Reprint
as at 18 December 2013

Land Transport (Motor Vehicle Registration and Licensing) Amendment Regulations 2012

(SR 2012/227)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 27th day of August 2012

Present:
His Excellency the Governor-General in Council

Pursuant to section 269 of the Land Transport Act 1998, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note
Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

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These regulations are administered by the Ministry of Transport.

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Regulations

1 Title

These regulations are the Land Transport (Motor Vehicle Registration and Licensing) Amendment Regulations 2012.

2 Commencement

These regulations come into force on 1 October 2012.

Regulations: confirmed, on 18 December 2013, by section 12 of the Subordinate Legislation (Confirmation and Validation) Act 2013 (2013 No 142).

3 Principal regulations

These regulations amend the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 (the **principal regulations**).

4 Regulation 3 amended (Interpretation)

(1) In regulation 3, replace the definition of **mobile machinery** with:

"**mobile machinery—**

"(a) means a motor vehicle designed and used primarily for earthmoving or construction and maintenance of roads, bridges, ditches, or buildings; and

"(b) includes an off-road dump truck; but

"(c) excludes any motor vehicle designed primarily for carrying passengers or goods or any motor vehicle designed for carrying passengers or goods to which machinery has been added".

(2) In regulation 3, definition of **vintage motor vehicle**, paragraph (b), replace "or reregistered" with ", reregistered, or licensed".

(3) In regulation 3, insert in their appropriate alphabetical order:

"**logging trailer** means a heavy trailer within the meaning of the Land Transport Rule: Heavy Vehicles 2004 that is used only to transport tree stems and timber logs

"**logging truck** means a heavy motor vehicle within the meaning of the Land Transport Rule: Heavy Vehicles 2004 that is used only to transport tree stems and timber logs".

5 Regulation 6 amended (Cancellation of registration on destruction or permanent removal of motor vehicle)

In regulation 6(6), definition of **written off**, paragraph (c), replace "because" with "and".

6 Regulation 20 amended (Temporary exemption from continuous licensing requirement)

(1) After regulation 20(3), insert:

"(3A) The application must be accompanied by the prescribed fee."

(2) In regulation 20(4), after "levies", insert "(or where the Registrar is satisfied that satisfactory arrangements have been made for the payment of those unpaid fees and levies)".

(3) After regulation 20(4), insert:

"(4A) The Registrar may decline to grant an exemption if there are unpaid licence fees or levies or the Registrar is not satisfied that satisfactory arrangements have been made for the payment of those unpaid fees or levies."

7 Regulation 63 replaced (Registration and licensing fees)

Replace regulation 63 with:

"**63 Registration and licensing fees**

"(1) The fees payable for the registration or cancellation of registration of a motor vehicle are specified in Parts 1 and 1A of Schedule 5.

"(2) The fees payable for the licensing of a motor vehicle are specified in Parts 2, 2A, 3, and 4 of Schedule 5.

"(3) The fees specified in Parts 1, 2, and 3 of Schedule 5 that are payable under this regulation (excluding applicable refunds, and goods and services tax payable under the Goods and Services Tax Act 1985) are land transport revenue for the purposes of section 6 of the Land Transport Management Act 2003."

8 Regulation 64 amended (Fees for registration plates)

Replace regulation 64(1) with:

"(1) The fees payable for the issue of a registration plate are specified in Parts 5 and 5A of Schedule 5."

9 Regulation 65 amended (Fees for replacement certificates and licences, and duplicate and replacement plates)

After regulation 65(3), insert:

"(4) The administration fees payable for the issue of duplicates and replacements are specified in Part 6A of Schedule 5."

10 New regulation 65A inserted (Registrar may waive, refund, or rebate administration fee)

After regulation 65, insert:

"**65A Registrar may waive, refund, or rebate administration fee**

The Registrar may waive, refund, or rebate any administration fee payable under these regulations by any person or class of persons if the Registrar considers that to do so would be commercially or otherwise advantageous to the Crown."

11 Regulation 67 amended (Fee for change of registered person)

Replace regulation 67(3) with:

"(3) The Registrar may discount the fee specified in item 2 of Part 8 of Schedule 5 if the person liable to pay the fee, while not being a motor vehicle trader registered under the Motor Vehicle Sales Act 2003, is a person who is otherwise engaged in trading motor vehicles."

12 Regulation 70 amended (Apportionment of liability for licence fees and accident insurance levies)

In regulation 70(1), after "in respect of", insert ", or becomes the owner of,".

13 Regulation 72 replaced (Recovery of unpaid fees, unpaid accident insurance levies, and penalties for late payment)

Replace regulation 72 with:

"**72 Recovery of unpaid fees and costs of collection**

If a person fails to pay all or part of a fee to the Registrar that the person is obliged to pay under this Part, the Registrar may recover the unpaid fee and any costs of collecting the fee as a debt due to the Crown."

14 Regulation 77 amended (Operation of unregistered or unlicensed motor vehicle)

Replace regulation 77(4)(a) with:

"(a) the motor vehicle was operated on a road only while being taken directly to a place of repair or inspection for

the purpose of repair or obtaining evidence of vehicle inspection; and".

15 Regulation 81 amended (Incorrect licence fee and accident insurance levy paid)

In regulation 81(2), replace "penalty for late payment" with "costs of collecting the fee".

16 Regulation 88 amended (Driving vehicle with temporary exemption from continuous licensing requirement)

In regulation 88, insert as subclause (2):

"(2) In proceedings for an offence against this regulation, it is a defence if the defendant proves that the motor vehicle was operated on a road only while being taken directly to a place of repair or inspection for the purpose of repair or obtaining evidence of vehicle inspection."

17 Schedule 1 amended

In Schedule 1, note 3, replace "Road User Charges Act 1977" with "Road User Charges Act 2012".

18 Schedule 2 amended

In Schedule 2, Part 2, after item 4, insert:

"5 A logging truck or logging trailer that is unladen and is only used on a road while being taken directly to a place of, and for the purpose of, inspection, servicing, repair, or obtaining evidence of vehicle inspection."

19 Schedule 5 amended

(1) After Schedule 5, Part 1, insert:

Part 1A

"Administration fees for registration and cancellation of registration

For each application for registration	$6.43
For application for cancellation of registration	$7.91

"Part 1A—*continued*

For application for cancellation of registration of new vehicle by motor vehicle trader registered under the Motor Vehicle Sales Act 2003 or a person who is otherwise engaged in trading motor vehicles	$50.00

These fees are in addition to any fee prescribed in Part 1 of this Schedule.

(2) In Schedule 5, Part 2, item 5, replace "24.50" with "43.50".

(3) After Schedule 5, Part 2, insert:

Part 2A
"Licence label fee

For issue of licence label	$0.17

(4) Replace Schedule 5, Part 4 with:

Part 4
"Administration fees for licences

Administration fee for each application for a licence—

(a)	if application made over the counter to Registrar or agent of Registrar authorised to take applications from the public generally	$6.26
(b)	if application made to motor vehicle industry agent of Registrar	$2.43
(c)	if application made to Registrar over the Internet	$3.57

This fee is in addition to any fee prescribed in Part 2 or Part 3 of this schedule.

(5) After Schedule 5, Part 5, insert:

Part 5A
"Administration fees for registration plates

For issue of supplementary plates	$1.91
For issue of trade plates	$28.09

These fees are in addition to any fee prescribed in Part 5 of this schedule.

(6) In Schedule 5, Part 6, item 2, replace "$8.18" with "$7.91".

(7) After Schedule 5, Part 6, insert:

Part 6A
"Administration fees for duplicates and replacements

For issue of replacement registration plate under regulation 60	$4.09
For issue of duplicate registration plates (ordinary or personalised)	$1.91
For issue of replacement licence label	$3.57

These fees are in addition to any fee prescribed in any other Part of this schedule.

(8) In Schedule 5, Part 7—

(a) replace "*For immediate response*" with "*Request for immediate response made using online service*"; and

(b) replace "*Overnight (delayed) response*" with "*Request for overnight (delayed) response made using online service*".

(9) In Schedule 5, Part 7, after the item relating to vehicle usage history, insert:

Request other than by using online service

Current details	13.04
Registered person history	13.04

In this schedule, **online service** means a service provided by or on behalf of the Registrar for the making of requests by means of the Internet for information from the register.

(10) Replace Schedule 5, Part 8 with:

Part 8
"Recording change of registered person

1	The fee payable under regulation 49 or 50 for recording a change of registered person if the person liable to pay the fee is a motor vehicle trader registered under the Motor Vehicle Sales Act 2003	$0.78
2	The fee payable under regulation 49 or 50 for recording a change of registered person if the person liable to pay the fee is not a motor vehicle trader registered under the Motor Vehicle Sales Act 2003	$7.83

(11) After Part 9, insert:

Part 10
"Administration fee for application for exemption

Administration fee for application under regulation 20 for exemption—		
(a)	if application made over the counter to agent of Registrar authorised to take applications from the public generally or to motor vehicle industry agent of Registrar	$4.78
(b)	if application made to Registrar	$9.04

20 Schedule 6 amended

(1) In Schedule 6, sixth column of the item relating to regulation 77(2)(a), insert "200".

(2) In Schedule 6, sixth column of the item relating to regulation 77(2)(b), insert "200".

(3) In Schedule 6, fifth column of the item relating to regulation 78, replace "100" with "200".

(4) In Schedule 6, sixth column of the item relating to regulation 78, insert "1,000".

(5) In Schedule 6, third column of the item relating to regulation 79, replace "500" with "1,000".

(6) In Schedule 6, fourth column of the item relating to regulation 79, insert "5,000".

(7) In Schedule 6, sixth column of the item relating to regulation 79, insert "1,000".

(8) In Schedule 6, third column of the item relating to regulation 80, replace "500" with "1,000".

(9) In Schedule 6, fourth column of the item relating to regulation 80, insert "5,000".

(10) In Schedule 6, sixth column of the item relating to regulation 80, insert "1,000".

(11) In Schedule 6, fifth column of the item relating to regulation 84, replace "250" with "200".

(12) In Schedule 6, sixth column of the item relating to regulation 85(2)(a), replace "1,000" with "200".

(13) In Schedule 6, sixth column of the item relating to regulation 85(2)(b), replace "1,000" with "200".

(14) In Schedule 6, fifth column of the item relating to regulation 86, insert "200".

(15) In Schedule 6, sixth column of the item relating to regulation 86, insert "200".

(16) In Schedule 6, fourth column of the item relating to regulation 87(1), delete "5,000".

(17) In Schedule 6, sixth column of the item relating to regulation 87(1), delete "1,000".

(18) In Schedule 6, sixth column of the item relating to regulation 87(2), replace "1,000" with "200".

(19) In Schedule 6, sixth column of the item relating to regulation 88(b), replace "1,000" with "200".

(20) In Schedule 6, third column of the item relating to regulation 89, replace "1,000" with "2,000".

(21) In Schedule 6, fourth column of the item relating to regulation 89, delete "5,000".

(22) In Schedule 6, fifth column of the item relating to regulation 89, replace "200" with "400".

(23) In Schedule 6, sixth column of the item relating to regulation 89, delete "1,000".

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 1 October 2012, amend the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 (the **principal regulations**).

Regulation 4—

- makes it clear that an off-road dump truck is included in the definition of mobile machinery:

- inserts definitions of the terms logging trailer and logging truck (*see regulation 18*).

Regulation 5 amends regulation 6 of the principal regulations (which relates to cancellation of registration on the destruction or permanent removal of a motor vehicle). The definition of written off is amended. The effect of the amendment is that a registered person must notify the Registrar that a damaged and insured vehicle is written off if the insurer decides, for whatever reason, not to repair the vehicle and the vehicle's safe tolerance has been compromised.

Regulation 6 amends regulation 20 of the principal regulations (which relates to temporary exemption from the continuous licensing requirement). The effect of the amendments is to make it clear that—

- the Registrar may grant an exemption if the Registrar is satisfied that satisfactory arrangements have been made for the payment of any unpaid fees and levies:
- the Registrar may decline to grant an exemption if the Registrar is not satisfied that satisfactory arrangements have been made for the payment of unpaid fees and levies.

Regulations 7 to 9 and regulation 19 provide for revisions to some existing fees, and additional fees, for administration costs in relation to motor vehicle registration and licensing transactions.

Regulation 10 inserts a *new regulation 65A* into the principal regulations, which provides that the Registrar may waive, refund, or rebate an administration fee in certain circumstances.

Regulation 11 amends regulation 67 of the principal regulations (which relates to the fee for a change of registered person). The reference to the Registrar discounting the fee for a registered motor vehicle trader is omitted because a fee is now specifically provided for in Schedule 5 (*see regulation 19*).

Regulation 12 amends regulation 70 of the principal regulations (which provides for the apportionment of liability for licence fees and accident insurance levies). Currently, regulation 70 provides that the Registrar may apportion fees and levies in relation to a person who becomes registered in respect of a motor vehicle so the person is liable to pay only those that relate to the period after the person became the owner of the vehicle. The amendment will allow the Registrar to apportion fees and levies if a person becomes the

owner of a vehicle even if no notice of acquisition of the vehicle is given under regulation 48.

Regulation 13 replaces regulation 72 of the principal regulations. The new regulation clarifies that the penalty for late payment is intended to cover debt collection costs. References in the existing regulation 72 to accident insurance levies are not carried forward because these are dealt with by the legislation relating to accident compensation.

Regulation 14 amends regulation 77 of the principal regulations (which makes it an offence to operate an unregistered or unlicensed vehicle on a road). There is currently a defence if the vehicle is being taken for inspection, servicing, or repair. The amendment clarifies that the defence is limited to repair and inspection.

Regulation 15 amends regulation 81 of the principal regulations (which makes it an offence to operate a motor vehicle for which an incorrect licence fee and accident insurance levy have been paid). The amendment inserts a reference to the recovery of "any costs of collecting" the licence fee and mirrors the change to regulation 72 (*see regulation 13*).

Regulation 16 amends regulation 88 of the principal regulations (which makes it an offence to operate a motor vehicle on a road while the vehicle is exempt under regulation 20 from the continuous licensing requirement). A *new subclause (2)* is inserted providing for a defence if the motor vehicle was being taken for repair or obtaining evidence of vehicle inspection.

Regulation 17 updates a reference in Schedule 1 of the principal regulations to the Road User Charges Act 1977. The new reference is to the Road User Charges Act 2012.

Regulation 18 amends Schedule 2, Part 2 of the principal regulations (which lists those motor vehicles that are exempt from the requirement to pay registration and licensing fees). A new item is added relating to logging trucks and logging trailers that are only used on a road while being taken for inspection, servicing, repair, or obtaining evidence of vehicle inspection.

Regulation 20 amends Schedule 6 of the principal regulations (which sets out the penalties for offences against the regulations) to alter

the monetary amounts of certain penalties and to specify some new penalties.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 30 August 2012.

Reprints notes

1 General

This is a reprint of the Land Transport (Motor Vehicle Registration and Licensing) Amendment Regulations 2012 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 Legal status

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 Editorial and format changes

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

4 Amendments incorporated in this reprint

Subordinate Legislation (Confirmation and Validation) Act 2013 (2013 No 142): section 12

Wellington, New Zealand:
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