

DRAFT

Land Transport Rule Work Time and Logbooks Amendment [2009]

Rule 62001/2

Draft for public comment

Land Transport Rules are produced for the Minister of Transport. Rules are drafted in plain language to reach a wide audience, and are refined in response to consultation.

*This is the yellow (public consultation) draft of **Land Transport Rule: Work Time and Logbooks Amendment [(No 2) 2009]** (Rule 62001/2). If you wish to comment on this draft Rule, please see the page headed 'Making a submission' at the front of the accompanying overview. The deadline for submissions is **27 February 2009**.*

Land Transport Rule

Work Time and Logbooks Amendment [(No 2) 2009]

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Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Work Time and Logbooks Amendment [(No 2) 2009]*.

1.2 Date when Rule comes into force

This Rule comes into force on [Date].

1.3 Scope of Rule

This Rule amends *Land Transport Rule: Work Time and Logbooks 2007*.

Section 2 Amendment of Rule requirements

2.1 Clause 2.2 Particular situations

2.1(1) *Subclause 2.2(5)* is amended by inserting the words “, or a rest break may be deferred,” after the word “exceeded”.

2.1(2) *Clause 2.2* is amended by inserting the following subclause:

“2.2(7A) Where a rest break has been deferred by a priority call, the driver must take the rest break as soon as is practicable.”

2.1(3) *Paragraph 2.2(9)(b)* is amended by substituting the words “road repair, bridge repair or restoring road access” for the words “road or bridge repair”.

2.1(4) *Paragraph 2.2(9)(e)* is amended by substituting the words “persons or property” for the word “property”.

2.1(5) *Clause 2.2* is amended by inserting the following subclauses:

“2.2(14A) A driver in 2.2(9)(a) to (e) may extend their work time hours if the driver can provide evidence that they were required to manage traffic in connection with the purposes described in 2.2(10) to (14).

“2.2(14B) Despite 2.2(9), essential service drivers include persons requested by the New Zealand Police to provide urgent assistance in an accident or incident and a driver may extend their work time hours if the driver can provide evidence that they were requested by the New Zealand Police to provide assistance, or to manage traffic for such purpose.”

2.2 **Clause 2.5 Short-term variation of hours**

Subclause 2.5(1) is amended by inserting the words “, a person who employs drivers subject to work time requirements, or the organiser of a public display or event,” after the words “a transport service operator”.

2.3 **Clause 3.2 Period in which a logbook must be maintained**

Clause 3.2, Example 1 is amended by substituting the words “Wednesday 5 June” for the words “Wednesday 3 June”.

2.4 **Clause 4.1 General requirement to maintain logbooks**

Subclause 4.1(1) is amended by inserting the words “, in the form prescribed in 5.2(2) and 5.2(2A),” after the words “A driver must record”.

2.5 **Clause 4.4 Exemptions by vehicle type**

Subclause 4.4(2) is amended by inserting the words “, tractor, or other self-propelled agricultural machinery” after the words “agricultural harvester”.

2.6 **Clause 5.1 Form of the logbook**

Clause 5.1 is amended by inserting the following subclause:

- “5.1(7) Despite 5.1(1), a logbook may be in a form that was approved before [the date when this amendment Rule comes into force] if:
- (a) the logbook would have complied with this clause and the Schedule at the time of the approval; and
 - (b) that approval has not been withdrawn.”

2.7 **Clause 5.2 Mandatory requirements**

Clause 5.2 is amended by inserting the following subclause:

- “5.2(2A) Despite 5.2(2), for any day on which a driver does not drive any vehicles that are subject to logbook requirements:
- “(a) the driver need only record for that day:
 - “(i) the driver's name; and
 - “(ii) the date or dates to which entries on that page refer; and
 - “(iii) the total number of hours worked; and

“(iv) a brief description of the nature of the work that was undertaken; and

“(b) to avoid doubt, the driver may record consecutive *paragraph (a)* entries on the same page.”

Section 3 Amendment of Definitions

3.1 Amendment of definitions

Part 2 is amended by:

(a) inserting the following definitions in the appropriate places:

“**Self-propelled agricultural machinery** means a motor vehicle (other than a trailer or a tractor) that is designed or adapted principally or exclusively for agricultural purposes.”

“**Tractor** means a motor vehicle (other than a traction engine) constructed principally for towing an agricultural trailer or powering agricultural implements.”

(b) substituting the word “serious” for the word “imminent” in the definition of **priority call**.

Section 4 Amendments to the Schedule

4.1 Amendments to the Schedule

4.1(1) *Part 1* of the *Schedule* is amended by substituting the words “in any cumulative work day” for the words “in any 24 hours” in the general use and taxi logbook forms.

4.1(2)

Part 2 of the *Schedule* is amended by substituting the following row for the row relating to book code in *clause 2.2*:

“Book Code	Code reproduced on every page of, and unique to, this logbook. Must consist of a prefix and suffix separated by a hyphen (eg, ABC-12345) where: <ul style="list-style-type: none">• the prefix is allocated by the Agency to designate the printer or other company producing the logbook; and• the suffix consists of letters or numbers allocated by the printer to distinguish this logbook.”
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