

# **Land Transport Rule**

## **Driver Licensing Amendment [2019]**

Rule: 91001/13

Overview to the Rule, 21 March 2019

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*This overview accompanies, and sets in context, the public consultation (yellow) draft of **Land Transport (Driver Licensing) Amendment Rule [2019]**. The proposed amendment will simplify and standardise the driver licensing system, facilitate the move to a digital licensing environment, improve the customer's experience, support the productivity of the commercial driving sector, and strengthen the driver training and testing regime.*

*If you wish to comment on this draft Rule, please see the page headed 'Making a submission'. The deadline for submissions is **3 May 2019**.*

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## Consultation on proposed Rule changes

The purpose of this publication is to consult on proposed changes to the *Land Transport (Driver Licensing) Rule 1999* (the Rule).

Consultation on the proposed changes is being carried out to ensure that legislation is sound and robust and that the Rule's development process takes account of the views of, and the impact on, people affected by proposed Rule changes.

This publication, for your comment, has two parts:

- (a) An overview, which sets proposed Rule changes in context; and
- (b) the consultation (yellow) draft of *Land Transport (Driver Licensing) Amendment Rule 2019* ('the draft amendment Rule').

Please read the overview carefully and consider the effects that the proposed Rule and regulation changes would have on you or your organisation.

The draft amendment Rule sets out only the proposed Rule changes and should be read together with the Driver Licensing Rule. If you do not have a copy of the Driver Licensing Rule, please read the information on land transport rules at <http://www.nzta.govt.nz/resources/rules/> or contact the Rules Team by emailing [rules@nzta.govt.nz](mailto:rules@nzta.govt.nz). To assist in setting the proposed changes in context, the web versions of the Driver Licensing Rule and the draft amendment Rule documents can be accessed here: [www.nzta.govt.nz/dlr](http://www.nzta.govt.nz/dlr)

### Making a submission

If you wish to make a submission on the proposed changes please read the information below.

#### Before making your submission

Please read the information provided in the overview.

#### Please include the following information in your submission

- the title of this review
- your name, and title if applicable
- your organisation's name if applicable
- your address – postal, and email if applicable

## **Sending your submission**

If possible, send your submission by using the online submission form or send it by email to [rules@nzta.govt.nz](mailto:rules@nzta.govt.nz) and, if you wish, follow this up with a signed copy. The online submission form is available at:

[www.nzta.govt.nz/dlr](http://www.nzta.govt.nz/dlr)

### ***If posting your submission, address it to***

Driver Licensing Review  
Regulatory and Transport Policy Team  
NZ Transport Agency  
Private Bag 6995  
WELLINGTON 6141

### ***Please note the deadline for submissions***

The deadline for submissions is **5pm on Friday 3 May 2019**.

### ***Your submission is public information***

Please note that the NZ Transport Agency (the Transport Agency) may publish any information that you submit, and may identify you as the submitter should it publish your submission or provide it to a third party.

Please indicate clearly, therefore, if your comments are commercially sensitive, or if, for some other reason, they should not be disclosed, or the reason why you should not be identified as the submitter.

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## Summary of proposed Rule changes

New Zealand's driver licensing system is vital for people and businesses. Having a driver licence enables people to operate vehicles safely, be mobile and connected, improves their employability and social outcomes, and facilitates the distribution of goods. The Driver Licensing Rule specifies the requirements for obtaining and renewing a driver licence or licence endorsement in New Zealand, as well as the requirements for driver licensing service providers. It does this to balance the safety of road users, provide access to the road network, and create consistency of licensed services.

The driver licensing system is fundamental to road safety and a productive transport sector. The Driver Licensing Rule is being amended to streamline and simplify aspects of the Rule to better achieve these ends while maintaining or improving road safety. Proposed amendments to the system fall into the following four categories:

1. Moving to a digital licensing environment by removing the requirements for repeated eyesight testing.
2. Streamlining and simplifying licences for the commercial driving sector, while strengthening testing.
3. Standardising regulatory requirements for 'special vehicles'
4. Improving oversight of approved course providers.

The first category includes a proposed reduction in the frequency of eyesight testing requirements for Class 1 and 6 licence holders, which is currently a barrier to online licence renewals and some online licence reinstatements. Under this proposal, Class 1 and 6 licence applicants will take an initial eyesight test at the learner licence stage. The next test would be at or after the age of 45. Testing requirements for commercial drivers, and those aged 75 and older, will not change.

The second category includes simplifying the heavy vehicle licensing pathway, and the removal of the Accelerated Licensing Process.

The third category includes removing special-type vehicle endorsements (e.g. forklifts), standardising the speed requirements for tractors and special-type vehicles, and simplifying the rules for tractors that can be driven on a Class 1 licence. The current level of overlap and duplication in Schedule 3 (Classes of driver licence) of the Driver Licensing Rule will be reduced and the automatic renewal of general licences for some endorsements will be provided for.

Finally, there are gaps in the Rule around managing approved course providers. The fourth category is aimed at closing those gaps and enabling the NZ Transport Agency to increase and improve its oversight of approved course providers.

## Why are Rule changes being proposed?

### Background

The Land Transport (Driver Licensing) Rule 1999 (the Rule) sets out the system for obtaining and renewing a driver licence or licence endorsement in New Zealand. It specifies who is entitled to apply for a licence or endorsement, the tests and checks they must pass, and the vehicles they are permitted to drive. In addition, the Rule specifies the requirements for those who provide services related to the licensing of drivers.

The Rule must align with the Land Transport Act 1998 (the Act). Section 154 of the Act provides detailed guidelines for rules concerning driver licensing, and the Rule gives effect to these provisions. The provisions of section 154 include putting in place a system for the licensing of drivers of motor vehicles, specifying the documentary evidence and other information to be submitted with applications concerning driver licences, and providing for the recognition of driver licences issued outside New Zealand.

In addition, section 199 of the Act requires the Transport Agency to maintain the national register of all driver licences, including specific details relating to licence holders. The Rule enables these requirements to be met.

There are currently around 3.4 million driver licence holders on the New Zealand driver licence register. Each year sees around 238,000 new licence applications, 300,000 licence renewals, and around 43,000 licence reinstatements.

In the 2015/16 financial year approximately \$60 million was paid in licence and test fees in New Zealand. These figures speak to both the scale and significance of the licensing system. It is important that the regulations governing the licensing system remain as effective and up to date as possible, while maintaining safety.

In December 2014, the Government initiated a review of the driver licensing regulatory system. A system underpinned by better quality regulation will improve and simplify service delivery while maintaining or improving road safety outcomes. The review identified several opportunities for improvement.

Public consultation on the review's findings took place between 19 April 2016 and 2 June 2016, following the release of a discussion paper. The discussion paper proposed a number of improvements to the driver licensing system, reducing unnecessary prescription or complexity, while maintaining safety. Seventy-seven submissions were received, most of which supported the proposed changes.

## What are we seeking your feedback on?

The Transport Agency welcomes your comments on the proposed Rule changes set out in this overview and in the draft amendment Rule. When you provide your feedback, it would be helpful if you would consider and comment on the following:

- What impact would the proposals have, and on whom? The Transport Agency is particularly interested in your comments on any costs (to you or to your organisation) of implementing the proposals.
- Would any groups or individuals, in particular, be disadvantaged by the proposals, and how?
- Would any groups or individuals, in particular, benefit from the proposals, and how?
- Are there any implementation or compliance issues that would need to be considered?
- Are there any concerns that safety might be compromised by the proposed changes? Can you provide examples?

Wherever possible, when making your comments, please provide examples to illustrate your point.

Each proposal also includes a subset of questions that pertain to the specific proposal.

## What changes are proposed?

This section sets out the changes that are proposed to the Driver Licensing Rule.

### **PROPOSAL 1**

#### **Reduce requirements for eyesight testing**

### **Details of proposed Rule change**

#### *What is wrong?*

There are two main problems with the existing eyesight testing requirements.

First, there are too many tests required, making some tests redundant. The Rule currently requires an eyesight test at each application stage of the Graduated Driver Licensing System (GDLS), meaning drivers can be tested up to three times in as little as nine months. The Rule also requires all drivers to pass an eyesight test upon each licence renewal, and upon some licence reinstatements.

Second, in-person eyesight testing is a barrier to future online licence renewals and reinstatements. There is currently no facility for carrying out satisfactory vision testing independently online, so the need for vision testing is a barrier to future online licensing transactions.

Reducing the frequency of eyesight testing requirements has several important benefits, corresponding to the problems identified above. It will lower the time and cost involved with transactions where these tests are redundant. It will also facilitate the introduction of online driver licensing.

#### *What is staying the same?*

This proposal does not change the eyesight testing requirements for licence endorsements, heavy vehicle licences, licence renewals for those aged 75 and over, overseas licence conversions, and reinstatements of surrendered driver licences or endorsements.

In-person renewals and reinstatements will still be available after a new online driver licensing system has been designed and implemented.

#### *What is changing?*

The proposed amendment makes several changes to the Rule. Eyesight tests will no longer be required at each licence renewal or reinstatement. Instead, they will be required:

- to obtain a Class 1L or Class 6L (motorcycle) licence for the first time;
- when renewing or reinstating a Class 1 or Class 6 driver licence for the first time on or after the applicant's 45th birthday;
- for any renewal or reinstatement of a driver licence as a result of which the expiry date of the licence would be a date after the applicant's 75th birthday;

- to obtain or renew a Class 2L, 2, 4, or 5 (heavy vehicle) driver licence;
- to obtain or renew an endorsement;
- to obtain any driver licence under clause 89 (conversion of overseas licence);
- for the reinstatement of a licence or endorsement surrendered under clause 85A(4) or if the Agency otherwise requires an eyesight test.

At each licence renewal or reinstatement not requiring an eyesight test, drivers will be required to make a declaration that their eyesight is of a sufficient standard for safe driving. A person who knowingly provides false or misleading information would be committing an offence under the Land Transport Act. The infringement fee for an individual making a false or misleading declaration is \$750.

#### *Further discussion*

The proposed changes are backed up by an analysis of crash data, statistics on the effectiveness of eyesight testing, cost-benefit analysis, and a comparison with other jurisdictions. The evidence suggests that there is little discernible safety benefit to be gained from repeated eyesight testing as part of the driver licensing process.

An analysis of crash data looked at the safety benefits of eyesight testing. Two studies were undertaken<sup>1</sup>.

The first study looked at the crash rates of the 7,400 drivers who failed an eyesight check at a licensing agent between 1 January 2005 and 31 December 2011 and were then required to wear corrective lenses while driving. The crash rates of these drivers in the three years before and after failing the eyesight test and being required to wear glasses or contacts were virtually the same.

The second study looked at the crash rates of drivers in the three-year period before they renewed their licences. The crash rates of drivers who failed the eyesight test at renewal and drivers who passed were the same.

Limitations on the data available prevent crash risk studies that have larger samples and that look at longer periods. However, the two studies suggest that there is little discernible safety benefit from repeated eyesight testing as part of the driver licensing process.

An independent member of Waikato University's Traffic and Road Safety Research Group reviewed the analysis and confirmed that the methodology was sound.

A review of international research on vision testing found limited evidence of any relationship between driving safety and the measures of vision that are tested. Currently, over half of the drivers in New Zealand who fail the visual acuity (clarity) and visual field (peripheral vision) test at a licensing agent are later found by a health practitioner to be fit to drive without corrective lenses.

The current eyesight testing method uses a machine known as a 'titmus' which tests for distance and peripheral vision. Statistics kept by the Transport Agency suggest that eyesight testing is not very effective. In 2014, 60 percent of those who failed the eyesight test at

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<sup>1</sup> <https://www.transport.govt.nz/assets/Import/Uploads/Land/Documents/ef38a42f4b/Literature-review-of-vision-testing-and-driver-licensing.pdf>

their first licence application were subsequently assessed as being fit to drive without corrective lenses. In the same year, sixty-three percent of those who failed the eyesight test at licence renewal were found to be fit to drive without lenses. That is, although they failed the eyesight test at the licensing agent, a medical professional subsequently assessed more than half of these drivers as not needing vision correction to drive.

Cost benefit analysis<sup>2</sup> was carried out for the removal of eyesight testing at renewals up to the age of 75. At 90 percent confidence, the analysis showed that there would be net benefits from removing eyesight testing from licence renewal requirements, ranging from \$18.4 million to \$37.5 million over a 20-year period, with corresponding benefit cost ratios of 3.9 to 6.9. These benefits are expected to be slightly lower by requiring an eyesight test at the first renewal on or after the age of 45.

There is no consensus about what the critical age threshold is for regular eyesight testing in older adults. After eyesight testing at entry into the system, most jurisdictions restart eyesight testing from 70 to 80 years. This is the case in Ontario and British Columbia, Canada, and in most states in Australia. Sweden has no age-related controls.

The Australian Capital Territory tests at entry to the licence system and then at age 50 and every 5 years after that until age 75, after which it tests annually. Victoria, Australia, only tests if a driver reports a vision deficiency. Finland tests at entry into the licensing system, retests at age 45 and then every 5 years from the age of 70. The proposed approach is similar to what we find internationally – most jurisdictions around the world have significantly less frequent eyesight testing than New Zealand’s current system.

**Reference.** Clauses in proposed draft amendment Rule: 11 (eyesight test) 17 (eyesight testing requirement).

### *Questions*

- Do you think the proposed changes to the eyesight testing regime to remove requirements for repeated eyesight testing are appropriate?
- Do you think the current method of eyesight testing is sufficient for driver licensing if the proposed changes to the testing regime proceed?
- If commenting on the methods of eyesight testing, do you have any statistics or extra information that should be considered?

## **PROPOSAL 2**

**Simplify the progression from Class 2 to Class 5 licences**

### **Details of proposed Rule change**

#### *Context*

<sup>2</sup> <https://www.transport.govt.nz/assets/Uploads/Land/Documents/a3366e697f/2016-Licensing-Processes-CBA.pdf>

The New Zealand Graduated Driver Licensing System (GDLS) for drivers of heavy vehicles currently comprises four classes with associated learner classes. To drive heavy motor vehicles in New Zealand, drivers need a Class 2, 3, 4, or 5 licence depending on the weight of the vehicle that will be driven.

Drivers can choose between two pathways on the GDLS – a practical test pathway or an approved course pathway. Most choose an approved course pathway.

*In the discussion below, L is a learner licence and F is a full licence – so 2L is a Class 2 learner licence*

Class 3 is not part of the progression from a Class 2 to a Class 5 licence. Drivers can progress from a Class 2 Full licence to a Class 4 Learner Licence without progressing through Class 3, which relates to specific vehicle types.

Currently, there are age-specific requirements for both pathways when progressing from a Class 2 Full licence to a higher class of licence:

- All drivers must spend at least 6 months on a given learner licence before sitting the next stage full licence practical test, unless they have successfully completed an approved course. For example, a driver with a Class 4L licence who has not completed an approved course must wait 6 months before sitting the Class 4F practical test, but does not have to wait if an approved course is completed.
- Drivers under 25 years old must spend at least 6 months on their full class of licence before applying for the next class of learner licence. For example, a 24 year-old driver with a Class 4F licence must wait at least 6 months before applying for a Class 5L licence.
- Drivers 25 years or older must spend at least 3 months on their full class of licence before applying for the next class of learner licence, unless they have completed an ‘over 25 approved course’. For example, a 26 year-old driver with a Class 4F licence who has completed an ‘over 25 approved course’ will not have to wait before applying for a Class 5L licence.

*What is wrong?*

The New Zealand GDLS for heavy vehicles, which covers the progression from Class 2 to Class 5 licences, contains unnecessary steps and is overly time-consuming for drivers. In addition, the tests and courses used to assess drivers of heavy vehicles have not been updated in many years and might no longer be fit for purpose.

*What is changing?*

- 1) Class 3L and 3F licences will be removed

Currently, drivers can progress from a Class 2 licence to a Class 4 licence without moving through Class 3. There are very few vehicles in the New Zealand fleet for which a Class 3 licence is required, and only around 230 drivers in New Zealand hold Class 3 as their highest licence. Class 3 has become unnecessary, and will be removed from the heavy vehicle licensing system.

Those drivers who currently hold Class 3F as their highest licence class will be deemed to hold Class 5 licences. Drivers who hold Class 3L as their highest licence class are already deemed to hold Class 2F licences.

2) Class 4L and 5L licences will be removed

Instead of these learner licence classes, drivers with a full class of licence will be allowed to drive vehicles in the next class up under supervision. For example, a driver with a Class 4F licence would be permitted to drive a Class 5 vehicle under the supervision of a driver who has held a full Class 5F licence for a minimum of two years.

As with current legal requirements, the supervisor must be in charge of the vehicle, must be seated next to the driver at all times, and must have held a full licence for the class of vehicle they are supervising for a minimum of two years.

For the transition, drivers holding a current Class 4 or 5 learner licence will continue to hold that licence until they pass the enhanced test or course for the next class of full licence.

Any driver who sits and fails the full licence test/course, or does not sit the test/course prior to renewing their driver licence, will revert to the next highest class of heavy vehicle licence. These drivers would still be able to drive the next class up if they met the supervised driving requirements outlined above.

3) All applicants for Class 5 licences will be required to pass a theory test

Currently an applicant for a Class 5 licence must pass a theory test if they have not previously passed a theory test for a Class 3 licence. A theory test will now be required for all Class 5 applicants prior to the candidate sitting the Class 5 practical driving test or attending the approved Class 5 course.

4) Some wait-times will be removed

For drivers on the practical test pathway, there will no longer be a 6 month wait-time between Class 2L and 2F. Because Classes 4L and 5L are being removed, there will also be no wait-times on these licences.

For drivers aged 25 years or older, there will be no minimum wait times in the progression from Class 2 to Class 5.

This means that:

- All drivers must wait 6 months between obtaining their Class 1F licence and sitting the test for a Class 2L licence.
- Drivers under 25 must wait at least 6 months between Classes 2 and 4, and between Classes 4 and 5.
- Drivers 25 years or older do not have to wait between different licence classes (except Class 1F and 2L, as noted).

5) The practical tests and approved courses will be strengthened

The current practical driving test for Classes 2 to 5 is over 20 years old and is based on a test used since the 1970s. The current test mainly focuses on vehicle handling skills, rather than a driver's perceptual and hazard recognition skills when driving a heavy vehicle in traffic. The short test duration means that only a limited number of factors are assessed. It also limits the test to less congested areas.

The heavy vehicle sector has expressed concern that some of the approved courses are not as robust as they should be. The content of the courses, the way they are conducted and the ability of the Transport Agency to manage risks associated with the conduct or behaviour of approved course providers will also be strengthened.

*What is staying the same?*

The proposed amendments do not change the weight restrictions associated with different classes. All drivers in the heavy vehicle licensing system will still have two pathways to choose between at each licence stage – the approved course pathway and the practical test pathway. All drivers will still be required to wait six months before moving from a Class 1F licence to a Class 2L licence. The progression from Class 2 to Class 5 will still take longer for drivers under 25, although the time-line is shorter for all drivers.

**Reference.** Clauses in proposed amendment Rule: 7 (time requirements for class 4 and 5), 8 (allowing supervised driving in higher class), 9 (supervisor requirements), 14 (requirements for driver licence applicant), 35 (transition arrangements).

*Questions:*

- What do you think about the proposal to remove the Class 3L and 3F licences?
- What do you think about the proposal to remove Class 4L and 5L licences?
- What do you think about the proposal to allow full licence holders to drive vehicles in the next class up if they are supervised by a person who holds the higher licence?
- What do you think about the proposal to remove the standard 6 month wait time before each practical test for some licence classes?
- What do you think about the proposal to remove the 3 month wait time before drivers 25 years or older can move to the next licence class?
- What do you think about the proposal to strengthen the practical tests and approved courses?
- What do you think about introducing a theory test for Class 5 licences?
- Do you have any extra information regarding your comments on this proposal that should be considered?

**PROPOSAL 3****Remove the Accelerated Licensing Process****Details of proposed Rule change**

The Accelerated Licensing Process (ALP) was developed as a pilot programme between 2003 and 2011 as a response to sector concerns about labour supply. It was formalised in the Driver Licensing Rule in 2011 and came into force in 2012. Under the current rule requirements, it can shorten the time taken to reach a Class 5 licence by almost a year for drivers under 25.

Since the programme was trialled, 188 drivers have completed the ALP and around 140 companies have used the scheme. In the last two years, however, fewer than ten people have applied. There have been several recent attempts to promote the ALP scheme but with little improvement in uptake.

Overall, the ALP does not provide the anticipated benefits for employers. Many potential candidates are excluded (if they have a traffic offence history) and employers find the cost of providing supervisor drivers is substantial.

Additionally, the draft amendment Rule proposes a simpler process for progressing from Class 2 to a Class 5 licence (set out as proposal 2) further reducing the need to keep the ALP as an alternative.

The draft amendment Rule proposes to remove the ALP from the Rule. The fees, offences and penalties associated with the ALP will need to be removed from the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 and the Land Transport (Offences and Penalties) Regulations 1999.

The ALP would be removed with no transitional arrangements in place. As of October 2018, only 1 driver was participating in the programme. The expectation is that no new applicants will be admitted.

**Reference.** Clause in proposed amendment Rule: 15 (revokes Part 4A of the Rule, which contains all the ALP provisions).

*Question:*

- What do you think about the proposal to remove the Accelerated Licensing Process?
- Do you have any extra information regarding your comments on this proposal that should be considered?

**PROPOSAL 4****Remove the requirements for special-type vehicle endorsements****Details of proposed Rule change**

A special-type vehicle is defined in the Rule as any motor vehicle that is a forklift (F), runs on rollers (R), runs on self-laying tracks (e.g. a bulldozer) (T), or is a special-type vehicle that runs on wheels (W) (e.g. a combine harvester or a “Bobcat” excavator).

At present, any person who drives a special-type vehicle on a road must hold an appropriate vehicle endorsement in addition to the appropriate class of licence.

Special-type vehicles are rarely used on roads. They are typically used in occupational settings and workplace safety regulations exist to manage the use of these vehicles: the Health and Safety at Work Act 2015 requires that any person conducting a business or undertaking (PCBU) provide appropriate instruction or training for anyone operating one of these vehicles. This means that the existing special-type vehicle endorsement system is a duplication of regulatory effort. The proposed amendment recognises that it is more appropriate to regulate the safe operation of these vehicles as an occupational issue rather than a land transport issue.

The proposed amendment removes the requirement for drivers of special-type vehicles to hold endorsements. Instead, anyone who holds the class of licence matching the weight of the special-type vehicle they want to drive would be permitted to drive it on the road. The fees associated with special-type vehicle endorsements will be removed from the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999.

A cost benefit analysis of the proposal estimates the net benefits of removing these endorsements within the range of \$1 - \$6 million over 20 years. This change would reduce costs for both drivers and administrators.

A transition plan for existing holders of special-type vehicle endorsements will be required. This would involve maintaining the validity of existing endorsements until the general licence is renewed. Any special-type vehicle endorsements shown on the general licence will expire and be cancelled when the licence is renewed or when the licence has the expiry date changed in some other way, e.g. when the licence is reinstated with a new expiry date. After that, no special-type vehicle endorsements will be displayed on the licence card. Similarly, a person who has had a special-type vehicle endorsement revoked on medical grounds will not be able to apply for a replacement special type vehicle endorsement.

Other endorsements for Dangerous goods (D), Passenger (P), Vehicle recovery (V), Driving instructor (I), and Testing officer (O) will still be displayed on the licence card. Drivers operating special-type vehicles will still be required to have relevant training, and the safe operation of these vehicles will still be enshrined in New Zealand legislation – through the Health and Safety at Work Act 2015.

**Reference:** clauses in proposed amendment Rule: 16 (removes requirement for special-type endorsement and application process), 25 (renewal for endorsement), 35 (removes

references to these endorsements in Schedule 3), 36 (removes references to these endorsements in Schedule 4).

*Questions:*

- What do you think about the proposal to remove the requirements for special-type vehicle endorsements?
- If the endorsements are removed, do you think the Health and Safety at Work Act 2015 will ensure special-type vehicles are used safely on the road?
- Do you have any extra information regarding your comments on this proposal that should be considered?

**PROPOSAL 5**

**Standardise speed thresholds for tractors and special-type vehicles**

**Details of proposed Rule change**

In 2013, Schedule 3 of the Rule was amended to increase the maximum speed limit for agricultural motor vehicles from 30 km/h to 40 km/h, although the 30 km/h speed limit for other types of vehicles e.g. tractors other than agricultural tractors and special-type vehicles, remained unchanged. The anomaly was created as a result of a review that focussed only on agricultural vehicles. As a result, Schedule 3 now has seven driver licensing requirements for vehicles that can travel up to or more than 30 km/h and four for vehicles that can travel up to 40 km/h.

The proposed amendment simplifies Schedule 3 of the Rule so that any reference to a speed of 30 km/h is changed to a speed of 40 km/h.

There are very few fatalities and serious injuries associated with agricultural vehicles on roads, and fewer still that relate to these vehicles being driven too quickly. A key factor in the severity of crashes associated with agricultural vehicles is the speed difference between these vehicles and others on the road. Standardising the speed limit to 40kph would tend to reduce this speed difference.

A qualitative cost benefit analysis of the proposal suggests an overall net benefit due to simplifying regulatory requirements, ease of compliance, a potential reduction in open road crashes and improvements to traffic flow.

**Reference.** Clause in proposed amendment Rule: 35 (replaces Schedule 3, which sets out which licence is required for a specified vehicle type).

*Questions:*

- Do you think tractors and special-type vehicles are safe to be driven at the proposed speed? Note: this proposal affects endorsements F, R, T and W.

- Do you have any extra information regarding your comments on this proposal that should be considered?

**PROPOSAL 6****Simplify the rules for tractors that can be driven on a Class 1 licence****Details of proposed Rule change**

Tractors that can be driven on a Class 1 licence currently fall into any of seven different regulatory categories, depending on licence stage (learner, restricted, full), vehicle use (agricultural, non-agricultural), vehicle weight, speed limit, and whether the vehicle has a trailer attached. The existing requirements are difficult to understand, comply with, and enforce.

The proposed amendment simplifies the Schedule 3 licensing requirements by removing the regulatory differences between agricultural and non-agricultural tractors that can be driven on a Class 1 licence.

These vehicles are responsible for a very low number of road crashes and there is no evidence that agricultural tractors and other tractors present different crash risks.

All regulatory differences not related to the distinction between agricultural and non-agricultural tractors will be retained. This includes differences based on weight, or whether a tractor has a trailer attached.

**Reference.** Clause in proposed amendment Rule: 36 (replaces Schedule 3, which sets out which licence is required for a specified vehicle type).

*Questions:*

- Do you think tractors not more than 6,000kg and special-type vehicles can be safely operated by someone on a Class 1 driver licence?
- Do you have any extra information regarding your comments on this proposal that should be considered?

**PROPOSAL 7****Consolidate Schedule 3 in light of proposals 5 and 6****Details of proposed Rule change**

Schedule 3 sets out which vehicles may be driven by the holders of specified driver licences.

Over time, Schedule 3 has been frequently amended to address specific issues and as a result is difficult to follow. During the course of drafting the new Rule, anomalies or

inconsistencies were identified within Schedule 3 applying to different types of tractors and special-type vehicles, speed restrictions, and Class 1 licence coverage.

The proposed amendment simplifies the Class 1R and Class 1F licensing requirements in Schedule 3 by consolidating and reducing the level of overlap and duplication in the current weight and vehicle requirements. The current weight and vehicle types in Class 1R and 1F will be maintained.

**Reference.** Clause in proposed amendment Rule: 35 (replaces Schedule 3, which sets out which licence is required for a specified vehicle type).

*Question:*

- Does the consolidation of Schedule 3 make sense?

**PROPOSAL 8**

**Allow automatic renewal of general licences for some endorsement holders**

**Details of proposed Rule change**

Since 2011, licence holders who obtain or renew an additional licence class or endorsement can also have their existing (general) licence renewed for 10 years at the same time. The minimum requirements of the application for the additional licence or endorsement must also satisfy the minimum requirements for renewing the existing licence. Those requirements include the capture of a new photograph of the driver.

P endorsement holders (of small passenger service vehicles) who have to update their photo driver identification card can meet the photograph prerequisite and can therefore renew their general licence at the same time. The same is true for vehicle recovery (V) endorsement holders.

However, for large passenger service vehicles such as buses, P endorsement holders do not have a photograph taken when they renew their endorsement because bus drivers do not have to display a photo driver identification card. They therefore have to renew their general licence separately, on its normal expiry date. There is a risk that a driver licence could expire even after the endorsement has been renewed. This imposes costs and potentially the loss of income.

The same situation also applies to holders of I endorsements (Driving Instructor), O endorsements (Testing Officer) and D endorsements (Dangerous Goods). If these applicants had a photograph taken when renewing their endorsement, they would qualify for an automatic renewal of their existing general licence(s) – provided the medical requirements of the endorsement match those of all general licence classes held.

The proposed amendment requires a photograph to be taken when renewing these endorsements, so that general licences can be updated at the same time. This reduces the additional costs of applying for a general licence renewal separately, and reduces the risk of

a driver inadvertently letting their general licence expire after an endorsement has been renewed.

**Reference.** Clause 10 in proposed amendment Rule (images on licences).

*Question:*

- What do you think about the proposal to allow automatic renewal of general licences for some endorsement holders? Note: this proposal affects endorsements P, I, O and D.
- Do you have any extra information regarding your comments on this proposal that should be considered?

## **PROPOSAL 9**

### **Improve oversight of approved course providers**

#### **Details of the proposed Rule change**

The Rule authorises approved course providers to offer approved courses for most driver licensing classes and endorsements, either as a requirement of gaining a licence or endorsement, or as an alternative to minimum time requirements. The majority of drivers obtaining licences for Class 2 and above undertake courses, rather than the test pathway.

The integrity of such qualifications needs to be assured – especially when drivers are obtaining licences for the largest and heaviest vehicles on our roads. Some recent instances of course providers failing to meet the required standards have been identified.

A review of the integrity of the driver licensing system found that there is limited capacity, under the current rule provisions, to ensure that course provider services are being delivered to the required standards.

The proposed amendment closes these gaps by allowing the Transport Agency to:

- consider whether a person is “fit and proper” to be approved as a course provider
- impose conditions on course providers in addition to the current Statement of Approval Conditions
- suspend or revoke approved course provider status where a provider has acted inappropriately, illegally or contrary to the conditions of approval
- immediately suspend or revoke course provider authorisation where organised criminal activity or the interests of public safety require this

The proposed Rule uses a pattern already established in Part 4A of the Act to set out criteria for considering whether an applicant should be approved as a course provider. This allows a broader range of assessment criteria (not limited to skills, training and experience) to establish whether an applicant is an appropriate person to be granted that approval. Information about the prior performance of the applicant as a provider of educational or training courses, or any criminal offence history, can form part of that consideration.

The proposed amendment also requires the Transport Agency to advise an applicant of any potentially prejudicial information and provide an opportunity to comment on it.

The power to immediately revoke an approval is modelled on the process described in section 87D of the Act. Any course provider revoked in this way has a right of appeal under section 106 of the Act.

**Reference.** Clauses in proposed draft amendment Rule: 28 (approval of courses), 29 (requirements for approval), 30 (may request additional information), 31 (insert new clause 101A, fit and proper person assessment), 32 (minor change of tense), 33 (conditions), 34 (immediate revocation or suspension).

*Questions:*

- Is it appropriate for the Agency to consider whether a person is ‘fit and proper’ when considering an application to become an approved course provider?
- Do you agree with the Agency having increased powers to impose conditions on approved course providers?
- What do you think about the proposal to allow the Agency to have the ability to suspend or revoke approved course provider status or course provider authorisation?
- Do you have any extra information regarding your comments on this proposal that should be considered?

**ADDITIONAL PROPOSAL**

**Minor amendment to Clause 44 – ‘health practitioners’**

**Details**

All references to health practitioners in transport regulation are being standardised: the specific term ‘health practitioners’ is to be used in place of the variety of terms that used to exist. However, even after these changes come into effect, clause 44 of the Rule would still include a specific reference to a certificate issued by a “medical practitioner”.

The draft amendment Rule offers an opportunity, pending the update of other references, to amend clause 44(2A)(b) to refer to a certificate issued by a ‘health practitioner’. This would remove a possible challenge in a court to a certificate issued in accordance with the other provisions of this clause.

*Question:*

- Do you agree with the proposed amendment to change references to ‘medical practitioner’ to ‘health practitioner’?

## Legislative framework

### What are Land Transport Rules?

Land Transport Rules (Rules) are legislation made by the Minister of Transport or other authorised Minister ('the Minister') under the Act.

The Act sets out principles and the policy framework; Rules contain detailed requirements, including standards and processes, for putting those principles and policies into operation. Rules cover a range of land transport issues.

Rules do not include offences, penalties or fees. Those must be placed in regulations.

Among the outcomes that Rules aim to achieve are: maintaining and improving land transport safety and security, improving access and mobility, assisting economic development, protecting and promoting public health and ensuring environmental sustainability.

Compliance with Rules is required because they form part of New Zealand transport law. The specific offences and penalties that apply to each Rule are set out in the Act or in regulations.

Most Rules are drafted by the Transport Agency, by an arrangement with the Secretary for Transport, working closely with the Ministry of Transport's policy and legal advisors. The draft amendment Rule has been prepared by the Parliamentary Counsel Office, which is New Zealand's law drafting office.

Rules are drafted in plain language to be easily understood. The Transport Agency undertakes consultation on proposed changes to Rules on behalf of the Minister. The issues that are raised in submissions on the draft amendment Rule will be analysed and taken into account in preparing the Rule for the Minister to consider and sign.

Subject to the approval of the Minister, the proposed Rule changes would take effect late in 2019.

### Process for making Rule changes

Section 154 (Rules concerning driver licensing) in the Act provides a list of requirements which this rule must address. This is supported by general powers around rule-making (section 152) and a description of the procedures by which the Minister makes ordinary Rules (section 161). The Act includes a requirement to consult.

### How the amendment Rule affects other legislation

#### Bylaws

The proposed amendment Rule does not have any impact on existing bylaws, and nor do existing bylaws impact on the proposed amendment Rule.

## Fees

Any redundant fees for Class 3L and 3F licences, Class 4L and 5L licences, applying for entry to the ALP, and special-type vehicle endorsements will be revoked from the *Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999*.

Further work to review the remaining fees is expected to commence in 2019.

## Offences and penalties

Offences, penalties and demerit points and relating to driving in breach of conditions applying to stages 2 and 3 of the Accelerated Licensing Process will be revoked from Schedules 1 and 2 of the *Land Transport (Offences and Penalties) Regulations 1999*.

## Application of Rule-making criteria

### Proposed activity or service

Section 164(2) of the Act sets out the matters that the Minister must have regard to when making a rule. This includes, among others, the nature of the proposed activity or service for which the Rule is being established.

*The Driver Licensing Rule specifies the requirements for obtaining and renewing a driver licence in New Zealand. It sets out the requirements for the holder of a driver licence to obtain or renew an endorsement that will enable the endorsement holder to use a motor vehicle for specified activities. The rule also specifies the requirements for those who provide services related to the licensing of drivers.*

*The proposed amendment is designed to improve the Driver Licensing Rule by standardising regulatory requirements, streamlining requirements for the commercial driving sector which is vital to people and businesses, and removing requirements that do not maintain or improve road safety.*

### Risk to land transport safety

Section 164(2)(a), (c) and (d) of the Act requires the Minister to take into account the level of risk to land transport safety in each proposed activity or service, the level of risk existing to land transport safety in general in New Zealand, and the need to maintain and improve land transport safety and security.

*The proposed amendment maintains road safety, and in some areas is designed to improve outcomes by:*

- *strengthening practical tests and approved courses*
- *improving oversight of approved course providers.*

### Assisting achievement of strategic objectives for transport

Section 164(2)(e) of the Act requires that the Minister have regard, and give such weight as he or she considers appropriate in each case, to whether a proposed Rule (i) assists economic development; (ii) improves access and mobility; (iii) protects and promotes public health; and (iv) ensures environmental sustainability.

### **Assists economic development**

*The proposed amendment simplifies the heavy vehicle licensing pathway, removing potential barriers to entry in the commercial driving sector. The transport sector has raised concerns that the current heavy vehicle driver licensing system is unnecessarily complex, costly, and may be exacerbating driver shortages. The proposed amendment may remove impediments to accessing a heavy vehicle licence, and thereby relieve possible shortages.*

### **Improves access and mobility**

*The proposed amendment improves access to the licensing system by facilitating online licensing, reducing compliance costs for drivers on the heavy vehicle licensing pathway, and removing unnecessary endorsement requirements for drivers of special-type vehicles.*

### **Protects and promotes public health**

*The proposed amendment works to ensure a robust and consistent licensing system, ensuring New Zealand road safety is maintained or improved.*

### **Ensure environmental sustainability**

*The proposed amendment is neutral in terms of environmental sustainability.*

### **Costs of implementing the proposed changes**

Section 164(2)(ea) of the Act requires that the Minister have regard to the costs of implementing measures proposed in a Rule.

*A summary of the costs and benefits of the proposed changes, together with links to the regulatory impact statement, and the independent review of the Transport Agency's vision testing crash analysis and the vision testing literature review can be found on the Ministry of Transport's website at [www.transport.govt.nz/](http://www.transport.govt.nz/)*

### **International considerations**

Section 164(2)(eb) and (f) of the Act requires that, in making a Rule, the Minister must have regard to New Zealand's international obligations concerning land transport safety, and the international circumstances in respect of land transport safety.

*The Rule amendment does not impinge on any international obligations.*

## Publication and availability of Rules

### Access to consultation material

Copies of this consultation document may be obtained by calling the Transport Agency Contact Centre on 0800 699 000.

It is also available on the Transport Agency's website at: [www.nzta.govt.nz/dlr](http://www.nzta.govt.nz/dlr)

### Availability of Rules

Land Transport Rules are available to be read free of charge at the National Office and regional offices of the Transport Agency.

Rules are also available on the Transport Agency's website at:

<http://www.nzta.govt.nz/resources/rules/?category=&subcategory=&audience=&term=rules>

### Information about Rules

Information about Rules and the Rule-making process is available online at:

<http://www.nzta.govt.nz/resources/rules/about/what-are-rules.html>

If you have not registered your interest in the Driver Licensing Rule (or other Land Transport Rules), you can do so by contacting the Transport Agency at our addresses shown in the 'Making a submission' section at the front of this publication, or at:

<http://www.nzta.govt.nz/registration-of-interest-in-land-transport-rules/>. This page includes a form for registering an interest in Rules.

## Regulatory impact of proposed Rule amendments

A Regulatory Impact Statement on the proposed Rule changes is available for you to read. The document can be downloaded from the Ministry of Transport's website at: <http://www.transport.govt.nz/land/driverlicensingreview/>

A summary of the benefits and costs/risks of the Rule amendment proposals are set out in the following table.

Proposal	Benefits	Costs
1: Reduce the requirements for repeated eyesight testing	<ul style="list-style-type: none"> <li>• facilitates the move to an online licensing system</li> <li>• reduces compliance costs for drivers</li> <li>• reduce the cost of administering vision tests</li> </ul>	<ul style="list-style-type: none"> <li>• potential safety impact from fewer regulated opportunities to detect age-related vision deterioration.</li> <li>• initial capital investment in IT infrastructure to establish on-line transactions</li> <li>• on-going maintenance and support costs</li> </ul>
2: Simplify the pathway from Class 2 to Class 5 licences	<ul style="list-style-type: none"> <li>• lowers costs for applicants through removing learner licence applications and fees for Classes 4 and 5 and Class 3</li> <li>• saves time through removing wait times</li> <li>• improves safety through enhanced tests and course</li> <li>• reduces administrative costs for the NZ Transport Agency through reduced number of transactions</li> </ul>	<ul style="list-style-type: none"> <li>• possible safety implications of the younger age at which drivers can reach Class 5</li> <li>• costs associated with developing enhanced tests and courses</li> </ul>
3: Remove the Accelerated Licensing Process	<ul style="list-style-type: none"> <li>• removes costs of running a rarely used scheme</li> </ul>	<ul style="list-style-type: none"> <li>• removes fast-track process for drivers under 25 to reduce the minimum time from a Class 2 to Class 5 full licence</li> </ul>
4: Remove the requirements for licence endorsements for drivers of special-type vehicles	<ul style="list-style-type: none"> <li>• reduces regulatory duplication</li> <li>• lowers compliance costs for drivers of special-type vehicles</li> <li>• maintains road safety</li> <li>• reduces cost to the NZ Transport agency (fewer transactions, no requirement to maintain the endorsement scheme)</li> </ul>	<ul style="list-style-type: none"> <li>• perceived risk that safety controls would be reduced</li> </ul>
5: Standardise speed thresholds for tractors and special-type vehicles to 40 k ph.	<ul style="list-style-type: none"> <li>• facilitates compliance by making the rule simpler</li> <li>• may improve road safety by reducing the speed differential between tractors and other vehicles</li> </ul>	<ul style="list-style-type: none"> <li>• potential safety risk of increased speed limit for some tractors</li> </ul>

Proposal	Benefits	Costs
6: Simplify the rules for tractors that can be driven on a Class 1 licence	<ul style="list-style-type: none"> <li>• removes unnecessary complication from the rule</li> <li>• facilitates compliance through simpler requirements</li> </ul>	<ul style="list-style-type: none"> <li>• increases the weight restrictions for non-agricultural tractors that can be driven on a Class 1 restricted licence</li> </ul>
7: Consolidate Schedule 3 in light of proposals 5 and 6	<ul style="list-style-type: none"> <li>• improves regulatory clarity and consistency</li> <li>• simplifies the Class 1R and Class 1F licensing requirements in Schedule 3</li> <li>• consolidates and reduces the level of overlap and duplication in the current weight and vehicle requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• nil</li> </ul>
8: Allow automatic renewal of general licences for some endorsement holders	<ul style="list-style-type: none"> <li>• aligns large passenger service vehicle drivers with small passenger service vehicle drivers</li> <li>• reduces compliance costs</li> <li>• reduces risk of a driver licence expiring after an endorsement has been renewed.</li> </ul>	<ul style="list-style-type: none"> <li>• requires IT and system change costs</li> </ul>
9: Improve oversight of approved course providers	<ul style="list-style-type: none"> <li>• addresses identified risk management gaps</li> <li>• protects students from substandard service provision</li> <li>• maintains public expectations of appropriate action should problems with an approved course provider occur</li> </ul>	<ul style="list-style-type: none"> <li>• uncertainty for students since course providers may be suspended</li> </ul>