

Drivers and operators of freight, vehicle recovery and passenger transport services industries must comply with a range of rules and regulations. In most cases this includes holding an appropriate transport service licence.

These regulations and rules help transport service licence holders to run successful and compliant businesses while ensuring safe management practices and protecting other road users.

This factsheet provides advice on how to get a transport service licence. On the last page, there's guidance on where to find more complete information.

Who needs a transport service licence?

Whether you're an individual or a company, you must hold the appropriate transport service licence if you're operating any of the following types of service:

A goods service

A goods service delivers or carries goods using a motor vehicle that has a gross vehicle mass* of 6000kg or more.

You need a goods service licence even if you're not carrying the goods for hire or reward. This includes a vehicle that is 'on hire' to carry goods.

***gross vehicle mass** means the maximum safe operating mass for a vehicle (including the mass of any accessories, crew, passengers, or load) that is derived from the design, capabilities, and capacities of the vehicle's construction, systems, and components, and that:

(a) is determined by:

- (i) the Transport Agency; or
- (ii) the manufacturer of the vehicle; or
- (iii) if the vehicle is modified after manufacture, a certifier approved by the Transport Agency; and

(b) may be recorded in kilograms on the register of motor vehicles.

A small passenger service licence

A small passenger service (SPS) uses vehicles that carry 12 people or less (including the driver) to carry passengers. You need a small passenger service licence if you carry passengers for hire or reward.

Small passenger services include taxi and app-based services, shuttle services and private hire services.

Dial-a-driver services are also small passenger services but the customer vehicles used in these services are not passenger service vehicles. For more information about passenger service vehicles see Factsheet 15 *Passenger service vehicles*.

A large passenger service licence

A large passenger service uses vehicles that are designed or adapted to carry more than 12 people (including the driver) to carry passengers.

You need a large passenger service licence regardless of whether or not you operate for hire or reward.

A vehicle recovery service

A vehicle recovery service tows or carries vehicles.

It requires a transport service licence unless it is exempt under the Land Transport Act (eg you don't need a transport service licence to tow a friend's car with your own in the case of a breakdown).

A rental service

A rental service hires out vehicles to carry goods or passengers.

How do I apply?

Applying online

You can apply online if:

- your application is for an individual or sole trader, or
- your company only has one director or person in charge.

You'll need:

- your New Zealand driver licence number, AND
- a verified RealMe identity*
- a credit or debit card or your internet banking details to pay the fee (\$449.80 for the application and \$9.70 for the vetting).

*You'll have a verified RealMe identity already if you've applied on the RealMe website and then visited a PostShop to have your photo taken, or signed up for a verified identity when you renewed your passport online. Go to www.realme.govt.nz for more information.

If you meet these criteria, you can make your application online at www.nzta.govt.nz/online.

If you don't meet these criteria, you'll need to apply at a driver licensing agent. Go to www.nzta.govt.nz/agent to find an agent in your area.

Applying at an agent

You need to provide:

- a completed *Application for transport service licence* (TL01) application form

- a completed *Personal details supporting an application for transport service licence* (TL02) form for **each** person that will be in control of the service
- the application fee of \$449.80
- the police vetting fee of \$9.70 for **each** person that will be in control of the service
- a certificate of knowledge of law and practice relevant to the transport licence you're applying for (unless you're going to operate an SPS or rental service).

You can download the forms from www.nzta.govt.nz/tsl-forms.

What happens next?

Your application will be sent to the NZ Transport Agency to be processed, and for the fit and proper person checks to be performed.

If you've provided all the necessary information with your application and all the requirements have been met, please allow 30 working days for your application to be processed.

If some information hasn't been provided yet, or if some requirements haven't been met, your application will take longer to process.

Persons in control

Under section 30L of the Land Transport Act 1998, the NZ Transport Agency must be satisfied that anyone who will have, or is likely to have, control or involvement in the operation of the transport service is a fit and proper person, including any representative.

Anyone who has direct or indirect control of any part of the management of the organisation must complete a *Personal details form* (TL02) and provide evidence of identity. This is so we can determine if they all meet the requirements of a fit and proper person. This includes any New Zealand representative if you're applying for a small passenger service licence.

Evidence of identity

Each person in control must provide evidence of their identity with the application. This can be either:

- their New Zealand photo driver licence, or
- their passport.

These can be current or expired up to two years.

They must also provide a photocopy of their evidence of identity. They can either:

- provide a certified copy* of their evidence of identity, or
- provide a photocopy of their evidence of identity AND present the original driver licence or passport when the application is lodged at a driver licensing agent.

*A certified copy needs to be stamped or endorsed by a person who confirms that the copy is a true copy of the original document. This can be a:

- Justice of the Peace.
- Solicitor of the High Court.
- Notary Public.
- Deputy Registrar at a court (not all courts will be able to certify copies).

New Zealand representative for small passenger service

Where none of the people who will be in control of a small passenger service live in New Zealand, you must provide the name and address of a representative living in New Zealand. This representative is authorised by you to:

- engage with the Transport Agency on matters relating to your compliance with the relevant requirements of the Land Transport Act 1998 and all regulations and rules, and
- accept service of legal documents on your behalf.

The New Zealand representative will also need to complete a TL02 form and be vetted to check they are a fit and proper person.

Passport and visa details

If you're not a New Zealand citizen, you and/or your employer are responsible for making sure you're eligible to work here. If you're not sure, please contact Immigration New Zealand.

Each person in control that isn't a New Zealand citizen will need to provide their passport number and nationality and their work visa or permit start date on their *Personal details* (TL02) form.

This is so we can check with Immigration NZ that they have a right to live and work in New Zealand.

Change of persons in control

If any of the persons in control of the service change, you must let the Transport Agency know. You should complete a *Notification of change in control or management of transport service licence* form (TL04), available at www.nzta.govt.nz/tsl-forms. Any new persons in control will need to complete a *Personal details* form (TL02) and pay a vetting fee.

You also need to let us know if your address changes, or the main address of the transport service changes. You can call us to update your address on 0800 822 422.

You must let us know of any changes within 14 days.

What is the vetting fee for?

The Transport Agency is legally obliged to ensure that holders of transport service licences are 'fit and proper' people.

Some of the factors which may be taken into account when determining if you meet the fit and proper person criteria are:

- criminal conviction history, including charges or convictions relating to violent or sexual offences
- drug or firearm offences, or offences involving organised criminal activity
- any transport-related offending, especially offences relating to safety
- any history of behavioural problems
- any past complaints about a transport service provided by the person
- any history of persistent failure to pay fines for transport-related offences.

The Transport Agency may also take into account any other relevant matter which they consider is in the public interest when determining your fitness to hold any licence.

TSL label

The Land Transport Rule: Operator Licensing 2017 requires all vehicles operating under a transport service licence to display a TSL label (except for dial-a-driver and facilitated cost-sharing passenger services).

TSL labels are required so that operators who rent, lease, borrow or share vehicles can move their details easily between vehicles. The labels also allow a passenger or enforcement officer to identify the licence the service is working under.

Certificate of knowledge of law and practice

One of the requirements for getting a transport service licence (except for a small passenger service licence or rental service licence) is that either the licence holder or a person in control of the service needs to hold a certificate of knowledge of law and practice.

This shows that the holder of the certificate has the required knowledge of the laws and practices relating to the safe, efficient and proper operation of a transport service.

See the back page for more information about getting a certificate of knowledge of law and practice.

Who might be exempt from holding a certificate?

The requirement to obtain and hold a certificate of knowledge of law and practice doesn't apply to operators of small passenger services and rental services. However, you must still hold the appropriate transport service licence.

In special circumstances, the Transport Agency may waive the requirement for other transport service operators to hold the certificate where the service is limited or infrequent. An example is a truck that's used to carry apples in the picking season, but that only carries bits and pieces around the orchard for most of the year. Generally, exemptions are granted for operators who are carrying their own goods and not for hire or reward.

The application form for an exemption is available at www.nzta.govt.nz/tsl-forms. Complete the exemption application form when you apply for your transport service licence.

Penalties for operating an unlicensed service

It's illegal to operate an unlicensed transport service of the kinds described above. If you're convicted, you may face a fine of up to \$10,000. The fine increases to a maximum of \$25,000 for subsequent convictions.

In addition to the fine, the court may impound vehicles used in an unlicensed service for up to 90 days (no matter who owns them).

More information

Requirements for each type of transport service licence are set out in the Land Transport Rule: Operator Licensing 2017.

For more complete information, please refer to the legislation. Copies are available from some libraries, from bookshops that sell legislation and at www.legislation.govt.nz.

Helpful information can also be found in the following factsheets:

- Factsheet 2 *Work time and logbooks*
- Factsheet 15 *Passenger service vehicles*
- Factsheet 18 *Volunteer drivers and exempt passenger services*
- Factsheet 21 *Small passenger service drivers: rights and responsibilities*
- Factsheet 42 *P endorsements for driving passengers*
- Factsheet 78 *Passenger services*
- Factsheet 79 *SPS amendments: How do the changes affect us?*

If you have any questions regarding getting or holding a transport service licence, please call us on 0800 822 422 for advice.

The information in this factsheet is a general guide only. It is not the source of the law and should not be used in place of authoritative legal documents. Some factsheets are updated frequently and print versions can quickly become out of date. If the currency of the information you are reading is important, check the factsheet index on our website (www.nzta.govt.nz/factsheets) or call us on 0800 822 422.

Contact details

- Call us: 0800 822 422.
- Visit our website: www.nzta.govt.nz.
- Email us: info@nzta.govt.nz.
- Write to us: NZ Transport Agency, Private Bag 11777, Palmerston North 4442.

Certificate of knowledge of law and practice

How do I get the certificate?

To get a certificate of knowledge of law and practice, you have to pass a test run by Aspeq. Aspeq's contact details are:

Website: <https://nzta.aspeqexams.com>

Phone: (04) 913 9812

Fax: (04) 913 9814

The test covers the rules relating to the type of service you will be operating and specific knowledge relating to the requirements and responsibilities of a transport service licence holder. There is an individual handbook for each type of service.

What are the costs for a certificate?

Handbook and test	Current price as at 1 January 2017
TSL handbook – <i>Knowledge of law and practice</i> (includes postage and packaging)	\$51.50
Goods, large passenger or vehicle recovery exam	\$109.50
Optional extras	
Reader assisted	\$486.50
On-demand examination	\$385.00
Interpreter assistance	\$914.00

About the test

The Aspeq website (<https://nzta.aspeqexams.com>) has information on the test.

The test questions are based on the *Knowledge of law and practice* handbook (which includes sample questions). You can buy the handbook online from Aspeq.

The test, which is computer based, is open book, which means you may take the handbook into the test with you. Handbooks are not supplied by Aspeq at the test venue. An example of how the computer-based test works can be found on the Aspeq website.

You have up to two and a half hours to complete the test and you must score 80 percent or higher to pass the test.

Test standards are set and audited by the Transport Agency.

What identification do I need to bring to the test?

On the day of the test, you'll need to show identification that has both your photograph and signature on it (eg your driver licence or passport). If you don't present acceptable identification, you won't be able to sit the test. You can find out more about acceptable identification on the Aspeq website.

When does the test take place?

Aspeq has timetables for when the test takes place in different areas. These are available on the Aspeq website.

Aspeq offers an on demand option, which reduces the waiting period but costs more.

How do I apply to sit the tests?

You can book your exam up to 24 hours before the exam starts, subject to availability.

Existing candidates who have a current Aspeq client number

Go to <https://nzta.aspeqexams.com> and click on **Log On** in the banner near the top of the page. Enter your username and password and follow the prompts. Then click on **Book Exam** on the left hand side menu.

If you're a new candidate who doesn't hold a current Aspeq client number, you'll need proof of identity (driver licence) when you register for the first time. Go to <https://nzta.aspeqexams.com> and click on **Register** in the banner near the top of the page. Follow the instructions displayed underneath.

If this is your first time with Aspeq

Follow the prompts to either order your exam electronically or download the ASL417 form and post it with payment (cheque made out to Assessment Systems Ltd) to the Aspeq offices at:

Aspeq Ltd
PO Box 30343
Lower Hutt 5010

If your application is incomplete Aspeq may return the form to you for completion. If your application is not received in time for the exam booking to proceed, you may be booked in to the next available session.

For information on transfers to different test dates, cancellations or refunds refer to the Aspeq website at: <https://nzta.aspeqexams.com>.

Note: This information is provided as a general guide only, and does not cover everything in the law. It is not the source of the law.