

# DRAFT FOR CONSULTATION

## **Land Transport (Road User) Amendment Rule (No 2) 2009**

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, the 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 (No 2) 2009.
- 2 Commencement**  
This rule comes into force on 11 December 2009.
- 3 Principal rule amended**  
This rule amends the Land Transport (Road User) Rule 2004.

**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 Ban on use of mobile phones while driving**

(1) Rule 7.3A(1) is revoked and the following subclauses are substituted:

- “(1) A driver must not, while driving a vehicle,—
- “(a) use a mobile phone to make, receive, or terminate a telephone call; or
  - “(b) use a mobile phone to create, send, or read a text message; or
  - “(c) use a mobile phone to create, send, or read an email; or
  - “(d) use a mobile phone to create, send, or view a video message; or
  - “(e) use a mobile phone to communicate in a way similar to a way described in any of paragraphs (b) to (d); or
  - “(f) use a mobile phone in a way other than a way described in any of paragraphs (a) to (e).

“(1A) Subclause (1) is overridden by subclauses (2) to (7).”

(2) Rule 7.3A(5) is revoked.

(3) Rule 7.3A is amended by adding the following subclause:

- “(7) A driver may, while driving a vehicle, use a mobile phone in a way described in subclause (1)(a) or (f), if—
- “(a) the phone is secured in a mounting fixed to the vehicle; and
  - “(b) the driver manipulates the phone infrequently and briefly.”
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**Schedule 1**  
**Objective of rule**

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The objective of this rule is to amend the principal rule to allow a driver to use a mobile phone for any purpose, other than a text message, video message, email, or similar communication, while driving. The phone has to be secured in a mounting that is fixed to the vehicle and the driver is allowed to manipulate the phone only infrequently and briefly. A driver will also still be able to use a hands-free mobile phone.

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**Schedule 2**  
**Consultation carried out under section  
161(2) of Land Transport Act 1998**

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Dated at Wellington this                      day of                      2009.

Minister of Transport.

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**Explanatory note**

*This note is not part of the rule, but is intended to indicate its general effect.*

This rule amends the Land Transport (Road User) Rule 2004 in the ways described in Schedule 1. It comes into force on 11 December 2009.

Explanatory note **Land Transport (Road User) Amendment  
Rule (No 2) 2009**

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*:

This rule is administered by the Ministry of Transport.

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