



Land Transport (Road User) Amendment Rule 2013

Pursuant to sections 152, 153, and 155 of the Land Transport Act 1998, and having had regard to the criteria specified in section 164(2) of that Act, the Associate Minister of Transport makes the following ordinary rule.

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Rule

- 1 **Title**
This rule is the Land Transport (Road User) Amendment Rule 2013.

- 2 **Commencement**
This rule comes into force on 1 June 2013.

3 Principal rule

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

4 Objective

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

5 Consultation

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

6 Clause 1.6 amended (Interpretation)

(1) In clause 1.6, insert in their appropriate alphabetical order:

“agricultural motor vehicle—

“(a) means a vehicle that is designed, constructed, or adapted for agricultural purposes; and

“(b) includes—

“(i) an agricultural trailer; and

“(ii) an agricultural tractor; but

“(c) does not include any vehicle that is—

“(i) of a class specified in Table A of Part 2 of the Land Transport Rule: Vehicle Standards Compliance 2002; and

“(ii) designed or constructed for general road use

“agricultural purpose—

“(a) includes—

“(i) land cultivation:

“(ii) growing and harvesting crops (including horticulture and viticulture):

“(iii) rearing livestock:

“(iv) any land management operation undertaken in connection with—

“(A) the operation or management of a farm; or

“(B) a purpose described in subparagraphs (i) to (iii); but

“(b) does not include forestry, or any land management operation not referred to in paragraph (a)(iv)

“**agricultural tractor** means a vehicle that is designed and constructed principally for the purposes of—

- “(a) towing an agricultural trailer; or
- “(b) drawing, or powering, an implement ordinarily used for an agricultural purpose

“**agricultural trailer**—

- “(a) means a trailer that is used principally for agricultural purposes; and
- “(b) includes a wheeled agricultural implement, the wheels of which are in contact with the road when the implement is being towed; but
- “(c) does not include—
 - “(i) a trailer that is—
 - “(A) designed principally for the carriage of goods; and
 - “(B) operated at a speed exceeding 40 kph; or
 - “(ii) a logging trailer”.

- (2) In clause 1.6, definition of **all terrain vehicle**, delete “special purpose”.

7 Clause 7.12 amended (Safety helmets for all terrain vehicles, motorcycles, and mopeds)

After clause 7.12(1), insert:

- “(1A) However, subclause (1) does not apply in respect of the driver or rider of an all terrain vehicle if—
 - “(a) the all terrain vehicle is fitted with a roll bar; and
 - “(b) the driver and every rider are each—
 - “(i) occupying a seat equipped with a seat belt; and
 - “(ii) wearing that seat belt (unless, in the case of the driver, he or she is not required to do so under clause 7.11(3)(b)); and
 - “(iii) while the vehicle is in motion,—
 - “(A) wearing that seat belt correctly, so that he or she is properly restrained; and
 - “(B) keeping that seat belt securely fastened.”

8 Clause 8.5 amended (Use of beacons)

After clause 8.5(1), insert:

- “(1A) Subclauses (1B) and (1C) apply to an agricultural motor vehicle that—
- “(a) was first registered on or after 1 June 2013; and
 - “(b) is not an agricultural trailer.
- “(1B) The driver of a vehicle to which this subclause applies must, at all times when that vehicle is being operated, use 1 or more amber beacons, the light from which must be clearly visible from both the front and the rear of the vehicle for a distance of not less than 100 metres.
- “(1C) However, if the beacon or beacons are obscured by an agricultural trailer towed by, or an implement fitted to, the vehicle referred to in subclause (1B), the driver must also use 1 or more illuminated amber beacons on the trailer or implement, as the case may be, so as to ensure full compliance with subclause (1B).
- “(1D) To avoid doubt,—
- “(a) a driver who complies with subclause (1C) does not commit an offence for failing to comply with subclause (1B):
 - “(b) subclauses (1B) and (1C) do not limit the requirements of subclause (1)(g).”

Schedule 1

Objective of rule

cl 4

The objective of this amendment rule, and of the amendments to 7 other Land Transport Rules, is to ensure that legislation that affects the primary production sector is fit for purpose and does not impose unnecessary costs or restrictions, including on the ability of the sector to manage critical operations where time or weather is a limiting factor.

The objective of this rule is to amend the Land Transport (Road User) Rule 2004 (the **principal rule**) in the following ways:

- (a) by removing the requirement for drivers and passengers of all terrain vehicles to wear safety helmets if the all terrain vehicle is fitted with a roll bar and each rider of the all terrain vehicle is wearing a seat belt:

- (b) by requiring agricultural vehicles to display and operate an amber beacon that is visible from the front and rear at distances of at least 100 metres.

Schedule 2
Consultation carried out under section
161(2) of Act

cl 5

For the purposes of consultation, proposed amendments to the Land Transport (Road User) Rule 2004 (the **principal rule**) and other Land Transport Rules applying to vehicles used for agricultural purposes were combined into a single rule, the Land Transport Rule: Agricultural Vehicles Omnibus 2012 (the **Omnibus Rule**). The rule amendment proposals arose out of a review of agricultural transport legislation in 2012 involving government agencies, key transport and agriculture industry stakeholders, and the public.

On 19 October 2012, the New Zealand Transport Agency (the **NZTA**) sent details of the amendment proposals by letter or email to approximately 2 300 groups and individuals who had registered an interest in the rules to be amended. The Omnibus Rule was made available through the NZTA's contact centre and, together with questions and answers, was also available on the NZTA's Internet site. The availability of the amendment proposals for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*.

The NZTA received 29 submissions on the Omnibus Rule, of which 20 commented on the proposed amendments to the principal rule.

Following consultation, the provisions in the Omnibus Rule were split into separate amendment rules, including this rule. The submissions that were received were taken into account in finalising this rule before it was submitted to the Associate Minister of Transport for signing.

Dated at Wellington this 28th day of March 2013.

Michael Woodhouse,
Associate Minister of Transport.

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 1 June 2013, amends the Land Transport (Road User) Rule 2004 in the ways described in *Schedule 1*. In summary, the changes remove the requirement for drivers and passengers of all terrain vehicles to wear crash helmets (provided that the vehicle is fitted with a roll bar and that all persons on the vehicle are wearing seat belts) and impose requirements in relation to the use of amber beacons on agricultural vehicles.

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