



Land Transport (Road User) Amendment Rule 2009

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, the Minister of Transport makes the following ordinary rule.

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Rule

1 Title

This rule is the Land Transport (Road User) Amendment Rule 2009.

2 Commencement

This rule comes into force on 1 November 2009.

3 Principal rule amended

This rule amends the Land Transport (Road User) Rule 2004.

4 Objective

A statement of the objective of this rule is set out in Schedule 1.

5 Consultation

A statement of the extent of the consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Interpretation

- (1) Clause 1.6 is amended by inserting the following definitions in their appropriate alphabetical order:

“**child safety lock** means a device that—

“(a) is installed in a vehicle during the vehicle’s manufacture; and

“(b) prevents a door in the vehicle being opened from inside the vehicle

“**daytime running lamp** has the same meaning as in Part 2 of the Land Transport Rule: Vehicle Lighting 2004

“**large passenger service vehicle** has the same meaning as in section 2(1) of the Act

“**mobile phone**—

“(a) includes a portable electronic device whose functions include being a telephone:

“(b) does not include a CB radio:

“(c) does not include any other kind of two-way radio:

“(d) does not include an earpiece or mouthpiece that is connected, physically or otherwise, to a mobile phone to

allow a driver to use the phone without holding or manipulating it

“**safety chain** means a chain or steel wire rope running from the rear of a vehicle to the front of a trailer for the purposes of—

“(a) retaining the link between the vehicle and the trailer; and

“(b) restricting the movement of the trailer if the link fails

“**small passenger service vehicle** has the same meaning as in section 2(1) of the Act

“**special signal for pedestrians** means a signal to pedestrians, riders of mobility devices, and riders of wheeled recreational devices

“**towing connection**—

“(a) means the combination of components that enables 1 vehicle to tow or be towed by another vehicle; and

“(b) includes a drawbar and its associated safety chain or chains; and

“(c) includes a drawbeam and coupling and their associated safety chain or chains; and

“(d) includes a towbar and its associated safety chain or chains”.

- (2) Clause 1.6 is amended by revoking the definition of **headlamp** and substituting the following definition:

“**headlamp**,—

“(a) for a vehicle that is not a cycle, means a lamp that is—

“(i) designed to illuminate the road ahead of the vehicle; and

“(ii) a dipped-beam headlamp, a main-beam headlamp, or a combination of the two:

“(b) for a cycle, means a lamp that is—

“(i) forward-facing; and

“(ii) sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 100 m when it is switched on”.

- (3) Clause 1.6 is amended by revoking the definition of **motor vehicle** and substituting the following definition:

“**motor vehicle**—

- “(a) has the same meaning as in section 2(1) of the Act; and
- “(b) in Part 5, includes a light rail vehicle”.

7 Use of lanes

Clause 2.3(3) and (4) are revoked and the following subclauses substituted:

- “(3) However, a driver may drive wholly or partly in a lane that is unavailable to the driver under subclause (1) or clause 4.6(2) to (4) if—
 - “(a) it is impracticable to proceed otherwise because of—
 - “(i) the size of the driver’s vehicle; or
 - “(ii) the size of the load on the driver’s vehicle; or
 - “(iii) a road obstruction; and
 - “(b) driving in that lane can be done safely and without impeding other traffic.
- “(4) A driver may also drive wholly or partly in a lane that is unavailable to the driver under subclause (1) or clause 4.6(2) to (4) if the driver—
 - “(a) drives in the lane to cross it to—
 - “(i) make a turn; or
 - “(ii) leave a road; or
 - “(iii) enter a marked lane or line of traffic from the side of the road; or
 - “(iv) enter a marked lane or line of traffic from another marked lane; or
 - “(v) park in a place clear of a special vehicle lane, if the lane that the driver crosses is a special vehicle lane; or
 - “(vi) enter a specified stopping place or loading zone to pick up or drop off passengers or a load, if the driver is driving a passenger service vehicle or goods vehicle and the lane that the driver crosses is not reserved for a vehicle of that class; and
 - “(b) drives in the lane for the minimum length necessary to complete the manoeuvre and for no more than a maximum length of 50 m; and
 - “(c) gives way to vehicles entitled to use the lane.”

8 New clause 2.5A inserted

The following clause is inserted after clause 2.5:

“2.5A Cyclists turning right at intersections

- “(1) A cyclist may turn right at an intersection by making a right turn in accordance with clause 2.5(2) or (3).
- “(2) Alternatively, a cyclist may turn right at an intersection by making a hook turn. To make a hook turn, the cyclist must do the following:
- “(a) approach and enter the intersection from as close as practicable to the far left side of the roadway that the cyclist is leaving; and
 - “(b) move forward into the intersection while—
 - “(i) keeping as close as practicable to the far left side of the intersection; and
 - “(ii) keeping as clear as practicable of any marked foot crossing; and
 - “(iii) keeping clear of any driver turning left from the left side of the roadway that the cyclist is leaving; and
 - “(c) go as close as practicable to the far left side of the roadway that the cyclist is entering; and
 - “(d) turn the cycle so that it is facing the roadway that the cyclist is entering; and
 - “(e) remain at the far left side of the roadway that the cyclist is entering until,—
 - “(i) if there are traffic signals at the intersection, the signal on the roadway that the cyclist is entering turns green; or
 - “(ii) if there are no traffic signals at the intersection, there are no approaching drivers on the roadway that the cyclist is leaving to whom the cyclist must give way; and
 - “(f) move forward into the roadway that the cyclist is entering.”

9 Driving along footpath

Clause 2.13 is amended by adding the following subclause as subclause (2):

“(2) Subclause (1) does not apply to a person who rides a moped or motorcycle on a footpath in the course of delivering newspapers, mail, or printed material to letter boxes if the road controlling authority has authorised the use of the footpath for that purpose.”

10 Traffic signals in form of disc

(1) Clause 3.2(1)(b)(ii) is revoked and the following subparagraph substituted:

“(ii) give way to pedestrians, riders of mobility devices, and riders of wheeled recreational devices lawfully crossing or about to cross the roadway; and”

(2) Clause 3.2(2) is revoked and the following subclause substituted:

“(2) While a green signal in the form of a disc is the only signal displayed, pedestrians, riders of mobility devices, and riders of wheeled recreational devices facing the signal may proceed across the roadway unless a special signal for pedestrians indicates a flashing or steady red standing human figure symbol.”

(3) Clause 3.2(3) is revoked and the following subclause substituted:

“(3) If 2 drivers travelling in opposite directions each has a green signal to proceed and this clause does not specify who must give way, the driver required by clause 4.2 to give way must give way accordingly.”

(4) Clause 3.2(4)(b) is revoked and the following paragraph substituted:

“(b) pedestrians, riders of mobility devices, and riders of wheeled recreational devices facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.”

(5) Clause 3.2(5)(b) is revoked and the following paragraph substituted:

“(b) pedestrians, riders of mobility devices, and riders of wheeled recreational devices facing the signal or signals must not enter the roadway unless a special signal

for pedestrians indicates a green walking human figure symbol.”

11 Traffic signals in form of arrow

- (1) Clause 3.3(1)(b) is revoked and the following paragraph substituted:

“(b) pedestrians, riders of mobility devices, and riders of wheeled recreational devices facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.”
- (2) Clause 3.3(2)(b) is revoked and the following paragraph substituted:

“(b) pedestrians, riders of mobility devices, and riders of wheeled recreational devices facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.”
- (3) Clause 3.3(3)(b) is revoked and the following paragraph substituted:

“(b) pedestrians, riders of mobility devices, and riders of wheeled recreational devices facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.”

12 Drivers’ signals

- (1) Clause 3.10 is amended by inserting the following subclause after subclause (6):

“(6A) It is not a breach of subclause (5) or (6) for the rider of a cycle not to signal if it is impracticable for him or her to make an arm signal.”
- (2) Clause 3.10(7)(a) is amended by omitting “not practicable or” and substituting “impracticable or not”.

13 Giving way where vehicles are controlled by stop sign or give-way sign

- (1) Clause 4.1(2) is amended by omitting “is controlled” and substituting “are controlled”.
- (2) Clause 4.1 is amended by adding the following subclause:

“(3) A driver approaching a section of road suitable for travel in only 1 direction and controlled by a one-way give-way sign at or near the section must give way to vehicles on or approaching the section.”

14 Giving way where intersection controlled by traffic signals or enforcement officer

- (1) The heading to clause 4.3 is amended by omitting “**traffic signals or**”.
- (2) Clause 4.3 is amended by omitting “traffic signals or”.

15 Roundabouts

Clause 4.6(5) is amended by omitting “paragraph 2.3(3)(a) (which relates” and substituting “clause 2.3(3) and (4) (which relate”.

16 New clause 5.4 substituted

Clause 5.4 is revoked and the following clause substituted:

“5.4 Speed limits for vehicles towing other vehicles

- “(1) A driver must not drive on a road at a speed exceeding 90 km per hour a vehicle that is towing, using a rigid towing connection, a vehicle normally propelled by mechanical power that is not a motorcycle or all terrain vehicle.
- “(2) A driver must not drive on a road at a speed exceeding 50 km per hour a vehicle that is towing, using a non-rigid towing connection, a vehicle normally propelled by mechanical power that is not a motorcycle or all terrain vehicle.
- “(3) A driver must not drive on a road at a speed exceeding 30 km per hour a vehicle that is towing a mechanically disabled motorcycle or all terrain vehicle, as permitted by clause 7.18(6).
- “(4) A driver must not drive on a road at a speed exceeding 90 km per hour a vehicle that is towing a trailer or trailers. This subclause is overridden by subclause (5).
- “(5) A driver must not drive on a road at a speed exceeding 40 km per hour a cycle, moped, motorcycle, or all terrain vehicle that is towing a trailer that, together with its load, exceeds 50% of the unladen weight of the cycle, moped, motorcycle, or all terrain vehicle.”

17 Speed limit for heavy motor vehicles

- (1) The heading to clause 5.5 is amended by omitting “**limit**” and substituting “**limits**”.
- (2) Clause 5.5(2) is amended by omitting “the appropriate speeds set out in subclause (1) or clause 5.4(1) reduced by 50%” and substituting “45 km per hour”.

18 Speed limits for light rail vehicles

Clause 5.7(1) is revoked.

19 New clause 6.2 substituted

Clause 6.2 is revoked and the following clause substituted:

“6.2 Parking vehicles off roadway

- “(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a roadway if he or she can stop, stand, or park it on the road margin without damaging ornamental grass plots, shrubs, or flower beds laid out or planted on the margin.
- “(2) Subclause (1) does not apply if the road controlling authority provides signs or markings, or makes a bylaw, indicating that a rule different from the one in subclause (1) applies.”

20 Parking contrary to notice, traffic sign, or marking

Clause 6.4(1) is revoked and the following subclause substituted:

- “(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on any part of a road contrary to the terms of a notice, traffic sign, or marking that—
 - “(a) indicates that stopping, standing, or parking vehicles is prohibited, limited, or restricted; and
 - “(b) is on or adjacent to the road; and
 - “(c) is authorised by a road controlling authority under the Land Transport Rule: Traffic Control Devices 2004.”

21 New clause 6.8 substituted

Clause 6.8 is revoked and the following clause substituted:

6.8 Parking near bus stops

- “(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle within 6 m of a bus stop sign. This subclause is overridden by subclauses (2) and (3).
- “(2) If the vehicle is a bus, the driver or person in charge of it may stop or stand the vehicle within 6 m of a bus stop sign.
- “(3) If the area in which stopping, standing, or parking is prohibited is marked out as being longer or shorter than 6 m, the provisions of clause 6.15 apply.”

22 Parking on stopping places and stands

- (1) Clause 6.15(1) is revoked and the following subclause substituted:
- “(1) This clause applies to an area of roadway that the road controlling authority—
- “(a) reserves as a stopping place or stand for a class or classes of vehicle; and
 - “(b) tells drivers about by installing 1 or more appropriate parking signs at an adjoining place or at adjoining places that give drivers reasonable notice of the area’s presence.”
- (2) Clause 6.15 is amended by adding the following subclause:
- “(4) An area described in subclause (1) may be marked by lines on the roadway put there by the road controlling authority. The road controlling authority must mark the area by putting lines on the roadway if it is practicable for it to do so.”

23 New clause 7.3A inserted

The following clause is inserted after clause 7.3:

7.3A Ban on use of mobile phones while driving

- “(1) A driver must not, while driving a vehicle, create, send, or read a text message on a mobile phone or make, receive, or terminate a telephone call on a mobile phone or use a mobile phone in any other way. This subclause is overridden by subclauses (2) to (6).
- “(2) An enforcement officer may, while driving a vehicle, use a mobile phone to make, receive, or terminate a telephone call

if the officer is making, receiving, or terminating the call in the execution of the officer's duty.

- “(3) A driver may, while driving a vehicle, use a mobile phone if—
- “(a) the driver is using the phone to make a 111 or *555 call; and
 - “(b) it is unsafe or impracticable for the driver to stop and park the vehicle to make the call.
- “(4) A driver may, while driving a vehicle, use a mobile phone to make, receive, or terminate a telephone call if the phone does not require the driver to hold or manipulate it to make, receive, or terminate the call.
- “(5) A driver may, while driving a vehicle, use a mobile phone to make, receive, or terminate a telephone call if—
- “(a) the phone is secured in a mounting fixed to the vehicle; and
 - “(b) the driver manipulates the phone infrequently and briefly.
- “(6) A driver may, while driving a vehicle, use a mobile phone to make, receive, or terminate a telephone call if the vehicle has stopped for a reason other than the normal starting and stopping of vehicles in a flow of traffic.”

24 New clause 7.8 substituted

Clause 7.8 is revoked and the following clause substituted:

“7.8 Driver must ensure passengers of 8 to 14 years wear seat belts

- “(1) Subclause (2) applies when a person—
- “(a) is a passenger in a motor vehicle; and
 - “(b) occupies a seat fitted with a seat belt, whether or not the seat belt is an approved seat belt; and
 - “(c) is aged from 8 to 14 years.
- “(2) The driver of the vehicle must ensure that, while the vehicle is in motion on the road, the person—
- “(a) wears the seat belt correctly so that he or she is properly restrained; and
 - “(b) keeps the seat belt securely fastened.”

25 New clause 7.10 substituted

Clause 7.10 is revoked and the following clause substituted:

“7.10 Persons of or over 15 years must wear seat belts and keep them fastened

- “(1) Subclause (2) applies when a person—
- “(a) is in a motor vehicle; and
 - “(b) is occupying a seat fitted with a seat belt, whether or not the seat belt is an approved seat belt; and
 - “(c) is aged 15 years or more.
- “(2) While the vehicle is in motion on the road, the person must—
- “(a) wear the seat belt correctly so that he or she is properly restrained; and
 - “(b) keep the seat belt securely fastened.”

26 Exceptions to application of requirements relating to use of child restraints and seat belts

Clause 7.11(4) is revoked and the following subclause substituted:

- “(4) Clauses 7.7, 7.8, and 7.10 do not apply to the driver of a bus.”

27 Towing

Clause 7.18(5) is revoked and the following subclause substituted:

- “(5) A driver must not operate a motor vehicle towing a trailer unless—
- “(a) the trailer is safely and securely attached by an adequate towing connection to the rear of the towing vehicle; and
 - “(b) all components of the towing connection are connected as required by any enactment that applies to the situation.”

28 Loaded firearms

Clause 7.21(2)(c) is amended by omitting “commissioned officer of the police” and substituting “constable who is of or above the level of position of inspector”.

29 New clause 7.23 inserted

The following clause is inserted after clause 7.22:

“7.23 Child safety locks in small passenger service vehicles

- “(1) This clause applies to the driver of a small passenger service vehicle that is fitted with 1 or more child safety locks.
- “(2) The driver must ensure that a sign approved by the Agency is displayed at the handle on the outside of each door that is fitted with a child safety lock.
- “(3) The driver must ensure that a child safety lock is used only at the request of—
- “(a) the passenger nearest to the door fitted with the lock; or
 - “(b) a person responsible for the well-being of the passenger nearest to the door fitted with the lock.”

30 Use of motor vehicle lighting equipment on road

Clause 8.3 is amended by adding the following subclause:

- “(5) This subclause applies to the driver of a moped or motorcycle manufactured on or after 1 January 1980. The driver other than during the hours of darkness must use the moped’s or motorcycle’s headlamps or, if fitted, the moped’s or motorcycle’s daytime running lamps.”

31 Use of beacons

Clause 8.5(1) is amended by inserting the following paragraph after paragraph (a):

- “(ab) a blue beacon fitted to a vehicle operated by—
- “(i) a customs officer (as defined in section 2(1) of the Customs and Excise Act 1996) to exercise a power to stop conferred on the officer under section 144 of that Act; or
 - “(ii) a fishery officer (as defined in section 2(1) of the Fisheries Act 1996) to exercise a power to stop conferred on the officer under section 199 of that Act; or
 - “(iii) a ranger (as defined in section 2 of the Marine Reserves Act 1971) to exercise a power to stop conferred on the ranger under section 18 of that Act; or”.

32 Level crossing requirements applying to passenger service vehicles

Clause 9.4(1)(a) is revoked and the following paragraph substituted:

- “(a) a large passenger service vehicle being used on any road for the carriage of passengers (with or without goods); or”.

33 Exceptions to level crossing requirements

Clause 9.5(b) is revoked and the following paragraphs substituted:

- “(b) barrier arms are installed at the level crossing; or
“(c) a traffic signal producing a steady red signal in the form of a disc or 2 alternately flashing red signals is installed at the level crossing.”

34 Pedestrian crossings

Clause 10.1(1)(a) is revoked and the following paragraph substituted:

- “(a) give way to pedestrians, and to riders of wheeled recreational devices or mobility devices,—
“(i) on the pedestrian crossing; or
“(ii) obviously waiting to cross it; and”.

35 New heading substituted

The heading above clause 11.1 is revoked and the following heading substituted:

“Pedestrians and riders of mobility devices or wheeled recreational devices”.

36 Use of footpath and roadway

Clause 11.1(6) is revoked and the following subclause substituted:

- “(6) A pedestrian must not unduly impede the passage of—
“(a) a mobility device or wheeled recreational device permitted to use the footpath by this clause; or
“(b) a moped or motorcycle permitted to use the footpath by clause 2.13(2).”

37 New clause 11.1A inserted

The following clause is inserted after clause 11.1:

“11.1A Use of shared path

- “(1) This clause applies to a path that—
- “(a) may be a cycle path, a footpath, or some other kind of path; and
 - “(b) may be used by some or all of the following persons at the same time:
 - “(i) pedestrians:
 - “(ii) cyclists:
 - “(iii) riders of mobility devices:
 - “(iv) riders of wheeled recreational devices.
- “(2) A person using the path—
- “(a) must use it in a careful and considerate manner; and
 - “(b) must not use it in a manner that constitutes a hazard to other persons using it.
- “(3) A rider of a cycle, mobility device, or wheeled recreational device on the path must not operate the cycle or device at a speed that constitutes a hazard to other persons using the path.
- “(4) If a sign or marking on the path gives priority to pedestrians or cyclists, the following rules apply on the path:
- “(a) pedestrians, riders of mobility devices, and riders of wheeled recreational devices must give priority to cyclists if the sign or marking gives priority to cyclists:
 - “(b) cyclists must give priority to pedestrians, riders of mobility devices, and riders of wheeled recreational devices if the sign or marking gives priority to pedestrians:
 - “(c) no user may unduly impede the passage of any other user, whatever priority the sign or marking gives.”

38 Riding cycles or mopeds on footpaths, etc

- (1) The heading to clause 11.11 is amended by omitting “**or mopeds**”.
 - (2) Clause 11.11(1) is amended by omitting “or moped”.
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Schedule 1

Objective of rule

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The objective of this rule is to amend the principal rule by—

- (a) restricting the distance that a driver may travel in a lane that is otherwise unavailable to him or her; and
- (b) allowing cyclists to make hook turns; and
- (c) allowing a person to ride a moped or motorcycle on a footpath for the purpose of delivering printed matter if such use is authorised by a road controlling authority; and
- (d) prescribing the privileges and duties of riders of mobility devices and wheeled recreational devices; and
- (e) providing an exception for cyclists from giving arm signals at roundabouts, if it is impracticable for them to do so; and
- (f) requiring drivers approaching a section of road at which only 1 direction of traffic may pass at a time to give way at a one-way give-way sign; and
- (g) clarifying provisions relating to intersections not controlled by traffic signals; and
- (h) restricting vehicles to a speed of 50 km an hour if they are using a non-rigid towing system to tow vehicles normally powered by mechanical power; and
- (i) preventing motor vehicles parking on grassed verges; and
- (j) clarifying provisions relating to parking contrary to notices or signs or markings, parking near bus stops, and parking on stopping places and stands; and
- (k) banning the use of mobile phones while driving a vehicle; and
- (l) requiring seat belts to be worn correctly and properly and clarifying for drivers of buses the requirements relating to seat belts; and
- (m) aligning provisions relating to the towing of trailers with Land Transport Rule: Light-vehicle Brakes 2002 and Land Transport Rule: Heavy Vehicles 2004; and
- (n) allowing small passenger service vehicles to be fitted with child safety locks provided the vehicles display an approved sign and the locks are used only on request; and
- (o) requiring mopeds and motorcycles to use headlamps or daytime running lamps during the day; and
- (p) allowing vehicles to display blue beacons when operated by officials with powers to stop other drivers; and

- (q) amending provisions relating to level crossings; and
- (r) requiring drivers to stop at pedestrian crossings for pedestrians who are obviously waiting to cross; and
- (s) prescribing requirements for paths shared by pedestrians, cyclists, riders of mobility devices, and riders of wheeled recreational devices.

Schedule 2

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Consultation carried out under section 161(2) of Land Transport Act 1998

Consultation on this rule began on 4 September 2008 with the release of the yellow draft for public comment. Letters and emails outlining the proposed changes to the Land Transport (Road User) Rule 2004 were sent to approximately 900 organisations and individuals who had expressed an interest in the rule.

The availability of the draft rule was publicised in the 5 metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin, in selected regional daily newspapers, and in the *New Zealand Gazette*. The draft rule and associated information were made available through the NZ Transport Agency's Contact Centre and on its website. Ninety-five submissions were received on the draft rule.

Comments made in submissions were taken into account in redrafting the rule, following which the draft rule was submitted to Cabinet for noting and then to the Minister of Transport for signature.

Dated at Wellington this 25th day of August 2009.

Steven Joyce,
Minister of Transport.

Explanatory note

This note is not part of the rule, but is intended to indicate its general effect.

This rule amends the Land Transport (Road User) Rule 2004 in the ways described in Schedule 1. It comes into force on 1 November 2009.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 27 August 2009.

This rule is administered by the Ministry of Transport.
