Version
as at 1 March 2024

Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999

(SR 1999/84)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 29th day of March 1999

Present:
The Right Hon Jenny Shipley presiding in Council

Pursuant to sections 167 and 168 of the Land Transport Act 1998, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Transport.

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Regulations

1 Title and commencement

(1) These regulations may be cited as the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999.

(2) These regulations come into force on 3 May 1999.

2 Interpretation

In these regulations, unless the context otherwise requires,—

the Act means the Land Transport Act 1998

approved storage provider means a storage provider with whom the Commissioner or an authorised officer has entered into an arrangement

approved vehicle recovery service operator means a vehicle recovery service operator with whom the Commissioner or an authorised officer has entered into an arrangement

arrangement means an arrangement entered into under section 97 of the Act for the purpose of providing for the towage or storage of vehicles seized and impounded under section 96, 96AAA, 96AAB, or 122 of the Act

authorised officer means an officer authorised by the Commissioner to enter into an arrangement

employee means an employee of an approved storage provider or an approved vehicle recovery service operator

impounded vehicle means any motor vehicle seized and impounded under section 96, 96AAA, 96AAB, 96A, or 122 of the Act

public holiday means a day listed as a holiday in section 44 of the Holidays Act 2003

storage premises means the place or places where impounded vehicles, and any property in or on those vehicles at the time of seizure, that are in the care of an approved storage provider are stored.

Regulation 2 **arrangement**: amended, on 1 March 2024, by section 74(1) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Regulation 2 **impounded vehicle**: amended, on 1 March 2024, by section 74(2) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Regulation 2 **impounded vehicle**: amended, on 1 October 2007, by regulation 4 of the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Amendment Regulations 2007 (SR 2007/236).

Regulation 2 **public holiday**: substituted, on 1 April 2004, by section 91(2) of the Holidays Act 2003 (2003 No 129).

3 Arrangements

Every arrangement must include the conditions, requirements, and other provisions specified in regulations 4 to 12.

4 Only certain persons may act

(1) A person may act as an approved vehicle recovery service operator only if the person is the holder of a vehicle recovery service licence.

(2) A person may act as an approved storage provider only if the person is—

(a) the holder of a vehicle recovery service licence; or

(b) approved by the Commissioner or an authorised officer as a fit and proper person to act in that capacity.

(3) An employee who is likely, in the course of his or her duties, to have contact with members of the public or access to impounded vehicles may carry out those duties only if the employee is—

(a) the holder of a Class N driver licence issued under the Transport (Drivers Licensing) Regulations 1987; or

(b) the holder of a Type V (vehicle recovery) endorsement issued under rules made under the Act; or

(c) approved by the Commissioner or an authorised officer as a fit and proper person to act in that capacity.

5 Criteria for fit and proper person test

In determining whether or not a person is a fit and proper person for the purposes of regulation 4, the Commissioner or an authorised officer may have regard, and may give such relative weight as he or she thinks fit, to the following matters:

(a) whether the person is the holder of a transport service licence:

(b) the person's relevant criminal history (if any):

(c) any offending by the person in respect of transport related offences (including any infringement offences):

(d) any complaints made in relation to any transport service provided or operated by the person or in which the person is involved, particularly complaints made by users of the service:

(e) any history of persistent failure to pay fines incurred by the person in respect of transport related offences:

(f) any other matter that the Commissioner or authorised officer considers reasonable to take into account in the public interest.

6 Security

(1) An approved storage provider must ensure that impounded vehicles, and personal property in or on them at the time of seizure, that are in the care of the provider are stored in secure storage premises that are inspected from time to time in the course of each day.

(2) An approved storage provider must provide such other measures as, in the opinion of the Commissioner or any authorised officer, are necessary in order to provide an adequate level of security for impounded vehicles and personal property carried in or on them at the time of seizure that are in the care of the provider.

7 Access to storage premises

An approved storage provider must ensure that—

(a) constables and approved vehicle recovery service operators can gain access to storage premises at any time; and

(b) members of the public can gain access to storage premises—

(i) between the hours of 8 am and 6 pm on every day other than a Saturday, Sunday, or public holiday:

(ii) between the hours of 9 am and 1 pm on every Saturday that is not a public holiday.

Regulation 7(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

8 Insurance

An approved storage provider must ensure that adequate insurance cover is provided for any loss of or from, or damage to, an impounded vehicle or any property in or on the vehicle at the time of seizure that occurs while the vehicle or property is in the care of the provider.

9 Proper care

All reasonable steps must be taken to prevent loss of or from, or damage to, an impounded vehicle or any property in or on the vehicle at the time of seizure, by the following persons:

(a) the approved storage provider in whose care the impounded vehicle or property is:

(b) the approved vehicle recovery service operator who undertakes the towage of the impounded vehicle:

(c) every employee who has access to the impounded vehicle or property.

10 Standards of appearance and behaviour

Every approved storage provider, approved vehicle recovery service operator, and employee must conduct itself, himself, or herself in an orderly, clean, and civil manner in dealings with members of the public in connection with impounded vehicles.

11 Identification of employees

(1) Every employee must identify himself or herself by name on request by any member of the public with whom the employee has dealings in connection with an impounded vehicle.

(2) An employee may, for the purposes of subclause (1), wear a name tag or other form of identification that includes the employee's name while carrying out his or her duties.

12 Payment arrangements

(1) While a vehicle is impounded, an approved storage provider must accept any payment offered on account of any fees and charges owing for the storage of that vehicle.

(2) For the purposes of section 98(1)(b) of the Act, an approved storage provider must provide the registered person for an impounded vehicle (or the owner of the vehicle if it is unregistered) who is unable to pay in full the fees or charges owing in respect of that vehicle with the opportunity to make payments by instalment unless the provider considers that the provider would suffer unreasonable prejudice to the provider's financial position as a consequence, having regard to the amount owed and the ability of the registered person or the owner (as applicable) to pay and the need of the storage provider to make a reasonable profit.

Regulation 12(2): amended, on 1 March 2024, by section 75(a) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Regulation 12(2): amended, on 1 March 2024, by section 75(b) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Regulation 12(2): amended, on 1 May 2011, by section 35(5) of the Land Transport Amendment Act 2009 (2009 No 17).

13 Fees payable for fit and proper person test

(1) The fee payable to the Commissioner, or an authorised officer by a person who is required to be approved as a fit and proper person under regulation 4(2)(b), is $28.20.

(2) The fee payable to the Commissioner or an authorised officer by an employer in respect of each employee who is required to be approved as a fit and proper person under regulation 4(3)(c) is $28.20.

(3) The Commissioner or an authorised officer may waive the fee required to be paid by subclause (1) or subclause (2), or provide for a rebate of that fee, if the Commissioner or officer is satisfied that there are special circumstances applicable to the particular case.

14 Fees to be inclusive of GST

The fees prescribed by or assessed under regulation 13 are inclusive of goods and services tax.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 1 April 1999.

Notes

1 General

This is a consolidation of the Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Land Transport (Road Safety) Amendment Act 2023 (2023 No 62): Part 3 subpart 3

Land Transport Amendment Act 2009 (2009 No 17): section 35(5)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Amendment Regulations 2007 (SR 2007/236)

Holidays Act 2003 (2003 No 129): section 91(2)

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