



Land Transport (Offences and Penalties) Amendment Regulations 2017

Patsy Reddy, Governor-General

Order in Council

At Wellington this 21st day of August 2017

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 167 of the Land Transport Act 1998 on the advice and with the consent of the Executive Council.

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Regulations

- 1 Title**
These regulations are the Land Transport (Offences and Penalties) Amendment Regulations 2017.

2 Commencement

These regulations come into force on 1 October 2017.

3 Principal regulations

These regulations amend the Land Transport (Offences and Penalties) Regulations 1999 (the **principal regulations**).

4 Schedule 1 amended

- (1) In Schedule 1, replace the item relating to Operator Licensing 2007 (81001) with the item set out in the Schedule of these regulations.
- (2) In Schedule 1, item relating to Work Time and Logbooks 2007 (62001), revoke both items relating to clause 2.1(4).

**Schedule
Schedule 1 amended**

r 4(1)

<i>Operator Licensing 2017 (81001):</i>					
2.4	Holder of transport service licence must notify the Agency of specified changes, and within specified time	1,000	2,000	500	1,000
2.5(2)	Failure to display current transport service licence card	2,000	10,000	400	2,000
2.6(2)	Holder of transport service licence must ensure transport service licence card is displayed on vehicle	2,000	10,000	400	2,000
2.6(3)	Holder of vehicle recovery service licence must ensure certain information is displayed on vehicle in an approved form	2,000	10,000	400	2,000
2.8(2)	Failure to surrender a transport service licence card on demand to an enforcement officer	2,000	10,000	400	2,000
2.10	Use of special interest vehicle in a transport service	2,000	10,000	400	2,000
2.11	Holder of large passenger service licence or a vehicle recovery service licence must ensure that a complaints register is maintained and specified requirements are complied with	4,000	20,000	750	3,750
3.2(1)	Failure of small passenger service operator to comply with duties in relation to drivers	4,000	20,000	750	3,750
3.3(1)	Failure of small passenger service operator to keep a record of complaints	4,000	20,000	750	3,750

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3.3(2)	Failure to keep a record of complaints for 2 years	2,000	10,000	400	2,000
3.3(3)	Complaints record must be available for inspection by enforcement officer	2,000	10,000	400	2,000
3.5(1)	Person must not drive a vehicle used in a small passenger service, except for an ambulance operated by an ambulance service, unless holding and displaying a current driver identification card	2,000	10,000	400	2,000
3.5(6)	Holder of small passenger service licence operating a vehicle used in that service and every person driving under that licence must ensure that the driver identification card is compliant and displayed in the manner prescribed	1,000	5,000	200	1,000
3.6(1)	Driver of small passenger service vehicle may only take up position at a small passenger service vehicle stand if the vehicle is available for hire	1,000	5,000	200	1,000
3.6(2)	Driver of small passenger service vehicle must accept first hire offered unless there is a lawful reason to refuse or the small passenger service only provides services to registered passengers	2,000	10,000	400	2,000
3.7(2)	Driver of small passenger service vehicle must use most advantageous route to hirer's destination unless hirer requests or agrees otherwise	2,000	10,000	400	2,000
3.7(3)	Driver of small passenger service vehicle must agree with the prospective hirer on the scale or basis of fare prior to start of trip	2,000	10,000	400	2,000
3.7(4)	Driver of small passenger service vehicle must, at end of a hiring, demand no more than exact fare and other applicable charges, less any prepayment	2,000	10,000	400	2,000
3.7(5)	Driver of small passenger service vehicle must, on request by a hirer, issue a receipt or cause a receipt to be issued	2,000	10,000	400	2,000
3.8(2)	Small passenger service operator operating in specified area who elects not to operate vehicles fitted with approved in-vehicle security camera system must ensure all prescribed requirements are complied with	2,000	10,000	400	2,000

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3.9(2)	Small passenger service driver must not accept a hire in specified area, unless covered by an exception in 3.8(3) or 3.9(3) and all prescribed requirements are complied with	2,000	10,000	400	2,000
3.10(2)	Small passenger service operator must not cause or permit a driver of a small passenger service vehicle to accept a hire in specified area without satisfying the prescribed requirements	2,000	10,000	400	2,000
3.10(4)	In-vehicle security camera must be visible to passengers and fitted so it records facial images of persons sitting in the vehicle	2,000	—	400	—
3.12(2)	Person must not access material in an in-vehicle camera system unless covered by an exception in 3.12(2)	10,000	10,000	2,000	2,000
4.1(1)	Holder of rental service licence must keep register of vehicles and hirers containing prescribed information	2,000	10,000	400	2,000
4.1(2)	Holder of rental service licence must produce register for inspection if requested	2,000	10,000	400	2,000
4.2(1)	Holder of rental service licence and hirer of vehicle must enter into written agreement for the hire	2,000	10,000	400	2,000
4.2(2)	Hire agreement must include prescribed terms	2,000	10,000	400	2,000
4.2(3)	Holder of rental service licence must ensure hirer receives copy of the hire agreement	2,000	10,000	400	2,000
4.2(4)	Holder of rental service licence must explain provisions of hire agreement if requested by hirer	1,000	5,000	200	1,000
4.2(5)	Holder of rental service licence must ensure that prospective hirer or driver holds current valid driver licence appropriate for vehicle to be hired	2,000	10,000	400	2,000
4.3(2)	Hirer of vehicle must ensure that copy of hire agreement is kept in the vehicle and produced for inspection on demand by an enforcement officer	1,000	5,000	200	1,000
4.4(1)	Holder of rental service licence must offer vehicle insurance to prospective hirer before entering into agreement for hire	1,000	5,000	200	1,000
4.5(3)	Holder of rental service licence must not charge infringement fee to hirer's credit card unless hirer	2,000	10,000	400	2,000

	has been notified in rental service agreement of the specified matters				
4.5(5) and (6)	Holder of rental service licence must provide specified documents and information to hirer before debiting hirer's credit card for infringement fee	2,000	10,000	400	2,000
4.5(8)	Holder of rental service licence must keep copies of documents for 6 months	2,000	10,000	400	2,000
4.5(9)	Holder of rental service licence must remit infringement fee to enforcement authority as soon as practicable	2,000	10,000	400	2,000
5.2(1)	Driver of vehicle recovery service vehicle must wear a readily visible driver identification card that complies with 5.2(3) and (4)	2,000	10,000	400	2,000
5.3	Driver of vehicle recovery service vehicle must behave in an orderly and civil manner	2,000	10,000	400	2,000
5.4(1)	Driver of vehicle recovery service vehicle must ensure passengers do not behave threateningly or improperly	4,000	20,000	750	3,750
5.5(1)	Driver of vehicle recovery service vehicle must comply with directions of specified officers to move away, or move vehicle away, from a crash scene	2,000	10,000	400	2,000
5.5(2)	Driver of vehicle recovery service vehicle must ensure removal of person who has arrived at a crash scene as a passenger if directed by specified officers	2,000	10,000	400	2,000
5.6	Holder of vehicle recovery service licence must not allow a vehicle recovery service vehicle to be used with prohibited advertising	1,000	5,000	200	1,000
5.7(1)	Holder of vehicle recovery service licence and vehicle driver must not allow an animal to be transported in vehicle	4,000	20,000	750	3,750
5.8(1)	Tow authority must be completed, carried, and produced on demand if vehicle is being towed	2,000	10,000	400	2,000
5.8(2)	Tow authority must be in approved form and contain prescribed information	2,000	10,000	400	2,000
5.9(1)	Person may not move vehicle using a vehicle recovery service vehicle unless the tow authority has been signed by a specified person	2,000	10,000	400	2,000

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5.10	Driver of vehicle recovery service vehicle must tow vehicle to destination without unnecessary delay or deviation from the shortest available route	2,000	10,000	400	2,000	
5.11	Holder of vehicle recovery service licence and vehicle driver must take all reasonable precautions to prevent loss of or from, or damage to, a towed vehicle	2,000	10,000	400	2,000	
5.12(1)	Holder of vehicle recovery service licence must maintain a register comprising, in chronological order, all tow authorities completed for each vehicle operated under the licence	2,000	10,000	400	2,000	
5.12(3)	Tow authority register must be made available for inspection by an enforcement officer or authorised person	2,000	10,000	400	2,000	

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 October 2017, amend Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999.

The amendments made by *regulation 4(1)* are related to the replacement of the Land Transport Rule: Operator Licensing 2007 with the Land Transport Rule: Operator Licensing 2017. The Land Transport Rule is replaced to give effect to a new regulatory system for small passenger services.

The revocations made by *regulation 4(2)* are consequential on the introduction of that new regulatory system.

Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 15 March 2016 relating to the future framework for small passenger services to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.transport.govt.nz/assets/Uploads/About/Documents/RIS-Future-Framework-for-Small-Passenger-Services.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

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These regulations are administered by the Ministry of Transport.

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