

# DRAFT FOR CONSULTATION

## Land Transport (Driver Licensing) Amendment Rule 2011

Pursuant to the Land Transport Act 1998, the Minister of Transport makes the following ordinary rule.

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**Land Transport (Driver Licensing)  
Amendment Rule 2011**

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## Rule

- 1 Title**  
This rule is the Land Transport (Driver Licensing) Amendment Rule 2011.
- 2 Commencement**  
This rule comes into force on [1 July 2011].
- 3 Principal rule amended**  
This rule amends the Land Transport (Driver Licensing) Rule 1999.

**4 Objective of rule**

A statement of the objective of this rule is set out in Schedule 1.

**5 Consultation**

A statement on the extent of the consultation carried out under section 161(2) of the Act in relation to this rule is set out in Schedule 2.

**6 Interpretation**

- (1) The definition of **dangerous goods** in clause 2(1) is amended by omitting “1999” and substituting “2005”.
- (2) The definition of **highest class** in clause 2(1) is amended by inserting “or Class 6M” after “Class 6”.
- (3) The definition of **licensing agent** in clause 2(1) is amended by omitting “section 205(2) of the Act” and substituting “section 73(1) of the Crown Entities Act 2004”.
- (4) Clause 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:
  - “**accurate English translation**, in relation to a valid driver licence or permit issued overseas, means a translation prepared by—
    - “(a) a diplomatic representative at a high commission, embassy, or consulate; or
    - “(b) the overseas issuing authority; or
    - “(c) a translation service acceptable to the Agency
  - “**guardian** has the same meaning as in section 15 of the Care of Children Act 2004
  - “**parent** has the same meaning as in section 2(1) of the Children, Young Persons, and Their Families Act 1989
  - “**prohibited motorcycle** means—
    - “(a) a motorcycle with a total piston displacement exceeding 660 cm<sup>3</sup>;
    - “(b) a motorcycle with a total piston displacement between 250 cm<sup>3</sup> and 660 cm<sup>3</sup> and a power-to-weight ratio of 150 kilowatts per tonne or more that, unless approved for use by the Agency by notice in the *Gazette*, is—
      - “(i) prohibited by the Minister; and

- “(ii) notified by the Agency in the *Gazette* and on the Agency’s Internet site:
- “(c) any other motorcycle that is—
  - “(i) prohibited by the Minister; and
  - “(ii) notified by the Agency in the *Gazette* and on the Agency’s Internet site”.
- (5) Clause 2 is amended by adding the following subclause:
- “(3) Unless the context otherwise requires, terms and expressions that are used but not defined in this rule but that are defined in the Act have the same meaning as in the Act.”

## **7 Classes of licences**

Clause 7 is amended by adding the following subclauses:

- “(7) The holder of a Class 6L, 6R, or 6 licence is authorised to drive a vehicle to which the Class 6M licence relates.
- “(8) The holder of a Class 1L, 1R, or 1 licence is authorised to drive a vehicle to which a moped licence (Class 6M) relates until the close of 30 June 2014.”

## **8 Identification**

- (1) Clause 10(1) is amended by revoking paragraph (b) and substituting the following paragraph:
  - “(b) a New Zealand photographic driver licence that is current or has expired within the 2 years immediately preceding the date of application, or a current temporary driver licence that is accompanied by a form of photographic identification of the applicant that is acceptable to the Agency; or”.
- (2) Clause 10(1)(i) is amended by inserting “photo-identity card issued to a current Police employee,” after “New Zealand Police”.
- (3) Clause 10(3)(c) is revoked and the following paragraph substituted:
  - “(c) a deed poll change of name or a name change certificate issued in respect of a name registered under section 21B of the Births, Deaths, Marriages, and Relationships Registration Act 1995; or”.

- (4) Clause 10(3)(d) is amended by omitting “licensing agent” and substituting “Agency”.

**9 Images on driver licences and driver identification cards**

Clause 12 is amended by revoking subclause (3) and substituting the following subclauses:

- “(3) When being photographed by a licensing agent an applicant must not wear sunglasses, a hat, any head coverings, or anything else that might obscure the applicant’s face or prevent the photographic image from being a good likeness of the applicant.
- “(3A) Despite subclause (3), the Agency may permit an applicant to wear an item on or near the applicant’s face if—
- “(a) the Agency is satisfied that the applicant is required to wear the item for religious or medical reasons; and
  - “(b) the applicant provides the Agency with a signed statement to that effect; and
  - “(c) facial features from the bottom of the chin to the top of the forehead and both edges of the face are clearly shown; and
  - “(d) the Agency is satisfied that the item does not prevent the photographic image from being a good likeness of the applicant.”

**10 Heading to Part 4 amended**

The heading to Part 4 is amended by omitting “**and full licences**” and substituting “**full licences, and moped licences**”.

**11 Conditions of learner licence**

- (1) Clause 16(1)(a) is amended by revoking subparagraph (i) and substituting the following subparagraph:

- “(i) either—
- “(A) holds, and has held for at least 2 years, a full New Zealand photographic driver licence that authorises that person to drive that vehicle that is not subject to a condition imposed under this clause; or

- “(B) holds a full New Zealand photographic driver licence that authorises that person to drive that vehicle that is not subject to a condition imposed under this clause, and has held for at least 2 years, the equivalent of a full New Zealand photographic driver licence issued in a licensing jurisdiction other than New Zealand; and”.
- (2) Clause 16(1)(c) is amended by “Class 1L or Class 6L licence” and substituting “Class 1L licence (until the close of 30 June 2014) or a Class 6L licence”.
- (3) Clause 16(1)(d) is amended by revoking subparagraph (ii) and substituting the following subparagraph:
- “(ii) must not—
- “(A) ride between the hours of 10 pm and 5 am; or
- “(B) ride a prohibited motorcycle; or
- “(C) carry another person on the moped or motorcycle or in a sidecar attached to the moped or motorcycle.”

## 12 Obtaining restricted licence

The item relating to a Class 6R licence in the table in clause 17 is revoked and the following item substituted:

Class of licence		Requirements to be satisfied by applicant	
Class 6R	EITHER	(a)	holds, and has held for at least 6 months, a Class 6L licence
		(b)	passes the restricted licence test under clause 48
		(c)	if 75 years of age or over, produces a medical certificate in accordance with clause 44
OR		(a)	holds a Class 6L licence
		(b)	provides a certificate showing successful completion by the applicant of a competency-based training assessment of a type specified in clause 93(ca)
		(c)	if 75 years of age or over, produces a medical certificate in accordance with clause 44

**13 Conditions of restricted licence**

- (1) Clause 18(1)(a)(i) is amended by omitting “spouse or partner or a dependant” and substituting “spouse, partner, parent, guardian, or dependant”.
- (2) Clause 18(1)(b) is amended by revoking subparagraph (ii) and substituting the following subparagraph:  
 “(ii) drive a prohibited motorcycle; or”.
- (3) Clause 18(2) is amended by revoking paragraph (i) and substituting the following paragraph:  
 “(i) either—  
 “(A) holds, and has held for at least 2 years, a full New Zealand photographic driver licence that authorises that person to drive that vehicle that is not subject to a condition imposed under this clause; or  
 “(B) holds a full New Zealand photographic driver licence that authorises that person to drive that vehicle that is not subject to a condition imposed under this clause, and has held for at least 2 years, the equivalent of a full New Zealand photographic driver licence issued in a licensing jurisdiction other than New Zealand; and”

**14 Obtaining full licence**

Clause 19 is amended by revoking the table and substituting the following table:

<b>Class of licence</b>	<b>Requirements to be satisfied by applicant</b>
Class 1	(a) if under 25 years of age, holds and has held a Class 1R licence for either— (i) at least 18 months; or (ii) at least 12 months if applicant provides a certificate showing successful completion by applicant of an approved course of a type specified in clause 93(a) (b) if 25 years of age or over, holds and has held a Class 1R licence for either— (i) at least 6 months; or



<b>Class of licence</b>			<b>Requirements to be satisfied by applicant</b>
			(ii) at least 3 months if applicant provides a certificate showing successful completion by applicant of an approved course of a type specified in clause 93(a)
			(c) passes the full licence test under clause 48
			(d) if 75 years of age or over, produces a medical certificate in accordance with clause 44
Class 2	EITHER	(a)	holds, and has held for at least 6 months, a Class 2L licence
		(b)	passes the full licence test under clause 48
		(c)	produces a medical certificate in accordance with clause 44
	OR	(a)	holds a Class 2L licence
		(b)	provides a certificate showing successful completion by applicant of an approved course of a type specified in clause 93(c) in a motor vehicle for which a Class 2 licence is required
		(c)	produces a medical certificate in accordance with clause 44
Class 3	EITHER	(a)	holds, and has held for at least 6 months, a Class 3L licence
		(b)	passes the full licence test under clause 48
		(c)	produces a medical certificate in accordance with clause 44
	OR	(a)	holds a Class 3L licence
		(b)	provides a certificate showing successful completion by applicant of an approved course of a type specified in clause 93(c) in a motor vehicle for which a Class 3 licence is required
		(c)	produces a medical certificate in accordance with clause 44
Class 4	EITHER	(a)	holds, and has held for at least 6 months, a Class 4L licence
		(b)	passes the full licence test under clause 48
		(c)	produces a medical certificate in accordance with clause 44

<b>Class of licence</b>	<b>Requirements to be satisfied by applicant</b>	
	OR	<ul style="list-style-type: none"> <li>(a) holds a Class 4L licence</li> <li>(b) provides a certificate showing successful completion by applicant of an approved course of a type specified in clause 93(c) in a motor vehicle for which a Class 4 licence is required</li> <li>(c) produces a medical certificate in accordance with clause 44</li> </ul>
	OR	<ul style="list-style-type: none"> <li>(a) if under 25 years of age,—               <ul style="list-style-type: none"> <li>(i) holds and has held a Class 1 licence for at least 2 years; and</li> <li>(ii) holds a Class 2 licence</li> </ul> </li> <li>(b) if 25 years of age or over,—               <ul style="list-style-type: none"> <li>(i) holds and has held a Class 1 licence for at least 12 months; and</li> <li>(ii) holds a Class 2 licence</li> </ul> </li> <li>(c) provides a certificate showing successful completion of an approved course of a type specified under clause 93(i) in a motor vehicle requiring a class 4 licence</li> <li>(d) produces a medical certificate in accordance with clause 44</li> </ul>
Class 5	EITHER	<ul style="list-style-type: none"> <li>(a) holds, and has held for at least 6 months, a Class 5L licence</li> <li>(b) passes the full licence test under clause 48</li> <li>(c) produces a medical certificate in accordance with clause 44</li> </ul>
	OR	<ul style="list-style-type: none"> <li>(a) holds a Class 5L licence</li> <li>(b) provides a certificate showing successful completion by applicant of an approved course of a type specified in clause 93(c) in a motor vehicle for which a Class 5 licence is required</li> <li>(c) produces a medical certificate in accordance with clause 44</li> </ul>

<b>Class of licence</b>	<b>Requirements to be satisfied by applicant</b>	
	OR	<ul style="list-style-type: none"> <li>(a) if under 25 years of age,—               <ul style="list-style-type: none"> <li>(i) holds and has held a Class 1 licence for at least 2 years; and</li> <li>(ii) holds a Class 2 licence</li> </ul> </li> <li>(b) if 25 years of age or over,—               <ul style="list-style-type: none"> <li>(i) holds and has held a Class 1 licence for at least 12 months; and</li> <li>(ii) holds a Class 2 licence</li> </ul> </li> <li>(c) provides a certificate showing successful completion of an approved course of a type specified under clause 93(i) in a motor vehicle requiring a Class 5 licence</li> <li>(d) produces a medical certificate in accordance with clause 44</li> <li>(e) passes the theory test for a Class 5 licence under clause 45(1)</li> </ul>
Class 6	EITHER	<ul style="list-style-type: none"> <li>(a) holds and has held a Class 6R licence for at least 18 months—</li> <li>(b) passes the full licence test required under clause 48</li> <li>(c) if 75 years of age or over, produces a medical certificate in accordance with clause 44</li> </ul>
	OR	<ul style="list-style-type: none"> <li>(a) holds and has held a Class 6R licence for at least 12 months</li> <li>(b) provides a certificate showing successful completion by applicant of a competency-based training assessment of the type specified in clause 93(cb)</li> <li>(c) if 75 years of age or over, produces a medical certificate in accordance with clause 44</li> </ul>

**15 New heading and clauses 19A and 19B inserted**

The following heading and clauses are inserted after clause 19:

*“Moped licences*

**“19A Obtaining moped licence**

“(1) A person is entitled to be issued with a Class 6M licence if the person—

“(a) is 15 years of age or over at the date of application for the licence: and

- “(b) has made an application in accordance with clause 9 and complied with the requirements of clauses 10 to 14; and
  - “(c) passes the theory test under clause 45; and
  - “(d) produces a certificate of successful completion of the basic handling skills test under clause 48; and
  - “(e) produces a medical certificate in accordance with clause 44, in the case of person who is 75 years of age or over at the date of application for the licence.
- “(2) To avoid doubt, a moped licence entitles the holder to drive a moped only and does not entitle the holder to drive any other motor vehicle.

**“19B Conditions of Class 6M licence**

- “(1) A Class 6M licence authorises the holder to drive a moped only.
- “(2) The holder of a Class 6M licence must not carry another person on the moped or in a sidecar attached to the moped.”

**16 New Part 4A inserted**

The following Part is inserted after Part 4:

**“Part 4A**

**“Accelerated licensing process**

**“19C Interpretation**

In this Part,—

“**application** means an application to take part in the accelerated licensing process under this Part

“**approved employer** means a transport service operator approved by the Agency under clause 19C(2)

“**hours of darkness** has the same meaning as in clause 1.6 of the Land Transport (Road User) Rule 2004.

**“19D Accelerated licensing process: who may apply**

- “(1) A person may apply to the Agency under this Part to take part as a driver in the accelerated licensing process to obtain a Class 4 licence or a Class 5 licence (as the case may be), if the person—
  - “(a) holds, and has held a Class 1 licence for—

- “(i) at least 2 years, if under 25 years of age; or
  - “(ii) at least 12 months, if 25 years or over; and
  - “(b) holds a Class 2 licence.
- “(2) A transport service operator may apply to the Agency under this Part to take part as an employer in the accelerated licensing process if the operator has—
- “(a) an operator safety rating of 3 stars or more as specified in clause 2.1(2) of Land Transport Rule: Operator Safety Rating 2008 if a rating has been assigned; and
  - “(b) a reporting and control system that is—
    - “(i) approved by the Agency in writing; and
    - “(ii) designed to provide appropriate supervision of a driver participating in the accelerated licensing process.

**“19E Form of application**

- “(1) An application to take part in the accelerated licensing process must be made on an application form approved by the Agency.
- “(2) The application must include the following information:
- “(a) the applicant’s full name and address;
  - “(b) the applicant’s driver licence number;
  - “(c) the name of the applicant’s employer during the accelerated licensing process;
  - “(d) the licence class to which the application relates;
  - “(e) any traffic offences committed by the applicant.
- “(3) The applicant must produce to the Agency a medical certificate in accordance with clause 44(2), unless clause 44(3) applies.
- “(4) If clause 44(3) applies, the applicant must complete a signed statement in accordance with clause 44(3)(b).
- “(5) The application must be accompanied by the appropriate fee or fees (if any) specified in, or assessed in accordance with, regulations made under the Act.

**“19F Approval to take part in accelerated licensing process**

The Agency may approve an application to take part in the accelerated licensing process as a driver or an employer if the Agency considers that the applicant is—

- “(a) a suitable candidate for the process; and

“(b) likely to comply with the requirements of this Part.

**“19G Revocation of approval**

The Agency may revoke an approval of a driver or an employer under clause 19F if—

- “(a) the driver does not comply with any of the conditions specified in clause 19J(3) or 19K(3); or
- “(b) the employer is assigned an operator safety rating of 1 or 2 stars under clause 2.1(2) of the Land Transport Rule: Operator Safety Rating 2008 if a rating has been assigned; or
- “(c) the employer’s reporting and control system does not provide adequate supervision of the driver.

*“Stage 1 assessment*

**“19H Notice of approval to commence stage 1 assessment**

- “(1) On approving an application under clause 19F, the Agency must provide the driver with a written notice of approval to undertake a stage 1 assessment.
- “(2) The notice of approval must state—
  - “(a) the applicant’s name and driver licence number; and
  - “(b) whether the approval is in respect of a Class 4 or Class 5 licence.
- “(3) The Agency must specify an expiry date on the notice of approval after which date it is no longer valid for the purpose of undertaking a stage 1 assessment.

**“19I Stage 1 assessment**

A driver whose application has been approved by the Agency must successfully complete an assessment (including a Class 4 or Class 5 theory assessment) to determine the driver’s suitability for an approval to drive a vehicle for which either a Class 4 or Class 5 licence is required in accordance with the conditions set out in clause 19I(3).

*“Stage 2 assessment: supervised driving with conditions*

**“19J Stage 2 assessment: supervised driving with conditions**

- “(1) A driver who has successfully completed the stage 1 assessment under clause 19I may be issued with a written notice of approval by the Agency to drive a motor vehicle for which either a Class 4 or Class 5 licence would otherwise be required.
- “(2) The notice of approval must state the conditions with which the driver must comply.
- “(3) The conditions are—
- “(a) that the driver must carry the written notice of approval at all times when driving a vehicle to which the approval relates:
  - “(b) that the driver must produce the written notice of approval for inspection without delay after being required to do so by an enforcement officer:
  - “(c) that the driver may only be employed by the approved employer nominated under clause 19C(2)(c) while driving a vehicle for which either a Class 4 or Class 5 licence is required:
  - “(d) that the driver must maintain a logbook in a format specified in the Schedule to Land Transport Rule: Work Time and Logbooks 2007:
  - “(e) that the driver must comply with the rest breaks requirements specified in clause 2.1(1) of Land Transport Rule: Work Time and Logbooks 2007 or in any variation of those requirements that are approved by the Agency (including an alternative fatigue management scheme):
  - “(f) that the driver must not drive the vehicle for more than 8 hours in a cumulative work day:
  - “(g) that the driver must not undertake any other work time duties, except those specified in the notice of approval:
  - “(h) that the driver must not drive the vehicle during the hours of darkness:
  - “(i) that the driver must not drive the vehicle unless accompanied by a supervisor.
- “(4) Despite subclause (3)(c), a driver who changes employment may continue to take part in the accelerated licensing process only if the driver’s new employer is an approved employer and

the Agency has approved the change for the purposes of this Part.

- “(5) The driver must not drive a vehicle to which the approval relates unless accompanied by a supervisor who—
- “(a) holds, and has held for at least 2 years, a New Zealand full licence of a class that authorises the person to drive that vehicle; and
  - “(b) is in charge of the vehicle; and
  - “(c) is seated next to the driver at all times.
- “(6) The Agency must state an expiry date on the notice of approval after which date the approval is no longer valid.

**“19K Application to undertake stage 2 assessment**

- “(1) A driver who has completed at least 60 hours of supervised driving in a vehicle for which a Class 4 or Class 5 licence is required may apply to the Agency to undertake a stage 2 assessment.
- “(2) The application must be in a form approved by the Agency and be accompanied by a signed statement from the driver and the applicant’s approved employer that the conditions set out in clause 19J(3) have been complied with.
- “(3) The Agency may approve an application to take part in a stage 2 assessment if the Agency considers that the applicant is a suitable candidate for the process and has completed the requirements set out in clause 19I.

**“19L Stage 2 assessment**

- “(1) A driver whose application has been approved under clause 19M must successfully complete a course specified in clause 93(h) to determine the driver’s suitability for an approval to drive a vehicle for which either a Class 4 or Class 5 licence is required in accordance with the conditions set out in clause 19L(3).
- “(2) The Agency must issue a driver who successfully completes the course with a certificate of completion.
- “(3) The certificate must show the licence class for which the assessment was taken.



*“Stage 3: unsupervised driving with conditions*

**“19M Stage 3: unsupervised driving with conditions**

- “(1) A driver who has successfully completed the requirements of a course specified in clause 93(h) may be issued with a written notice of approval by the Agency to drive a vehicle for which either a Class 4 or Class 5 licence would otherwise be required.
- “(2) A notice of approval must state the conditions with which the driver must comply.
- “(3) The conditions are—
- “(a) that the driver must carry the notice of approval at all times when driving a vehicle to which the approval relates:
  - “(b) that the driver must produce the notice of approval for inspection without delay if required to do so by an enforcement officer:
  - “(c) that the driver may only be employed by the approved employer nominated under clause 19C(2)(c) while driving a vehicle for which either a Class 4 or Class 5 licence is required:
  - “(d) that the driver must maintain a logbook in a format specified in the Schedule to Land Transport Rule: Work Time and Logbooks 2007 or in any variation of those requirements that are approved by the Agency (including an alternative fatigue management system):
  - “(e) that the driver must comply with the rest breaks requirements specified in clause 2.1(1) of Land Transport Rule: Work Time and Logbooks 2007:
  - “(f) that the driver may only drive for more than 8 hours in each cumulative work day when 140 hours or more of unsupervised driving of the vehicle have been completed:
  - “(g) that the driver must not undertake any other work time duties, except those specified in the notice of approval:
  - “(h) that the driver may only drive during the hours of darkness when 60 hours or more of unsupervised driving of the vehicle have been completed.
- “(4) Despite subclause (3)(c), a driver who changes employment may continue to take part in the accelerated licensing process only if the driver’s new employer is an approved employer and

the Agency has approved the change for the purposes of this Part.

- “(5) The Agency must state an expiry date on the notice of approval after which date the approval is no longer valid.

*“Exit assessment and obtaining Class 4 or Class 5 licence*

**“19N Application to undertake exit assessment**

- “(1) A driver who has completed at least 200 hours of unsupervised driving may apply to the Agency for an approval to undertake a course assessing the driver’s driving skills specified in clause 93(i).
- “(2) The application must be in a form approved by the Agency and be accompanied by a signed statement from the driver and the driver’s employer that the conditions specified in clause 19L(3) have been complied with.
- “(3) To avoid doubt, the hours of unsupervised driving accumulated for the purposes of an exit assessment are in addition to those accumulated for a stage 2 assessment.
- “(4) An applicant under this clause must have completed at least 20 hours of unsupervised driving during the hours of darkness.

**“19O Exit assessment**

- “(1) A driver whose application has been approved under clause 19N must successfully complete an exit assessment specified in clause 93(i) to determine the driver’s suitability to hold a Class 4 or Class 5 licence.
- “(2) The course provider must issue a driver who successfully completes the exit assessment with a certificate of completion.
- “(3) The certificate must show the licence class for which the assessment was taken.

**“19P Obtaining Class 4 or Class 5 licence**

On successful completion of an exit assessment, a person is entitled to be issued with a Class 4 or Class 5 licence (as the case may be) if the person complies with the requirements of clause 19 in relation to a Class 4 or Class 5 licence.”

**17 When dangerous goods endorsement required**

Clause 20 is amended by omitting “1999” and substituting “2005.”

**18 Obtaining dangerous goods endorsement**

Clause 21(b) is revoked and the following paragraph substituted:

“(b) provides a certificate of his or her successful completion of an approved course of a type specified in clause 93(b)(iii) that is issued less than 60 days preceding the date of the application.”

**19 New clause 22 substituted**

Clause 22 is revoked and the following clause substituted:

**“22 When driving instructor endorsement required**

“(1) A person who, for financial or commercial gain, provides instruction on a road in a motor vehicle must hold a driving instructor endorsement for those classes of licence that relate to the motor vehicles for which the person intends to provide instruction.

“(2) Subclause (1) does not apply to—

“(a) the supervisor of a person undertaking training under the accelerated licensing process in Part 4A; or

“(b) the instructor of a person who currently holds a full licence for the class of vehicle in which they are receiving instruction, unless the person receiving instruction is required to undertake it as a result of a court order; or

“(c) the instructor of a person who is undertaking training to obtain a special-type vehicle endorsement.”

**20 Obtaining driving instructor endorsement**

(1) Clause 23(1)(b) is amended by omitting “full licence” and substituting “New Zealand full licence”.

(2) Clause 23(2)(a) is amended by omitting “full licence” and substituting “New Zealand full licence”.

**21 Obtaining passenger endorsement**

Clause 27(1)(b) is amended by omitting “full driver licence of a class other than Class 6” and substituting “New Zealand full licence of a class other than Class 6 or a Class 6M licence”.

**22 Obtaining special-type endorsement**

Clause 29(b) is amended by omitting “full licence of a class other than Class 6” and substitute “New Zealand full licence, other than a Class 6 or Class 6M licence”.

**23 Obtaining testing officer endorsement**

Clause 31(b) is amended by omitting “full driver licence of a class other than Class 6” and substituting “New Zealand full licence of a class other than Class 6 or a Class 6M licence”.

**24 Obtaining vehicle recovery endorsement**

Clause 34(1)(b) is amended by omitting “full driver licence of a class other than Class 6” and substituting “New Zealand full licence of a class other than Class 6 or a Class 6M licence”.

**25 Eyesight testing**

- (1) Clause 38(2)(a) is amended by omitting “or Class 6” and substituting “, Class 6, or Class 6M”.
- (2) Clause 38(2)(a)(i) is amended by omitting “, and at least 6/18 using each eye separately”.
- (3) Clause 38(2)(b) is amended by omitting “or Class 6” and substituting “, Class 6, or Class 6M”.

**26 Applicants may be referred for on-road safety test**

Clause 44B(1) is amended by omitting “Class 1 or Class 6” and substituting “Class 1, Class 6, or Class 6M”.

**27 Theory tests required**

Clause 45(1)(a) is amended by omitting “or 6L” and substituting “6L, or 6M”.

**28 Practical driving test required**

Clause 48 is amended by inserting the following subclause after subclause (4):

“(4A) An applicant for a Class 6M licence must complete the basic handling skills test approved by the Agency.”

**29 On-road safety test**

Clause 49(1) is amended by omitting “or Class 6” and substituting “, Class 6, or Class 6M”.

**30 Applicant for more than 1 class of licence**

Clause 53 is amended by inserting the following subclause after subclause (2):

“(2A) A person who is applying for a Class 6M licence in addition to any other class or classes of licence must complete the appropriate practical driving test on a moped, in addition to completing the appropriate practical driving test in relation to the other class or classes of licence sought.”

**31 Person taking test must produce identification**

(1) Clause 55(a) is amended by inserting “or a current temporary driver licence that is accompanied by a form of photographic identification of the applicant that is acceptable to the Agency” after “photographic driver licence”.

(2) Clause 55(b) is amended by omitting “Identification” and substituting “in the case of a theory test, identification”.

**32 Period of validity of driver licence**

Clause 60 is amended by revoking subclauses (2) and (3) and substituting the following subclauses:

“(2) A driver licence that is replaced under this rule must be issued with an expiry date that is the same as the expiry date of the licence being replaced.

“(3) If a person who holds a driver licence obtains an additional licence class or endorsement, the person’s existing licence may be reissued with an expiry date of not more than 10 years from the date of issue of the additional licence or endorsement if the minimum requirements of that application also satisfy the

minimum requirements for renewal of the person's existing licence class or classes under clause 67. ”

### 33 Features to verify and protect licence integrity

Clause 62(e) is amended by omitting “the words LIMITED LICENCE” and substituting “the word LIMITED”.

### 34 New clause 63 substituted

Clause 63 is revoked and the following clause is substituted:

#### “63 Form of driver licence”

- “(1) A driver licence must display the following on the front of the licence:
- “(a) the words ‘**NEW ZEALAND DRIVER LICENCE**’:
  - “(b) an image of the New Zealand flag:
  - “(c) a photographic image of the holder:
  - “(d) the holder's name:
  - “(e) the holder's date of birth:
  - “(f) the date on which the driver licence expires:
  - “(g) the driver licence number and driver licence card version number.
- “(2) A driver licence must also display the following on either the front or back of the licence, at the discretion of the Agency:
- “(a) the word ‘**LEARNER**’, if the driver licence is a learner licence:
  - “(b) the word ‘**RESTRICTED**’, if the driver licence is a restricted licence:
  - “(c) either the word ‘**LEARNER**’ or the word ‘**RESTRICTED**’, if the holder holds 2 or more of these driver licences:
  - “(d) the word ‘**LIMITED**’, if the driver licence is a limited licence issued under section 105 of the Act:
  - “(e) an image of the holder's signature:
  - “(f) the original date on which the driver licence is issued:
  - “(g) the word ‘**Donor**’, if the holder has agreed to be an organ donor:
  - “(h) the holder's current address, if requested by the holder:
  - “(i) the classes to which the licence applies and the endorsements issued to the holder:

- “(j) an indication of any condition the holder must comply with while driving a motor vehicle:
  - “(k) the expiry date of each endorsement held by the holder of the licence:
  - “(l) a 1-dimensional bar code containing the driver licence number, driver licence card number, and a production quality control number.
- “(3) The Agency may require that anti-counterfeiting security features be included on a driver licence if the Agency considers it necessary.
- “(4) An endorsement must be indicated on a driver licence in the following way:
- “(a) for all endorsements other than a driving instructor endorsement, by the appropriate single letter specified in Schedule 4:
  - “(b) for a driving instructor endorsement, by the single letter specified in Schedule 4 followed by the appropriate driver licence class number specified in Schedule 3.”

### **35 Form of temporary driver licence**

Clause 64(3) and (4) are revoked.

### **36 Renewal of driver licence**

- (1) Clause 67(2) is amended by adding the following paragraph as paragraph (g):
- “(g) in the case of a Class 6M licence that has been expired for more than 5 years passes—
    - “(i) the theory test for Class 6M under clause 45(1); and
    - “(ii) the practical driving test for Class 6M under clause 48(4A).”
- (2) Clause 67(2A) is revoked and the following subclause substituted:
- “(2A) A person who has been overseas for 5 years or more does not have to comply with subclause (2)(e), (f), or (g), if the person can provide evidence of being licensed to drive (whether in New Zealand or overseas) within the period of 5 years immediately preceding the date of the application.”

**37 Reinstatement of driver licence after end of disqualification**

Clause 67A(2) is amended by adding the following paragraph as paragraph (h):

- “(h) in the case of an applicant for a Class 6M driver licence, the person passes—
- “(i) the theory test for a Class 6M licence under clause 45(1); and
  - “(ii) the practical driving test for a Class 6M licence under clause 48(4A).”

**38 Clause 68 revoked**

Clause 68 is revoked.

**39 Renewal of special-type endorsement**

Clause 71 is amended by adding the following subclause:

- “(3) A person who has been overseas for 5 years or more does not have to comply with subclause (2), if the person can provide evidence of being licensed to drive (whether in New Zealand or overseas) within the period of 5 years immediately preceding the date of the application.”

**40 Clause 72 revoked**

Clause 72 is revoked.

**41 New clause 88 substituted**

Clause 88 is revoked and the following clause is substituted:

**“88 Recognition of overseas driver licence or permit**

- “(1) A person, on arrival in New Zealand, is deemed to hold a New Zealand driver licence of a class that entitles the person to drive the motor vehicles that the person is entitled to drive under—
- “(a) a valid and current driver licence or permit issued overseas to the person, after the person has produced proof of the person’s driving competence, by an overseas authority, or an agent of that authority, authorised to issue a driver licence or permit; or
  - “(b) an international driving permit.



- “(2) Subclause (1)(a) does not apply unless—
- “(a) the overseas driver licence or permit is written in English; or
  - “(b) the person who holds the overseas driver licence or permit also carries an accurate English translation of the licence or permit.
- “(3) A person who holds an international driving permit specified in subclause (1)(b) must also carry the overseas driver licence on which the permit is based
- “(4) A person who is deemed by subclause (1) to hold a New Zealand driver licence may continue to drive under that driver licence until the first of the following situations occurs:
- “(a) the person has remained in New Zealand for a continuous period of 12 months; or
  - “(b) the document that enabled that person to be deemed to hold a New Zealand driver licence under subclause (1) expires, is suspended, or is revoked; or
  - “(c) an order is made disqualifying the person from holding or obtaining a driver licence, either in New Zealand or in the jurisdiction that granted the overseas driver licence or permit; or
  - “(d) the person obtains a New Zealand driver licence.
- “(5) In this clause, **international driving permit** means a valid and current international driving permit as specified in Annex 10 to the United Nations Convention on Road Traffic signed at Geneva on 19 September 1949 or Annex 7 to the United Nations Convention on Road Traffic signed at Vienna on 8 November 1968 and issued overseas in accordance with the provisions of the appropriate convention.”

#### **42 Obtaining New Zealand driver licence**

- (1) Clause 89(2) is amended by adding “; and” and also by adding the following paragraph:
- “(g) surrender his or her overseas driver licence or permit if that is a requirement of a licence recognition arrangement between the jurisdiction that issued the driver licence or permit and New Zealand.”
- (2) Clause 89(4)(b) is amended by adding “or a Class 6M licence”.

**43 Requirements for diplomatic and consular personnel**

Clause 91(1) is amended by adding “; or” and by adding the following paragraph:

“(c) the person’s relationship as a member of the family, or as a spouse or partner, of the person referred to in paragraph (a) or (b).”

**44 Agency may approve courses**

(1) Clause 93(a) is revoked and the following paragraph is substituted:

“(a) courses teaching advanced driving skills, to reduce the period of time for which a person must hold a Class 1R licence before being allowed to apply for a Class 1 full licence; or”.

(2) Clause 93(c) is amended by omitting “assessing the driving competency” and substituting “teaching and assessing the driving knowledge and skills”.

(3) Clause 93 is amended by inserting the following paragraphs after paragraph (c):

“(ca) courses teaching and assessing the driving competency of the holder of a Class 6L licence for the purpose of waiving the requirement for that person to pass a restricted licence test:

“(cb) courses teaching and assessing the driving competency of the holder of a Class 6R licence for the purpose of waiving the requirement for that person to pass a full licence test:”.

(4) Clause 93 is amended by adding the following paragraphs after paragraph (g):

“(h) courses assessing the driving experience, knowledge, and skills of the holder of a Class 2 licence for the purpose of an approval to drive a vehicle for which a Class 4 or Class 5 licence is required under the conditions specified in clause 19K:

“(i) courses assessing advanced driving skills for the purpose of enabling a person to apply for a Class 4 or Class 5 licence on completion of the accelerated licensing process.”

**45 Requirements for approval of course**

- (1) Clause 94(5) is amended by omitting “clause 93(b)(v) to (viii) or (c) or (f)” and substituting “clause 93(b)(v) to (viii), (c), (ca), (cb), or (f)”.
- (2) Clause 94 is amended by adding the following subclause:  
“(6) To be approved, a course for a purpose specified in clause 93(h) or (i) must be designed so that a person who has completed the course will have demonstrated the experience, knowledge, and skills to operate safely and proficiently a vehicle for which a Class 4 or Class 5 licence is required under the accelerated licensing process set out in Part 4A.”

**46 Agency may revoke approval of course provider**

- (1) The heading to clause 103 is amended by inserting “**or suspend**” after “**may revoke**”.
- (2) Clause 103(1) is amended by inserting “or suspend (in whole or in part)” after “revoke”.
- (3) Clause 103(2) is amended by inserting “or suspension” after “revocation”.
- (4) Clause 103(2)(a) is amended by inserting “or suspended” after “revoked”.
- (5) Clause 103(2)(b) is amended by inserting “or suspension” after “revocation”.

**47 Expiry of driver licences, etc**

Clause 112(2) is revoked and the following subclauses substituted:

- “(2) If the holder of a driver licence referred to in subclause (1) is absent from New Zealand on the date that the licence would (but for this subclause) expire under subclause (1), that driver licence expires on the earlier of the following dates:  
“(a) the expiry date specified on the licence:  
“(b) [1 July 2011]. ”

**48 Additional requirements relating to issue of passenger endorsements**

- (1) Clause 114(1) is amended by inserting “or Class D” after “Class C”.

- (2) Clause 114(2) is revoked.

**49 Schedule 3 substituted**

Schedule 3 is revoked and the Schedule 3 set out in Schedule 3 of this rule substituted.

**50 Transitional provisions**

- (1) A photographic driver licence issued by the Agency before the commencement of this rule remains valid until the licence is renewed even if that format of the licence does not comply with the requirements of these rules.
- (2) In order to obtain a Class 6M licence, a moped only rider must, within 3 years after the commencement of this rule, complete the moped-specific basic handling skills test and pass the motorcycle theory test.
- (3) To avoid doubt, subclause (2) does not apply to the holder of a Class 6, 6L, or 6R licence.

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**Schedule 1**  
**Objective of rule**

r 4

To come.

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

r 5

To come.

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**Schedule 3**

r 44

**New Schedule 3 substituted****Schedule 3**

r

**Classes of driver licence**

<b>Licence classes</b>	<b>Motor vehicle to which licence relates</b>
Class 1L and 1R	<ul style="list-style-type: none"> <li>(a) a motor vehicle (including a tractor but excluding a motorcycle) that has a gross laden weight of not more than 4 500 kg, or a combination vehicle that has a gross combined weight of not more than 4 500 kg</li> <li>(b) a motorised mobile home or self-propelled caravan that has a gross laden weight of not more than 6 000 kg, provided its on-road weight does not exceed 4 500 kg</li> <li>(c) a tradeperson's vehicle that has a gross laden weight of not more than 6 000 kg, provided its on-road weight does not exceed 4 500 kg</li> </ul>
Class 1	<ul style="list-style-type: none"> <li>(a) a special-type vehicle that is a forklift or runs on rollers or self-laying tracks and has a gross laden weight of not more than 18 000 kg</li> <li>(b) a special-type vehicle that runs on wheels and has a gross laden weight of— <ul style="list-style-type: none"> <li>(i) not more than 4 500 kg; or</li> <li>(ii) more than 4 500 kg but not more than 18 000 kg, if driven at a speed not exceeding 30 kph</li> </ul> </li> <li>(c) any tractor with a gross laden weight of more than 4 500 kg but not more than 18 000 kg, if driven at a speed not exceeding 30 kph</li> <li>(d) a combination vehicle, consisting of a tractor towing a trailer, with a gross combined weight of not more than 25 000 kg, if it is being used in agricultural or land management operations and is driven at a speed not exceeding 30 kph</li> <li>(e) a rigid vehicle with a gross laden weight of not more than 6 000 kg</li> <li>(f) a combination vehicle (other than a combination vehicle that comes within paragraph (d) of this definition) with a gross combined weight of not more than 6 000 kg</li> </ul>

<b>Licence classes</b>	<b>Motor vehicle to which licence relates</b>
Classes 2 and 2L	<ul style="list-style-type: none"> <li>(a) a rigid vehicle with a gross laden weight of more than 6 000 kg but not more than 18 000 kg</li> <li>(b) a combination vehicle (other than a combination vehicle that comes within paragraph (d) of the definition of Class 1 licence) that has a gross combined weight of more than 6 000 kg but not more than 12 000 kg</li> <li>(c) a combination vehicle (other than a combination vehicle that comes within paragraphs (d) or (f) of the definition of Class 1 licence or paragraph (b) of this definition) consisting of a rigid vehicle (with a gross laden weight of not more than 18 000 kg) towing a light trailer</li> <li>(d) a rigid vehicle with a gross laden weight of more than 18 000 kg with not more than 2 axles</li> <li>(e) a tractor with a gross laden weight of more than 6 000 kg but not more than 18 000 kg, if driven at a speed exceeding 30 kph</li> </ul>
Class 2	<ul style="list-style-type: none"> <li>(a) a special-type vehicle that is a forklift or runs on rollers or self-laying tracks and has a gross laden weight of more than 18 000 kg</li> <li>(b) a special-type vehicle that runs on wheels and has a gross laden weight of more than 6 000 kg but not more than 18 000 kg, if driven at a speed exceeding 30 kph</li> <li>(c) a special-type vehicle that runs on wheels and has a gross laden weight of more than 18 000 kg, if driven at a speed not exceeding 30 kph</li> </ul>
Classes 3 and 3L	a combination vehicle (other than a combination vehicle that comes within paragraph (d) of the definition of Class 1 licence or paragraph (c) of the definition of Classes 2 and 2L licences) that has a gross combined weight of more than 12 000 kg but not more than 25 000 kg
Classes 4 and 4L	<ul style="list-style-type: none"> <li>(a) a rigid vehicle (including a tractor) with a gross laden weight of more than 18 000 kg</li> <li>(b) a combination vehicle consisting of a rigid vehicle (with a gross laden weight of more than 18 000 kg) towing a light trailer</li> </ul>
Class 4	a special-type vehicle that runs on wheels and has a gross laden weight of more than 18 000 kg, if driven at a speed exceeding 30 kph
Classes 5 and 5L	a combination vehicle with a gross combined weight of more than 25 000 kg
Classes 6, 6L, and 6R	a motorcycle, moped, or all-terrain vehicle
Class 6M	a moped

Dated at Wellington this                      day of                      2011.

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, which comes into force on [1 July 2011], amends the Land Transport (Driver Licensing) Rule 1999.

The rule is an ordinary rule made under the Land Transport Act 1998.

The objective of the rule is set out in *Schedule 1*. A statement of the consultation undertaken in relation to the rule is set out in *Schedule 2*.

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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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