that the user of a vehicle has committed an infringement offence that may be enforced by a parking warden under section 128E,—
- (a) the user of the vehicle may be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or
  - (b) the parking warden may issue an infringement notice in respect of the alleged offence.
- (7) For the purposes of any proceedings in respect of an infringement offence that is an offence against a bylaw made under section 9(1)(e) or (g) of the Airport Authorities Act 1966, **enforcement officer** includes officers appointed by an airport authority.

#### 76 New section 139A inserted

The following section is inserted after section 139:

**139A Towage fees if parking offences prosecuted**

- (1) The court must order the defendant to pay, in addition to any fine and any costs ordered by the court, the amount of the appropriate towage fee if, in proceedings in respect of a parking offence,—
  - (a) the defendant is found guilty of, or pleads guilty to, the offence; and
  - (b) the court is satisfied that expenses have been incurred by an enforcement authority in respect of the movement or proposed movement of the vehicle involved in the offence (whether or not the vehicle was in fact moved).
- (2) If, in proceedings in respect of a parking offence (including proceedings commenced by the filing of a copy of a reminder notice under section 21(5) of the Summary Proceedings Act 1957 or the provision of particulars of a reminder notice under section 21 of that Act), the defendant is ordered to pay an amount in respect of a towage fee, the amount of the fee recovered must be paid to the enforcement authority that incurred the towage expenses.

Compare: 1962 No 135 s 43A

**77 New section 141 substituted**

Section 141 is repealed and the following section substituted:

**141 Provisions relating to infringement fees**

- (1) The infringement fee payable in respect of an infringement offence is the appropriate infringement fee prescribed in respect of the relevant offence by or under this Act.
- (2) If an infringement fee is paid to an enforcement authority other than the Police, the enforcement authority must give the Commissioner the particulars of the infringement and of the payment that the Commissioner requires.
- (3) Subject to subsections (4) and (5), all infringement fees received under this Act by an enforcement authority or recovered under the Summary Proceedings Act 1957 must be paid into a Crown Bank Account, except that the enforcement authority may retain any portion of the fees so received that the Minister of Finance from time to time approves as being the expenses incidental to their collection.
- (4) An enforcement authority that is the Agency or a local authority may retain the portion of the infringement fees received by it under this Act—
  - (a) that the Minister of Finance from time to time approves; and
  - (b) that is received in respect of an infringement offence in relation to the use of a special vehicle lane.
- (5) An enforcement authority that is a road controlling authority may retain—
  - (a) all infringement fees that it receives in respect of offences that involve—

- (i) parking in breach of a bylaw of the road controlling authority on any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of the road controlling authority; or
  - (ii) parking on any other portion of a road in breach of a bylaw of the road controlling authority that prohibits parking for a period in excess of the period fixed by the bylaw where the infringement notice in respect of the offence was issued by an officer or other person appointed by the road controlling authority; and
  - (b) all towage fees received by it; and
  - (c) the portion of all other infringement fees received by it that the Minister of Finance from time to time approves.
- (6) The Commissioner must from time to time, out of money appropriated by Parliament for the purpose, pay to a road controlling authority the portions of the infringement fees (other than towage fees) that the Minister of Finance from time to time approves and that the Commissioner receives in respect of other offences that involve breaches of the road controlling authority's bylaws (not being offences that are also offences against an Act or a regulation).
- (7) For the purposes of subsections (4) and (5), the Minister of Finance may approve the retention of different portions for road controlling authorities or enforcement authorities and different categories of infringement offences.
- (8) For the purposes of this section, **road controlling authority** includes an airport authority.

## 78 Evidence and proof

- (1) Section 145A(b) is amended by omitting “any officer of the Agency authorised for that purpose by the Agency” and substituting “an officer of the Agency or a Police employee”.
- (2) Section 145A(c) is amended by omitting “an officer of the Agency authorised for that purpose by the Agency” and substituting “an officer of the Agency or a Police employee”.
- (3) Section 145A(d) is amended by omitting “an officer of the Agency authorised by the Agency” and substituting “an officer of the Agency or a Police employee”.

## 79 Evidence of certain documents

Section 150 is amended by repealing subsection (1) and substituting the following subsection:

- (1) In proceedings for an offence against this Act,—
  - (a) a document that purports to be issued by an employee of the Agency who is authorised by the Agency for the purpose, and that is certified by that person to be a true copy of a certificate or other document issued

under this Act or the regulations or the rules, is (in the absence of evidence to the contrary) sufficient evidence of the facts stated in the copy:

- (b) a document that is certified by an employee of the Agency authorised by the Agency for the purpose to be a true copy of a person's demerit points record, including any attempts by the employee to notify the person under section 90(1), is (in the absence of evidence to the contrary) sufficient evidence of the facts stated in the copy:
- (c) a scanned copy of a document specified in paragraph (a) or (b) is (in the absence of evidence to the contrary) sufficient evidence of the facts stated in the scanned copy.

#### **80 Evidence of rules**

Section 151(a) is amended by inserting “or the Governor-General” after “Minister”.

#### **81 New section 152A inserted**

The following section is inserted after section 152:

##### **152A Governor-General may make ordinary rules**

- (1) Despite anything in this Part, the Governor-General may, by Order in Council, on the recommendation of the Minister, make, amend, or revoke an ordinary rule for any of the purposes for which the Minister may make, amend, or revoke an ordinary rule under this Part.
- (2) The Minister must have regard to the criteria specified in section 164(2) before making a recommendation under subsection (1).
- (3) Section 161(1)(a) and (2) do not apply to an ordinary rule made by Order in Council under subsection (1).
- (4) An ordinary rule or an amendment to an ordinary rule made by Order in Council under subsection (1) must be published as if the Minister had made the rule or the amendment to the rule.
- (5) The Minister may amend or revoke an ordinary rule or an amendment to an ordinary rule made by Order in Council under subsection (1) as if the Minister had made the ordinary rule or the amendment to the ordinary rule under this Part.
- (6) An Order in Council made under subsection (1)—
  - (a) is a regulation or an instrument for the purposes of the Regulations (Disallowance) Act 1989; but
  - (b) is not a regulation or an instrument for the purposes of the Acts and Regulations Publication Act 1989.

Compare: 1990 No 98 s 34A

**82 Rules concerning licensing, standard-setting, etc**

Section 158(b) is amended by repealing subparagraph (vii) and substituting the following subparagraphs:

- (vii) set out the categories of performance for transport service operators and approved taxi organisations; and
- (viiia) specify the publication requirements for the performance levels for the categories of performance; and
- (viiib) provide the means for assessing and re-assessing levels of performance; and
- (viiic) provide incentives and rewards for transport service operators and approved taxi organisations that meet specified levels of performance:

**83 Procedure concerning ordinary rules**

- (1) Section 161(2) is amended by repealing paragraph (a) and substituting the following paragraph:

(a) publish a notice of his or her intention to make the rule; and

- (2) Section 161(3) is amended by omitting “by the Agency”.
- (3) Section 161(4) is repealed.

**84 Agency may make emergency rules**

Section 162(2) is amended by inserting “, or recommend that ordinary rules be made,” after “ordinary rules”.

**85 Matters to be taken into account in making rules**

- (1) The heading to section 164 is amended by omitting “**be taken into account in making rules**” and substituting “**have regard to when making or recommending rules**”.
- (2) Section 164(1) is repealed.
- (3) Section 164(2) is amended by omitting “In making a rule, the Minister or the Agency (as the case may be) must have regard to, and give such weight as the Agency” and substituting “The Minister in making or recommending a rule, or the Agency in making a rule, must have regard to, and give such weight as the Minister or the Agency (as the case may be)”.
- (4) Section 164(2) is amended by inserting the following paragraph after paragraph (ea):
- (eb) New Zealand’s international obligations concerning land transport safety:

**86 New section 165 substituted**

Section 165 is repealed and the following section substituted:



**165 Incorporation by reference**

- (1) The following, whether in written or electronic form, may be incorporated by reference in a rule made by the Minister, the Governor-General, or the Agency:
  - (a) standards, requirements, or recommended practices of another State or an international organisation;
  - (b) standards, requirements, or rules of the New Zealand Standards Association, or a body or organisation outside New Zealand that has functions corresponding to the functions of the New Zealand Standards Council;
  - (c) material formulated by a specialist public sector organisation or a specialist private sector organisation;
  - (d) any other material or document that, in the opinion of the Minister or the Agency, is too large or impractical to be printed as part of the rule.
- (2) Material may be incorporated by reference in a rule—
  - (a) in whole or in part; and
  - (b) with modifications, additions, or variations specified in the rule.
- (3) A copy of any material incorporated by reference in rules, including any amendment to, or replacement of, the material, must be—
  - (a) certified as a correct copy of the material by the Minister or the Agency (as the case may be); and
  - (b) retained by the Agency.
- (4) Any material incorporated in a rule by reference under subsection (1) is to be treated for all purposes as forming part of the rule; and, unless otherwise provided in the rules, every amendment to any material incorporated by reference under subsection (1) that is made by the person or organisation originating the material is, subject to subsections (5) and (6), to be treated as being a part of the rule.
- (5) The Agency must give notice on the Agency's Internet site stating—
  - (a) that the material is incorporated in the rule and the date on which the rule was made; and
  - (b) that the material is available for inspection during working hours, free of charge; and
  - (c) the place where the material can be inspected; and
  - (d) that copies of the material can be purchased; and
  - (e) the place where the material can be purchased; and
  - (f) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.
- (6) All material incorporated by reference under subsection (1) or (2) must be made available at the Agency for inspection by the public free of charge.

- (7) The Acts and Regulations Publication Act 1989 does not apply to material incorporated by reference in a rule or to an amendment to, or a replacement of, that material.
- (8) Nothing in section 4 of the Regulations (Disallowance) Act 1989 requires material that is incorporated by reference in a rule to be presented to the House of Representatives.
- (9) Subsections (1) to (8) do not affect the application of sections 22 to 25 of the Standards Act 1988.

Compare: 1990 No 98 s 36

### 87 Regulations

- (1) Section 167(1) is amended by repealing paragraph (i) and substituting the following paragraphs:
- (i) declaring which offences against any rules, regulations, or bylaws made under this Act or the Transport (Vehicle and Driver Registration and Licensing) Act 1986 are—
    - (i) moving vehicle offences:
    - (ii) stationary vehicle offences:
    - (iii) special vehicle lane offences:
  - (ia) specifying the criteria that—
    - (i) a person must meet to install or remove an alcohol interlock device:
    - (ii) a person with an alcohol interlock licence must meet to apply for the removal of an alcohol interlock device from the person's vehicle:
  - (ib) specifying the circumstances in which the Agency may authorise the removal of an alcohol interlock device, whether or not the relevant person has met any criteria specified under paragraph (ia)(ii):
- (2) Section 167(2)(a)(iv) is amended by inserting “or contrary to an alcohol interlock licence or a zero alcohol licence” after “limited licence”.

### 88 Regulations relating to fees and charges for land transport

Section 168(1)(a) is amended by omitting “the Transport Act 1962,”.

### 89 New section 168C inserted

The following section is inserted after section 168B:

#### 168C Piloting fees

- (1) In any case where the Agency gives written permission under any regulations made under this Part for the use on any road of any motor vehicle that, or the

load of which, exceeds any maximum dimension prescribed by the regulations, the Agency may, as a condition of that permission, require that—

- (a) the motor vehicle be used only under the supervision of 1 or more enforcement officers; and
  - (b) the person to whom the permission is given pay to the Commissioner any fee that the Commissioner fixes to cover the costs incurred by the Police in providing that supervision.
- (2) Any fee payable to the Commissioner under subsection (1) constitutes a debt due to the Crown and may be recovered accordingly in any court of competent jurisdiction.

Compare: 1962 No 135 s 78A

#### **90 Agency to maintain register of driver licences**

- (1) Section 199(2)(a) is amended by inserting “gender,” after “address,”.
- (2) Section 199(2) is amended by inserting the following paragraph after paragraph (i):
  - (ia) information about any court order under this Act authorising the issue of an alcohol interlock licence or zero alcohol licence to the holder:
- (3) Section 199 is amended by repealing subsection (4) and substituting the following subsection:
  - (4) A person (being the licence holder or another person who obtains the consent of the licence holder) who applies to the Agency and pays the prescribed fee (if any), is entitled to information about the driver licence that is referred to in subsection (2)(b) or (p).
- (4) Section 199 (as amended by section 87(6) of the Human Tissue Act 2008) is amended by adding the following subsection:
  - (12) For the purposes of this section, **driver licence** includes (but is not limited to) an alcohol interlock licence, a zero alcohol licence, and a limited licence.

#### **91 Taking of blood specimens for statistical or research purposes**

Section 209 is amended by inserting the following subsections after subsection (2):

- (2A) A constable or Police employee may, for research purposes, examine a breath specimen taken under section 68 or a blood specimen taken under section 72 or 73 to determine the alcohol level of any driver involved in a serious injury or fatal accident who the constable or Police employee believes has been drinking.
- (2B) If the breath screening test of the breath specimen examined under subsection (2A) produces a result between 250 micrograms and 400 micrograms of alcohol per litre of breath (both measures inclusive), the constable or Police

employee (as the case may be) must forward the result and the relevant crash report to the Secretary.

- (2C) If the blood test of the blood specimen examined under subsection (2A) produces a result between 50 milligrams of alcohol per 100 millilitres of blood and 80 milligrams of alcohol per 100 millilitres of blood (both measures inclusive), the enforcement officer must forward the result and the relevant crash report to the Secretary.

## 92 New section 209AA inserted

The following section is inserted after section 209:

### 209AA Expiry and repeal of section 209(2A) to (2C)

Subsections (2A) to (2C) of section 209 expire and are repealed with the close of a date to be appointed by the Governor-General by Order in Council.

## 93 Transfer provisions for certain employees of Land Transport Safety Agency

The heading to section 223 is amended by omitting “**Land Transport Safety**”.

## 94 Repeals

Section 214(3) is repealed.

## 95 New sections 224A and 224B inserted

The following sections are inserted after section 224:

### 224A Saving of certain directions given by parking wardens

A direction under section 68BA(2) of the Transport Act 1962 that is in effect immediately before the commencement of this section is to be treated as if it were given under section 128E of this Act.

### 224B Savings of bylaws made under certain Acts

A bylaw made under the Local Government Act 1974 or the Transport Act 1962 that concerns a matter specified in section 22AB and that is in force immediately before the commencement of this section is to be treated as if it were made under section 22AB.

## 96 Interpretation matters applying to this Part

- (1) Section 233(1) is amended by repealing the definition of **moped**.
- (2) Section 233(1) is amended by repealing the definition of **motorcycle**.

## 97 Schedule 2 amended

Part 5 of Schedule 2 is repealed.

## **Part 2**

### **Repeal, revocations, and consequential amendments**

#### **98 Repeal**

The Transport Act 1962 (1962 No 135) is repealed.

#### **99 Revocations**

The following regulations are revoked:

- (a) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450);
- (b) Transport (Driving Hours Logbook Exemption) Notice 2003 (*Gazette*, 2003 p 2689);
- (c) Transport (Offence) Order 2004 (SR 2004/471);
- (d) Transport (Offences) Order 1999 (SR 1999/94);
- (e) Transport (Offences) Order 2004 (SR 2004/451).

#### **100 Consequential amendments**

- (1) The enactments specified in Schedule 1 are consequentially amended in the manner indicated in that schedule.
- (2) The enactments specified in Schedule 2 are consequentially amended in the manner indicated in that schedule.
- (3) The enactments specified in Schedule 3 are consequentially amended in the manner indicated in that schedule.
- (4) The enactments specified in Schedule 4 are consequentially amended in the manner indicated in that schedule.

**Schedule 1**  
**Consequential amendments that come into force 90 days after date  
of Royal assent**

s 100(1)

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**

Schedule 1: insert before the item relating to section 79M of the Land Transport Act 1998 (as inserted by section 100(3) and Schedule 3):

57(1A)	Person younger than 20 who drives or attempts to drive if his or her breath contains alcohol but the proportion of alcohol does not exceed 150 micrograms of alcohol per litre of breath	—	—	200	—
57(2A)	Person younger than 20 who drives or attempts to drive if his or her blood contains alcohol but the proportion of alcohol does not exceed 30 milligrams of alcohol per 100 millilitres of blood	—	—	200	—

Schedule 2: omit the item relating to section 57(1) or (2) of the Land Transport Act 1998 and substitute:

57(1), (1A), (2), or (2A)	Person younger than 20 driving or attempting to drive with excessive breath alcohol or blood alcohol concentration				50
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**Schedule 2**  
**Consequential amendments that come into force on date specified by  
Governor-General by Order in Council**

s 100(2)

**Part 1**  
**Acts consequentially amended**

**Sentencing Act 2002 (2002 No 9)**

Section 126: insert after paragraph (j):

- (ja) section 65A(2) (court may authorise person to apply for an alcohol interlock licence):

Section 128(2)(a)(ii): insert “36AA,” after “36(1)(a),”.

Section 129(1)(a): insert “36AA,” after “36(1),”.

**Summary Proceedings Act 1957 (1957 No 87)**

Item relating to section 32(4) of the Land Transport Act 1998 in Part 2 of Schedule 1: omit and substitute:

- 32(4) Driving while disqualified or contrary to alcohol interlock licence, zero alcohol licence, or limited licence or while licence suspended or revoked

Part 2 of Schedule 1: insert after the item relating to section 56(4) of the Land Transport Act 1998:

- 57AA(4) Driving or attempting to drive a motor vehicle on a road while the proportion of alcohol exceeds specified micrograms of alcohol per litre of breath
- 57AA(5) Driving or attempting to drive a motor vehicle on a road while the proportion of alcohol in the person’s blood exceeds specified milligrams of alcohol per 100 millilitres of blood

**Part 2**  
**Regulations consequentially amended**

**Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999  
(SR 1999/93)**

Regulation 3(2)(b): omit “limited licence” and substitute “alcohol interlock licence, zero alcohol licence, or limited licence”.

Regulation 7: revoke and substitute:

- 7 Fees for alcohol interlock licence, zero alcohol licence, and limited licence**
- (1) If an order is made that authorises a person to apply for an alcohol interlock licence under section 65A(2) of the Act, the person to whom the licence is issued must pay to the Agency the appropriate fee specified in Part 7 of the Schedule.

**Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93)—continued**

- (2) If an order is made that authorises a person to apply for a zero alcohol licence under section 65B(2) of the Act, the person to whom the licence is issued must pay to the Agency the appropriate fee specified in Part 7 of the Schedule.
- (3) If an order is made for the issue of a limited licence under section 105 of the Act, the person to whom the licence is issued must pay to the Agency the appropriate fee specified in Part 7 of the Schedule.

Heading to Part 7 of Schedule: omit “limited licence” and substitute “alcohol interlock licence, zero alcohol licence, limited licence”.

Item 1 in Part 7 of Schedule: omit and substitute:

1	7(1)	Fee to issue alcohol interlock licence	200.00
1A	7(2)	Fee to issue zero alcohol licence	66.40

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**

Schedule 1: insert after the item relating to section 31(1)(c) of the Land Transport Act 1998 (as inserted by section 100(3) and Schedule 3):

31(1)(c)	Person fails to produce zero alcohol licence	–	–	400	–
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**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued***

Schedule 1: insert after the item relating to section 53(1) of the Land Transport Act 1998 (as inserted by section 100(3) and Schedule 3):

55A(2)	Person who tampers with, or attempts to tamper with, an alcohol interlock device, or uses an alcohol interlock device in contravention of an order made under section 65A of the Act	—	—	1,000	—
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Schedule 2: insert after the item relating to section 31(1)(b) of the Land Transport Act 1998:

31(1)(c)	Person fails to produce zero alcohol licence				25
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Schedule 2: insert before the item relating to section 59(1) of the Land Transport Act 1998:

57AA(1) or (2)	Holder of alcohol interlock licence or zero alcohol licence contravenes specified breath or blood alcohol limit				50
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**Part 3**

**Land Transport Rules consequentially amended**

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)**

Clause 62(b)(iv): omit “a limited licence” and substitute “a limited licence, an alcohol interlock licence, or a zero alcohol licence”.

Clause 62: insert after paragraph (f):

- (fa) the words “ALCOHOL INTERLOCK”, if the driver licence is an alcohol interlock licence:
- (fb) the words “ZERO ALCOHOL”, if the driver licence is a zero alcohol licence:

Clause 63(1): insert after paragraph (c):

- (ca) the words “ALCOHOL INTERLOCK”, if the driver licence is an alcohol interlock licence:
- (cb) the words “ZERO ALCOHOL”, if the driver licence is a zero alcohol licence:

Insert above clause 68:

**67C Reinstatement of driver licence when there is no alcohol interlock licence or zero alcohol licence in force**

- (1) The Agency may reinstate the licence of a person who—
  - (a) has been, but is no longer, the holder of or required to hold either of the following:

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—*continued***

- (i) an alcohol interlock licence; or
    - (ii) a zero alcohol licence; and
  - (b) has applied to have the person's licence reinstated.
- (2) A person is entitled to apply to have his or her driver licence reinstated if the person has been, but is no longer, the holder of or required to hold an alcohol interlock licence or a zero alcohol licence.
- (3) To have the licence reinstated, the person must comply with clauses 9, 10, 11, and 14.
- (4) A licence that is reinstated under subclause (3) will retain the expiry date of the licence being reinstated.
- (5) Despite subclause (4), if a licence being reinstated has expired or will expire within the following 12 months, the person must also comply with clause 67.
- (6) A licence that is reinstated under subclause (5) will be issued with an expiry date as if the person had applied to renew the licence under clause 67.

**Schedule 3**  
**Consequential amendments that come into force on day after date of  
Royal assent**

s 100(3)

**Part 1**  
**Acts consequentially amended**

**Accident Compensation Act 2001 (2001 No 49)**

Definition of **trade plate** in section 6(1): omit “section 22 of the Transport Act 1962 or”.

**Airport Authorities Act 1966 (1966 No 51)**

Section 9(7): repeal and substitute:

- (7) For the purposes of the Land Transport Act 1998, any bylaw made under subsection (1)(e) or (g) is to be treated as being made by the authority under section 22AB of the Land Transport Act 1998.

**Auckland Harbour Bridge Authority Dissolution Act 1983 (1983 No 153)**

Section 7(1): omit “section 72 of the Transport Act 1962” and substitute “section 22AB of the Land Transport Act 1998”.

Section 7(3): omit “section 72 of the Transport Act 1962” and substitute “section 22AB of the Land Transport Act 1998”.

Section 7(5): repeal and substitute:

- (5) For the purposes of the Land Transport Act 1998, any bylaw made under this section is to be treated as being made under section 22AB of the Land Transport Act 1998.

**Children, Young Persons, and Their Families Act 1989 (1989 No 24)**

Paragraph (a) of the definition of **traffic offence** in section 2(1): omit “the Transport Act 1962 or”.

Heading above section 233: omit “*Transport Act 1962*” and substitute “*Land Transport Act 1998*”.

**Christchurch-Lyttelton Road Tunnel Authority Dissolution Act 1978 (1978 No 51)**

Section 8(4): repeal and substitute:

- (4) For the purposes of the Land Transport Act 1998, any bylaw made under this section is to be treated as being made under section 22AB of the Land Transport Act 1998.

**Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)**

Item relating to section 36 of the Land Transport Act 1998 in Part 3 of Schedule: omit “or death”.

Item relating to section 36 of the Land Transport Act 1998 in Part 3 of Schedule: insert:

Contravention of section 7 by causing death of another person section 36AA

**Gas Act 1992 (1992 No 124)**

Section 3(2)(a)(iii): omit “the Transport Act 1962 or”.

**Government Rooding Powers Act 1989 (1989 No 75)**

Section 61(2B): omit “under regulations made under the Transport Act 1962, or”.

Section 79(5)(a): omit “the Transport Act 1962 and”.

Section 79(5)(b): omit “and of section 52 of the Transport Act 1962”.

**Human Tissue Act 2008 (2008 No 28)**

Section 87(6): omit “adding the following subsections” and substitute “inserting the following subsections after subsection (8)”.

**Income Tax Act 2007 (2007 No 97)**

Paragraph (b)(iii) of the definition of **car** in section YA 1: omit “taxicab” and substitute “taxi”.

Definition of **taxicab** in section YA 1: repeal.

Section YA 1: insert in its appropriate alphabetical order:

**taxi** is defined in section 2(1) of the Land Transport Act 1998

**Insurance Companies' Deposits Act 1953 (1953 No 50)**

Clause 1 of Schedule 1: omit “under Part 6A of the Transport Act 1962”.

**Land Transport Amendment Act 2009 (2009 No 17)**

Item relating to the Summary Proceedings Act 1957 in Part 1 of Schedule 2: repeal items relating to section 62(1A) and (1B).

**Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36)**

Section 2(1): omit “18,”.

Section 9: repeal.

Section 10: repeal.

Section 18: repeal.

Section 20: repeal.

Section 21: repeal.

**Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36)**—*continued*

Items relating to the Summary Proceedings Act 1957 in Part 2 of Schedule 1: repeal.

Part 2 of Schedule 2: item relating to Part 1 of Schedule of Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93): repeal.

Part 2 of Schedule 2: item relating to the Land Transport (Driver Licensing) Rule 1999 (SR 1999/100): repeal.

**Land Transport Management Act 2003 (2003 No 118)**

Paragraph (c) of the first definition of **road** in section 5(1): add: “; and” and the following paragraph:

(d) includes a motorway

Second definition of **road** in section 5(1): repeal.

**Land Transport Management Amendment Act 2008 (2008 No 47)**

Item relating to Schedule 111 of the Ngāi Tahu Claims Settlement Act 1998 in Part 1 of Schedule 3: repeal.

**Local Government Act 1974 (1974 No 66)**

Section 591A: repeal.

Section 684: repeal.

Clause 11C(a) of Schedule 10: repeal.

**Local Government (Auckland Council) Act 2009 (2009 No 32)**

Section 46(1)(a): omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

Section 46(1)(b): omit “section 72 of the Transport Act 1962” and substitute “the Land Transport Act 1998”.

Section 46(3): omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

**New Zealand Railways Corporation Act 1981 (1981 No 119)**

Section 119A: omit “the Transport Act 1962”.

Section 120(2): repeal.

**Ngāi Tahu Claims Settlement Act 1998 (1998 No 97)**

Third column of the item relating to Bruce Bay site (No 3) in Schedule 111: omit “Transit New Zealand” and substitute “New Zealand Transport Agency”.

**Petroleum Demand Restraint Act 1981 (1981 No 12)**

Section 8(1)(c): repeal.

**Petroleum Demand Restraint Act 1981 (1981 No 12)—continued**

Definition of **proceedings** in section 22(1): omit “under section 42A of the Transport Act 1962 or”.

Section 22(8): omit “section 42A of the Transport Act 1962 and”.

Section 22(9)(a): repeal.

**Policing Act 2008 (2008 No 72)**

Clause 8(a) of Schedule 1: repeal.

**Road User Charges Act 1977 (1977 No 124)**

Definition of **motor spirits duty** in section 2(1): repeal.

New section 22C: insert after section 22B:

**22C Removal and retention of hubodometers for enforcement purposes**

- (1) An authorised enforcement officer or a person authorised by the chief executive may—
- (a) remove, or require the removal of, any hubodometer from any motor vehicle on any road for the purpose of determining whether the hubodometer has been tampered with or modified:
  - (b) seize and retain for the purposes of any criminal proceedings, or any proceedings under section 18A,—
    - (i) any hubodometer on any motor vehicle on any road, or any hubodometer removed from a vehicle under paragraph (a), if the authorised enforcement officer or authorised person believes on reasonable grounds that the hubodometer—
      - (A) has been tampered with or modified (otherwise than in accordance with section 22A); or
      - (B) bears a serial number common to any other hubodometer of the same make:
    - (ii) any licence carried or displayed in or on any motor vehicle on any road, or produced to the authorised enforcement officer or authorised person by any person, if the authorised enforcement officer or authorised person believes on reasonable grounds that the licence has been altered, is expired, is invalid, or is a forgery.
- (2) If a hubodometer or licence is retained by an authorised enforcement officer or authorised person under subsection (1),—
- (a) the operator of the vehicle from which the hubodometer is removed or to which the licence relates may cause the vehicle to be moved for a distance, not exceeding 100 kilometres, that may be necessary for the purpose of obtaining a replacement hubodometer or licence, or both; and

**Road User Charges Act 1977 (1977 No 124)—continued**

- (b) the vehicle is to be treated as being fitted with a proper hubodometer or to have a valid licence displayed or both (as the case may be) while it is being moved.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$5,000 who fails to comply with or does any act in contravention of any direction given under this section.
- (4) For the purposes of this section, **enforcement officer** has the same meaning as in section 2(1) of the Land Transport Act 1998.
- Compare: 1962 No 135 s 69D

Section 23(6): repeal and substitute:

- (6) Any offence against this Act that is specified in Schedule 4 as an excess weight offence or a distance recorder offence or as an infringement offence under the Land Transport Act 1998 may be proceeded with as an infringement offence in accordance with the Land Transport Act 1998.

Section 23A(1)(b): repeal and substitute:

- (b) in any proceedings for an offence against this Act or the Land Transport Act 1998 or any regulations made under either of those Acts:

New Schedule 4: add:

<b>Schedule 4</b>	
<b>Offences against Act</b>	
	s 23(6)
<b>Part 1</b>	
<b>Excess weight offences</b>	
<b>Excess weight offence</b>	<b>Infringement fee (\$)*</b>
Where the gross weight of the vehicle, reduced by an amount equal to 5% of the maximum gross weight specified in the licence, exceeds the maximum gross weight specified in a distance licence, supplementary licence, or time licence by—	
not more than 1 000 kg	200
more than 1 000 kg but not more than 2 000 kg	400
more than 2 000 kg but not more than 3 000 kg	600
more than 3 000 kg but not more than 4 000 kg	1,000
more than 4 000 kg but not more than 5 000 kg	1,500
more than 5 000 kg but not more than 6 000 kg	2,000
more than 6 000 kg but not more than 7 000 kg	2,500
more than 7 000 kg but not more than 8 000 kg	3,000
more than 8 000 kg but not more than 9 000 kg	3,500
more than 9 000 kg but not more than 10 000 kg	4,000

**Road User Charges Act 1977 (1977 No 124)—continued**

<b>Excess weight offence</b>	<b>Infringement fee (\$)*</b>
more than 10 000 kg but not more than 11 000 kg	5,000
more than 11 000 kg but not more than 12 000 kg	6,500
more than 12 000 kg but not more than 13 000 kg	8,000
more than 13 000 kg	10,000

\*If the infringement offence notice is issued in respect of an offence against section 23(1)(a) (being an offence of operating a motor vehicle in excess of the maximum weight specified in a distance licence or a supplementary licence or a time licence), the infringement fee may not exceed \$3,000 or any lesser applicable amount that is specified in this table.

**Part 2****Distance recorder offences****Distance recorder offence**

Subject to section 23(3A), operating a motor vehicle, or being the owner of a motor vehicle on a road, when the reading of a distance recorder exceeds the maximum reading specified in the licence carried in the vehicle at the time of the offence (being an offence against section 23(1) or (2)).

**Infringement fee (\$)\***

An amount calculated at 3 times the road user charges payable for the particular vehicle type number as specified in Part 1 of Schedule 3. For the purposes of this calculation, the road user charges must be determined on the difference between the reading on the distance recorder and the maximum reading specified in the licence, in integral multiples of 1 000 kilometres.

\*If the infringement offence notice is issued in respect of an offence against section 23(1)(a) (being an offence of operating a motor vehicle where the reading on the distance recorder exceeds the maximum reading specified in the distance licence), the infringement fee may not exceed \$3,000.

**Sentencing Act 2002 (2002 No 9)**

Section 124(1): omit “the Transport Act 1962 or”.

**Summary Proceedings Act 1957 (1957 No 87)**

Paragraph (a) of the definition of **infringement notice** in section 2(1): repeal.

Section 20A(12)(a): omit “the Transport Act 1962 or the Land Transport Act 1998, any summary offence under either of those Acts” and substitute “the Land Transport Act 1998, a summary offence under that Act”.

Section 24(1)(d): omit “the Transport Act 1962,”.

Section 25(1)(d): omit “section 68B(1) of the Transport Act 1962 or”.

Part 2 of Schedule 1: insert after the item relating to section 36(1) of the Land Transport Act 1998:

36AA	Causing death of another person
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Item relating to section 61(1) and (2) of the Land Transport Act 1998 in Part 2 of Schedule 1: omit and substitute:

61(1)	Causing bodily injury or death while in charge of a motor vehicle and having breath alcohol exceeding 400 micrograms of alcohol per litre of breath or blood alcohol exceeding 80 milligrams of alcohol per 100 millilitres of blood
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**Summary Proceedings Act 1957 (1957 No 87)—continued**

61(2) Causing bodily injury or death while in charge of a motor vehicle and while under the influence of drink or a drug, or both, to such an extent as to be incapable of having proper control of the vehicle, or with blood containing evidence of the use of a controlled drug specified in Schedule 1 of the Misuse of Drugs Act 1975 (except thalidomide)

Item relating to section 62(1) of the Land Transport Act 1998 in Part 2 of Schedule 1: omit and substitute:

62(1) Causing bodily injury or death while carelessly driving a motor vehicle (in a manner that is not an offence against section 61) and while under the influence of drink or a drug, or both, or with blood containing evidence of the use of a controlled drug specified in Schedule 1 of the Misuse of Drugs Act 1975 (except thalidomide)

Item relating to section 62(1A) of the Land Transport Act 1998 in Part 2 of Schedule 1: omit.

Item relating to the Land Transport Act 1998 in Part 2 of Schedule 1: add:

62(1B) Causing bodily injury or death by driving or attempting to drive with blood containing evidence of use of qualifying drug

**Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6)**

Definition of **trade plate** in section 2(1): omit “section 22 of the Transport Act 1962 or”.

**Part 2**

**Regulations consequentially amended**

**Auckland International Airport By-laws Approval Order 1989 (SR 1989/369)**

Definition of **airport road** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Definition of **motor vehicle** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Definition of **vehicle** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Clause 20(2) of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Clause 27(2) of the Schedule: omit “regulations made under the Transport Act 1962” and substitute “regulations or rules made under the Land Transport Act 1998”.

Clause 38 of the Schedule: revoke and substitute:

**38 Vehicle operation**

A person may not drive a motor vehicle, and a person in charge of a motor vehicle may not allow a motor vehicle to be driven, on an airport road in a manner or condition that does not comply with the provisions of—

**Auckland International Airport By-laws Approval Order 1989 (SR 1989/369)—**  
*continued*

- (a) the Land Transport Act 1998 or any regulations or rules made under that Act; or
- (b) these bylaws.

Clause 42 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Clause 59 of the Schedule: omit “sections 42, 42A and 43 of the Transport Act 1962” and substitute “section 139 of the Land Transport Act 1998”.

**Christchurch International Airport By-laws Approval Order 1989 (SR 1989/405)**

Definition of **airport road** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Definition of **motor vehicle** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Definition of **vehicle** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Clause 22(2) of the Schedule: omit “regulations made under the Transport Act 1962” and substitute “regulations or rules made under the Land Transport Act 1998”.

Clause 36 of the Schedule: revoke and substitute:

**36 Vehicle operation**

A person may not drive a motor vehicle, and a person in charge of a motor vehicle may not allow a motor vehicle to be driven, on an airport road in a manner or condition that does not comply with the provisions of—

- (a) the Land Transport Act 1998 or any regulations or rules made under that Act; or
- (b) these bylaws.

**Goods Service Vehicle (Constructional) Regulations 1936 (SR 1936/80)**

Definition of **vehicle** in regulation 1(4): omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

Regulation 10(1): omit “section 134 of the Transport Act 1962” and substitute “subpart 3 of Part 4A of the Land Transport Act 1998”.

Regulation 11(4): revoke.

**Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 (SR 2001/116)**

Regulation 52(1): omit “the Transport Act 1962 or any regulations” and substitute “the Land Transport Act 1998 or any regulations or rules”.

Regulation 52(3): revoke and substitute:

**Hazardous Substances (Classes 1 to 5 Controls) Regulations 2001 (SR 2001/116)**  
—*continued*

- (3) This regulation is subject to the provisions of the Land Transport Act 1998 and any regulations or rules made under that Act.

**Heavy Motor Vehicle Regulations 1974 (SR 1974/218)**

Form D of Schedule 1: omit “the Schedule 2 of the Transport Act 1962” and substitute “Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999”.

**Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93)**

Part 1 of Schedule: add:

6.	3(1)(a)	Fee to reinstate a licence	66.40
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**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)**

Clause 11(1): omit “or replace” and substitute “replace, or reinstate”.

Clause 14: omit “or replace” and substitute “replace, or reinstate”.

Heading to clause 67A: insert “**with respect to those who have been disqualified for more than 12 months**” after “**driver licence**”.

Clause 75(1): omit “The Agency must” and substitute “The Agency may, on the application of the holder of a driver licence or a driver identification card,”.

**Land Transport (Infringement and Reminder Notices) Regulations 1998 (SR 1998/447)**

Schedule 4: omit “*Section 42A of the Transport Act 1962 and Section*” and substitute “*section*”.

Schedule 5: omit “*Section 42A(7) of the Transport Act 1962, Section*” and substitute “*Section*”.

Schedule 5: item 4 under heading “BEING”: omit “the Schedule 2 of the Transport Act 1962” and substitute “Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999”.

Schedule 5: heading under heading “**Notes to defendant**”: omit “the Transport Act 1962 and”.

Schedule 5: second note under heading “**Notes to defendant**”: omit “the Transport Act 1962 or”.

Schedule 5: fourth bullet point of second note under heading “**Notes to defendant**”: omit “Schedule 2 of the Transport Act 1962” and substitute “the Land Transport Act 1998”.

Schedule 5: third paragraph of the third note under heading “**Notes to defendant**”: omit “the Transport Act 1962 and”.

**Land Transport (Infringement and Reminder Notices) Regulations 1998 (SR 1998/447)—continued**

Schedule 5: paragraph 7(1) under heading “**Information about stationary and moving vehicle offences**”: omit: “Section 41A(2) of the Transport Act 1962 and section 133 of the Land Transport Act 1998 provide” and substitute “Section 133 of the Land Transport Act 1998 provides”.

Schedule 5: note after paragraph 7(5): omit “section 41A of the Transport Act 1962 and”.

Schedule 5: note after paragraph 7(5): omit “Those sections fully set” and substitute “That section fully sets”.

**Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004 (SR 2004/238)**

Regulation 3(2): omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**

Regulation 4(7): omit “or section 68BA(2)(b) of the Transport Act 1962”.

New regulation 10: insert after regulation 9:

**10 Offences parking wardens may enforce**

For the purposes of sections 128E(1)(b)(iii) and 167(1)(i) of the Act, the offences set out in Schedule 7 are offences that a parking warden may enforce.

Schedule 1: heading and items relating to Land Transport Act 1998: omit and substitute:

*Government Rounding Powers Act 1989:*

87(1)(a)	Acts in contravention of or fails to comply in any respect with any provision of section 82 of the Government Rounding Powers Act 1989 (restrictions on use of motorways)	—	—	250	—
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*Land Transport Act 1998:*

16B(a)	Using equipment in a motor vehicle that interferes with operation of speed measuring device	—	—	50	—
16B(b)	Possessing equipment in a motor vehicle that is designed to interfere with operation of speed measuring device	—	—	50	—
22A(3A)	Contravention, without reasonable excuse, of a bylaw made under section 22AB or 22AC	1,000	—	150	—
31(1)(a)	Driving without appropriate current driver licence	—	—	400	—
31(1)(b)	Driving contrary to conditions of driver licence	—	—	400	—

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*con-*  
*tinued***

31(1)(c)	Failing to produce driver licence	—	—	55	—
34(1)(b)	Operating vehicle without displaying current evidence of vehicle inspection or certificate of loading, where the vehicle is a heavy motor vehicle or is used in a transport service	—	—	600	—
34(1)(b)	Operating vehicle without displaying current evidence of vehicle inspection or certificate of loading, where the vehicle is not a heavy motor vehicle or is not used in a transport service	—	—	200	—
36A(1)(b)	Without reasonable excuse, intentionally pouring on, placing on, or allowing to spill onto a road any petrol, oil, or diesel fuel, etc	—	—	600	—
42(1)	Failing to secure load	—	—	600	—
44(1)	Making a false or misleading statutory declaration, etc	—	—	750	—
46(1)	Contravening requirements, conditions, or directions about traffic surveys	—	—	500	—
47(3)	Failing to report damage to other vehicles or property	—	—	370	—
50(1)	Failing to release vehicle towed away, in certain circumstances	—	—	280	—
52(1)(a)	Removing, obscuring, or rendering indistinguishable a notice directing that vehicle not be driven on road	—	—	600	—
52(1)(b)	Driving vehicle contrary to notice under section 115	—	—	600	—
52(1)(c) or (d)	Failing to comply with direction or requirement concerning off-loading of heavy motor vehicle or securing of load on heavy motor vehicle	—	—	750	—
52(1)(c)	Failing to comply with direction to stop heavy motor vehicle or to drive heavy motor vehicle to weighing device	—	—	1,000	—
53(1)	Obstruction, etc, in relation to inspection of vehicle required to have evidence of vehicle inspection or certificate of loading	—	—	370	—
79M	Failure to pay passenger service fares	—	—	150	—
79R	Person produces logbook with 1 to 5 omissions	—	—	150	—
79R	Person produces logbook with 6 to 10 omissions	—	—	300	—

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued***

79R	Person produces logbook with 11 or more omissions	—	—	500	—
79R	Person fails to produce logbook	—	—	500	—
128E(5)	Failure to release vehicle towed away, in certain circumstances	—	—	280	—

**Schedule 1: new headings and items: insert above the heading *Dangerous Goods 2005 (45001/1)*:**

<i>Transport (Vehicle and Driver Registration and Licensing) Act 1986:</i>					
5	Using, etc, unlicensed motor vehicle or motor vehicle that does not have registration plates affixed in the prescribed manner	—	—	200	—
17	Unauthorised, deceptive, or obscured registration plates or unauthorised licence, etc	—	—	200	—
<i>Heavy Motor Vehicle Regulations 1974:</i>					
5(5)	Unlawful use of Class C road	—	—	370	—
8(3)	Failure to comply with conditions of permit to exceed minimum tyre pressure	—	—	150	—
10	Failure to comply with provisions concerning prohibition on certain heavy traffic	—	—	370	—
17	Failure to comply with requirements of traffic officer, obstruction, etc	—	—	370	—
<i>Goods Service (Constructional) Regulations 1936:</i>					
11(1), (2), and (3)	Failure to comply with any provision of the regulations, and related offences	—	—	280	—
<i>Traffic Regulations 1976:</i>					
48G	Failure to operate passenger service vehicle towing a trailer as required	—	—	150	—
<i>Transport (Vehicular Traffic Road Closure) Regulations 1965:</i>					
11(1)	Use of closed road otherwise than in terms of permit	—	—	280	—

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued***

Schedule 1: insert after item relating to *Work Time and Logbooks 2007 (62001)*:

*Bylaws:*

Any provision of any bylaw involving the use of vehicles, other than a provision—	Failure to comply with relevant bylaw	—	—	750 (or any lesser amount that may be set by relevant by-law)	—
(a)	setting a speed limit; or				
(b)	imposing a parking prohibition or restriction; or				
(c)	for which any infringement fee is otherwise specified in this schedule				

Part 1 of Schedule 1B: omit and substitute:

<b>Part 1</b>		
<b>Offences parking wardens may enforce</b>		
<b>Infringement offence</b>		<b>Infringement fee</b>
1	Any parking offence involving parking on a road in breach of a local authority bylaw, in excess of a period fixed by a meter or otherwise, where the excess time is—	
	not more than 30 minutes	\$12 or such lesser amount as is fixed by the local authority
	more than 30 minutes but not more than 1 hour	\$15 or such lesser amount as is fixed by the local authority
	more than 1 hour but not more than 2 hours	\$21 or such lesser amount as is fixed by the local authority
	more than 2 hours but not more than 4 hours	\$30 or such lesser amount as is fixed by the local authority
	more than 4 hours but not more than 6 hours	\$42 or such lesser amount as is fixed by the local authority
	more than 6 hours	\$57 or such lesser amount as is fixed by the local authority
2	Parking on or within 6 metres of an intersection	\$60
3	Parking on or near a pedestrian crossing	\$60
4	Parking on broken yellow lines	\$60
5	Double parking	\$60
6	Inconsiderate parking	\$60
7	Parking on a clearway	\$60
8	Parking on a bus-only lane	\$60
9	All other parking offences	\$40
<i>Towage fee:</i> If expenses are incurred by an enforcement authority in respect of the movement or proposed movement under section 113(2)(c) or 128E of the Act of the vehicle involved in the offence		

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued***

<b>Infringement offence</b>	<b>Infringement fee</b>
(whether or not the vehicle is in fact moved), the infringement fee is the total of the amount specified above in respect of the offence and the amount of the appropriate towage fee (including any goods and services tax payable in respect of the towage fee).	

Schedule 2: insert the following items before the item relating to section 31(1)(b) of the Land Transport Act 1998:

16B(a)	Using in a motor vehicle equipment that interferes with operation of speed measuring device	25
16B(b)	Possessing in a motor vehicle equipment that is designed to interfere with operation of speed measuring device	25

Clause 1(e) of Part 1 of Schedule 3: insert “57A,” after “sections 56(1) or (2),”.

Clause 1(f) of Part 1 of Schedule 3: insert “57A,” after “sections 56(1) or (2),”.

Clause 2A of Part 1 of Schedule 3: insert “57A,” after “sections 56(1) or (2),”.

Clause 2(b)(v) of Part 2 of Schedule 3: insert “57A,” after “sections 56(1) or (2),”.

Clause 2(b)(vi) of Part 2 of Schedule 3: insert “57A,” after “sections 56(1) or (2),”.

Paragraph (d) of Part 1 of Schedule 4A: insert “57, 57A, 57AA,” after “sections 56(1) or (2),”.

Paragraph (e) of Part 1 of Schedule 4A: insert “57, 57A, 57AA,” after “sections 56(1) or (2),”.

Clause 4(b)(iv)(B) of Part 2 of Schedule 4A: insert “57, 57A, 57AA,” after “sections 56(1) or (2),”.

New Schedule 7: add:

<b>Schedule 7</b>	
<b>Stationary vehicle offences</b>	
	r 10
<b>Provision</b>	<b>Brief description of offence</b>
Section 34(1)(b) of the Land Transport Act 1998	Operating motor vehicle without displaying current evidence of vehicle inspection
Section 5 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986	Using or permitting on road unlicensed motor vehicle or motor vehicle that does not have registration plates affixed in prescribed manner
Section 17 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986	Using or permitting on road motor vehicle that has unauthorised, deceptive, or obscured registration plates, or unauthorised licence
Clause 8.7(2) of Land Transport (Road User) Rule 2004	Failure to display light on parked goods-service vehicle
Clause 2.3(5) of Land Transport Rule: Tyres and Wheels 2001	Using tyre with worn, damaged, or visible cords
Clause 2.3(13) to (17) of Land Transport Rule: Tyres and Wheels 2001	Using tyre without adequate tread pattern or depth



**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**—*continued*

**Land Transport (Road User) Rule 2004 (SR 2004/427)**

Definition of **parking warden** in clause 1.6: omit “section 7 of the Transport Act 1962” and substitute “section 128D of the Land Transport Act 1998”.

**Mutual Insurance Regulation 1956 (SR 1956/69)**

Schedule 2: omit “, but not including third party risks insurance business under Part 6 of the Transport Act 1962”.

**Personal Property Securities Regulations 2001 (SR 2001/79)**

Definition of **vehicle identification number** in Regulation 3: omit “made under the Transport Act 1962”.

**Product Safety Standards (Pedal Bicycles) Regulations 2000 (SR 2000/167)**

Clause 2.15 of the Schedule: omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

Clause 2.17 of the Schedule: omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

**Summary Proceedings Regulations 1958 (SR 1958/38)**

Item (6) in Schedule 2: omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

**Traffic Regulations 1976 (SR 1976/227)**

Definition of **Act** in regulation 2: omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

**Transport (Towage Fees) Notice 2004 (SR 2004/211)**

Definition of **Act** in regulation 4: omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

**Transport (Vehicular Traffic Road Closure) Regulations 1965 (SR 1965/63)**

Definition of **indemnity surcharge** in regulation 2: revoke.

**Wellington International Airport Bylaws Approval Order 1995 (SR 1995/197)**

Definition of **airport road** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Definition of **motor vehicle** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

**Wellington International Airport Bylaws Approval Order 1995 (SR 1995/197)—  
*continued***

Definition of **vehicle** in clause 2 of the Schedule: omit “section 2 of the Transport Act 1962” and substitute “section 2(1) of the Land Transport Act 1998”.

Clause 24 of the Schedule: omit “Transport Act 1962” and substitute “Land Transport Act 1998”.

### **Part 3**

#### **Land Transport Rules consequentially amended**

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)**

Definition of **motorcycle** in clause 2: revoke and substitute:

**motorcycle—**

- (a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and
- (b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but
- (c) does not include a moped

New clause 67B: insert after clause 67A:

**67B Reinstatement of driver licence after end of suspension for any period (other than under section 95 of Act) or disqualification for a period of not more than 12 months**

- (1) The Agency may reinstate the licence of a person who—
  - (a) has been, but is no longer, subject to—
    - (i) a period or periods of suspension for any period (other than under section 95 of the Act); or
    - (ii) a period or periods of disqualification of not more than 12 months; and
  - (b) has applied to have the person’s licence reinstated.
- (2) A person is entitled to apply to have his or her driver licence reinstated if the person has served his or her suspension or disqualification, and there are no further subsequent periods of suspension or disqualification left to serve as at the date of application.
- (3) To have the licence reinstated, the person must comply with clauses 9, 10, 11, and 14.
- (4) A licence that is reinstated under subclause (3) will retain the expiry date of the licence being reinstated.

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—*continued***

- (5) Despite subclause (4), if a licence being reinstated has expired or will expire within the following 12 months, the person must also comply with clause 67.
- (6) A licence that is reinstated under subclause (5) will be issued with an expiry date as if the person had applied to renew the licence under clause 67.

**Land Transport Rule: Dangerous Goods 2005**

Definition of **Transport service** in Part 2: revoke and substitute:

**Transport service** has the same meaning as in *section 2(1)* of the *Land Transport Act 1998*.

**Land Transport Rule: Operator Licensing 2007**

Clause 9.3(1)(b)(v): omit “the *Transport Act 1962*”.

Definition of **Parking warden** in Part 2: omit “*section 7* of the *Transport Act 1962*” and substitute “*section 128D* of the *Land Transport Act 1998*”.

**Land Transport Rule: Passenger Service Vehicles 1999**

Definition of **Certificate of Loading** in Part 2: omit “the *Transport Act 1962* or”.

**Land Transport Rule: Vehicle Standards Compliance 2002**

Definition of **Transport service vehicle** in Part 2: revoke and substitute:

**Transport service vehicle** has the same meaning as in *section 2(1)* of the *Land Transport Act 1998*.

**Schedule 4****Consequential amendments that come into force on 1 August 2011**

s 100(4)

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)**

Definition of **on-road safety test** in clause 2: omit “Part F of Schedule 6” and substitute “clause 49”.

Paragraph (a) of the item relating to Class 1L in clause 15: omit “15” and substitute “16”.

Paragraph (a) of the item relating to Class 6L in clause 15: omit “15” and substitute “16”.

Clause 16(1)(d)(ii)(B): omit “clause 48(5)” and substitute “clause 48”.

Paragraph (a) of the item relating to Class 1R in clause 17: omit “holds,” and substitute “is 16 years and 6 months of age or over on the date of application”.

Paragraph (a) of the item relating to Class 6R in clause 17: omit “holds,” and substitute “is 16 years and 6 months of age or over on the date of application”.

Paragraph (a) of the item relating to Class 1 in clause 19: revoke and substitute:

- (a) if under 25 years of age,—
  - (i) is 18 years of age or over and holds, and has held for at least 18 months, a Class 1R licence; or
  - (ii) is 17 years and 6 months of age or over and holds, and has held for at least 12 months, a Class 1R licence, if the person provides a certificate showing successful completion by the person of an approved course of a type specified in clause 93(a) that was undertaken at least 6 months after the person’s restricted licence was issued

First paragraph (b) of the item relating to Class 2 in clause 19: omit “clause 48(2)” and substitute “clause 48”.

First paragraph (b) of the item relating to Class 3 in clause 19: omit “clause 48(2)” and substitute “clause 48”.

First paragraph (b) of the item relating to Class 4 in clause 19: omit “clause 48(2)” and substitute “clause 48”.

First paragraph (b) of the item relating to Class 5 in clause 19: omit “clause 48(2)” and substitute “clause 48”.

Paragraph (a) of the item relating to Class 6 in clause 19: revoke and substitute:

- (a) if under 25 years of age,—
  - (i) is 18 years of age or over and holds, and has held for at least 18 months, a Class 6R licence; or

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—*continued***

- (ii) is 17 years and 6 months of age or over and holds, and has held for at least 12 months, a Class 6R licence, if the person provides a certificate showing successful completion by the person of an approved course of a type specified in clause 93(a) that was undertaken at least 6 months after the person's restricted licence was issued

Clause 23(1)(d): omit "clause 48(1)" and substitute "clause 48".

Clause 27(1)(c): omit "subclause (1) of".

Clause 31(ba): omit "clause 48(1)" and substitute "clause 48".

Clause 34(1)(c): omit "subclause (1) of".

Clause 48: revoke and substitute:

**48 Practical skills tests required**

- (1) An applicant for a Class 6L licence must take a basic handling skills test approved by the Agency.
- (2) An applicant for a Class 1R or 6R licence must take the appropriate restricted licence test approved by the Agency in relation to the class of licence sought.
- (3) An applicant for a Class 1, 2, 3, 4, 5, or 6 licence must take the appropriate full licence test approved by the Agency in relation to the class of licence sought.
- (4) Except as provided in subclause (5) or clause 53, the applicant must, in accordance with Schedule 3, take the practical driving test in a vehicle to which the class of licence sought relates.
- (5) An applicant may take the practical driving test in an appropriately configured or loaded vehicle of a class other than that to which the class of licence sought relates if the Agency approves the use of that other vehicle for the test.

Clause 51: revoke and substitute:

**51 Standard for passing practical test**

An applicant passes a practical test approved by the Agency if the applicant passes the test to the standard determined by the Agency.

Clause 52(2): omit "the basic motorcycle handling skills test specified in Part D of Schedule 6" and substitute "a basic motorcycle handling skills test approved by the Agency".

Clause 54: revoke and substitute:

**54 Certification test for testing officer**

An applicant for a testing officer endorsement must complete the certification test approved by the Agency to the standard determined by the Agency.

Clause 57: omit "clause 48(5)" and substitute "clause 48".

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)**—*continued*

Clause 58(b): omit “clause 48(5)” and substitute “clause 48”.

Clause 67(2)(f)(ii): omit “clause 48(3), (4), (5), or (5A)” and substitute “clause 48”.

Clause 67A(2)(g)(ii): omit “clause 48(3), (4), (5), or (5A)” and substitute “clause 48”.

Clause 89A: insert after subclause (2):

(2A) However, a driver licence may not be issued to a person who applies for a driver licence under clause 89 for a class of vehicle if the effect of doing so would allow the person to obtain the driver licence at an age earlier than the minimum age for a person who complies with the requirements set out in clauses 15, 17, and 19 for that class of vehicle.legis

Schedule 6: revoke.

Schedule 7: revoke.

## **Reprints notes**

### **1    *General***

This is a reprint of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **2    *Legal status***

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3    *Editorial and format changes***

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4    *Amendments incorporated in this reprint***

Land Transport Amendment Act 2017 (2017 No 34): section 103(2)

Land Transport (Road Safety and Other Matters) Amendment Act 2011 Commencement Order 2012 (SR 2012/203)

Criminal Procedure Act 2011 (2011 No 81): section 413