

Land Transport (Driver Licensing) Amendment Rule [2011] (Rule 91001/7)

Questions and Answers

What is the context for this amendment Rule?

To deliver some of the first actions from *Safer Journeys: New Zealand's road safety strategy 2010 - 2020*, significant legislative changes are needed.

These changes will be made by two separate pieces of legislation:

- the proposed *Land Transport (Driver Licensing) Amendment Rule* (the amendment Rule), which these Q&As cover; and
- the *Land Transport (Road Safety and Other Matters) Amendment Bill* (the Bill), which was introduced into Parliament on 13 September 2010.

Some of the proposed 'packages' of changes from *Safer Journeys* are split between the Bill and the proposed amendment Rule.

Information about the Bill is available on the Ministry of Transport's website at: <http://www.transport.govt.nz/legislation/bills/LandTransportAmendmentBill2010/>.

Other changes that would improve the integrity of the driver licensing system and clarify existing requirements are also proposed in the amendment Rule.

What changes are proposed in the driver licensing amendment Rule?

The amendment Rule contains more than 30 proposals which aim to:

- enhance land transport safety
- improve the integrity of the driver licensing system
- make business processes clearer and simpler.

As mentioned, some of the changes proposed in this amendment Rule are needed to implement aspects of *Safer Journeys*. These proposed changes include measures to improve the on-road safety of young and novice drivers and motorcyclists in order to reduce their over-representation in crashes.

Other changes specifically around the driver licensing system aim to:

- create greater safeguards against attempts to obtain a driver licence fraudulently
- tighten security around obtaining a driver licence and the use of a temporary licence during an application or when sitting a test
- clarify requirements for overseas drivers
- improve consistency within the Rule and with other pieces of legislation
- improve business processes, resulting in cost savings for the NZ Transport Agency (NZTA) and a reduction in compliance costs for applicants.

What is the statutory basis for the amendment Rule?

The *Land Transport Act 1998* (the Act) allows the Minister of Transport to make Land Transport Rules. Rules are drafted in plain English and go through an extensive consultation process with interested groups and the public. This is to ensure that they are easily understood and are widely complied with. Rules are usually prepared by the NZTA under contract to the Ministry of Transport and, like regulations, have the force of law.

Section 154 of the Act empowers the making of Land Transport Rules, to put in place a system and provide for the licensing of drivers of motor vehicles.

Proposals in the amendment Rule

Some of the proposals in the amendment Rule are explained below. For further details please refer to the accompanying Overview.

The questions and answers relating to provisions covered in this document come under the following categories:

Motorcycle and moped licensing

1. Motorcycle-specific training for applicants for restricted and full motorcycle licences
2. Introduction of a power-to-weight limit for learner and restricted riders
3. Introduction of the same minimum requirements for all novice motorcycle drivers at restricted licence stage
4. Removal of 70km/h speed limit restriction for learner riders
5. Introduction of moped licence

Driver licensing

6. Licence card appearance
7. Allowance for introduction of changing security technologies
8. Use of temporary licences
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Young and novice drivers

12. Supervisor of a learner driver
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15. Licence conversion and applicants for a Passenger (P) endorsement
16. International driving permits
17. Surrender of overseas driving licence

General licensing

18. Suspension of course provider's operations
19. Extension of weight limits for vehicles driven with a Class 1 licence

Commercial drivers

20. Fast-tracking employees to higher licence classes
21. Teaching and assessing
22. Clarification of when a driving instructor (I) endorsement is required

Novice motorcyclists

How will the amendment Rule impact on motorcycle safety?

The proposed amendment Rule would progress *Safer Journeys'* actions aimed at ensuring learner motorcycle riders are better equipped with the experience and skills necessary to be effective and safe riders.

The proposals that affect motorcyclists are based on the best-practice motorcycle licensing and training model developed by Monash University, Australia. This model is in practice in a number of Australian states, and those jurisdictions have a significantly lower motorcycle crash risk than in New Zealand. Our existing motorcycle licensing regime already contains some elements of the model.

1. Motorcycle-specific training for applicants for restricted and full motorcycle licences

What is the current process for gaining a motorcycle licence?

The motorcycle Graduated Driver Licensing System (motorcycle GDLS) comprises three stages – learner, restricted and full licence phases. To gain a learner (6L) licence, a novice motorcycle rider must pass a theory test and the Basic Handling Skills Test (BHST). After holding their learner licence for six months, they may then get a restricted (6R) licence, if they pass the restricted licence test.

To get a full licence, the rider must hold the 6R licence for 18 months (or for six months if over 25). The rider must also pass the full licence test. (Time spent in the restricted phase can be reduced by successfully completing an approved driving course).

Why are these changes being proposed.

Unlike car learner licence holders, motorcycle learners are not supervised. The crash risk is very high for this group of novice motorcyclists. Motorcycle casualties (fatalities and injuries) have almost doubled since 2001, from 704 to 1377 in 2009. In that period, there was a 67 percent increase in the number of licensed motorcycles.

In 2009, 48 motorcyclists were killed, 460 were seriously injured, and a further 909 suffered minor injuries (See *Figures 1* and *2* below). The social cost of these crashes was \$595¹ million. A motorcycle rider is, on average, 20 times more at risk of suffering death or serious injury than a car driver over the same distance travelled².

What changes are proposed to the current motorcycle licensing requirements?

The current motorcycle theory test covers general road rules. It is proposed that this be redeveloped to place more emphasis on motorcycle-specific requirements. The BHST for motorcyclists would also be strengthened to include additional skills such as hazard perception.

It is also proposed to introduce Competency Based Training Assessments (CBTA) in the learner and restricted phases as an alternative to taking the restricted and full motorcycle tests. The CBTA will ensure that motorcyclists have the necessary skills to ride on the road and that these skills are adequately assessed. CBTA would teach and assess key skills such as hazard detection, advanced handling skills, urban road riding, open road riding, motorcycle safety checks and emergency stopping.

Would novice riders still be able to reduce the time spent on a restricted licence by completing an approved driving course?

¹ Social cost is an internationally accepted measure for estimating the cost of road crashes to society. It is made up of a number of elements including loss of life and life quality, loss of output due to temporary incapacitation, medical costs, legal costs and property damage costs. The social cost estimates are \$3,528,000 for a death, \$625,000 for a serious injury, and \$64,000 for a minor injury. These figures are national averages, and total social cost calculations take into account urban, rural and regional differences.

² The *New Zealand Travel Survey 2010*.

No. It is proposed to remove the option for motorcyclists to complete an approved advanced driving course (Defensive Driving or Street Talk) to reduce their time on a restricted motorcycle licence. Completing the CBTA course would be the only way for a novice motorcyclist to reduce the minimum time at the restricted licence phase.

How will these changes improve the current testing regime?

The approved advanced driving courses are classroom-based and few motorcycle-specific skills are taught. Removing this option will leave the new CBTA option as the only way to gain a time reduction. This will encourage novice motorcyclists to take a course which better teaches them motorcycle-specific skills and attitudes.

The CBTA will be an alternative to the standard testing regime. Successful completion of CBTA in the learner stage will remove the requirement to have to sit the motorcycle restricted test to enter the restricted licence stage. Successful completion of an advanced CBTA will reduce the minimum time required to be spent on a restricted licence from 18 months to 12 months and will remove the requirement to have to sit the full motorcycle licence test to progress to a full motorcycle licence.

If motorcyclists choose not to complete the CBTA, they will still be able to progress through the motorcycle GDLS system by passing tests. The restricted and full licence tests will be strengthened, to encourage novice motorcyclists to gain more experience before they try to progress to the next stage of licence.

Why isn't motorcycle training compulsory?

The basic handling skills test at the entry point of the Motorcycle GDLS is compulsory. CBTA will be offered as an alternative to progressing through the motorcycle GDLS through assessments offering faster progression with the support of training. It will be a voluntary option that will mean that riders will be willing participants in the programme and, therefore, get more value from it.

2. Introduction of a power-to-weight limit for learner and restricted riders

What restrictions are proposed on the types of motorcycles that novice riders can ride, and why?

Currently, holders of learner and restricted motorcycle licences are restricted to riding motorcycles of 250cc and less. However, advances in technology are limiting the effectiveness of the restriction. A number of powerful high-performance 250cc motorcycles capable of high speeds and rapid acceleration are available on the market. These motorcycles are not suitable for novice riders due to their power, riding position and handling. Advances in motorcycle power are likely to continue.

Most Australian states have recognised the 250cc novice rider restriction as a safety issue and have replaced this with the proposed power-to-weight / cc restriction through the introduction of a Learner Approved Motorcycle Scheme (LAMS). This has included a list of motorcycles that are LAMS-compliant, which has been researched thoroughly. LAMS has proved popular with the Australian motorcycling community, and could readily be adapted for use in New Zealand.

What is the proposed power-to-weight ratio for learner and restricted riders?

Novice riders would be prohibited from riding the following:

- a motorcycle over 660 cc;
- a motorcycle with an engine capacity of between 251cc and 660 cc and a power-to-weight ratio of more than 150 kilowatts per tonne, unless the motorcycle is approved by notice published in the *New Zealand Gazette* (the Gazette);
- a motorcycle with an engine capacity of 250 cc or less, if prohibited in the Gazette.

Why is power-to-weight a good idea?

A power-to-weight ratio provides a better indication of a motorcycle's potential performance than engine capacity alone. The new restriction will give novice riders access to a greater range of motorcycles appropriate for their level of experience, including more that have safety

features like automatic braking systems. This proposal in the amendment Rule will have a lead-in time to allow motorcyclists enough time to ensure they have the correct vehicle.

How will people know whether a motorcycle is LAMS-compliant?

The amended Driver Licensing Rule will contain a definition of 'prohibited motorcycle' for novice riders. The NZTA will also publish, in the Gazette and on its website, a list of LAMS approved motorcycles. This is in line with the current successful practice in Victoria.

In addition, a LAMS-compliant motorcycle will have an identifier on the vehicle licence label. Therefore, it will be obvious when purchasing a new or used motorcycle whether that vehicle is LAMS approved or not.

Won't this reduce the number of motorcycles available?

No. It will increase the range of motorcycles available to novice riders; and the motorcycles available will be more appropriate for the novice rider's level of skill. Due to the greater range of motorcycles available to novice riders, they will be less likely to have to upgrade to a larger vehicle once they have progressed to a full motorcycle licence.

What about people who are part way through the GDLS, and their 250cc motorcycle isn't a LAMS motorcycle?

A 3-year transitional period will allow for a smooth transition for novice riders who have entered the motorcycle GDLS just prior to these provisions coming into force. This means that they will be able to get a full licence by progressing through the current GDLS.

3. Removal of 70km/h speed limit restriction for learner riders

What is the proposed change to the speed limit restriction for learner riders?

The amendment Rule proposes to remove the 70 km-per-hour speed limit restriction that currently applies to learner motorcycle licence holders.

This will allow motorcyclists on a learner licence to travel at the same speed as the vehicles they share the road with. It will help novice riders get experience on the open road and practice for their restricted licence test.

What are the problems posed by the current 70 km per hour speed limit?

Motorcycle riders are vulnerable road users. When riding at 70 km per hour they can often be surrounded by larger vehicles that are travelling faster. This can force motorcycle riders into riding in a position on the road that presents a risk to their safety.

Road safety research has also shown that a large difference in the speed of vehicles travelling on the open road creates a road safety problem. Best practice in speed management is for vehicles in high speed zones to be travelling at similar speeds.

This will also mean that learner motorcycle riders will be able to get experience riding at over 70km/h. At present, the first time they are legally able to travel at this speed is during their restricted licence test.

4. Introduction of the same minimum requirements for all novice motorcycle drivers at restricted licence stage

What are the proposed changes for novice motorcycle riders at restricted licence stage?

The amendment Rule proposes to remove the age-based difference in minimum time requirements for restricted motorcyclists. At present, restricted riders under the age of 25 years must hold their restricted licence for 18 months, while restricted riders over the age of 25 years must hold their restricted licence for six months. The proposed change will mean that all restricted licence holders, regardless of age, are subject to the same minimum time requirement. This would be set at 18 months, and would be reduced to 12 months on satisfactory completion of CBTA.

Why has there been an age-based difference in the motorcycle GDLS?

This distinction between older and younger novice motorcyclists was set when motorcycles were a common and cheap form of transport for young people. As a result, young riders featured significantly in crash statistics and it was considered beneficial to require these riders to spend a longer period of time in the lower risk riding environment provided by the restricted licence conditions.

Why is this change proposed?

The distinction between novice riders on the basis of age is outdated and no longer relevant. The use of motorcycles has changed over the last 20 years, and they are increasingly used recreationally by a much wider range of people.

The age profile of novice motorcyclists has changed, with the average age of a restricted motorcycle applicant now 32.5 years old. The number of 15-19 year old motorcyclists killed and injured each year is now about 12 percent of what it was in the early 1980s, while the number of motorcyclists aged over 25 years involved in crashes has increased. The average age of a motorcycle casualty is 35 years old (up from 22 years in 1980). Age-based distinctions in the motorcycle GDLS, therefore, are no longer appropriate.

This proposal is aimed at reducing the level of risk for these older novice motorcyclists, who will benefit from the additional time to gain experience.

5. Introduction of moped licence

What are the proposed changes for moped riders?

It is proposed to introduce a new 6M (moped) licence, and remove the ability for people to ride a moped on a Class 1 (car) licence. People who wish to ride a moped will be required to hold a Class 6M licence, or a learner, restricted or full motorcycle licence. The requirement to hold a Class 6M licence will also apply to both new moped riders and existing moped riders (people who are currently allowed to ride a moped due to holding a Class 1 (car) licence). A Class 6M licence will allow the moped licence holder to ride their moped at any time of the day or night, but they would not be able to carry passengers.

Why are these changes being proposed?

Riders of mopeds are becoming more prominent in crash statistics. Crashes involving mopeds (motorcycles under 50 cc that are designed not to exceed 50 kph) have increased from 11 percent of all reported crashes in 2000 to 20 percent in 2007. ACC figures show a similar pattern.

Moped riders currently only require a car licence (of any level), meaning they are never assessed to check they have the basic skills necessary to ride a moped on the road. The proposed new Class 6M licence will ensure that moped riders have at least the basic skills required to safely ride a moped on the road, which is the same level of skill as required of a learner motorcycle rider.

By what date would all moped riders have to hold a moped licence?

There will be a transitional period of three years, by which time all existing moped riders will have to hold a Class 6M licence, or a motorcycle licence, in order to legally ride a moped. New moped riders (people who do not hold any licence when this requirement is introduced) will be required to obtain a Class 6M licence before they start riding a moped. Moped owners will receive a reminder of the new requirement when they receive their (moped) vehicle licence renewal reminder letter.

Will there be any restrictions or conditions on a moped licence?

The holder of the moped licence (Class 6M) would not be required to progress through the motorcycle GDLS in order to continue to ride a moped. Therefore, the only restrictions on a moped licence will be that they can ride a moped only, and they cannot carry passengers on their moped.

How long would a licence be valid for?

The moped licence would be valid for 10 years. This is the same as other classes of licence. The moped licence renewals will also be the same as other classes of licence with the fees aligned with equivalent fees that already exist.

Driver licensing

6. Licence card appearance

Why are changes proposed on the placement of details on a driver licence?

The Rule currently specifies what items should appear on the front or back of a driver licence card. Given that there is limited available space on a licence card, its readability, particularly by Police at the roadside, would be improved if only essential information was required to be placed on the front of the card. The proposed change would specify that the photograph of the licence holder, name, date of birth, driver licence number, expiry date, and licence status (eg 'LEARNER' or 'RESTRICTED') must remain on the front of the card. Non-essential information (eg donor status) could be displayed on the front or the back of the card at the NZTA's discretion.

7. Allowance for introduction of changing security technologies

What changes are proposed to allow the NZTA to take advantage of changing fraud prevention technologies?

Proposed changes would provide the NZTA with the ability to introduce additional security features on driver licence cards that may be considered necessary. This could include modern anti-counterfeiting techniques such as anti-copying inks (the colour changes when photocopied), anti-copying features that distort the font lines when photocopied, or optically-variable ink (the colour changes depending on the viewing angle).

This proposed amendment will allow the NZTA to consider a range of security measures, and is not proposing the adoption of any specific measure at this time.

8. Temporary licences

What changes to the use of temporary driver licences are proposed?

Temporary driver licences, valid for 21 days, are issued to allow a licence holder to legally drive while waiting for their photographic licence to be produced and delivered.

The amendment Rule proposes that temporary driver licences would now not be accepted as identification (unless accompanied by an acceptable form of photographic identification) for:

- sitting driver licensing tests
- renewing and replacing driver licences.

Why shouldn't a temporary licence be acceptable as a form of identification?

Temporary licences are paper licences with hand-written details and lacking the security features of a photo driver licence. This means they can be easily tampered with and altered. The use of expired temporary licences for driver licensing purposes is currently allowed, but poses a risk to safety and undermines the integrity of the driver licensing system.

This proposal would also mean that, because photographic identification must be presented when sitting a practical driving test, it would no longer be possible to use only the temporary licence as evidence of identity.

This change would help to ensure that the correct person is sitting a test.

9. Evidence of identity

What changes are proposed for licence applicants who have changed their name?

The amendment Rule proposes that where a person wishes to change the name on their driver licence (and they're using non-standard documentation as proof of a name change) the NZTA can determine whether the documentation is acceptable.

Currently, the Rule states that the non-standard documentation need only be acceptable to the NZTA's agents. This limits the NZTA's ability to ensure driver licences are issued in a name that the driver is legally entitled to use.

This proposal would help to safeguard against identity fraud.

What documents would agents be able to accept?

Agents will still be able to accept standard/legislated name change documentation eg marriage certificates, deed poll certificates and statutory declarations.

The amendment Rule proposes that they can also accept name change certificates issued by the Registrar-General of Births, Deaths and Marriages verifying that the applicant's name change has been registered.

10. Photographic likeness of licence holders

What changes to the driver licence photo requirements are proposed?

The amendment Rule proposes to clarify that a photo taken for a driver licence must be a good likeness of the applicant.

This change will not prevent someone from wearing an item for religious or medical reasons. Rather, it will clarify that where such an item is worn, that item must not obscure the face or prevent the photo from being a true likeness.

Why does the Rule need to be changed?

This change aligns driver licensing requirements with the photo standards used by the Department of Internal Affairs for New Zealand travel documents (eg passports) and applications for citizenship which came into effect on 1 June 2005. This means the photos of licence applicants will be more consistent with other forms of photographic identification, and more accurate for enforcement and identity security purposes, particularly by the Police at the roadside.

How will this proposal affect people who wear head coverings for religious reasons?

Head-coverings can be worn but the applicants face must remain clearly visible. Also, agents will be sensitive to religious needs. Current practice allows photographs to be taken by a female agent (if appropriate) or outside normal business hours. These options will be retained.

11. Extension of expiry of existing licence when adding new licence classes

What is the problem currently with expiry dates when adding a new licence class?

Currently, the Rule specifies that if a person obtains a new licence class or endorsement, the new licence card is issued with the same expiry date as the original card. For example, if the original licence card was due to expire in four years time, a person would only be issued with a four-year licence that costs the same as a 10-year licence.

If a person wanted a 10-year licence, they would have to forgo the remaining time on the licence and pay for a renewal. This is because the process to add a new class/endorsement is separate and different to the process to renew the existing classes.

How do the proposed changes address licence expiry dates?

It is proposed that the Rule be amended so that, in this situation, all existing licence class(es) are renewed when a new licence class/endorsement is obtained. This proposal would allow a person with an existing full licence, and who obtains an additional class or endorsement, to have that licence renewed, provided that all requirements relating to the renewal of the existing licence class(es) were met.

When is this being changed and when will it apply?

The majority of proposals in the amendment Rule will come into force on 1 July 2011. Some proposals may take longer to implement due to system change requirements. The date of implementation for this proposal will be confirmed after consultation on the amendment Rule.

Will there be situations where the automatic renewal of existing classes won't happen?

There will be some cases where the requirements of the new licence class or endorsement are less than existing classes, and in these situations the existing classes will not be renewed automatically.

For example, the proposed change will not allow an existing licence to be renewed for 10 years, where a person obtains a special-type vehicle ('F', 'R', 'T', 'W') endorsement, a dangerous goods ('D') endorsement, a driving instructor ('I') endorsement, or a testing officer ('O') endorsement. This is because the minimum requirements of these endorsement applications would not have met a mandatory requirement for renewing a licence, namely that a new photograph must be taken. (A photograph is not required when obtaining any of these endorsements).

Another example is when a person holds heavy vehicle licence classes (Classes 2-5), and obtains a motorcycle licence. Renewing a heavy vehicle licence requires the applicant to provide a medical certificate, while gaining a motorcycle licence does not. Therefore, in this case, the existing licence classes would not be automatically renewed.

Young and novice drivers

12. Supervisor of a learner driver

What changes are proposed that would affect supervisors of learner drivers?

The amendment Rule proposes that the supervisor of a learner driver must hold a full New Zealand licence, and have held:

- their full New Zealand licence for at least two years; or
- an equivalent overseas licence for at least two years.

Why is this change proposed?

This proposal aims to widen the group of people entitled to supervise a learner driver to include those who have recently obtained a full New Zealand licence, but have held an equivalent overseas full licence for at least two years. This will allow recent migrants who are experienced drivers (and who have obtained a full New Zealand licence) to supervise their children.

13. Approved courses for learner drivers

What changes are proposed for learner drivers and approved courses?

Currently, under-25 year olds who want to reduce their minimum mandatory period in the restricted licence phase by six months must successfully complete an 'approved course', taken at least six months after obtaining their restricted licence.

It is proposed to allow approved courses to be taken in the learner licence phase. If approved courses are undertaken earlier, this will help learners develop the key skills that are required for solo driving before they start doing so, when an elevated crash risk occurs.

This will align young drivers with novice drivers over the age of 25, who are already entitled to complete an approved course during the learner phase for the purpose of reducing the time requirement.

What are approved courses?

There are two approved courses:

1. Street Talk
2. Defensive Driving

These courses teach advanced driving skills.

14. Holders of restricted licences carrying parents as passengers

What changes are proposed that would affect restricted licence holders?

The proposed amendment Rule would allow holders of a restricted licence to carry their parents or guardians (licensed or unlicensed) as passengers.

Currently, restricted licence holders must be accompanied by a licensed supervisor in some instances (eg when carrying passengers). They can carry certain passengers without a supervisor, providing they are 'dependants'. Parents are currently only defined as 'dependant' if they receive a social security benefit. So parents who are unable to be a supervisor (ie, unlicensed), and are not considered under the Rule to be a dependant, cannot currently be driven by their child who is a restricted licence holder.

The amendment Rule proposes to extend the passenger carriage provision to include all parents. This will mean that a working parent who does not qualify as a supervisor can be carried by their children who hold a restricted licence.

Won't this increase the road crash risk of restricted drivers?

No. Evidence suggests that for novice drivers, having their social peers in the vehicle creates the greatest risk, rather than their parents or guardians.

Drivers from overseas

15. Licence conversion and applicants for a P (passenger) endorsement

How would the amendment Rule impact upon licence holders applying for licence endorsements?

The amendment Rule would clarify the requirements for licence holders applying for licence endorsements. Applicants must have held a full New Zealand licence for at least two years before applying for a P (Passenger), V (Vehicle Recovery), I (Driving Instructor) or O (Testing Officer) endorsement. Currently, the Rule doesn't state that that this needs to be a New Zealand licence.

Why is this being changed?

This change will allow the Police to vet applicants criminal and traffic conviction history in New Zealand to determine their fitness and propriety to operate in a transport service, or as a driving instructor or a testing officer (a fit and proper person check). This will provide a more accurate assessment of their fitness to hold such an endorsement, as they will have had a history of driving in New Zealand. It would continue to be possible for applicants who have not held a New Zealand full licence for at least two years to apply to the NZTA for an exemption.

Won't this disadvantage people who haven't been in New Zealand for 2 years?

This proposal is clarifying existing requirements, not introducing new requirements.

Applicants who have not held the New Zealand full licence for two years (such as people converting from an overseas licence) will continue to be able to apply to the NZTA for an exemption from this requirement in certain circumstances (they may be required to provide an equivalent traffic history from another country to support their application).

What endorsements are not included in this change?

This change will not affect persons applying for D (Dangerous Goods), F (Forklift), R (Rollers), T (Tracks) or W (Wheels) endorsements as these endorsements do not require the holder to meet the fit and proper person checks.

16. International driving permits

How would the amendment Rule impact overseas visitors who wish to drive in New Zealand?

It is proposed that visitors to New Zealand who drive using an International Driving Permit (IDP) must also carry the original licence on which that IDP is based.

IDPs are in a paper booklet format and are relatively easy to forge. By requiring an overseas driver to carry both an IDP and the original licence on which that IDP is based, Police at the roadside can have more confidence that the IDP was gained legitimately.

This requirement will align New Zealand with international practice, and will improve licence and identity security.

17. Surrender of overseas licence

What do the proposed changes mean for overseas applicants converting to a New Zealand licence?

Under the amendment Rule, overseas applicants converting to a New Zealand licence would, under certain circumstances, need to surrender their original licence.

This would only apply when New Zealand and an overseas licensing jurisdiction have negotiated an arrangement that specifies that the other licensing jurisdiction wants the licences returned.

General licensing

18. Suspension of course provider's operations

How would the amendment Rule change the NZTA's powers relating to driver licensing course providers?

Currently, the NZTA may only revoke all of a course provider's approval to deliver training for various licence classes or endorsements, when dealing with deficiencies in service. This is a permanent measure which is only taken in extreme circumstances.

Under the proposed amendment Rule, the NZTA would be able to (temporarily) suspend all, or a deficient part, of an approved course provider's operations when good reasons exist for doing so. This will provide more flexibility for dealing with deficiencies that may arise in the delivery of a course (for example, non-compliance with legislation) by providing for all or part of the provider's operations to be suspended while a problem is addressed. The aim of the proposal is to allow the NZTA to assist course providers to comply with relevant legislation and their agreed obligations, rather than simply permanently revoking all approvals.

When would the NZTA suspend, rather than revoke a course provider's operations?

When there are concerns with one aspect of the course providers operation but there are no issues with the remainder. For example, if there are issues with the quality of the provider's training in one particular class of licence, suspension of the entire business is not necessarily appropriate when the other training is adequate.

How long would a suspension be for?

As long as is appropriate. The length of suspension would be tied to the actions required to rectify the problem identified. So it would be for as long as it would take the provider to rectify the issue.

Could the course provider challenge a suspension?

Course providers would be able to appeal a suspension. This proposal is in line with the Auditor-General's 2005 recommendation³ that there be more flexible powers for dealing with course providers who commit fraud or who otherwise appear to be incompetent in some aspect(s) of course delivery.

19. Extension of weight limits for Class 1

What changes are proposed to the vehicle weight limits allowed by the holder of a Class 1 (full) licence?

It is proposed to allow Class 1 full licence holders to drive rigid vehicles with a gross laden weight (GLW) of up to 6000 kg and combination vehicles with a gross combined weight (GCW) of up to 6000 kg.

Currently, the weight limit for vehicles driven by Class 1 licence holders is 4500 kg GLW or GCW, although some special-type vehicles of a greater weight may be driven with a Class 1 licence.

Why is this change necessary?

Under the current Rule, a Class 1 licence holder may drive a rigid vehicle with a GLW of 6,000 kg if it is a campervan or a tradesman's vehicle. However, similar vehicles with the same handling features are prohibited.

The current weight restriction means that if a Class 1 licence holder wishes to tow a trailer, boat, or caravan, the combined weight of the vehicle and the towed vehicle must be less than 4,500 kgs. This poses a safety risk as it promotes the use of smaller towing vehicles, which are generally less safe.

Is there a road safety risk if a person on a Class 1 licence is driving a bigger vehicle?

The use of lighter towing vehicles, which the current requirements encourage, in order to stay within the Class 1 weight limits is generally regarded as being an unsafe practice. As a general rule, the heavier the towing vehicle is, the safer is the towing. With modern vehicle technology, heavier towing vehicles are now much easier to drive, and handle much more like their smaller equivalent. Increasing the GCW limit for holders of a Class 1 full licence to 6000 kg would allow and encourage the use of more suitable towing vehicles, without the fear of exceeding the legal weight limit.

What about learner and restricted drivers?

To ensure that novice drivers are not able to drive vehicles which may be too large for them to safely handle, the proposal will also only apply for full licence holders. The existing limits for Class 1 learner and restricted licence holders would continue to apply.

To ensure learner drivers are aware of the appropriate towing limits it is proposed that the Class 1 theory test would examine an applicant's knowledge of safe towing practices. The *Official New Zealand Road Code* would also include this information.

Commercial drivers

³ Report of the Office of the Auditor-General on the *Effectiveness of controls over the taxi industry*. Wellington, 2005.

20. Fast-tracking employees to higher licence classes

Why is it proposed to allow drivers to be ‘fast-tracked’ from a Class 2 to a Class 5 licence?

There is a shortage of qualified truck drivers in New Zealand. It is proposed to allow drivers who are in an employment relationship (such as an apprenticeship) with an approved employer, and who have met agreed requirements, to progress from a Class 2 licence (to drive a medium rigid vehicle) to a Class 5 licence (to drive a heavy combination vehicle) on the basis of supervised training and driving under restrictions that limit their safety risk. This could be done without the need to comply with the minimum time requirements and could be exempted on a case-by-case basis.

This will reduce the time and cost of moving professional drivers from a Class 2 to a full Class 5 licence, should they and their employer be approved to take part in the process. This fast-tracking process is already underway in certain parts of the industry as a result of a pilot programme. The proposed amendment will formalise this process through a change in legislation.

Who can apply to participate?

Operators that employ people in transport service and meet the appropriate criteria to register for the scheme with the NZTA. Drivers can participate if they are employed by an approved operator.

Are there any special criteria?

Participation in the scheme will be based on the NZTA being satisfied that the operator is safe and has the necessary systems in place to provide the required level of supervision and training to drivers. This will be applied on a case-by-case basis.

Does this mean that learner/inexperienced drivers will be driving heavy trucks on the road?

Yes, but only under supervision as part of a training programme to ensure they develop necessary skills.

In addition, the drivers who can participate in this process will already hold a full Class 1 licence, and a full Class 2 licence. They will, therefore, already have experience driving cars and medium rigid vehicles.

What happens if a driver or employer breaks the rules?

Approval to participate in the scheme can be revoked. As participation in the scheme is in the employer's interest, this should provide incentive to comply with the requirements.

What if a driver changes employment part way through the process?

As long as their new employer is an approved operator in the scheme, the driver will be able to transfer.

21. Teaching and assessing

What changes are proposed relating to courses for heavy vehicle, learner licence holders?

Currently, applicants for any of licence Classes 2, 3, 4 or 5 are required to hold a learner licence, of the class being sought, for at least six months before they are able to apply for the full licence test of that class. Alternatively, a person can complete an approved course for the purpose of waiving the six-month minimum period. The majority of applicants choose the second, less time-consuming, option.

The proposed change is to ensure these course providers teach and assess applicants, and allows the NZTA to approve these courses.

Why is this change needed?

The Rule currently requires that the courses assess the learner licence holders only.

The original intent was that the course would resemble tests and would assess whether the applicant met the minimum standards required. Over time, the training industry has not applied this rigorously, and as a result candidates are trained rather than assessed.

As course participants do not sit a practical test, it is preferable that they are trained. The wording in the current Rule prevents the NZTA from setting standards for course content and required levels of competency.

Under the proposed changes, what influence does the NZTA have over the testing and assessing of applicants for full licence classes 2-5?

Under the proposed changes, the NZTA will be able to specify the content of the approved courses, and the level of competency that will have to be met by the applicant in order to gain the course certificate. This will ensure that all course providers offer a similar type of training, and will ensure that the training is up to standard. The NZTA will continue to set the courses/standards, and audit the testers, trainers and assessors.

Will this mean that all course providers will need to change their courses?

The majority of course providers already provide training. The proposal will mean that those who do not provide training must do so, and those providers will likely need to change their courses.

Why is this change being made, if it just formalises most courses already being provided?

The proposed amendment will ensure that these courses train (as well as assess) drivers, and will allow the NZTA to specify what should be taught and to what level of competency. It will ensure that there is consistency in the level of training provided and the skills required to gain a certificate of completion.

22. Clarification of when a driving instructor (I) endorsement is required

What changes are proposed to the 'I' endorsement?

It is proposed to clarify when a driving instructor ('I') endorsement is required.

This proposal will clarify that a person who provides instruction, for financial or commercial gain, to a driver on the road must hold a driving instructor endorsement for those classes of licence that relate to the motor vehicle for which the person intends to provide instruction.

It is proposed that the requirement to hold an 'I' endorsement not apply to the supervisor of a person undertaking training under the accelerated licensing process, or an instructor, where the recipient is already fully licensed to drive the class of vehicle in which they are being instructed.

However, if a person is required to undergo driver training or instruction as a result of a court order, their instructor must hold a driving instructor endorsement.

In what situations would a person not need a driving instructor endorsement when they're providing instruction?

When instruction is being provided in additional skills, such as fuel-efficient driving, to people who are already fully licensed to drive the class of vehicle in which they are being instructed.

Additional issue for public comment

What is the additional issue for public comment?

One additional issue is also raised for comment. Amendment Rule proposals have not been included for this issue as it requires further analysis before a decision can be made. More information on the additional issue can be found in the overview of this Rule.

The issue on which public comment is invited is the removal of the requirement to hold a full Class 1 licence for six months before obtaining a Class 2 learner licence.

If it is decided that this proposal be made as an amendment to the Driver Licensing Rule, there will be further public consultation on it at a later time.

Consultation details

1. What is the consultation process for the amendment Rule?

The public consultation (yellow) draft Rule has been released for comment. The availability of the draft Rule and associated information material will be advertised in major daily newspapers and in the *New Zealand Gazette*. Groups and individuals who have registered their interest in this Rule will be advised of the availability of the yellow draft and invited to make a submission.

2. How can I obtain a copy of the draft amendment Rule?

Copies of the yellow draft amendment Rule, with the accompanying overview, can be accessed on the NZ Transport Agency's website at <http://www.nzta.govt.nz/consultation/driver-licensing-amendment-2011/>.

A copy can also be obtained by telephoning the NZ Transport Agency Contact Centre on 0800 822 422.

3. How can I make a submission?

If possible, please send your submission by email to info@nzta.govt.nz and, if you wish, follow it up with a signed paper copy. Alternatively, you can submit your comments on-line at <http://www.nzta.govt.nz/consultation/driver-licensing-amendment-2011/>.

If posting your submission, please address it to:

Driver Licensing Amendment Rule
Rules Team
NZ Transport Agency
PO Box 5084
Lambton Quay
Wellington 6145

Please send your submission to reach the NZTA by [5pm on 20 December 2010]. Please note: submissions are public information. Please indicate clearly if your comments are commercially sensitive, or if, for some other reason, you do not want them disclosed.

For more information on this proposal, you can:

access the website at <http://www.nzta.govt.nz/consultation/driver-licensing-amendment-2011/>

or

telephone the NZTA Contact Centre on 0800 822 422.

4. By when do I need to send in my submission?

Submissions close at 5pm on 20 December 2010.

5. What will happen to my comments?

Comments made in submissions will be analysed and taken into account in redrafting the Rule for the final draft phase.

The final version of the Rule will go to Cabinet for noting and will then be signed by the Minister of Transport.

ENDS