

Reprint

as at 1 August 2008

Land Transport (Road User) Rule 2004

(SR 2004/427)

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

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This rule is administered in the Ministry of Transport.

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Part 1 Preliminary provisions

1.1 Title

- (1) This rule may be cited as the Land Transport (Road User) Rule 2004.
- (2) This rule is the Land Transport Rule 61001.

1.2 Commencement

This rule comes into force on 27 February 2005.

1.3 Objective

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

1.4 Consultation

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

1.5 Application

Unless the context otherwise requires,—

- (a) this rule applies to road users and to vehicles on roads;
- (b) a duty or requirement imposed by this rule on a driver applies also in relation to the vehicle the driver is driving or intending to drive, or to the vehicle over which the driver has control, as the case may be;
- (c) no duty or requirement imposed by this rule on drivers of motor vehicles applies to persons driving mobility devices, wheeled recreational devices, or power-assisted cycles.

1.6 Interpretation

In this rule, unless the context otherwise requires,—

Act means the Land Transport Act 1998

all terrain vehicle means a special purpose vehicle (with or without motorcycle controls and equipment) that—

- (a) is principally designed for off-road use; and
- (b) has 3 or more wheels; and
- (c) has an engine capacity exceeding 50 ml; and
- (d) has a gross weight of less than 1 000 kg

alley lamp means a work lamp designed primarily to provide a fixed or movable beam of light to the side of a vehicle to which it is fitted

ambulance service means a service that complies with the requirements in NZS 8156:2002 Ambulance Sector Standard

approved, in relation to an appliance, apparatus, device, system, component, equipment, or fitting, means approved by or under the Act or the Traffic Regulations 1976

approved disabled person's parking permit means a disabled person's parking permit or mobility parking permit—

- (a) issued by CCS Disability Action Incorporated or Somerville Centre for Special Needs Wanganui Incorporated; or
- (b) approved by the territorial authority having control of the parking area

beacon means a warning lamp comprising 1 or more light sources designed to emit a flashing light or a revolving beam of light

bus means a passenger service vehicle that has more than 9 seating positions (including the driver's seating position)

bus lane means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of—

- (a) buses; and
- (b) cycles, mopeds, and motorcycles (unless one or more are specifically excluded by the sign)

bus lane: paragraph (b) of this definition was substituted, as from 15 September 2005, by rule 5(1) Land Transport (Road User) Amendment Rule 2005 (SR 2005/239).

centre line,—

- (a) in relation to any portion of a roadway not marked with a flush median, means 1 or more broken or solid lines of paint or raised studs (or any combination of those lines and studs) intended to separate opposing traffic;
- (b) in relation to any portion of a roadway marked with a flush median, means the longitudinal white line that forms the left side of the flush median as viewed by a driver facing forward

civil defence emergency vehicle means a vehicle operated under the instructions of a controller appointed under section 10 or section 26 of the Civil Defence Emergency Management Act 2002 in an emergency as defined in section 4 of that Act

controlled intersection means any intersection where the traffic is for the time being controlled by an enforcement officer, a stop sign, a give-way sign, a hand-held stop sign, a roundabout, or traffic signals

cycle—

- (a) means a vehicle that has at least 2 wheels and that is designed primarily to be propelled by the muscular energy of the rider; and
- (b) includes a power-assisted cycle

cycle lane means a longitudinal strip within a roadway designed for the passage of cycles

cycle path—

- (a) means part of the road that is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians; and
- (b) includes a cycle track formed under section 332 of the Local Government Act 1974

defence fire brigade has the same meaning as in section 2 of the Fire Service Act 1975

defence force emergency vehicle means a vehicle that is—

- (a) operated by the Royal New Zealand Navy Naval Police, the New Zealand Army Military Police, or the Air Security Branch of the Royal New Zealand Air Force; or
- (b) an improvised explosive device disposal (**IEDD**) response vehicle

delineator means a traffic control device, including a guide post, chevron board, bollard, barrel, or barrier, that is placed on or beside a roadway to guide road users

dipped beam means a beam of light, emitted from a lamp fitted to a vehicle, that is angled downwards in such a way that it prevents undue dazzle or discomfort to oncoming drivers and other road users

dipped-beam headlamp means a headlamp designed to emit a dipped beam; and includes any dipped beam lamp that complies with a vehicle standard for headlamps specified in Schedule 1 of Land Transport Rule 32005: Vehicle Lighting 2004

direction-indicator lamp means a lamp designed to emit a flashing light to signal the intention of the driver to change the direction of the vehicle to the right or to the left

driver means a person driving a vehicle; and includes the rider of an all terrain vehicle, a motorcycle, a moped, a cycle, a mobility device, or a wheeled recreational device

driveway means a place used or appearing to be used as a vehicle entrance to or exit from land fronting a roadway

emergency vehicle means a vehicle used for attendance at emergencies and operated—

- (a) by an enforcement officer;
- (b) by an ambulance service;
- (c) as a fire service vehicle;
- (d) as a civil defence emergency vehicle;
- (e) as a defence force emergency vehicle

enforcement officer means—

- (a) a sworn member of the police;
- (b) a non-sworn member of the police who is authorised for the purpose by the Commissioner of Police;
- (c) a person who is appointed to that office by warrant under section 208 of the Act or who holds that office by virtue of the Act

Fire Authority has the same meaning as in section 2(1) of the Forest and Rural Fires Act 1977

fire service vehicle means a vehicle that is—

- (a) owned by the New Zealand Fire Service Commission or a Fire Authority; or
- (b) operated by the New Zealand Fire Service, a defence fire brigade, or any brigade responding under a co-ordination agreement and approved by the National Commander of the New Zealand Fire Service; or
- (c) operated and approved by a Fire Authority

flush median, in relation to a portion of a roadway, means an area marked by white diagonal lines for the purpose of separating opposing traffic that is—

- (a) painted along the middle of the roadway; and
- (b) bounded by approximately parallel, longitudinal white lines

fog lamp means a high intensity lamp designed to aid the driver or other road users in conditions of severely reduced visibility, including fog or snow but not including clear atmospheric conditions during the hours of darkness, and that is—

- (a) a front fog lamp; or
- (b) a rear fog lamp

footpath means a path or way principally designed for, and used by, pedestrians; and includes a footbridge

front fog lamp means a fog lamp designed to provide a dipped beam of light to the front of a motor vehicle for the purpose of illuminating the road ahead of that vehicle; and includes any lamp that complies with a vehicle standard for front fog lamps specified in Schedule 1 of Land Transport Rule 32005: Vehicle Lighting 2004

goods vehicle means a motor vehicle that is—

- (a) designed exclusively or principally for the carriage of goods; or
- (b) used for the collection or delivery of goods in the course of trade

half-way, in relation to a roundabout, means a roadway that is straight ahead or substantially straight ahead from the roadway on which a driver enters a roundabout

headlamp means a lamp designed to illuminate the road ahead of a vehicle and that is—

- (a) a dipped-beam headlamp; or
- (b) a main-beam headlamp; or
- (c) a combination of a dipped-beam headlamp and a main-beam headlamp

heavy motor vehicle means a motor vehicle that has a gross vehicle mass exceeding 3 500 kg

high-mounted stop lamp means a stop lamp that is designed to be fitted in a central, high-mounted position at the rear of a vehicle

hours of darkness means—

- (a) a period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or
- (b) any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 m

inspecting organisation has the same meaning as in Part 2 of Land Transport Rule 35001/1: Vehicle Standards Compliance 2002

install means place in position

intersection,—

- (a) in relation to 2 or more intersecting or meeting roadways, means that area contained within the prolongation or connection of the lateral boundary lines of each roadway; but
- (b) if 2 roadways are separated only by a traffic island or by a median less than 10 m wide, the roadways must be regarded as 1 roadway

lamp means a device designed to emit light; and includes an array of separate light sources that appear as a continuous illuminated surface

lane—

- (a) means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separated from other parts of the roadway by a longitudinal line or lines of paint or raised studs; and
- (b) includes—
 - (i) a cycle lane; and
 - (ii) a lane for the use of vehicular traffic that is at least 2.5 m wide; and
 - (iii) a lane of a two-way road divided by a centre line

left side, in relation to a vehicle, means the side to the left of the vehicle when the vehicle is facing forward

level crossing—

- (a) means a place where—
 - (i) a railway line crosses a road or street on the same level; or
 - (ii) the public is permitted to cross a railway line on the same level; and
- (b) includes a bridge used for both rail vehicles and road traffic on the same level; but
- (c) does not include a railway line on a road that is intended solely for the use of light rail vehicles

light motor vehicle means a motor vehicle that has a gross vehicle mass of 3 500 kg or less

light rail vehicle—

- (a) means a rail vehicle that is designed to run along a road among other road vehicles and users; and

- (b) includes a tram; but
- (c) does not include—
 - (i) a rail vehicle approaching or on a level crossing; or
 - (ii) a rail vehicle while it is on a railway line that is not on a road

light rail vehicle lane means a lane reserved for the use of light rail vehicles by a marking or sign installed at the start of the lane (unless the light rail vehicle lane is a continuous loop) and at each point at which the lane resumes after an intersection

lighting equipment means equipment designed both to emit or reflect light and to be fitted to a vehicle; and includes a reflector and reflective material

limit line means a line marked on the surface of the roadway to indicate the place where traffic is required to stop for the purpose of complying with a stop sign, give-way sign, pedestrian crossing, school crossing point, or traffic signal

load—

- (a) includes—
 - (i) part of a load; and
 - (ii) covers, ropes, ties, blocks, tackles, barrows, or other equipment or objects used in the securing or containing of loads on vehicles or the loading or unloading of vehicles, whether or not any other load is on the vehicle; but
- (b) does not include animal wastes discharged from animals being carried on a vehicle at the time of discharge

loading zone means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers

longitudinal walking beam means a device connecting 2 or more axles to the chassis of a vehicle in such a manner that the vertical force applied by the pressure of the road surface on one of those axles results in a vertical force in the opposite direction applied on another of those axles

main-beam headlamp means a headlamp designed to illuminate the road over a long distance ahead of a vehicle; and in-

cludes a driving lamp and any main-beam lamp that complies with a vehicle standard for headlamps specified in Schedule 1 of Land Transport Rule 32005: Vehicle Lighting 2004

marking means a line, symbol, pattern, message, numeral, pavement marker, or other device set in the roadway or applied or attached to the road surface

median means a strip of land that may be part of a road and that separates vehicles travelling in opposite directions

mobility device means—

- (a) a vehicle that—
 - (i) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
 - (ii) is powered solely by a motor that has a maximum power output not exceeding 1 500 W; or
- (b) a vehicle that the Agency has declared under section 168A(1) of the Land Transport Act 1998 to be a mobility device

moped means a motor vehicle running on 2 or 3 wheels that is fitted with a motor having a power output not exceeding 2 kW and is designed to be ridden at a speed not exceeding 50 km per hour under normal conditions of use

motor vehicle has the same meaning as in section 2(1) of the Act

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

motorway has the same meaning as in section 2(1) of the Government Roadway Powers Act 1989

multi-lane road means—

- (a) a one-way road with 2 or more marked lanes (other than cycle lanes); or
- (b) a two-way road with 2 or more marked lanes (other than cycle lanes) that—

- (i) are on the side of the dividing line or median where the driver is driving; and
- (ii) are for the use of vehicles travelling in the same direction

normal braking means the level of braking applied to a vehicle that does not lock any of the vehicle's wheels and permits the vehicle to decelerate without adversely affecting directional control

normal vision means the visual acuity required of a person to obtain and hold a driver licence in accordance with Land Transport (Driver Licensing) Rule 1999

operate, in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road or to be driven on a road, whether or not the person is present with the vehicle

parking means,—

- (a) in relation to a portion of a road where parking is for the time being governed by the location of parking meters or vending machines placed under the authority of a by-law 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 (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road

parking warden means a parking warden appointed under section 7 of the Transport Act 1962

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

passenger service vehicle: this definition was amended, as from 21 June 2005, by section 95(10) Land Transport Amendment Act 2005 (2005 No 77) by substituting the word "Act" for the words "Transport Services Licensing Act 1989". See sections 96 to 100 of that Act as to the transitional and savings provisions.

pedestrian—

- (a) means a person on foot on a road; and
- (b) includes a person in or on a contrivance equipped with wheels or revolving runners that is not a vehicle

pedestrian crossing means a pedestrian crossing duly established and marked on a roadway in accordance with clause 8.2 of Land Transport Rule 54002: Traffic Control Devices 2004

pilot vehicle means a motor vehicle that—

- (a) escorts an overdimension or overweight motor vehicle; and
- (b) warns road users of the potential hazard created by the overdimension or overweight motor vehicle or its load or both,—

position lamp means a low intensity lamp that is designed to indicate to other road users the presence and dimensions of a vehicle, being—

- (a) a forward-facing position lamp; or
- (b) a rearward-facing position lamp; or
- (c) a side-marker lamp; or
- (d) an end-outline marker lamp

power-assisted cycle means a cycle to which is attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W

power-assisted cycle: this definition was amended, as from 21 June 2005, by section 95(10) Land Transport Amendment Act 2005 (2005 No 77) by substituting the expression “300 W” for the expression “200 W”. See sections 96 to 100 of that Act as to the transitional and savings provisions.

public holiday means a day specified as a public holiday in section 44(1) of the Holidays Act 2003

rail vehicle—

- (a) means any vehicle that operates on, or uses, a railway line; and
- (b) includes a locomotive, rail carriage, rail wagon, railcar, light rail vehicle, rail maintenance vehicle (whether or not self-propelled), and any other vehicle prescribed as a rail vehicle by any enactment; but
- (c) does not include a vehicle designed to operate both on and off rails while it is not operating on rails

rear fog lamp means a fog lamp designed to indicate to other road users the presence of the rear of the vehicle

reflective material (or **retroreflective material**) means any material that is designed to reflect incident light back towards

the light source or in a specific direction; but does not include a reflector

reflector (or **retroreflector**) means a discrete item of lighting equipment that is designed to reflect incident light back towards the light source; but does not include reflective material

rider means a person riding an animal, an all terrain vehicle, a motorcycle, a moped, a cycle, a mobility device, or a wheeled recreational device

right side, in relation to a vehicle, means the side to the right of the vehicle when the vehicle is facing forward

road includes—

- (a) a street; and
- (b) a motorway; and
- (c) a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of the Act or any other enactment

road controlling authority, in relation to a road,—

- (a) means the authority, body, or person or persons having control of the road; and
- (b) includes a person acting under and within the terms of any delegation or authorisation given by the controlling authority

road margin includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any)

road user means a driver, rider, passenger, or pedestrian

roadway means that portion of the road used or reasonably usable for the time being for vehicular traffic in general

roundabout means an intersection with 1 or more marked lanes or lines of traffic, all of which are for the use of vehicles travelling in a clockwise direction around a central traffic island

safe stopping distance means the minimum distance required for a driver of normal vision, driving at a safe operating speed for the road, to recognise a hazard and decelerate with normal braking to stop completely before reaching the hazard

safety zone means a portion of roadway—

- (a) indicated by a structure installed on the roadway; and
- (b) that has, near the end first met by approaching vehicles travelling along the side of the roadway on which the safety zone is established, a sign displaying to approaching drivers the words “Safety Zone”

scene lamp means a work lamp designed to provide a fixed or movable beam of light to illuminate the area around a vehicle or the vehicle itself

school bus means a bus that is used, whether or not for hire or reward,—

- (a) for transporting (in addition to the driver) school children to and from school with or without their teachers; or
- (b) principally for transporting school children to or from a school function

school crossing point means a school crossing point established in accordance with clause 8.4 of Land Transport Rule 54002: Traffic Control Devices 2004

service brake means a brake for intermittent use that is designed for the purpose of slowing down and stopping a vehicle

shared zone means a length of roadway intended to be used by pedestrians and vehicles

signalling device means a vehicle lamp by means of which the driver can indicate the driver’s manoeuvring intentions; and includes a stop lamp and a direction-indicator lamp

special vehicle lane means a lane defined by signs or markings as restricted to a specified class or classes of vehicle; and includes a bus lane, a transit lane, a cycle lane, and a light rail vehicle lane

static roll threshold has the same meaning as the term **Static Roll Threshold (SRT)** in Part 2 of Land Transport Rule 41001: Vehicle Dimensions and Mass 2002

static roll threshold compliance certificate means the document referred to in paragraph 3.6(1)(b) of Land Transport Rule 41001: Vehicle Dimensions and Mass 2002

stop lamp means a lamp that is designed to operate when the service brake is activated

territorial authority has the same meaning as in section 5 of the Local Government Act 2002

traction engine means a vehicle that—

- (a) is propelled by steam power; and
- (b) is not a rail service vehicle within the meaning of section 2(1) of Transport Services Licensing Act 1989; and
- (c) is not designed for the carriage of goods or persons other than the driver and, if appropriate, other persons involved in its operation

tractor means a motor vehicle (other than a traction engine) constructed principally for towing an agricultural trailer or powering agricultural implements

traffic control device has the same meaning as in Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004

traffic island means a defined area within a roadway, which may be flush with the roadway or raised, and from which vehicular traffic is intended to be excluded

traffic sign means a traffic control device prescribed by Part 2 of Land Transport Rule 54002: Traffic Control Devices 2004

traffic signal means a set of illuminated displays complying with section 6 of Land Transport Rule 54002: Traffic Control Devices 2004

trailer—

- (a) means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable; but
- (b) does not include—
 - (i) a sidecar attached to a motorcycle; or
 - (ii) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power

transit lane means a lane reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane)

- (a) passenger service vehicles;
- (b) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign;
- (c) cycles;
- (d) motorcycles
- (e) mopeds

transit lane: paragraph (e) of this definition was inserted, as from 15 September 2005, by rule 5(2) Land Transport (Road User) Amendment Rule 2005 (SR 2005/239).

turn means to change direction; but if a roadway is marked with a centre line to show the normal path of vehicles,—

- (a) a vehicle must be regarded as having turned if it leaves that path to enter another roadway or driveway or joins that path from another roadway or driveway; and
- (b) a vehicle following the markings must not be regarded as having turned even though an intersection occurs at a point where the markings are laid out in a curve

uncontrolled intersection means any intersection at which the traffic is not for the time being controlled by an enforcement officer, a stop sign, a give-way sign, a hand-held stop sign, a roundabout, or traffic signals

UN/ECE is an abbreviation for a regulation of the United Nations Economic Commission for Europe

use, in relation to a vehicle, includes—

- (a) driving, drawing, or propelling on a road by means of another vehicle; and
- (b) permitting to be on a road

vehicle has the same meaning as in section 2(1) of the Act

vehicle inspector has the same meaning as in Part 2 of Land Transport Rule 35001/1: Vehicle Standards Compliance 2002

vehicle recovery service vehicle has the same meaning as in section 2(1) of the Act

vehicle recovery service vehicle: this definition was amended, as from 21 June 2005, by section 95(10) Land Transport Amendment Act 2005 (2005 No 77) by substituting the word “Act” for the words “Transport Services Licensing Act 1989”. See sections 96 to 100 of that Act as to the transitional and savings provisions.

visible means able to be seen from a safe stopping distance

wheeled recreational device —

- (a) means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- (b) includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W

wheeled recreational device: paragraph (b) of this definition was amended, as from 21 June 2005, by section 95(10) Land Transport Amendment Act 2005 (2005 No 77) by substituting the expression “300 W” for the expression “200 W”. See sections 96 to 100 of that Act as to the transitional and savings provisions.

work lamp means a high intensity lamp, which is not necessary for the operation of the vehicle, but is designed to illuminate a work area or scene; and includes—

- (a) a scene lamp; and
- (b) a spot lamp; and
- (c) an alley lamp.

Clause 1.6 **approved disabled person’s parking permit**: inserted, on 17 January 2008, by clause 6 of the Land Transport (Road User) Amendment Rule (No 2) 2007 (SR 2008/2).

Clause 1.6 **Director**: revoked, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

mobility device: this definition was substituted, as from 21 June 2005, by section 95(10) Land Transport Amendment Act 2005 (2005 No 77). See sections 96 to 100 of that Act as to the transitional and savings provisions.

Clause 1.6 **mobility device** paragraph (b): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 1.6 **motorcycle** paragraph (b): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 1.6 **motorway**: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 1.6 **service brake**: inserted, on 1 October 2007, by clause 6(1) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 1.6 **stop lamp**: substituted, on 1 October 2007, by clause 6(2) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 1.6 **territorial authority**: inserted, on 17 January 2008, by clause 6 of the Land Transport (Road User) Amendment Rule (No 2) 2007 (SR 2008/2).

1.7 General responsibilities of road users

- (1) A road user must comply with the applicable provisions of this rule.
- (2) A road user must comply with every reasonable direction given by an enforcement officer for the safe and efficient regulation of traffic, even if the road user may contravene a provision of this rule by complying with the direction.

Compare: SR 1976/227 r 56

1.8 General exceptions

- (1) A person is not in breach of this rule if that person proves that—
 - (a) the act or omission complained of took place in response to a situation on a road; and
 - (b) the situation was not of the person's own making; and
 - (c) the act or omission was taken—
 - (i) to avoid the death or injury of a person; or
 - (ii) if the act or omission did not create a risk of death or injury or greater damage to any property, to avoid damage to any property.
- (2) Subclause (1) does not apply if a court is considering, in proceedings for an offence specified in the Act, whether or not a person had complied with this rule.
- (3) A person is not in breach of this rule if that person proves that the act or omission complained of—
 - (a) took place in compliance with the directions of an enforcement officer, a parking warden, a traffic signal, or a traffic sign; or
 - (b) in the case of an act or omission done by an enforcement officer or a parking warden, was necessary in the execution of the person's duty.
- (4) A person is not in breach of clauses 2.1 to 2.9, 2.13, or 5.3, or Part 6, in relation to a vehicle, if that person proves that—
 - (a) the vehicle was, at the time of the act or omission complained of, actually engaged in a public work on a road; and
 - (b) the vehicle was being used on the road with due consideration for other road users; and

- (c) the act or omission complained of was reasonably necessary for the purposes of that work; and
- (d) he or she took all reasonable care to prevent the occurrence of any accident, mishap, collision, or damage, or any injury to or interference with any person, animal, or property arising because of the act or omission.

Compare: SR 1976/227 rr 3A(4), 36(1)

Part 2

Roads

Lanes

2.1 Keeping left

- (1) A driver, when driving, must at all times drive as near as practicable to the left side of the roadway unless this rule otherwise provides.
- (2) If a driver's speed, when driving, is such as to impede the normal and reasonable flow of traffic, that driver must, as soon as is reasonably practicable, move the vehicle as far as practicable to the left side of the roadway when this is necessary to allow following traffic to pass.
- (3) A driver may drive in the right lane in the direction of travel when driving on a multi-lane road if—
 - (a) the driver is turning right, or making a U-turn from the centre of the road, and is giving the prescribed signal of that driver's intention to turn right; or
 - (b) the driver is passing; or
 - (c) the left lane is unavailable to the driver; or
 - (d) the driver is required by any provision of this rule to drive in the right lane; or
 - (e) a variable lane control downward-facing arrow sign indicates that the driver must drive in the right lane; or
 - (f) the driver is avoiding an obstruction; or
 - (g) the traffic in all other lanes is congested; or
 - (h) the traffic in every lane is congested.

Compare: SR 1976/227 r 4

2.2 Slow vehicle bays

- (1) This clause applies if a road controlling authority has indicated by the installation of the appropriate signs that an extra lane has been provided as a slow vehicle bay.
- (2) A driver who is driving at a slow speed that would impede the normal and reasonable movement of any other vehicle must—
 - (a) move into the slow vehicle bay as soon as the movement may be made with safety; and
 - (b) continue there until the driver reaches the end of the slow vehicle bay or is able to proceed without impeding the normal and reasonable movement of vehicles using the road.

Compare: SR 1976/227 r 16

2.3 Use of lanes

- (1) A driver, when driving, must not use—
 - (a) a lane that has been declared unavailable by an overhead traffic signal showing a red diagonal cross; or
 - (b) on a two-way roadway marked in 2 or more lanes, a lane on the right side of the centre line unless the driver is passing another vehicle travelling in the same direction; or
 - (c) on a two-way roadway marked in 3 lanes,—
 - (i) the lane on the right side of the roadway; or
 - (ii) the centre lane unless the driver is turning right into another roadway or a vehicle entrance or is passing another vehicle travelling in the same direction; or
 - (d) a lane to the driver's right of a no-passing line; or
 - (e) the area on the right side of a row of traffic cones or other delineators placed so that they separate traffic travelling in opposite directions; or
 - (f) a special vehicle lane reserved for a specific class or classes of vehicle unless—
 - (i) the vehicle is one of the class or classes of vehicle for which the lane is reserved; or
 - (ii) the vehicle is an emergency vehicle being used in an emergency.
- (2) A driver, when driving on a road marked in lanes,—

- (a) must drive as far as practicable entirely within a lane except when complying with subclause 2.1(2) or when changing lanes; and
 - (b) must not move from a lane until he or she has first ascertained that the manoeuvre may be made safely.
- (3) However, a driver may drive, either wholly or partly, in a lane that is unavailable to the driver under subclause (1) or subclause 4.6(2) to (4) if—
- (a) it is impracticable to proceed otherwise because of the size of the driver's vehicle or the size of the load on the driver's vehicle or because of a road obstruction, and driving in that lane can be done safely and without impeding other traffic;
 - (b) subject to giving way to vehicles entitled to use the lane,—
 - (i) the driver crosses the lane in order to make a turn; or
 - (ii) the lane is a special vehicle lane, and the driver crosses the lane in order to park in a place clear of that lane; or
 - (iii) the driver is driving a passenger service vehicle or goods vehicle and the lane is not reserved for a vehicle of that class, and the driver crosses the lane in order to enter a specified stopping place or loading zone to pick up or drop off any passengers or load; or
 - (iv) the driver crosses the lane in order to leave a road; or
 - (v) the driver crosses the lane in order to enter a marked lane or line of traffic from the side of the road or from another marked lane.
- (4) A driver using a lane in accordance with subclause (3)(b) must keep his or her use of the lane to the minimum necessary in order to complete his or her manoeuvre.
- (5) A driver who is turning across a light rail vehicle lane or safety zone must not impede the progress of any light rail vehicle travelling along the same roadway in the same or opposite direction.

Compare: SR 1976/227 rr 5, 7(1A), (1B)

Clause 2.3(1)(f): substituted, on 17 January 2008, by clause 7 of the Land Transport (Road User) Amendment Rule (No 2) 2007 (SR 2008/2).

2.4 Route of driving at intersections marked or signed in lanes

If road markings or traffic signs designate specific lanes for specific manoeuvres at the approaches to an intersection, a driver must not use any lane except for the manoeuvre appropriate to its marking or signage.

Compare: SR 1976/227 r 6

Turning

2.5 Changing direction

- (1) A driver intending to turn to enter another roadway or a vehicle entrance to the left must—
 - (a) move as far as practicable to the left side of the roadway before reaching the point at which the driver intends to turn; and
 - (b) keep as close as practicable to the left side of the roadway throughout the turn.
- (2) A driver intending to turn to enter another roadway or a vehicle entrance to the right must—
 - (a) move as far as practicable to the right without encroaching on any lanes that are unavailable to the driver (or, in the case of a roadway not marked in lanes, without encroaching over the middle of the roadway) before reaching the point at which the driver intends to turn; and
 - (b) turn as directly as possible to a similar position on any roadway the driver enters.
- (3) A driver is not in breach of subclause (2) if the driver proves that, in the interests of safety, the driver moved as far as practicable to the left of the roadway on which the driver was travelling and slowed or stopped the vehicle in advance of the point where he or she intended to turn right until the roadway was clear of traffic turning right from the centre of the road and it was safe to turn.

Compare: SR 1976/227 r 7(1), (2)

Passing

2.6 General requirements about passing other vehicles

- (1) A driver must not pass or attempt to pass another vehicle moving in the same direction unless—
 - (a) the movement can be made with safety; and
 - (b) the movement is made with due consideration for other users of the road; and
 - (c) sufficient clear road is visible to the driver for the passing movement to be completed without impeding or being likely to impede any possible opposing traffic; and
 - (d) until the passing movement is completed, the driver has a clear view of the road and any traffic on the road for at least 100 m in the direction in which the driver is travelling.
- (2) Subclause (1)(c) and (d) does not apply if the passing vehicle and the vehicle being passed are in different lanes and are, throughout the passing movement, either on a one-way road or on the same side of the centre line.
- (3) A driver must not, when passing another vehicle moving in the same direction, move into the line of passage of that vehicle until the manoeuvre can be made safely and without impeding the movement of that other vehicle.

Compare: SR 1976/227 r 8(3), (4)

2.7 Passing on right

A driver must not pass or attempt to pass on the right of another vehicle moving in the same direction when—

- (a) approaching or crossing an intersection unless—
 - (i) the roadway is marked in lanes and the driver can make the movement without the driver's vehicle encroaching on a lane available for opposing traffic; or
 - (ii) in any other case, the driver can make the movement with safety and with due consideration for users of the intersecting road; or
- (b) approaching or passing a flush median, unless the driver—

- (i) intends to turn right from the road marked with the flush median into another road or vehicle entrance; or
- (ii) has turned right onto the road marked with the flush median; or
- (iii) can make the entire movement without encroaching on the flush median.

Compare: SR 1976/227 r 8(2), (2A)

2.8 Passing on left

- (1) A driver must not pass or attempt to pass on the left of another vehicle moving in the same direction except in accordance with this clause.
- (2) In any case in which the movement referred to subclause (1) may be made,—
 - (a) the 2 vehicles must be in different lanes; or
 - (b) the overtaken vehicle must be stationary or its driver must have given or be giving the prescribed signal of that driver's intention to turn right; or
 - (c) if the overtaken vehicle is a light rail vehicle moving in the same direction, the light rail vehicle must not be—
 - (i) signalling an intention to turn left or to stop; or
 - (ii) stationary for the purposes of allowing passengers to alight or board.
- (3) If the roadway is marked in lanes, the driver may make the movement referred in subclause (1) only if the driver's vehicle does not encroach on a lane that is unavailable to a driver.

Compare: SR 1976/227 r 8(1)

2.9 Passing where roadway marked with no-passing line

- (1) This clause applies if a driver is at or approaching a portion of a roadway where the road controlling authority has, in accordance with any enactment, marked a no-passing line applying to traffic moving in the direction in which the driver is moving.
- (2) The driver must not pass or attempt to pass a motor vehicle or an animal-drawn vehicle moving in the same direction within the length of roadway on which the no-passing line is marked until the driver reaches the further end of the no-passing line,

unless throughout the passing movement the driver keeps the vehicle wholly to the left of the no-passing line.

Compare: SR 1976/227 r 8(6)

2.10 Passing at school crossing point or pedestrian crossings

A driver must not pass or attempt to pass a vehicle that has stopped or slowed down at a school crossing point or pedestrian crossing in order to comply with clause 3.9 or subclause 10.1(1).

Compare: SR 1976/227 r 12(2)

2.11 Passing at level crossings

- (1) A driver must not pass or attempt to pass another vehicle that has stopped at a level crossing to—
 - (a) give way to any rail vehicle using the railway line; or
 - (b) ascertain whether a rail vehicle is using the railway line.
- (2) A driver must not pass or attempt to pass another vehicle moving in the same direction at or within 60 m of a level crossing unless, if the roadway is marked in lanes, the driver's vehicle does not encroach on a lane available for opposing traffic.

Compare: SR 1976/227 r 8(5), (5A)

Motorways

2.12 Motorways

- (1) A driver must not enter a motorway except at an opportunity and at a speed that will place the driver correctly in the stream of traffic without danger to any other user of the motorway.
- (2) A driver must not stop or park on a motorway except in an area set aside and indicated by a traffic sign as a parking area.
- (3) A driver must not drive in an emergency stopping lane unless—
 - (a) the driver needs to drive in it to avoid a collision or to stop in an emergency; or
 - (b) the driver's vehicle is disabled; or
 - (c) a sign at the entrance to the lane indicates vehicles of a specified class or classes may use the lane during the time specified on the sign and the driver is operating a

vehicle of that specified class or one of those specified classes.

- (4) A driver must not reverse or make a U-turn on a motorway.
Compare: SR 1976/227 r 3A(1)-(3)

Footpaths

2.13 Driving along footpath.

A driver must not drive a motor vehicle along a footpath.

Compare: SR 1976/227 r 14

2.14 Driving on lawn, garden, or other cultivation

A driver must not drive a motor vehicle on a lawn, garden, or other cultivation adjacent to, or forming part of, a road.

Part 3

Traffic signs and signals

Traffic control devices

3.1 General requirements about places controlled by traffic control devices

- (1) Subject to subclauses (2) and (3), if traffic at any place is controlled by a traffic control device, a person (including a pedestrian) using the road at that place must comply with the instructions given by that traffic control device that apply to them.
- (2) If traffic signs have been installed at a place controlled by traffic signals, then, in so far as the instructions given by the traffic signals are inconsistent with those given by the traffic signs, a person (including a pedestrian) using the road at that place must comply with the instructions given by the traffic signs that apply to them and not those given by the traffic signals.
- (3) If at any time the traffic at any place at which a traffic control device is installed is controlled by an enforcement officer, the officer's directions override any instruction that may be given by the traffic control device.

Compare: SR 1976/227 r 18(1), (3), (6)

3.2 Traffic signals in form of disc

- (1) While a green signal in the form of a disc is displayed,—

- (a) a driver facing the signal may proceed straight ahead or may turn left or right at an intersection unless a red signal in the form of an arrow or a special sign prohibits that movement:
 - (b) a driver facing the signal, including a driver turning left or right, must—
 - (i) proceed with due regard to the safety of other road users; and
 - (ii) give way to pedestrians lawfully crossing or about to cross the roadway; and
 - (iii) give way to motor vehicles and cycles lawfully proceeding straight ahead:
 - (c) a driver facing the signal and turning left must give way to vehicles approaching from the opposite direction and lawfully turning or about to turn right.
- (2) While a green signal in the form of a disc is the only signal displayed, pedestrians 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) If 2 drivers travelling in opposite directions each have a green signal to proceed and this clause does not specify who must give way, the driver required by Part 4 to give way must give way accordingly.
- (4) While a steady yellow signal in the form of a disc is displayed,—
- (a) a driver facing the signal must not enter the controlled area while the signal is displayed unless the driver's vehicle is, when the signal first appears, so close to the controlled area that it cannot safely be stopped before entering the area:
 - (b) pedestrians facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.
- (5) While a steady red signal in the form of a disc is displayed or 2 alternately flashing red signals in the form of a disc are displayed,—
- (a) a driver of a vehicle facing the signal or signals must not enter the controlled area, but a cyclist may enter ahead

of a marked vehicle limit line and stop behind a marked cycle limit line:

- (b) pedestrians facing the signal or signals must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.

Compare: SR 1976/227 r 18(5)(a), (c), (e)

3.3 Traffic signals in form of arrow

- (1) While a green signal in the form of an arrow is displayed—
 - (a) a driver facing the signal may enter the controlled area and proceed only in the direction indicated by the signal, with due regard to the safety of other road users:
 - (b) pedestrians facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.
- (2) While a yellow signal in the form of an arrow is displayed,—
 - (a) a driver facing the signal must not enter the controlled area and must not make the movement indicated by the signal, unless the driver intends to proceed in the direction indicated by the signal and, when the signal first appears, the driver's vehicle is so close to the controlled area that it cannot safely be stopped before entering the area:
 - (b) pedestrians facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.
- (3) While a red signal in the form of an arrow is displayed,—
 - (a) a driver facing the signal must not enter the controlled area to proceed in the direction indicated by the signal:
 - (b) pedestrians facing the signal must not enter the roadway unless a special signal for pedestrians indicates a green walking human figure symbol.
- (4) However, when a signal in the form of an arrow is displayed simultaneously with any other signal, in a single or a multi-column traffic signal display,—
 - (a) the signal in the form of an arrow applies to drivers proceeding or about to proceed in the direction indicated by that signal; and

(b) no other signal or signals apply to that vehicular traffic.

Compare: SR 1976/227 r 18(5)(b), (d), (f), (g)

3.4 Traffic signal in form of flashing yellow signal

While a flashing yellow signal is displayed the provisions of clause 4.2 apply.

Compare: SR 1976/227 r 18(5)(j)

3.5 Traffic signals in form of standing or walking human figure

(1) While a special signal for pedestrians indicates a flashing or steady red standing human figure symbol, pedestrians, riders of mobility devices, and riders of wheeled recreational devices who are using the footpath and facing the signal must not enter the roadway.

(2) While a special signal for pedestrians indicates a green walking human figure symbol, pedestrians, riders of mobility devices, and riders of wheeled recreational devices may,—

(a) if facing the signal, enter the roadway to cross towards the signal; and

(b) if a “Pedestrians May Cross Diagonally During Cross” sign is installed, enter the roadway to cross towards the signal or to the diagonally opposite corner of the controlled area.

Compare: SR 1976/227 r 18(5)(h), (i)

3.6 Traffic signals in form of T or B

(1) While a white T or a white B signal is displayed, a driver of a light rail vehicle (in the case of a white T) or a bus (in the case of a white B) facing the traffic signal may—

(a) travel straight ahead or turn right or turn left; or

(b) turn right or turn left even though a traffic signal is displaying a red signal in the form of a disc.

(2) While a yellow T or a yellow B signal alone is displayed, a driver of a light rail vehicle (in the case of a yellow T) or a bus (in the case of a yellow B) facing the traffic signal must not enter the controlled area.

- (3) However, if the driver of the light rail vehicle (in the case of a yellow T) or bus (in the case of a yellow B) is so close to the limit line or intersection when the yellow T or yellow B signal first appears that the driver cannot safely stop the vehicle before passing the limit line or entering the intersection, the driver may proceed with the movement otherwise prohibited by subclause (2).
- (4) While a red T or a red B signal alone is displayed, a driver of a light rail vehicle (in the case of red T) or a bus (in the case of red B) facing the traffic signal must not—
 - (a) proceed beyond any limit line associated with the traffic signal; or
 - (b) in the absence of a limit line, enter the intersection at or near which the traffic signal is installed.

Compare: SR 1976/227 r 18(5)(k)-(m)

3.7 Traffic signals in form of cycle symbol

- (1) While a green cycle symbol is illuminated, cyclists may proceed straight ahead, or turn left or right.
- (2) While a yellow cycle symbol is illuminated, cyclists must stop unless they are so close to the controlled area that they cannot safely stop before entering the controlled area.
- (3) While a red cycle symbol is illuminated, cyclists must not enter the controlled area, but a cyclist may enter ahead of a marked vehicle limit line and stop behind a marked cycle limit line.

Compare: SR 1976/227 r 18(5)(n)-(p)

3.8 Hand-held stop signs

- (1) This clause applies if a person is directing traffic with a hand-held stop sign in accordance with any enactment.
- (2) A driver approaching a hand-held stop sign—
 - (a) must stop before reaching the sign; and
 - (b) must not proceed until the person holding the sign—
 - (i) displays a “go” sign or a “slow” sign towards the driver; or
 - (ii) stops displaying a sign towards the driver.

3.9 Crossing where school patrol operating

A driver approaching a pedestrian crossing or a school crossing point at which a school patrol sign is extended must—

- (a) stop before reaching the pedestrian crossing or school crossing point; and
- (b) remain stopped while the sign is extended.

Compare: SR 1976/227 r 13

Drivers' signals

3.10 Drivers' signals

- (1) This clause applies if a driver intends to—
 - (a) stop or reduce speed; or
 - (b) turn or move to the right or draw out from a kerb on the left side of the vehicle; or
 - (c) turn or move to the left or draw out from a kerb on the right side of the vehicle; or
 - (d) enter a roundabout; or
 - (e) leave a roundabout.
- (2) If a driver intends to stop or reduce speed, and is able to signal only by means of a manually-operated approved signalling device or an arm signal, the driver must signal for at least 3 seconds either—
 - (a) by means of the approved signalling device; or
 - (b) if an arm signal can be clearly seen from the rear, by extending (in the case of the rider of an all terrain vehicle, a motorcycle, a moped, or a cycle) either arm or (in the case of any other driver) the right arm directly outwards with the upper arm horizontal and the forearm vertically upwards.
- (3) A driver who intends to turn or move to the right or to draw out from a kerb on the left side of the vehicle must signal for at least 3 seconds either—
 - (a) by means of an approved signalling device; or
 - (b) if an arm signal can be clearly seen from both the front and the rear of the vehicle, by extending the right arm directly outwards in a horizontal position.

- (4) A driver who intends to turn or move to the left or to draw out from a kerb on the right side of the vehicle must signal for at least 3 seconds either—
- (a) by means of an approved signalling device; or
 - (b) if practicable and able to be clearly seen from both the front and the rear of the vehicle, by extending the left arm directly outwards in a horizontal position.
- (5) A driver entering a roundabout—
- (a) who intends to leave at the first exit after entering the roundabout, must signal a left turn before entering;
 - (b) who intends to leave more than half-way around the roundabout, must signal a right turn before entering.
- (6) A driver who intends to leave a roundabout must, if practicable, make any left-turn signal immediately before the intended exit and after any intervening exit from a roundabout.
- (7) It is not a breach of this clause if—
- (a) arm signals are not practicable or clearly visible because of the construction, equipment, or loading of the vehicle; and
 - (b) the vehicle is not required to be fitted with the relevant approved signalling device and is not fitted with the device.

Compare: SR 1976/227 r 15

3.11 Driver must make way when signalled by vehicle displaying blue or red beacons

- (1) A driver must make way, by stopping if necessary, as soon as practicable with safety—
- (a) for an emergency vehicle that is operating a blue or red beacon or blue and red beacons;
 - (b) for a vehicle that is being escorted by an enforcement officer who is driving a vehicle operating a blue beacon or blue and red beacons;
 - (c) if the driver has reasonable cause to believe that he or she is being signalled to make way by a siren carried on an emergency vehicle.
- (2) The requirements to stop are set out in section 114 of the Act.
Compare: SR 1976/227 r 24(3)

3.12 Driver must make way and stop for registered medical practitioners, nurses, or midwives, pilot vehicles, and accompanying overdimension vehicles when displaying beacons

A driver must make way, by stopping if necessary, as soon as practicable with safety—

- (a) for a vehicle operated by a registered medical practitioner, registered nurse, or registered midwife that is displaying a green beacon:
- (b) for a pilot vehicle and any vehicle accompanying the pilot vehicle that is displaying signs and lighting equipment specified in any enactment to indicate that it is an overdimension vehicle or vehicle that has an overdimension load.

Part 4

Stopping and giving way

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

- (1) A driver approaching or entering an intersection on a roadway where the vehicles that are moving in the direction in which that driver is travelling are controlled by a stop sign at or near the intersection must—
 - (a) stop his or her vehicle before entering the path of any possible vehicle flow at such a position as to be able to ascertain whether the way is clear for the driver to proceed; and
 - (b) give way to any vehicles approaching or crossing the intersection from a roadway not controlled by a stop sign.
- (2) A driver approaching or entering an intersection on a roadway where the vehicles moving in the direction in which the driver is travelling is controlled by a give-way sign at or near the intersection must give way to any vehicles approaching or crossing the intersection from a roadway not controlled by either a stop sign or a give-way sign.

Compare: SR 1976/227 r 9(1), (2)

4.2 Giving way where vehicles are controlled by same type of sign or in absence of signs

- (1) This clause applies if—
- (a) neither the vehicles moving in the direction in which a driver is travelling, nor the vehicles approaching from another direction, are controlled by a stop sign or a give-way sign; or
 - (b) both the vehicles moving in the direction in which a driver is travelling, and the vehicles approaching from another direction, are controlled by a stop sign at or near an intersection; or
 - (c) both the vehicles moving in the direction in which a driver is travelling, and the vehicles approaching from another direction, are controlled by a give-way sign at or near an intersection.
- (2) A driver changing lanes or about to change lanes, or turning or about to turn, must give way to any vehicle not changing lanes, or not making a turn.
- (2A) A driver turning or about to turn to his or her left must give way to any vehicle approaching from the opposite direction and lawfully turning or about to turn to its right.
- (3) A driver approaching or crossing an intersection must give way to any vehicle approaching or crossing the intersection from his or her right.

Compare: SR 1976/227 r 9(3), (4)

Clause 4.2(1): amended, on 1 October 2007, by clause 7(1) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(1)(a): amended, on 1 October 2007, by clause 7(2) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(1)(a): amended, on 1 October 2007, by clause 7(3) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(1)(b): amended, on 1 October 2007, by clause 7(4) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(1)(b): amended, on 1 October 2007, by clause 7(5) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(1)(c): amended, on 1 October 2007, by clause 7(6) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(1)(c): amended, on 1 October 2007, by clause 7(7) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(2): substituted, on 1 October 2007, by clause 7(8) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

Clause 4.2(2A): inserted, on 1 October 2007, by clause 7(8) of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

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

Clauses 4.1 and 4.2 do not apply to an intersection while it is controlled by traffic signals or an enforcement officer.

Compare: SR 1976/227 r 9(6)

4.4 Giving way when entering or exiting driveway

A driver entering or exiting a driveway must give way to a road user on a footpath.

4.5 Approaching and entering intersections

- (1) A driver must not increase speed when approaching an intersection if any other vehicle is approaching or crossing.
- (2) Despite anything in Part 3, a driver approaching an intersection or an area controlled by traffic signals must not enter the intersection or controlled area if the driver's intended passage or exit is blocked by stationary traffic.

Compare: SR 1976/227 r 10

4.6 Roundabouts

- (1) A driver entering a roundabout must give way to traffic on the roundabout and to traffic approaching from the driver's right.
- (2) A driver approaching a multi-lane roundabout who intends to leave the roundabout less than half-way around the roundabout must enter the roundabout from the left-hand lane or from a lane signed with or marked by lane-use arrows for traffic intending to leave less than half-way around.
- (3) A driver approaching a multi-lane roundabout who intends to leave the roundabout half-way around the roundabout must enter the roundabout—
 - (a) from a lane or lanes that are signed with or marked by lane-use arrows for traffic intending to leave half-way around; or
 - (b) if there are no lanes signed or marked for traffic intending to leave half-way round, from any lane other than a lane reserved for another movement.

- (4) A driver approaching a multi-lane roundabout who intends to leave the roundabout more than half-way around the roundabout must enter the roundabout from the right-hand lane or from a lane marked by lane-use arrows for traffic intending to leave more than half-way around.
- (5) Subclauses (2) to (4) are subject to paragraph 2.3(3)(a) (which relates to the use of lanes that are usually unavailable).
- (6) The required drivers' signals for entering and leaving a roundabout are set out in clause 3.10(5) and (6).

4.7 Drivers and light rail vehicles

A driver must not impede the progress of any light rail vehicle.

Compare: SR 1976/227 r 5(3)

Part 5 Limits

5.1 Drivers must not exceed speed limits

- (1) A driver must not drive a vehicle at a speed exceeding the applicable speed limit (being a permanent, variable, holiday, urban, rural, temporary, or other speed limit).
- (2) The fact that a vehicle is driven at a speed that does not exceed the applicable speed limit does not excuse an alleged breach of a provision of any other Part of this rule.
- (3) A driver who drives at a speed exceeding the applicable speed limit is not in breach of subclause (1) if the driver proves that, at the time the vehicle was being driven,—
 - (a) the vehicle was being used by an enforcement officer engaged on urgent duty and compliance with the speed limit would be likely to prevent the execution of the officer's duty; or
 - (b) the vehicle was an emergency vehicle being used in an emergency and was operating a red beacon or a siren, or both; or
 - (c) the vehicle was being used (on a road subject to a speed limit of 60 km per hour or more) to convey a member of the Executive Council engaged on urgent public business, or to convey any other person authorised for the

purpose by the Minister and engaged on urgent public business in the execution of the person's functions.

Compare: SR 1976/227 r 21(11)

5.2 Which speed limit prevails if more than 1 applies

- (1) If more than 1 speed limit set by this rule applies to a vehicle under this Part, the lowest of those speed limits is the maximum speed limit for that vehicle.
- (2) If a speed limit set other than by this rule for any vehicle either generally or in respect of any place is lower than the appropriate speed limit set by this rule, that lower speed limit applies to that vehicle either generally or in respect of that place.
- (3) If a maximum speed limit set under the Act by a road controlling authority applies to any motor vehicle in any locality or on any road or part of a road, and that speed limit is greater than the appropriate maximum speed limit set by this Part, the appropriate maximum speed limit set by this Part applies in that case.

Compare: SR 1974/218, r 9(7)-(10); SR 1976/227 r 21(12)-(14)

5.3 Minimum speed limits

A driver must not, in any minimum-speed lane, drive at a speed that is less than the minimum speed that applies to that lane unless,—

- (a) because of weather conditions, poor visibility, the density or nature of traffic, the conditions of the road or road surface, or other reasonable cause, that minimum speed would be unsafe; or
- (b) the driver is required by a signal or an instruction from an enforcement officer or from a traffic sign not to exceed a speed that is less than that minimum speed.

Compare: SR 1976/227 r 25(2)

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 any vehicle that is being used to tow—
 - (a) a trailer or trailers; or
 - (b) a vehicle normally propelled by mechanical power.

- (2) Subclause (1) is subject to subclauses (3) and (4).
- (3) A driver must not drive on a road at a speed exceeding 40 km per hour any cycle, moped, motorcycle, or all terrain vehicle that is being used to tow a trailer that, together with its load, exceeds 50% of the unladen weight of the cycle, moped, motorcycle, or all terrain vehicle.
- (4) A driver must not drive on a road any motor vehicle that is being used to tow a motorcycle or an all terrain vehicle unless the motorcycle or all terrain vehicle is mechanically disabled and the speed does not exceed 30 km per hour.

Compare: SR 1974/218 r 9(2A), (2B); SR 1976/227 r 21(5), (5A), (8), (9)

5.5 Speed limit for heavy motor vehicles

- (1) A driver must not operate at a speed in excess of 90 km per hour a heavy motor vehicle.
- (2) A driver must not operate a heavy motor vehicle constructed without springs or other effective cushioning apparatus between its road wheels and its chassis at a speed in excess of the appropriate speeds set out in subclause (1) or clause 5.4(1) reduced by 50%.
- (3) However, subclause (2) does not apply when the unsprung axles are connected to the vehicle chassis by a longitudinal walking beam or beams.

Compare: SR 1974/218, r 9(1), (5)

5.6 Speed limits relating to school buses

- (1) A driver, when meeting or overtaking any stationary school bus stopped for the purpose of discharging or embarking school children, must—
 - (a) drive with due care for the safety of the children; and
 - (b) while passing any part of the school bus, not drive at a speed exceeding 20 km per hour.
- (2) A driver must not drive on a road at a speed exceeding 80 km per hour any school bus that has a gross vehicle mass exceeding 2 000 kg.

Compare: SR 1976/227 r 21(6), (7)

5.7 Speed limits for light rail vehicles

- (1) For the purposes of this Part, **motor vehicle** includes a light rail vehicle.
- (2) A driver must not drive a light rail vehicle in any shared zone at a speed exceeding 10 km per hour.
- (3) A driver must not drive a light rail vehicle at a speed exceeding the maximum speed limit specified in the safety system of the operator of the vehicle that has been approved under section 6D of the Transport Services Licensing Act 1989.

Compare: SR 1976/227, r 21(15)-(17)

5.8 Speed limit where warning sign advises of accident, breakdown, or emergency

A driver must not exceed 20 km per hour after passing a warning sign advising of an accident, breakdown, or emergency and before arriving at a point clear of the accident, breakdown, or emergency for which the sign was installed.

Compare: SR 1976/227 r 24(2)

5.9 Stopping and following distances

- (1) A driver must not drive a vehicle in a lane marked on a road at such a speed that the driver is unable to stop in the length of the lane that is visible to the driver.
- (2) A driver must not drive a vehicle on a road that is not marked in lanes at such a speed that the driver is unable to stop in half the length of roadway that is visible to the driver.
- (3) A driver must not drive on a road a vehicle following behind another vehicle so that the driver cannot stop the driver's vehicle short of the vehicle ahead if the vehicle ahead stops suddenly.
- (4) No driver may drive a motor vehicle on any road following behind another vehicle at a distance behind that vehicle of less than—
 - (a) 16 m, if his or her speed is 40 km an hour or more but less than 50 km an hour; or
 - (b) 20 m, if his or her speed is 50 km an hour or more but less than 60 km an hour; or

- (c) 24 m, if his or her speed is 60 km an hour or more but less than 70 km an hour; or
- (d) 28 m, if his or her speed is 70 km an hour or more but less than 80 km an hour; or
- (e) 32 m, if his or her speed is 80 km an hour or more but less than 90 km an hour; or
- (f) 36 m, if his or her speed is 90 km an hour or more.

Compare: SR 1976/227 r 22

Subclause (4)(e) was substituted, as from 15 September 2005, by rule 6 Land Transport (Road User) Amendment Rule 2005 (SR 2005/239).

Subclause (4)(f) was inserted, as from 15 September 2005, by rule 6 Land Transport (Road User) Amendment Rule 2005 (SR 2005/239).

5.10 Section 7(2) of Act

Nothing in this Part affects section 7(2) of the Act (which prohibits dangerous driving).

Part 6 Stopping and parking

6.1 Vehicles must be parked with due care and consideration

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a road, whether attended or unattended, without due care or without reasonable consideration for other road users.

Compare: SR 1976/227 r 35(1)(a)

6.2 Parking vehicles off roadway

Unless a road controlling authority, by means of signs or markings, indicates otherwise, a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a roadway when it is reasonably practicable to do so on the road margin.

Compare: SR 1976/227 r 35(1)(b)

6.3 Parking close to corners, bends, etc

- (1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on any part of a roadway so close to any corner, bend, rise, dip, traffic island, or intersection as to obstruct or be likely to obstruct other traffic or any view of the roadway to the driver of a vehicle approaching that corner, bend, rise,

dip, traffic island, or intersection unless the stopping, standing, or parking is authorised by signs or markings maintained by the road controlling authority.

- (2) A driver must not stop, stand, or park a vehicle on any part of a road, whether attended or unattended, within an intersection or within 6 m of an intersection unless the stopping, standing, or parking is authorised by signs or markings maintained by the road controlling authority.

Compare: SR 1976/227 r 35(2)(a), (d)

6.4 Parking contrary to notice, traffic sign, or marking

- (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 any notice, traffic sign, or marking maintained on or adjacent to the road by a road controlling authority and indicating that the stopping, standing, or parking of vehicles is prohibited, limited, or restricted.
- (1A) Without limiting subclause (1), a driver or person in charge of a vehicle must not stop, stand, or park the vehicle in any parking area reserved for disabled persons unless—
- (a) the driver or any passenger is disabled; and
 - (b) an approved disabled person's parking permit is prominently displayed in the vehicle.
- (2) A sign that imposes a parking restriction and incorporates the letter "P" on the top of the sign, or relates to a loading zone, applies between the hours of 8 am and 6 pm on days other than public holidays, unless otherwise specified on the sign or on a supplementary sign. All other signs apply at all hours of the day and night, unless a time period is specified on the sign.
- (3) The words "other times", or any words of similar effect, on a parking sign mean that any restriction on the sign applies while the sign applies under subclause (2), but does not apply during the times specified by an immediately adjacent sign that notifies a different restriction.
- (4) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on any part of a roadway where the road controlling authority has marked a broken yellow line parallel

to, and at a distance of not more than 1 m from, the edge of the roadway.

Compare: SR 1976/227 rr 35(2)(d), (e), 123(4), (5)

Clause 6.4(1A): inserted, on 17 January 2008, by clause 8 of the Land Transport (Road User) Amendment Rule (No 2) 2007 (SR 2008/2).

6.5 Parking on or near pedestrian crossings

- (1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a pedestrian crossing.
- (2) A driver must not stop, stand, or park a vehicle—
 - (a) within 6 m of the driver's approach to a pedestrian crossing; or
 - (b) within any distance (being greater than 6 m) from the driver's approach to a pedestrian crossing that the road controlling authority determines by installing a sign or by marking on the roadway a broken yellow line parallel to, and at a distance of not more than 1 m from, the edge of the roadway.
- (3) Subclause (2) does not apply to—
 - (a) a cycle; or
 - (b) a vehicle of a type that is wholly within an area that is set back from the line of traffic approaching a pedestrian crossing and in which parking is authorised by signs or markings maintained by the road controlling authority.

Compare: SR 1976/227 r 35(2)(b), (ba)

6.6 Parking in special vehicle lane

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle in any special vehicle lane unless—

- (a) the vehicle belongs to a class of vehicle for which use of the lane is reserved, and stopping, standing, or parking of the vehicle is permitted at that place by signs or markings; or
- (b) the vehicle is an emergency vehicle that is being used in an emergency and is operating a red beacon or red and blue beacons.

Clause 6.6: substituted, on 17 January 2008, by clause 9 of the Land Transport (Road User) Amendment Rule (No 2) 2007 (SR 2008/2).

6.7 Parking on traffic islands and flush medians

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a traffic island or flush median.

Compare: SR 1976/227 r 35(2)(bb)

6.8 Parking near bus stop

(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.

(2) However, if the area of prohibition is marked out as being greater or less than 6 m, the provisions of clause 6.15 apply.

Compare: SR 1976/227 r 35(2)(c)

6.9 Obstructing vehicle entrances and exits

(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle so as to obstruct entry to or exit from any driveway.

(2) For the purposes of this clause, a vehicle parked alongside any part of a kerb crossing provided for a driveway or within 1 m of the prolongation of the side of a driveway must be regarded as obstructing entry or exit.

(3) Nothing in subclause (1) or subclause (2) applies to a bus that has stopped at an authorised bus stop, or a light rail vehicle that has stopped at a light rail vehicle stop, for the purpose of discharging or embarking passengers.

Compare: SR 1976/227 r 35(2)(f)

6.10 Parking near fire hydrants

(1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle—

(a) within 500 mm of a fire hydrant; or

(b) if the fire hydrant is situated below the surface of the road, within 500 mm of the centre of the cover of the hydrant.

(2) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle between the nearer edge of the roadway and any portion of a marking on the roadway indicating the presence of a fire hydrant, the centre of which marking is not more than 6 m from a fire hydrant situated outside the roadway.

- (3) However, a driver is not in breach of subclause (1) or subclause (2) if the driver proves that he or she remained in the vehicle or left in charge of the vehicle a person licensed and capable of moving it if necessary.

Compare: SR 1976/227 r 35(2)(g), (h)

6.11 Double parking

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle so that any other stopped motor vehicle is located between his or her vehicle and the nearest edge of the roadway.

Compare: SR 1976/227 r 35(2)(i)

6.12 Parallel parking

- (1) Unless clause 6.13 applies, a driver or person in charge of a vehicle must not stop, stand, or park the vehicle otherwise than parallel with the direction of the roadway and with the left side of the vehicle as close as practicable to the left side of the road.
- (2) However, in a one-way road, the vehicle must face in the same direction as the vehicles proceeding along the road and as close as practicable to either side of the road.

Compare: SR 1976/227 r 35(2)(j)

6.13 Parking at angle

- (1) If the road controlling authority has indicated that vehicles may be parked only at an angle to the direction of the roadway, a driver must not stand or park a vehicle (other than a cycle) otherwise than in accordance with the direction indicated.
- (2) An all terrain vehicle, a motorcycle, a moped, or a cycle may be parked otherwise than parallel with the roadway if during the hours of darkness it is sufficiently illuminated so as to be visible from at least 50 m.

Compare: SR 1976/227 r 35(2)(j)

6.14 Parking on footpaths or cycle paths

- (1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a footpath or on a cycle path.

- (2) Subclause (1) does not apply to cycles if a road controlling authority indicates otherwise by means of signs or markings or if it installs facilities for the parking, standing, or storage of cycles on a footpath or cycle path.
- (3) Nothing in subclause (1) prevents a person from stopping, standing, or parking a cycle, mobility device, or wheeled recreational device on a footpath if doing so does not unreasonably obstruct any other user of the footpath.

Compare: SR 1976/227 r 35(2)(k)

6.15 Parking on stopping places and stands

- (1) This clause applies to an area of roadway (**the area**) if—
 - (a) the area is reserved by a road controlling authority as a stopping place or stand for any class or classes of vehicle; and
 - (b) the location of the area is indicated by the road controlling authority by the installation adjoining the area (at any place or places that give any driver reasonable notice of the presence of the area) of 1 or more appropriate parking signs; and
 - (c) the area is marked on the roadway by lines.
- (2) A driver or person in charge of a vehicle that does not belong to a class or classes of vehicle indicated by an appropriate parking sign installed at that stopping place or stand must not stop, stand, or park the vehicle, whether attended or unattended, on the area.
- (3) A driver or person in charge of a vehicle that belongs to a class or classes of vehicle indicated by an appropriate parking sign installed at that stopping place or stand must not leave the vehicle unattended on the area.

Compare: SR 1976/227 r 35(2)(1)

6.16 Parking on loading zone

- (1) A driver or person in charge of a vehicle must not stop, stand, or park the vehicle on any part of a roadway reserved by a road controlling authority as a loading zone—
 - (a) if the vehicle does not belong to the class (if any) specified on the sign; or

- (b) if the driver leaves the vehicle unattended for more than 5 minutes or any period longer than that specified on the sign; or
 - (c) if goods or passengers are not actually being loaded or unloaded from the vehicle.
- (2) This clause applies only if the location of the loading zone is indicated by the road controlling authority by the installation of the appropriate parking signs and markings prescribed by Land Transport Rule 54002: Traffic Control Devices 2004.
- (3) Nothing in subclause (1) permits a vehicle to be left unattended within a loading zone if the appropriate parking sign indicates that the vehicle must be attended at all times.

Compare: SR 1976/227 r 35(2)(m)

6.17 Parking on or near level crossings

A driver or person in charge of a vehicle must not stop, stand, or park the vehicle—

- (a) on a level crossing; or
- (b) near a level crossing so as to obscure the view that other road users have of the crossing or a rail vehicle approaching the crossing.

Compare: SR 1976/227 r 35(2)(n)

6.18 Parking goods vehicle at angle during hours of darkness

- (1) A driver or person in charge of a goods vehicle that exceeds 6 m in length and that is fitted with a flat deck or tray for the carriage of goods (whether or not it is equipped with side boards and tailboards) must not stop, stand, or park that vehicle on a roadway during the hours of darkness, whether attended or unattended, at an angle to the direction of the roadway.
- (2) However, subclause (1) does not apply to any part of a roadway where the road controlling authority maintains a notice, traffic sign, or marking indicating that the parking of such vehicles at an angle to the roadway during the hours of darkness is permitted.

Compare: SR 1976/227 r 35(3)

6.19 Parking trailers on roadway

- (1) Except with the written permission of the road controlling authority given for a specified trailer, and in compliance with any conditions imposed by the road controlling authority in giving that permission, a person must not park a trailer on a roadway for a period exceeding 7 days.
- (2) Subclause (1) does not derogate from any of the provisions of clauses 6.1 to 6.18.

Compare: SR 1976/227 r 35(4)

6.20 Exceptions under this Part

- (1) This clause contains exceptions to this Part that are in addition to the exceptions in clause 1.8.
- (2) A driver or person in charge of any goods vehicle is not in breach of clause 6.11 or clause 6.12 if he or she proves that the act or omission complained of—
 - (a) took place in accordance with the directions of a notice, traffic sign, or marking on the roadway; or
 - (b) was necessary for the loading or unloading of the vehicle in the course of trade, and took place with due consideration for the safety and convenience of other road users, and either—
 - (i) that alternative access for the purpose of loading or unloading the vehicle was unavailable; or
 - (ii) if alternative access was available, that the circumstances existing at the time were such that it was unreasonable to require the alternative access to be used.
- (3) A driver of any taxi is not in breach of clause 6.11 if the driver proves that—
 - (a) the act or omission complained of took place during the picking up or setting down of passengers in connection with their carriage for hire or reward and took place with due consideration for the safety and convenience of other road users; and
 - (b) either—
 - (i) alternative access for the purpose of picking up or setting down passengers was unavailable; or

- (ii) if alternative access was available, that the circumstances existing at the time were such that it was unreasonable to require such access to be used.

Compare: SR 1976/227 r 36(2), (3)

Part 7

Driver responsibility and occupant protection

7.1 Riding dangerously

- (1) A person must not ride in or on a vehicle, or in or on an object conveyed on a vehicle, in a manner or position that may be liable to cause injury to that person.
- (2) A driver must not permit a person to ride in breach of subclause (1).
- (3) A person must not alight from or board a moving motor vehicle or light rail vehicle.
- (4) A driver must not operate a motorcycle (other than a motorcycle fitted with a sidecar) on a road while it is carrying more than 2 persons.

Compare: SR 1976/227 rr 17(1), (2), 27(4)

7.2 Use of doors

- (1) A person must not cause a hazard to any person by opening or closing a door of a motor vehicle, or by leaving the door of a motor vehicle open.
- (2) A driver of a school bus or passenger service vehicle or light rail vehicle must ensure that any door used for the entrance or exit of passengers is not open while the bus or vehicle is in motion.

Compare: SR 1976/227 r 20

7.3 Unsafe vehicles and loads

- (1) A driver must not operate a vehicle in a condition or manner that causes or is liable to cause—
 - (a) injury to any person or animal; or
 - (b) annoyance to any person; or
 - (c) damage to any property; or

- (d) distraction to the driver.
- (2) A driver must not operate a vehicle that is so loaded, or has a load so unsafely secured or covered, that the vehicle or its load causes or is liable to cause—
 - (a) injury to any person or animal; or
 - (b) annoyance to any person; or
 - (c) damage to any property; or
 - (d) distraction to the driver.
- (3) A driver must not operate a vehicle that is so loaded, or has a load so unsafely secured or insufficiently covered, that the load or a portion of the load escapes or falls from the vehicle or is likely to do so.
- (4) A driver must not operate a vehicle if the vehicle or its load, or both, drag on or make moving contact with the roadway other than by means of the wheels or by means of an attachment used to prevent the accumulation of static electricity.
- (5) A driver must not use a motor vehicle to tow a trailer designed for use as a human abode while any person is carried in that trailer unless the carriage of that person is required for the purposes of a roadworthiness test of the trailer.

Compare: SR 1976/227 rr 19(3A), 27(1)-(3)

7.4 Noise

- (1) A driver must not operate a vehicle that creates noise that, having regard to all the circumstances, is excessive.
- (2) A person must not create by any means (for example, a car stereo) within or on a vehicle any noise that, having regard to all the circumstances, is excessive.
- (3) In determining whether any noise is excessive, regard may be had, in addition to all other relevant matters, to—
 - (a) the manner of operation of the vehicle:
 - (b) the condition of the vehicle:
 - (c) the time of the day when the noise is created:
 - (d) the locality where the noise is created:
 - (e) the likelihood of annoyance to any person:
 - (f) any relevant standard or specification that applies under the Act.

- (4) Without limiting any enactment other than this rule, the following are authorised:
- (a) the use of sirens fitted to emergency vehicles being used on urgent occasions;
 - (b) when the driver is in distress, the use of audible security alarms fitted to small passenger service vehicles;
 - (c) when a person in or associated with the use of the vehicle is in distress, the use of audible security alarms fitted to a motor vehicle that is being operated by the holder of a security guard's licence issued under the Private Investigators and Security Guards Act 1974 and that is being used to transport money or other valuable goods.
- (5) A person must not, at any time,—
- (a) use a warning device on a motor vehicle otherwise than as a reasonable traffic warning; or
 - (b) make an unnecessary or unreasonably loud, harsh, or shrill noise by means of a warning device on a motor vehicle.
- (6) A person must not operate a siren fitted to an emergency vehicle unless the vehicle is readily identifiable by means of—
- (a) its construction; or
 - (b) the operation of a beacon or beacons; or
 - (c) an identification sign.

Compare: SR 1976/227 rr 29(1), (5), (6), 69(3)-(6)

7.5 Emission of smoke or vapour from motor vehicles

- (1) A driver must not operate a motor vehicle other than a traction engine that, for 10 or more seconds, emits a continuous stream of smoke or vapour that is visible to a person with normal vision.
- (2) Subclause (1) does not apply if smoke or vapour is visible solely because of the condensation of water vapour.
- (3) A driver is not in breach of subclause (1) if the driver produces documentation that proves that—
- (a) at the time of the alleged breach all reasonably practicable steps had been taken within the preceding 6 months to ensure that the motor vehicle could be operated without breaching subclause (1); or

- (b) the engine is original equipment for the vehicle and its design means the motor vehicle cannot reasonably (without disproportionate effort or expense) comply.

Compare: SR 1976/227 r 28

7.6 Driver must ensure passengers under 5 years use child restraint

A driver must ensure that, while the vehicle is in motion on a road, every passenger under the age of 5 years is properly restrained by an approved child restraint appropriate for that passenger.

Compare: SR 1976/227 r 29A(2)

7.7 Driver must ensure passengers of or over 5 years but under 8 years use child restraint or seat belt

A driver must ensure that, while the motor vehicle is in motion on a road, every passenger of or over the age of 5 years but under the age of 8 years—

- (a) is properly restrained by an approved child restraint appropriate for that passenger, if such a restraint is available in the vehicle; or
- (b) if such a restraint is not available in the vehicle, is restrained as securely as practicable in the circumstances using any child restraint or seat belt that is available (whether or not that child restraint or seat belt is approved).

Compare: SR 1976/227 r 30(2)

7.8 Driver must ensure passengers of or over 8 years but under 15 years wear seat belts

A driver must ensure that, while the motor vehicle is in motion on a road, passengers of or over the age of 8 years but under the age of 15 years occupying a seat that is fitted with a seat belt (whether that seat belt is an approved seat belt or not) wears the seat belt and keeps it securely fastened.

Compare: SR 1976/227 r 30B(1)

7.9 Driver must not permit passengers under 15 years to sit in front seat without child restraint or seat belt

A driver must not, while the motor vehicle is in motion on a road, permit a passenger under the age of 15 years who is not properly restrained by an approved child restraint or seat belt appropriate for that passenger to be alongside the driver unless—

- (a) the vehicle is not provided with sitting positions behind the driver's seat; or
- (b) all the sitting positions behind the driver's seat are occupied by passengers under the age of 15 years.

Compare: SR 1976/227 r 30A

7.10 Persons of or over 15 years must wear seat belt and keep it fastened

A person of or over the age of 15 years who is in a motor vehicle in motion on a road and who is occupying a seat that is fitted with a seat belt (whether that seat belt is an approved seat belt or not) must wear the seat belt and must ensure that it is securely fastened.

Compare: SR 1976/227 r 30B(2)

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

- (1) The requirements of clauses 7.7 to 7.10 do not apply to a driver (whether imposed in respect of himself or herself or any child), or to a passenger in any motor vehicle, if the driver or passenger produces to an enforcement officer, whenever required to do so by that officer, a certificate from a registered medical practitioner certifying that the restraining of the person who would otherwise be required by those provisions to be restrained by a child restraint or seat belt is impracticable or undesirable for medical reasons.
- (2) A driver or passenger who seeks to rely on subclause (1) must, if so required by an enforcement officer, produce the certificate to an enforcement officer within 7 days after having been so required.
- (3) The requirements of clauses 7.7 to 7.10 do not apply to a driver (whether imposed in respect of himself or herself or any child),

or to a passenger in any vehicle, if the person who would otherwise be required by those provisions to be restrained by a child restraint or seat belt—

- (a) is the driver and, while complying with the requirements of those clauses, could not reasonably operate effectively any of the following items of equipment:
 - (i) footbrake or handbrake controls:
 - (ii) headlamp or foglamp:
 - (iii) direction-indicator control:
 - (iv) horn:
 - (v) windscreen-wiper control:
 - (vi) choke:
 - (vii) driver's sun visor; or
 - (b) is the driver of a vehicle that is travelling in reverse, and would not be able to reverse the vehicle in a safe manner if the driver were to comply with the requirements of those clauses; or
 - (c) is the driver of a taxi plying for hire; or
 - (d) is a person who—
 - (i) is engaged in the course of his or her employment in the delivery or collection of mail or newspapers or other goods, or the servicing of the vehicle, or meter reading or other similar duties, or spraying or other similar duties from the vehicle; and
 - (ii) for that purpose is required to alight from and re-enter the vehicle at frequent intervals, so long as the vehicle is travelling at a speed not exceeding 50 km per hour; or
 - (e) is an enforcement officer or prison officer travelling with another person who is not an enforcement officer or prison officer in circumstances in which it is impracticable or undesirable to wear a seat belt.
- (4) The requirements of clauses 7.7, 7.8, and 7.10 do not apply to a driver (whether imposed in respect of himself or herself or any child), or to a passenger in any vehicle, if the person who would otherwise be required by those provisions to be restrained by a child restraint or seat belt is the driver of a bus.

- (5) The requirements of clause 7.6 do not apply to a driver (whether imposed in respect of himself or herself or any child), or to a passenger in any vehicle, if the driver—
- (a) is driving a passenger service vehicle in which no appropriate child restraints are available; or
 - (b) is driving a goods vehicle having an unladen weight exceeding 2 000 kg in which no seat belts are available; or
 - (c) is driving a motor vehicle first registered before 1 January 1955 in which no seat belts are available; or
 - (d) is driving a motorcycle; or
 - (e) is driving a motor vehicle that is being used by an enforcement officer in the execution of the officer's duty.

Compare: SR 1976/227 r 30C

7.12 Safety helmets for all terrain vehicles, motorcycles, and mopeds

- (1) A person must not drive or ride on an all terrain vehicle, on a motorcycle, in a sidecar, or on a moped on a road unless the person is wearing a safety helmet of an approved standard that is securely fastened.
- (2) The approved standards for safety helmets are—
 - (a) UN/ECE Regulation No 22, Uniform provisions concerning the approval of protective helmets and their visors for drivers and passengers of Motor Cycles and Mopeds (E/ECE324–E/ECE/TRANS/505/Rev.1/Add.21):
 - (b) Australian Standard AS 1698, Protective helmets for vehicle users:
 - (c) New Zealand Standard NZ 5430, Protective helmets for vehicle users:
 - (d) Snell Memorial Foundation, Helmet Standard for use in motorcycling:
 - (e) Federal Motor Vehicle Safety Standard No 218, Motorcycle helmets:
 - (f) British Standard BS 6658, Specification for protective helmets for vehicle users (for type A helmets only):
 - (g) Japan Industrial Standard T8133.

- (3) The approved standard in subclause (2)(e) applies only to motorcycle safety helmets that are manufactured and purchased in the United States of America.
- (4) A safety helmet must comply with the version of an approved standard for safety helmets that is—
 - (a) applicable in the relevant standard-setting jurisdiction to the date of manufacture of the safety helmet or as specified in the standard; or
 - (b) a more recent version of the standard if the safety performance of the safety helmet is not adversely affected.
- (5) An approval of a safety helmet under the Traffic Regulations 1976 that was published in the *Gazette* before 27 February 2005 remains valid after this rule comes into force.
- (6) In proceedings for an offence of breaching this clause, proof that a safety helmet worn by the defendant did not bear a standard specification mark or a registered trademark is, until the contrary is proved, sufficient evidence that the helmet was not of an approved standard.
- (7) A safety helmet must be free from damage, wear, tear, or modifications that may adversely affect its safety.
- (8) A person is not in breach of subclause (1) if the person proves that at the time of the commission of the alleged breach he or she was an adherent of the Sikh religion.
- (9) Subclause (8) does not apply if the vehicle was being driven at a speed exceeding 50 km per hour.

Compare: SR 1976/227 r 31(1), (4), (6)

7.13 Exceptions from requirement to wear motorcycle safety helmet

- (1) Clause 7.12 does not apply to the driver or rider of an all terrain vehicle, a motorcycle, or a moped while it is being used at a speed not exceeding 30 km per hour to travel from one part of a farm to another part of the same farm or from one farm to another adjoining farm which is owned or occupied by the same person.
- (2) For the purposes of subclause (1), farms must be regarded as adjoining even though they may be separated by a road, a railway, or a watercourse.

- (3) Clause 7.12 does not apply to any driver of or rider on an all terrain vehicle, a motorcycle, or a moped who is—
- (a) driving or riding in accordance with the terms and conditions of any certificate of exemption issued by the Agency under clause 7.14; and
 - (b) carrying that certificate of exemption; and
 - (c) travelling at a speed not exceeding 50 km per hour.

Compare: SR 1976/227 r 31(2), (3)

Clause 7.13(3)(a): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

7.14 Certificate of exemption

- (1) The Agency may issue a certificate of exemption from the requirement in clause 7.12 to wear a safety helmet to any person who produces a medical certificate, issued by a registered medical practitioner not more than 60 days before the date on which the person applies to the Agency, to the effect that the person is unable, because of a medical condition, to wear a safety helmet.
- (2) A certificate of exemption is current for a period not exceeding 2 years, and is subject to any terms and conditions that the Agency thinks fit to impose.

Compare: SR 1976/227 r 31(3A), (3B)

Clause 7.14(1): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 7.14(2): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

7.15 Driver or passenger must produce helmet for inspection

A driver or passenger of an all terrain vehicle, a motorcycle, or a moped on any road who is wearing a safety helmet must immediately produce the helmet for inspection on the demand of an enforcement officer, and must, if so required, hand it to the enforcement officer for that purpose.

Compare: SR 1976/227 r 31(5)

7.16 Dangerous substances on roads

- (1) This clause applies if any of the following falls or escapes from a vehicle on a road:

- (a) a slippery substance:
 - (b) a piercing or dangerous substance:
 - (c) glass:
 - (d) any other substance of any kind that, because of its size or nature, constitutes or could constitute a danger to road users.
- (2) If removal of the substance or glass can be achieved quickly and safely, the driver of any vehicle involved must immediately remove it or cause it to be removed.
- (3) If removal of the substance or glass cannot be achieved quickly and safely and there is a likelihood of harm being caused to the public or to any person, the driver of any vehicle involved must warn the public or report the occurrence immediately to the nearest police station or to a member of the police.
- (4) If all the drivers of the vehicles involved are physically incapacitated and unable to comply with subclause (2) or subclause (3), a person removing any vehicle concerned from the scene must comply with subclause (2) or subclause (3) (as the case requires).

Compare: SR 1976/227 r 26

7.17 Motor vehicles following other vehicles

- (1) This clause—
- (a) applies if the driver of a motor vehicle (**vehicle A**) is following another vehicle (**vehicle B**); but
 - (b) does not apply where the speed limit is 50 km per hour or less.
- (2) The driver of vehicle A must, except when overtaking vehicle B with the intention of passing it, keep a sufficient distance from vehicle B to enable the driver of any other vehicle to overtake and pass vehicle A and then move in behind vehicle B when conditions are such that this can be done safely.

Compare: SR 1976/227 r 33

7.18 Towing

- (1) A driver of a light vehicle on a road must not tow more than 1 trailer.

- (2) For the purpose of subclause (1), **trailer** includes a vehicle normally propelled by mechanical power which is being temporarily towed without the use of its own power.
- (3) However, a driver of a tractor on a road may tow up to 2 light vehicles so long as the tractor manufacturer's ratings are not exceeded.
- (4) A driver must not, during the hours of darkness, tow a vehicle other than a trailer unless the towed vehicle is fitted with a lamp displaying a white light to the front sufficient to show the towing connection and with a rear position lamp complying with the provisions of any applicable enactment.
- (4A) A driver must not, during the hours of darkness, tow a trailer fitted with a position lamp or lamps unless the lamp or lamps are displayed.
- (5) A person may not operate a motor vehicle that is being used to tow a trailer unless the trailer is safely and securely attached by an adequate coupling to the rear of that motor vehicle.
- (6) A driver must not tow a motorcycle or an all terrain vehicle unless that motorcycle or all terrain vehicle is mechanically disabled.
- (7) If the brake of a trailer must be connected to a towing vehicle to enable the brake of that towing vehicle, or the brakes of that towing vehicle and trailer, to operate correctly and effectively, the driver of that towing vehicle must ensure that—
 - (a) the connection is adequate; and
 - (b) the equipment required to establish and maintain an adequate connection complies with any relevant equipment standards specified in any regulations or any other rules made under the Act.

Compare: SR 1976/227 rr 19, 83

Clause 7.18(4A): inserted, on 17 January 2008, by clause 10 of the Land Transport (Road User) Amendment Rule (No 2) 2007 (SR 2008/2).

7.19 Outriggers

A driver may not drive a vehicle fitted with an outrigger on a road unless the outrigger is fully retracted and locked.

7.20 Dual steering systems

A driver may not drive a vehicle fitted with a dual steering system from the left-hand driving position unless that driver is—

- (a) carrying out the task for which the vehicle was constructed; or
- (b) evaluating or testing the vehicle, including (but not limited to) carrying out a road test in connection with inspection and certification.

7.21 Loaded firearms

- (1) A driver must not operate a motor vehicle on or in which is carried any firearm, airgun, or restricted weapon (as defined in section 2 of the Arms Act 1983) that is loaded with a bullet, cartridge, missile, or projectile, whether in its breech, barrel, chamber, or magazine.
- (2) Subclause (1) does not apply in relation to the carriage of firearms—
 - (a) for police purposes; or
 - (b) for the purposes of the New Zealand Defence Force; or
 - (c) under the authority of a permit issued by a commissioned officer of the police.

Compare: SR 1976/227 r 34

7.22 Ridden and driven animals

A road user must exercise due care towards—

- (a) a person—
 - (i) moving animals on a road; or
 - (ii) riding an animal on a road; and
- (b) that person's animals.

Part 8
Motor vehicles

8.1 Footrests

- (1) A driver must not operate a motorcycle on a road unless adequate footrests are fitted for use by every person carried other than in a sidecar.

- (2) A driver must ensure that, while the motorcycle is in motion on a road, footrests are used by any person carried for whom a footrest is required by subclause (1).

Compare: SR 1976/227 r 32

8.2 Means of entrance and exit

A driver must not operate a motor vehicle on a road unless that motor vehicle has a ready means of entrance and exit for every person that is carried in it.

8.3 Use of motor vehicle lighting equipment on road

- (1) A person must not use vehicle lighting equipment in such a way that it dazzles, confuses, or distracts so as to endanger the safety of other road users.
- (2) If a vehicle's headlamps are in use, a driver must dip those headlamps—
- (a) whenever they would be likely to interfere adversely with the vision of another driver in motion on a road; or
 - (b) when approaching an intersection or other place where the traffic is or appears to be under the control of an enforcement officer; or
 - (c) when the vehicle is parked.
- (3) A driver, during the hours of darkness, must use the vehicle's headlamp or headlamps.
- (4) A driver during the hours of darkness must use the vehicle's position lamp or lamps.

Compare: SR 1976/227 r 37(2), (6), (8), (10)

8.4 Use of optional lights

- (1) A driver may use a fog lamp only in conditions of severely reduced visibility, including fog or snow, but not under clear atmospheric conditions even during the hours of darkness.
- (2) A person may use a work lamp only—
- (a) when the vehicle to which it is fitted is stationary or travelling slowly; and
 - (b) to illuminate a work area or scene.

8.5 Use of beacons

- (1) A person must not operate a beacon fitted to a vehicle unless the beacon has been approved for fitting to the vehicle, and is—
 - (a) a blue beacon or a red beacon fitted to a vehicle operated by an enforcement officer in the course of that officer's duty; or
 - (b) a red beacon fitted to an emergency vehicle that is being operated in an emergency; or
 - (c) a green beacon fitted to a vehicle operated by a registered medical practitioner or registered nurse or registered midwife while on urgent medical service; or
 - (d) a white forward-facing beacon fitted to an emergency vehicle being operated in an emergency and that is also operating a red beacon or a blue beacon or both a red beacon and a blue beacon; or
 - (e) an amber beacon or a purple beacon fitted to a vehicle operated in compliance with Land Transport Rule 41001: Vehicle Dimensions and Mass 2002; or
 - (f) an amber beacon fitted to a vehicle operated in accordance with a traffic management plan approved by a road controlling authority; or
 - (g) an amber beacon fitted to a vehicle for use when the vehicle is stationary or being driven slowly and the operation of the beacon is necessary to warn other road users of a hazard due to the presence of the vehicle or of persons carrying out a lawful activity on the road in the vicinity of the vehicle.
- (2) A device that allows headlamps to flash alternately may be used by—
 - (a) an emergency vehicle being operated in an emergency;
 - (b) a pilot vehicle being operated in compliance with Land Transport Rule 41001: Vehicle Dimensions and Mass 2002.
- (3) The device referred to in subclause (2) may not be used during the hours of darkness.

Compare: SR 1976/227 r 67

Clause 8.5(2): amended, on 1 October 2007, by clause 8 of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

8.6 Use of direction indicators as hazard warning

The direction-indicator lamps on a motor vehicle may be flashed simultaneously as a hazard warning, but may be used only when the vehicle is—

- (a) stationary or, if the driver complies with clause 3.10(3) to (6), slow moving, and only to indicate a temporary hazard to traffic; or
- (b) a goods vehicle that is double-parked for trade purposes, to load or unload goods, and alternative access is not available, or it is unreasonable to require alternative access to be used; or
- (c) a taxi whose driver is in distress; or
- (d) a vehicle normally propelled by mechanical power while it is being towed without the use of its own power.

Compare: SR 1976/227 r 66

8.7 Use of motor vehicle lights on parked or standing vehicles

- (1) A driver must not park or leave a motor vehicle on any roadway during the hours of darkness unless—
 - (a) it is illuminated from an artificial source so that it is visible; or
 - (b) it displays light from the rearward-facing position lamp or, if 2 rearward-facing position lamps are fitted, from both rearward-facing position lamps, and from either the forward-facing position lamp or dipped-beam headlamp on the side of the vehicle that is closest to the middle of the road.
- (2) A driver must not park or leave any goods vehicle that is a heavy motor vehicle or a vehicle fitted with a flat deck or tray for the carriage of goods (whether or not it is equipped with sideboards or tail boards) on any roadway during the hours of darkness unless it displays a rearward-facing position lamp that is visible.
- (3) The driver of a motor vehicle that is standing or has stopped on a road for a temporary purpose during the hours of darkness (for example, to enable the driver to read a map) must

use either the forward-facing position lamp or lamps, or the dipped-beam headlamp or lamps.

Compare: SR 1976/227 r 37(4), (5)

Clause 8.7(3): amended, on 1 October 2007, by clause 9 of the Land Transport (Road User) Amendment Rule 2007 (SR 2007/240).

8.8 Windscreen must be kept clear

A driver of a motor vehicle fitted with a forward windscreen must at all times keep the windscreen clean and clear so that the driver's view forward is not impeded or obstructed.

Compare: SR 1976/227 r 73(3)

8.9 Motor vehicle must be kept in appropriate condition

- (1) An operator of a motor vehicle that is required to have a warrant of fitness or certificate of fitness must at all times when the vehicle is operated on a road keep the vehicle in a condition appropriate to the level required for the issue of that warrant or certificate (as the case may be).
- (2) An operator of a motor vehicle is not in breach of subclause (1) if the operator proves that, at the time the vehicle was being driven,—
 - (a) the vehicle was being operated solely for the purpose of—
 - (i) bringing it into compliance and the vehicle was safe to be operated for that purpose; or
 - (ii) obtaining a relevant certification and the vehicle was safe to be operated for that purpose; or
 - (b) the operator did not know, and had no reasonable cause to suspect, that the vehicle was no longer equipped or in a condition to justify the issue for it of a warrant of fitness or certificate of fitness.
- (3) If a motor vehicle is required by Land Transport Rule 35001/1: Vehicle Standards Compliance 2002 to have a certificate of loading, the vehicle must be operated in accordance with the loading and weight specifications and any conditions in the certificate of loading affixed to the vehicle.

8.10 Requirements for motor vehicles complying with static roll threshold

- (1) If a motor vehicle is required by Land Transport Rule 41001: Vehicle Dimensions and Mass 2002 to comply with a static roll threshold of at least 0.35 g and be certified for static roll threshold, the vehicle must be operated in accordance with the load height and gross mass limits that are specified on—
 - (a) the certificate of loading; or
 - (b) a static roll threshold compliance certificate issued by a vehicle inspector or inspecting organisation.
- (2) If a motor vehicle is operated in accordance with a static roll threshold compliance certificate, the certificate must be—
 - (a) carried in the vehicle; and
 - (b) produced for inspection on demand by an enforcement officer.

Part 9**Level crossings****9.1 General requirements for level crossings**

- (1) A person approaching or crossing a level crossing must keep a vigilant lookout for any approaching rail vehicle using the railway line.
- (2) A driver must give way to a rail vehicle using the railway line that is approaching and within 800 m of the level crossing.
- (3) A person must not walk or attempt to walk across a level crossing when there is a risk of that person being involved in a collision with a rail vehicle using the railway line.
- (4) A person must not ride, drive, or attempt to ride or drive a vehicle or animal on or across a level crossing when there is a risk of that vehicle or animal being involved in a collision with a rail vehicle using the railway line.
- (5)

Compare: 1992 No 111 ss 3, 4

Subclause (5) was revoked, as from 20 July 2005, by section 103(4) Railways Act 2005 (2005 No 37). See sections 105 to 111 of that Act as to the transitional provisions.

9.2 Level crossings controlled by traffic signals or barriers

- (1) A driver approaching a level crossing that is controlled by a stop sign must—
 - (a) stop the driver's vehicle in a position and for a time that enables the driver to ascertain whether the line is clear; and
 - (b) remain stationary until the way is clear to proceed.
- (2) A driver approaching a level crossing that is controlled by a give-way sign must give way to any rail vehicle that is approaching or crossing the level crossing.
- (3) While a steady red signal in the form of a disc or 2 alternately flashing red signals in the form of a disc are displayed at a level crossing, a driver facing the signals must not enter the controlled area.
- (4) While a warning device in the form of a barrier arm is for the time being lowered at a level crossing, a driver facing the barrier arm must not enter the controlled area.

Compare: SR 1976/227 r 11(1), (1A)

9.3 Level crossings where exit blocked by stationary traffic

A driver must not enter a level crossing when the driver's intended passage through the crossing or intended exit is blocked by traffic.

Compare: SR 1976/227 r 11(2)

9.4 Level crossing requirements applying to passenger service vehicles

- (1) This clause applies to—
 - (a) a vehicle (other than a taxi) being used on any road for the carriage of passengers for hire or reward (with or without goods); or
 - (b) the carriage of school children on any road in a school bus.
- (2) Before entering a level crossing, the driver of a vehicle to which this clause applies must—
 - (a) stop clear of the line; and
 - (b) take adequate observations to ensure that the line is clear.

Compare: SR 1976/227 r 11(2A), (2B)

9.5 Exceptions to level crossing requirements

Clause 9.4 does not apply if—

- (a) the road controlling authority has installed at the level crossing a sign indicating that vehicles are not required to stop in accordance with that clause; or
- (b) a warning device in the form of barrier arms is for the time being installed at the level crossing.

Compare: SR 1976/227 r 11(3), (3A)

Part 10 Pedestrian crossings

10.1 Pedestrian crossings

- (1) A driver approaching a pedestrian crossing must—
 - (a) give way to pedestrians, and to riders of wheeled recreational devices or mobility devices, on that pedestrian crossing; and
 - (b) if necessary, slow down and stop the driver's vehicle for that purpose.
- (2) A driver approaching a pedestrian crossing must not enter the crossing if the driver's intended passage is blocked by stationary traffic.
- (3) For the purposes of this clause, if a pedestrian crossing is interrupted by a raised traffic island, the parts of the crossing that are situated on different sides of that traffic island must be regarded as separate pedestrian crossings.
- (4) This clause does not apply to a pedestrian crossing that is for the time being controlled by an enforcement officer.

Compare: SR 1976/227 r 12(1), (3)

10.2 Shared zone

- (1) A driver of a vehicle entering or proceeding along or through a shared zone must give way to a pedestrian who is in the shared zone.
- (2) A pedestrian in a shared zone must not unduly impede the passage of any vehicle in the shared zone.

Compare: SR 1976/227 r 12A

Part 11
Requirements for particular road users
*Pedestrians, riders of mobility devices, and
wheeled recreational devices*

11.1 Use of footpath and roadway

- (1) A pedestrian must, at all times when practicable, remain on the footpath if one is provided.
- (2) A driver must not drive a mobility device on any portion of a roadway if it is practicable to drive on a footpath.
- (3) A pedestrian or driver of a mobility device or a wheeled recreational device using the roadway must remain as near as practicable to the edge of the roadway.
- (4) A driver of a mobility device or wheeled recreational device on a footpath—
 - (a) must operate the device in a careful and considerate manner; and
 - (b) must not operate the device at a speed that constitutes a hazard to other footpath users.
- (5) A person using a wheeled recreational device on a footpath must give way to pedestrians and drivers of mobility devices.
- (6) A pedestrian must not unduly impede the passage of a mobility device or wheeled recreational device on the footpath.

11.2 Provisions relating to boarding light rail vehicles

A person must not,—

- (a) while waiting to board a light rail vehicle, stand on any part of a roadway other than a safety zone; or
- (b) for the purpose of boarding a light rail vehicle, proceed from a footpath towards the vehicle until the vehicle has stopped.

Compare: SR 1976/227 r 51A

11.3 Using crossings, underpasses, or footbridges

- (1) A pedestrian or rider of a mobility device must not cross a roadway otherwise than on a pedestrian crossing or at a school crossing point, at an underpass, or on a footbridge when a pedestrian crossing or school crossing point, an underpass, or

a footbridge is reasonably available to the pedestrian for that purpose within a distance of 20 m.

- (2) If pedestrian traffic on any part of any roadway is controlled by traffic signals, a pedestrian must not cross any other part of that roadway that is within 20 m of the part controlled by traffic signals.
- (3) This clause is subject to clause 11.4.
Compare: SR 1976/227 r 52

11.4 Crossing roadway

- (1) A pedestrian or rider of a mobility device or wheeled recreational device who crosses a roadway elsewhere than on a pedestrian crossing or at a school crossing point must, whenever possible, cross at right angles to the kerb or side of the roadway.
- (2) This clause does not apply at an intersection controlled by traffic signals if the pedestrian or rider is complying with a notice, sign, or marking maintained by the road controlling authority and indicating that such persons may or should cross otherwise than at right angles.
Compare: SR 1976/227 r 53

11.5 Entering crossings

A pedestrian or a rider of a mobility device or wheeled recreational device must not suddenly enter a pedestrian crossing when an approaching vehicle is so close to the pedestrian crossing that the driver of the vehicle is unable to give way to the pedestrian or the driver or rider of the device.
Compare: SR 1976/227 r 54

11.6 Loitering on crossings or roadways

A pedestrian or rider of a mobility device or wheeled recreational device must not remain on the roadway, including a pedestrian crossing or school crossing point, longer than is necessary for the purpose of crossing the roadway with reasonable dispatch.
Compare: SR 1976/227 r 55

Cyclists and moped drivers

11.7 Carrying restrictions

A person must not ride a cycle or moped on a road while it is carrying a passenger unless—

- (a) the passenger is carried on a pillion seat designed for that purpose and footrests are provided for and used by that passenger; and
- (b) in the case of an infant, the infant is carried in a container or seat that is designed to protect the legs of the infant from coming into contact with the wheels of the vehicle.

Compare: SR 1976/227 r 38

11.8 Safety helmets for cyclists

- (1) A person must not ride, or be carried on, a bicycle on a road unless the person is wearing a safety helmet of an approved standard that is securely fastened.
- (2) The approved standards for safety helmets are—
 - (a) AS/NZS 2063, Pedal cycle helmets; or
 - (b) NZS 5439, Pedal cycle helmets; or
 - (c) AS 2063.2, Pedal cycle helmets; or
 - (d) any safety helmet manufactured to the Snell standard for protective headgear for use with bicycles; or
 - (e) any safety helmet manufactured to ASTM F1447; or
 - (f) any safety helmet manufactured to the Consumer Product Safety Commission Safety Standard for Bicycle Helmets (reference 16 CFR) Part 1203, complying with the CPSC certification process.
- (3) A safety helmet must comply with the version of an approved standard for safety helmets that is—
 - (a) applicable in the relevant standard-setting jurisdiction to the date of manufacture of the safety helmet or as specified in the standard; or
 - (b) a more recent version of the standard if the safety performance of the safety helmet is not adversely affected.
- (4) An approval of a safety helmet under the Traffic Regulations 1976 that was published in the *Gazette* before 27 February 2005 remains valid after this rule comes into force.

- (5) A person riding a cycle that is towing a trailer must ensure that every person carried on the trailer is wearing a safety helmet of an approved standard that is securely fastened.
- (6) A person riding, or being carried on, a cycle on a road who is stopped by an enforcement officer must, if so requested by that or any other enforcement officer, produce for inspection by the officer the person's safety helmet or proof of an exemption granted under subclause (7).
- (7) Subclauses (1) and (5) do not apply to a person if the Agency grants the person a written exemption from the requirement to wear a safety helmet on the grounds of religious belief or physical disability or other reasonable grounds.
- (8) The Agency may at any time revoke in writing an exemption granted under subclause (7).
- (9) The Agency may, by notice in the *Gazette*, approve types of safety helmets for use under this clause.
- (10) In proceedings for an offence of breaching this clause, proof that a safety helmet worn by the defendant did not bear a standard specification mark or a registered trademark is, until the contrary is proved, sufficient evidence that the helmet was not of an approved standard.

Compare: SR 1976/227 r 38A

Clause 11.8(7): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 11.8(8): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Clause 11.8(9): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

11.9 Towing restrictions

- (1) A person must not ride a cycle or moped on a road while it is towing a vehicle other than a trailer.
- (2) A rider of a cycle, moped, or wheeled recreational device must not permit that vehicle to be towed by another vehicle.

Compare: SR 1976/227 r 39

11.10 Riding abreast

- (1) A person must not ride a cycle or moped on a roadway so that it remains abreast and to the right of—

- (a) 2 other vehicles that are cycles or mopeds; or
 - (b) 1 other cycle or moped while that cycle or moped is overtaking and passing another vehicle, including a parked vehicle; or
 - (c) any other vehicle having 3 or more road wheels (including a motorcycle fitted with a sidecar).
- (2) Subclause (1) does not apply if cyclists are participating in a race that is subject to a traffic management plan agreed by the road controlling authority.

Compare: SR 1976/227 r 40

11.11 Riding cycles or mopeds on footpaths, etc

- (1) A person must not ride a cycle or moped on a footpath or on a lawn, garden, or other cultivation forming part of a road.
- (2) Subclause (1) does not apply to a person who rides a cycle on a footpath in the course of delivering newspapers, mail, or printed material to letterboxes.

Compare: SR 1976/227 r 41

11.12 Lighting and reflector requirements for cyclists

- (1) A person must not ride a cycle on a road during the hours of darkness without using a headlamp, reflector, and rearward-facing position lamp.
- (2) A person must not ride a cycle on a road, during the hours of darkness, unless—
- (a) the cycle has pedal reflectors; or
 - (b) the person is wearing reflective material.

Compare: SR 1976/227 r 43

11.13 Lighting and reflector requirements for mopeds

A person must not ride a moped on a road during the hours of darkness without using a headlamp, reflector, and rearward-facing position lamp.

Compare: SR 1976/227 r 42

*Road users with animals***11.14 Use of road**

- (1) A rider of an animal on a road must, when a reasonably adequate road margin is available, keep the animal on the road margin as far as practicable.
- (2) A rider of an animal must, when travelling on a roadway, keep the animal as close as practicable to the rider's left of the roadway.
- (3) Unless passing, a rider of an animal must not travel on a roadway on the right of more than 1 other ridden animal proceeding in the same direction as the rider or on the right of any vehicle proceeding in the same direction as the rider.
- (4) A rider of an animal must not ride along a footpath, or on any lawn, garden, or other cultivation adjacent to or forming part of a road.
- (5) A person moving untethered animals from place to place along or across a road must exercise due care towards other road users, and must ensure that any disruption to traffic is minimised.

Compare: SR 1976/227 r 45

11.15 Method of leading animal by rider

A rider who leads any animal by rope, rein, or other similar means of guidance must,—

- (a) when travelling on a roadway, keep the led animal on the left of the rider; and
- (b) when travelling on the road margin, ride between the led animal and the roadway; and
- (c) at all times exercise care to avoid undue harm to other road users.

Compare: SR 1976/227 r 46

11.16 Lighting requirements for animal-drawn vehicles

- (1) A person must not operate an animal-drawn vehicle during the hours of darkness, unless—
 - (a) at the extreme right side of the front of the vehicle or its load it is fitted with a lamp that displays in a forward direction a light substantially white in colour; and

- (b) the vehicle displays to the rear a red light shining either from the same lamp or from a separate lamp attached at the rear of the vehicle or its load.
- (2) All the lights described in this clause must be of sufficient brilliance to be visible in normal atmospheric conditions for a distance of at least 100 m.
- (3) A person must not operate an animal-drawn vehicle during the hours of darkness if it is equipped with a lamp that displays towards the rear any light other than a red light or with a lamp or reflecting surface that displays towards the front any red or reddish light.

Compare: SR 1976/227 r 47

Drivers of light rail vehicles

11.17 Drivers must enable other drivers to keep clear of light rail vehicles

A driver of a light rail vehicle must take due care to enable drivers of other vehicles to move safely from the path of the light rail vehicle.

Compare: SR 1976/227 r 5(4)

Vehicles displaying blue or red beacons or sounding sirens

11.18 Application of clauses 3.1 to 3.4 and 3.6: traffic control devices and signals

A driver of an emergency vehicle that is displaying a blue or red beacon or blue and red beacons, or sounding a siren, must be regarded as having complied sufficiently with clauses 3.1 to 3.4 and 3.6 if the driver reduces speed so as not to exceed 20 km per hour and then proceeds, taking due care to avoid collision with pedestrians and other traffic.

11.19 Application of clauses 4.1 to 4.3, 4.5, and 4.6: crossing intersections

Despite clauses 4.1 to 4.3, 4.5 and 4.6, a driver of an emergency vehicle that is displaying a blue or red beacon or blue and red beacons, or sounding a siren, may enter and cross an

intersection at a speed not exceeding 20 km per hour, taking due care to avoid a collision with other traffic.

Compare: SR 1976/227 r 9(5)

Schedule 1

Objective of rule

r 1.3

1 Objective of rule

- (1) This rule establishes the rules under which traffic operates on roads. Most of the existing legal requirements are contained in regulations in Parts 2, 3, 4, and 6 of the Traffic Regulations 1976. The rule applies to all road users, whether they are drivers, riders, passengers, pedestrians, or leading or droving animals.
- (2) The rule covers the requirements road users must adhere to when using the road network that are broadly encompassed by the term “traffic law”. It does not cover driver and vehicle licensing, roadworthiness, vehicle standards, licence carriage, driver hours or logbooks, or major offences such as drink driving. These matters are addressed in the Transport Act 1962, the Land Transport Act 1998, or in other Land Transport Rules.
- (3) Traffic law promotes the safe and efficient operation of roads by providing a legal framework to support consistent and predictable responses by road users. Traffic law can be characterised as fulfilling the following functions:
 - (a) resolving conflicts (for example, giving way):
 - (b) prescribing behaviour (for example, keeping left):
 - (c) prohibiting detrimental behaviour (for example, driving on a footpath):
 - (d) defining the meaning of, and required response to, traffic control devices (for example, stopping for red traffic signals).
- (4) This rule largely consolidates requirements relating to road users in the Traffic Regulations 1976, removing ambiguities and clarifying provisions where necessary. Several areas were identified where the New Zealand Transport Agency considered changed or new traffic provisions would contribute to im-

proved road safety or efficiency outcomes. These are covered in clauses 2 to 5.

Schedule 1 clause 1(4): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

2 Indicating when entering or leaving a roundabout

The rule specifies ways in which drivers must approach and signal at roundabouts and specifically addresses a driver's obligations at multi-lane roundabouts. This will encourage more predictable driver behaviour. More consistent vehicle approach and exit behaviour and signalling on entry should reduce the incidence of vehicles entering a roundabout colliding with circulating vehicles.

3 Pedestrian crossings

The rule removes the driver's right to pass in front of pedestrians on a pedestrian crossing with a centre line. A pedestrian crossing is considered to be 2 separate crossings only if a pedestrian refuge (traffic island) interrupts it.

4 Special vehicle lanes

This rule establishes provisions for special vehicle lanes that include prohibiting driving along a special vehicle lane, permitting drivers to cross a special vehicle lane when proceeding to turn or in the process of parking, and prohibiting parking or standing on a special vehicle lane.

5 Wheeled recreational devices and mobility devices

- (1) The Traffic Regulations 1976 have been silent on where non-motorised vehicles such as scooters, skateboards, and in-line roller skates can be operated (when being used by an adult). This rule introduces a number of new requirements.
- (2) The rule includes vehicles such as scooters, skateboards, in-line roller skates within a category of traffic called a **wheeled recreational device**, defined as a wheeled conveyance, other than a cycle that has a wheel diameter exceeding 355 mm, and that is propelled by human power or gravity. Devices that have an auxiliary propulsion motor or

motors with a combined maximum power output not exceeding 200 W are also included.

- (3) The rule also introduces a definition of a **mobility device**. A mobility device is a vehicle with a maximum power output not exceeding 1 500 W that is principally designed and constructed for use by persons who require mobility assistance due to a physical or neurological impairment. Mobility devices are restricted to the footpath, where this is practicable and where they must be operated in a careful and considerate manner.

Schedule 2

r 1.4

Consultation carried out under section 161(2) of Act

1

The initial consultation process began in June 2001 with the release of the Road User Rule Consultation Paper for public comment. It focused on 9 issues relating to the rule. More than 240 submissions were received on this paper and were taken into account in the drafting of the yellow draft of the rule.

2

The public consultation draft of the rule (**yellow draft**) was released in December 2002 and was sent to organisations and individuals who had expressed an interest in, or who were considered likely to be interested in, the rule. The availability of the yellow draft was publicised in metropolitan newspapers and in selected regional newspapers, the *Gazette*, and Te Maori News. The draft rule and associated material were accessible on the Land Transport Safety Authority's website and were sent to transport authorities and libraries overseas. More than 340 submissions were received on the yellow draft.

3

Issues identified in submissions were taken into account in re-drafting the rule and, when required, were resolved through discussion with the affected industry group before the rule was

submitted to Cabinet and to the Minister for Transport Safety for signature.

Dated at Wellington this 6th day of December 2004.

Harry Duynhoven,
Minister for Transport Safety.

Explanatory note

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

This rule, which comes into force on 27 February 2005, establishes provisions under which traffic operates on roads, and it replaces similar provisions in Parts 2, 3, 4, and 6 of the Traffic Regulations 1976 (SR 1976/227), which the Traffic Amendment Regulations (No 3) 2004 revoke.

Part 1 contains preliminary provisions.

Part 2 relates to driving on roads and includes provisions about keeping left, changing direction, and passing.

Part 3 sets out provisions about traffic signs and traffic signals.

Part 4 sets out provisions about stopping and giving way.

Part 5 sets out provisions about speed limits and other limits.

Part 6 sets out provisions about stopping and parking.

Part 7 relates to driver responsibility and includes provisions about unsafe loads, vehicle noise, the wearing of child restraints and seat belts, and helmets.

Part 8 relates to motor vehicles and includes provisions about foot-rests, lights, and windscreens.

Part 9 sets out provisions about level crossings.

Part 10 sets out provisions about pedestrian crossings.

Part 11 sets out the requirements for particular road users including pedestrians, cyclists and moped riders, persons driving animals, drivers approaching light rail vehicles, emergency vehicles, mobility devices, and wheeled recreational vehicles.

Land Transport (Road User) Rule 2004

Reprinted as at
1 August 2008

Date of notification in *Gazette*: 16 December 2004.

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Notes

1 *General*

This is an eprint of the Land Transport (Road User) Rule 2004. It incorporates all the amendments to the Land Transport (Road User) Rule 2004 as at 1 August 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 4 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)

Land Transport (Road User) Amendment Rule (No 2) 2007 (SR 2008/2)

Land Transport (Road User) Amendment Rule 2007 (SR 2007/240)
