

Proposed amendments to Land Transport Rules

Driver Licensing Rule (section 2 of Omnibus Amendment Rule 2008)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
1	2.1(2) 2.1(3)	<p>Schedule 3 Weight limits for driving tractors on Class 1 licences</p> <p>Amend <i>Schedule 3</i> to allow larger tractors to be driven on a Class 1 licence.</p> <p>Define "self-drive agricultural machinery".</p>	Currently a Class 2 licence is required to drive a tractor with a gross laden weight exceeding 4500 kg. Concerns expressed by the agricultural sector have lead to a review of these limits.
2	2.1(4)	<p>Schedules 7A and 8</p> <p>Amend the schedules to add Japan to the list of countries from which holders of a foreign driver licence or permit are not required to sit:</p> <p>(a) a theory test for a Class 1 or 6 licence (<i>Schedule 7A</i>);</p> <p>(b) a practical driving test (<i>Schedule 8</i>).</p>	This proposed change will add new exempt countries, following consideration by the Overseas Licence Assessment Panel.

Heavy-vehicle Brakes Rule (section 3)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
3	3.1(2) 3.1(3) 3.1(13) 3.1(15)	<p>2.3 Parking brake control</p> <p>Amend to allow the parking brake control of heavy trailers in dedicated combinations (other than those with air brakes), to have their parking brake control on the trailer.</p> <p>Define “dedicated combination” and “vehicle identification number (VIN)”.</p>	<p>This would be appropriate for hydraulic heavy trailers that are fitted with hydraulic or electric brakes, eg, camper trailers from the USA. These vehicles are relatively new to the New Zealand fleet.</p> <p>This proposal would also better align the New Zealand requirements with overseas standards.</p>
4	3.1(4) 3.1(5), 3.1(7)-(11)	<p>Section 3 Air brakes</p> <ul style="list-style-type: none"> • Amend 3.4(1) to clarify that the pressure warning device must be fitted to signal if the pressure is below the specified limits in any of the service brake reservoirs. • Amend 3.5(1) and 3.5(3) to require at least one pressure gauge that indicates the pressure in at least one service brake reservoir. • Amend 3.7(3)(a) by substituting “any brake reservoir” with “any service brake or parking brake reservoir(s)”. • Amend 3.7(3)(b) by substituting “the reservoir” with “the service brake or parking brake reservoir(s)”. • In 3.7(4), substitute “the brake reservoir” with “the service brake or parking brake reservoir(s)”. • In 3.7(5), clarify the wording that a failure in one service or parking brake circuit must not reduce the pressure in other service or parking brake reservoirs below the safe operating pressure. 	<p>These proposed changes would simplify and clarify the current wording in the Rule. They would also align the Rule more with international standards.</p>
5	3.1(6)	<p>3.6(1A) Reservoir capacity</p> <p>Amend 3.6 to include, in a simplified manner, the relevant requirements from UN/ECE Regulation 13, as an alternative to</p>	<p>A major European truck manufacturer (with very sophisticated brake system) has a recent but ongoing problem with the current requirement (which</p>

Operator Licensing Rule (section 4)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
10	4.1(2) 4.1(6)	<p>Section 3 and 7.2 Ambulance driver identification</p> <p>Amend <i>section 3</i> by inserting a new clause 3.6 to enable the operator of an ambulance service to issue driver identification cards to ambulance drivers in their employ.</p> <p>Amend <i>clause 7.2</i> to enable ambulance drivers to be issued with ID cards although not required to hold a P endorsement (unlike drivers employed in other services using a small passenger service vehicle).</p>	<p>Ambulance services fall into the category "other services using a small passenger service vehicle" by default. However, because ambulance drivers do not need a P endorsement, there is no procedure for an ambulance driver to obtain an ID card issued by the Agency, as required.</p> <p>Previously, <i>section 19A</i> of the <i>Transport Services Licensing Act 1989</i> allowed ambulance operators to issue photo ID cards to their drivers. This provision was inadvertently excluded from the Operator Licensing Rule. The proposed changes will correct this oversight.</p>
11	4.1(3)	<p>4.2(9) Operator identification</p> <p>Amend to provide flexibility as to where Braille signs can be displayed in a taxi.</p> <p>Replace "the front" with "a left-hand".</p>	<p><i>Clause 4.2(9)</i> currently requires taxi information in Braille to be displayed "on the inside of the front passenger door" This wording is not entirely appropriate for taxi vans.</p> <p>It is proposed that the provision be reworded to:</p> <p>"be displayed on the inside of a left-hand passenger door."</p>
12	4.1(4)	<p>6.1(2) General requirements – Cruising for hire</p> <p>Amend to substitute "be on the road for the purpose of accepting a casual hire (whether the vehicle is cruising, stopped, standing or parked)" for "cruise for hire".</p>	<p>This proposed change is intended to clarify the Rule in relation to private hire vehicles.</p>
13	4.1(5)	<p>6.1(4) General requirements - Pre-booking</p> <p>Amend to change "pre-booked" to "booked in advance"</p>	<p>This proposed change is intended to clarify the Rule in relation to private hire vehicles.</p>

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
14	4.1(7)	<p>12.1 Exempt passenger services</p> <p>Amend 12.1 to exempt (subject to conditions) a passenger service provided by the Department of Corrections, to transport lawfully detained people and their escorts, from compliance with requirements applying to passenger service vehicles.</p>	<p>Vehicles operated by prison services sometimes transport a prisoner to a family or other event (using a passenger car) and recover the transport costs from the prisoner.</p>
15	4.1(8)	<p>Part 2 'Dial-a-driver service' definition</p> <p>Amend to clarify the "dial-a-driver service" definition.</p>	<p>This proposal would address concerns in a submission from the New Zealand Law Society on the <i>Public Transport Management Bill 2007</i>, which sought clarification of the definition of "dial-a-driver service" in the Rule (and referred to in the Bill), particularly in relation to "accompanying vehicle".</p> <p>The proposed amendment would clarify the definition.</p>

Operator Safety Rating Rule (section 5)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
16	5.1(2)	2.1(2) Operator safety rating Add "unrated" as a category for an operator with insufficient event information to enable another rating to be assigned (eg, a new operator).	Currently, the Operator Safety Rating Rule makes no provision for an 'unrated' category. This would enable the status of as-yet unrated operators to be indicated on the website.
17	5.1(3) 5.1 (4)	5.2(3) Composition of review panel Insert the words "at least" in <i>paragraphs (a) and (c)</i> .	The removal of limits on panel pool size would allow the Agency to appoint as many pool members as necessary to ensure that the review panel is able to deal with the numbers of reviews expected, particularly in the first year of operation of the system. The pool's size will be limited in any event by the availability of qualified and suitable candidates.

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
21	6.1(7) 6.1(6)	<p>3.4 Aisle requirements</p> <p>Amend 3.4 by adding a new subclause, 3.4(6), specifying that the aisle height in a stretch limousine must be equal to or greater than the height of the doorway(s) serviced by that aisle.</p> <p>Amend 3.4(3) by inserting "3.4(6) or" before "8.3(1)".</p>	The present requirement is more relevant to buses and coaches than to stretch limousines.
22	6.1(8)	<p>4.1(5)(b) Seat spacing</p> <p>Amend paragraphs (i), (ii) and (iii) by substituting the terms "forward-facing" with "front" and "rearward-facing" with "rear".</p>	This proposal would correct the wording of this provision.
23	6.1(9)	<p>4.1(5)(c) Seat spacing</p> <p>Insert an alternative requirement in (c) to allow the seat spacing to be 760 mm when measured with both seat backrests in an upright position, or 660 mm when the backrest of the front seat is reclined to the maximum angle and the backrest of the rear seat is upright.</p>	This would provide more flexibility for the industry, without the need for exemptions. There are no safety implications.
24	6.1(10)	<p>5.5(1)(a) Dimension of dedicated emergency exits</p> <p>Amend to state that stretch limousines do not have to comply with this requirement.</p>	<p>This requirement is more relevant to buses and coaches.</p> <p>Stretch limousines retain the original rear passenger doors, and the one on the right-hand side is suitable as a dedicated emergency exit.</p> <p>Therefore, there are no safety implications.</p>
25	6.1(11)	<p>9.1(1) Certificate of Loading</p> <p>Amend to replace paragraph (a) with:</p> <p>"(a) for a vehicle with more than nine seating positions, the maximum axle and/or axle-set masses if available;"</p>	Current policy is to adjust the current ratings of used Japanese imports to enable them to carry a full complement of passengers. This is done by increasing the ratings on the Japanese Export/Deregistration Certificate. This practice has been incompatible with Light-vehicle Brake Rule requirements since 2002, but has continued without identified adverse safety implications.

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
26	6.1(12)	<p>9.2(3) Axle load limit not to be exceeded</p> <p>Amend to state that this applies only if the axle load limit is in fact shown on the Certificate of Loading</p>	<p>This is a necessary amendment to ensure that the requirement here is not in conflict with the amended definition of "chassis rating".</p>
27	6.1(13)	<p>Part 2 Definition of 'chassis rating'</p> <p>Amend by adding "if available" after "loads".</p>	<p>This proposed change would align the definition of chassis rating in this Rule with the updated definition in <i>Land Transport Rule: Heavy Vehicles 2004</i>.</p>

Seatbelts and Seatbelt Anchorages Rule (section 7)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
28	7.1(2)	<p>2.1(5) Application of requirements</p> <p>Amend by adding a paragraph to cover vehicles that were registered as new vehicles in New Zealand between 1 January 1991 and 1 April 2002.</p> <p>Amend Flowchart 1 accordingly.</p>	This proposed change would fix an oversight in the Rule.
29	7.1(3)	<p>3.2(3)(b) Seatbelts for motorhomes</p> <p>Amend to clarify that not only lap belts but lap and diagonal belts are also acceptable.</p>	This proposed change would clarify the existing Rule requirements.

Tyres and Wheels Rule (section 8)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
30	8.1(2)	<p>2.3 Tread depth requirement</p> <p>Amend to include the previous requirement for tyres that do not have tread depth indicators in the principal grooves.</p>	<p>This proposed change would fix an oversight in the Rule.</p> <p>When <i>subclause 2.3(13)</i> was last amended, modern tyres were considered when determining how and where tread depth should be measured. However, some tyres do not have tread depth indicators. The result was that the latter tyres have no tread depth requirements.</p>

Vehicle Dimensions and Mass Rule (section 9)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
31	9.1(2) 9.1(3)	Table 4.1 Dimension limits Amend to allow Class TC caravan trailers that are semi-trailers with a gross vehicle mass of 10 tonnes or less to have a rear overhang up to 65% or 4 m, whichever is less. Define "caravan trailer"	This change would allow the entry of caravan (camper) trailers from the USA etc, without the need for an exemption. The technical analysis completed by Transport Engineering Research New Zealand Limited has shown that there are no safety implications in this proposal.

Vehicle Exhaust Emissions Rule (section 10)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
32	10.1(2)	2.2(3) Vehicle emissions standards Delete "or Class MC"	Only Class MA vehicles (passenger cars) can be "special interest vehicles" under the Frontal Impact Rule. The proposed amendment will fix an editorial error so as to avoid confusion.
33	10.1(3)	Part 2 Definitions Update and correct various definitions of standards.	The proposed amendments will update and correct errors in the Euro standards.
34	10.1(4) 10.1(5)	Schedule 2 Prescribe equivalency for diesel emissions test.	Currently the Rule prescribes the use of one test, the opacity test, for testing vehicle emissions. The proposed amendment will allow testing agents to use an alternative test, the optical absorption coefficient test.

Vehicle Lighting Rule (section 11)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
35	11.1(2)	4.3(7) Stop lamps Amend to accept one stop lamp for trailers registered in New Zealand before 1 January 1978.	This proposed change would tidy-up the current requirement.
36	11.1(3)	6.3 Fitting of direction-indicator lamps Amend to require unclassified motor vehicles to have a specified number of forward facing direction-indicator lamps, but taking into account the more relaxed requirements for tractors in the earlier <i>Traffic Regulations 1976</i> .	This is intended to correct an omission from the Rule due to an oversight.
37	11.1(4)	6.3(8) Fitting of direction-indicator lamps Amend by adding the words "and in 6.3(6)" after the words "in 6.3(5)".	This change would extend the current permissive clause for front indicators to rear ones as well (which can only improve the safety of the affected vehicles).
38	11.1(5)	6.3(17) Safety requirements for direction-indicator lamps Amend to insert the words: "unless the approved standard applicable to direction-indicator lamps does not require such device."	Exemptions have been issued along these lines to new, and either ADR13- or FMVSS 108-compliant, vehicles not fitted with direction indicator tell-tales. This amendment would make exemptions unnecessary.
39	11.1(6)	11.2 Fitting requirements for beacons Amend to allow Customs officers, fisheries officers, and fishery rangers with the power to stop, to operate vehicles fitted with one or more blue beacons.	There are a range of people with statutory powers to require drivers to stop. These include Customs officers, fishery officers and fishery rangers. These officials are currently unable to install and operate beacons on their vehicles to clearly signal their intent, and demonstrate their legal power, to require a driver to stop. This proposed change is related to a change to be proposed separately to the Road User Rule 2004.

Vehicle Standards Compliance Rule (section 12)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
40	12.1(2)	<p>7.1(1)(g) Application – tractors</p> <p>Replace:</p> <p>“a tractor or machine”</p> <p>with</p> <p>“a tractor, or a machine”.</p>	<p>This would allow tractors other than those listed under <i>paragraph 7.1(1)(g)</i> to be used under the same conditions.</p> <p>It is anomalous to require other tractors to be subject to Certificate of Fitness (CoF) inspection when the same tractor operated by a farmer is exempt from a Warrant of Fitness (WoF).</p>
41	12.1(3)	<p>7.1(1)(h) Application – agricultural trailers</p> <p>Amend to include the case when the trailer is delivered to the farmer or contractor.</p>	<p>For many agricultural trailers, this was the only time during the life of the trailer when the law required full certification.</p>
42	12.1(4)	<p>8.3(3)(b) Determining the weight limits</p> <p>Amend by replacing <i>subparagraph (i)</i> with:</p> <p>“(i) gross vehicle mass, except for a Class MB, MD1 or MD2 passenger service vehicle; and”.</p>	<p>Current policy is to adjust the current ratings of used Japanese imports to enable them to carry a full compliment of passengers. This is being done by increasing the ratings on the Japanese Export/Deregistration Certificate. This practice has been incompatible with Light-vehicle Brake Rule requirements since 2002, but has continued without identified adverse safety implications.</p>
43	12.1(5)	<p>8.3(3)(c) (i) and (ii) Determining the weight limits</p> <p>Amend by adding the words “if available”</p>	<p>This is to align the requirement with the amended definition of chassis rating.</p>
44	12.1(6) 12.1(7) 12.1(8)	<p>10.7, 11.3, 11.4 Power to revoke WoF/CoF</p> <p>Expand to empower the Agency to revoke specialist certificates, or to direct the specialist certifier to revoke his or her certificate (record of determination).</p>	<p>The proposed change is intended to clarify the Rule.</p>

Work Time and Logbooks Rule (section 13)

Proposal number	OA Rule ref(s)	Proposed change/Current Rule reference	Reason for change
45	13.1(2)	<p>Part 2 Definitions</p> <p>In the definition of "goods vehicle":</p> <p>(a) change "light" to "heavy"; and</p> <p>(b) delete "hire or reward".</p>	<p>The proposed change (a) will correct an error in the Rule.</p> <p>Proposal (b) will allow goods service vehicles with a gross laden weight between 4501 kg and 5999 kg that are not carrying goods for hire or reward to be exempted from logbook requirements, as was originally intended.</p>