

Land Transport Rule

Light-vehicle Brakes Amendment [2019]

Rule 32014/2002/6

Overview to the Rule, 20 March 2019

This overview accompanies, and sets in context, the public consultation (yellow) draft of *Land Transport Rule: Light-vehicle Brakes Amendment [2019]* (Rule 32014/2002/6). The proposed amendment Rule requires all motorcycles entering service in New Zealand after a specified date to be equipped with either an anti-lock braking system or a combined braking system (subject to some exceptions). It also removes a requirement for twinned-wheel motor tricycles to be fitted with a park brake.

If you wish to comment on this draft Rule, please see the page headed ‘Making a submission’ for details on how to do this. The deadline for submissions is **5 pm Friday 26 April 2019**.

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Consultation on proposed Rule changes

The purpose of this publication is to set out the context for consulting on proposed changes to *Land Transport Rule: Light-vehicle Brakes 2002* (the Light-vehicle Brakes Rule).

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

The feedback that is received during consultation will be analysed and taken into account in finalising the proposed changes for the Minister of Transport (the Minister) to consider.

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 the Rule – Light-vehicle Brakes Amendment Rule 2019
 - your name, and title if applicable
 - your organisation's name if applicable
 - your address – postal, and email if applicable

You can make a submission by using the online form available here:

<https://www.nzta.govt.nz/about-us/consultations/land-transport-rule-light-vehicle-brakes-2019>

By email: rules@nzta.govt.nz

If emailing, include the title of the Rule in the subject line.

If posting your submission, address it to:

Light-vehicle Brakes Amendment Rule
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 26 April 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 we 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.

Consultation process for Rule changes

The Government is committed to ensuring that legislation is sound and robust and that the Rules development process takes account of the views of, and the impact on, people affected by changes proposed in Rules.

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 Rule: Light-vehicle Brakes Amendment 2019* (the amendment Rule).

Please read these documents carefully and consider the effects that the proposed Rule changes would have on you or (if relevant) your organisation.

You will notice that the draft amendment Rule sets out only the proposed Rule changes. If you do not have a copy of the Light-vehicle Brakes Rule, please read the information in Publication and availability of Rules (page 21) about obtaining Rules. To assist in setting the proposed changes in context, the web versions of the Light-vehicle Brakes Rule and the amendment Rule documents are linked.

The feedback raised in submissions on the proposed amendment Rule will be analysed and taken into account in preparing the Rule for the Minister to consider.

Proposed timetable for implementation

Subject to the approval of the Minister, it is proposed that the Rule would take effect on 1 November 2019 for new model new motorcycles and from 1 November 2021 for existing-model new motorcycles and used motorcycles entering the fleet.

Making a submission

If you wish to make a submission on the amendment Rule, please read the material headed making a submission at the front of this document.

The deadline for submissions is **5pm on 26 April 2019**.

Summary of proposed Rule changes

This summary explains the purpose and intent of the proposed amendments to the *Land Transport Rule: Light-vehicles Brakes 2002* (Light-vehicle Brakes Rule).

The Government Policy Statement on Land Transport 2018/19–2027/28 (GPS), released in June last year, includes a range of measures to improve the safety of vulnerable road users, including considering requiring ABS for motorcycles.

These proposed changes will also meet the third and final Action Plan for *Safer Journeys – New Zealand’s Road Safety Strategy 2010-2020*. The Action Plan has a focus of making motorcycling safer, specifically through the investigation of requiring anti-lock braking systems (ABS) on higher powered motorcycles. The requirement for ABS (and for CBS on lower powered motorcycles) aligns with the *Vehicle Standard (Australian Design Rule 33/01 – Brake Systems for Motorcycles and Mopeds) 2017*.

The Light-vehicle Brakes Rule specifies the types of brakes that must be fitted to light vehicles, and the requirements for those brakes.

The following changes are proposed:

- Requiring an anti-lock braking system (ABS) to be fitted on motorcycles over 125cc; and
- Requiring either ABS or a combined braking system (CBS) to be fitted on motorcycles over 50cc up to and including 125cc.

The amendment Rule will also cover electrically-powered motorcycles of equivalent engine power output.

For the purposes of this overview, the following definitions apply:

- **New model new motorcycles** – models of motorcycles that are not currently available in New Zealand and have not previously been registered in other jurisdictions prior to importation.
- **Existing model new motorcycles** – models of motorcycles that are currently available in New Zealand and have not previously been registered in any other jurisdiction prior to importation.
- **Used motorcycles** – motorcycles that have previously been registered in New Zealand or in any other jurisdictions prior to importation.

We are seeking your feedback on the implementation dates for the two braking technologies, with the following timetable suggested:

- All new-model new motorcycles over 50cc entering the fleet from 1 November 2019
- All existing model new and used motorcycles over 50cc entering the fleet from 1 November 2021.

Feedback is also being sought on whether a separate exception should be in place to allow for circumstances where motorcycles have been ordered prior to the Minister signing the Rule i.e. if a motorcycle is ordered in January 2019 and does not enter the country until mid-November 2019, whether this would be allowed as long as sufficient evidence is provided to the Agency.

The following classes of vehicles (as defined in *Land Transport Rule: Vehicle Standards Compliance 2002*) will be affected by this amendment Rule: LC, LD and LE. This includes three-wheeled motor tricycles. Mopeds (class LA or LB or those up to and including 50cc) will be excluded from the requirements under the amendment Rule.

We also propose to include the following exceptions:

- An exception for used motorcycles that were manufactured prior to one of three proposed dates
 - 1 January 1970
 - 1 January 1980
 - 1 January 1990
- Exception to allow New Zealand citizens or residents immigrating to New Zealand to import one non-complying ('immigrant's') motorcycle;
- Allowing for motorcycles manufactured with an 'off' switch that enables temporary deactivation of the ABS;
- An exception for Trial and Enduro motorcycles which are used primarily for motorsport events; and
- A new Special Interest Motorcycle permit to allow a limited number of motorcycles without ABS to be imported if the particular motorcycle meets certain criteria.

In addition, we propose to provide an exception to the park brake requirement for twinned-wheeled motor tricycles that tilt-over when stationary.

Why are Rule changes being proposed?

The *Government Policy Statement on Land Transport*, released in June last year, signals the Government's support for a much greater investment in safety. It contains a range of measures to improve the safety of vulnerable road users. These include improving the vehicle fleet, through actions such as considering requiring ABS for motorcycles.

Motorcycle safety is also a key priority of the Government's road safety strategy: *Safer Journeys 2010-2020*. The strategy identifies key issues and high-level actions that can be undertaken to address these issues, using the Safe System approach. The Safe System approach aims for a more forgiving road system that takes human fallibility and vulnerability into account, working to protect people from death and serious injury.

Motorcyclists are disproportionately represented in annual road safety statistics. In 2017, motorcyclists, who make up four percent of road users, accounted for 12 percent of total annual road deaths. The risk of being killed or injured in road crashes is 21 times higher for motorcyclists than for car drivers travelling the same distance.

The third and final Action Plan for *Safer Journeys – New Zealand's Road Safety Strategy 2010-2020* has four focus points, one of which is to make motor cycling safer with a recommendation for the Ministry of Transport to investigate requiring anti-lock braking systems (ABS) to be fitted on all new motorcycles over 125cc, or the electrically powered equivalent.

ABS is a closed-loop part of the braking system which prevents wheel lock during braking, resulting in improved vehicle stability and potentially reducing the stopping distance.

To maximise the safety benefits of any Rule change, it is also proposed that combined braking systems (CBS) are required to be fitted on motorcycles of engine capacity over 50cc and not exceeding 125cc, or the electrically powered equivalent, if they do not have ABS. CBS is a service brake system where brakes on both wheels can be operated by the use of a single control, ultimately stopping the motorcycle from up-ending, and in some instances reducing braking distance.

During development of this proposal, informal surveying of the leading motorcycle suppliers took place. All of these suppliers indicated that the majority of motorcycles they offer, or will shortly be offering, are equipped with ABS. The New Zealand representatives of a number of major brands have indicated that all

new road motorcycles that they supply are fitted with ABS as a matter of company policy. For many of these suppliers, this is due to the increasing international trend towards requiring the technology.

These trends are also seen across the motorcycle brands that supply models under 125cc.

In other international jurisdictions it is becoming increasingly more common for motorcycles to be required to have ABS. To date, Europe (2017), Brazil (2019), India (2019), Japan (2021) and Australia (2021) require or will shortly require, both new and used motorcycle models to have ABS before the motorcycles are certified (where vehicles are checked for compliance with standards). The implementation dates referred to are for full implementation. This is a topic which will be questioned further on in the Overview.

Movement in fleet

The motorcycle fleet differs significantly from the passenger vehicle fleet, in that motorcycles will often be removed from the fleet while relatively young.

It is uncertain why these motorcycles have been deregistered. It is common for motorcycles to be stored for long periods of time. This may influence the numbers of motorcycles which appear to leave the fleet. As of January 2019, of the 153,000 registered motorcycles in New Zealand, only 129,000 are currently licensed.

However, this turnover would indicate that any Government intervention would see a significant safety impact in the next 10 years. As seen in the cost benefit analysis, available on the Ministry of Transport website, by 2029 this could see a reduction in 7 fatalities and 81 serious injuries.

Uptake without regulation

As identified in the cost benefit analysis undertaken by the Ministry of Transport, it is expected that if the market were left to self-correct, the proportion of motorcycles equipped with ABS would gradually reach 90 percent of the fleet.

It is likely though that low-cost models without ABS would continue to be sold in New Zealand and it is estimated that this could make up the remaining 10 percent of motorcycles entering the fleet. A failure to implement the proposals would see the market for cheaper, but less safe, new motorcycles which lack ABS technology continue.

At present, 40 percent of used motorcycles (equivalent to 10 percent of all motorcycles) entering the fleet come from the United States, where ABS is not required.

It is expected that 10 percent of imported motorcycles (10 percent new and 10 percent used) could lack ABS if it is not made a requirement.

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 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?

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

What changes are proposed?

This section sets out the changes that are proposed to the requirements in the Light-vehicle Brakes Rule and the reasons for making the changes.

PROPOSAL 1. To require motorcycles of engine capacity over 125cc, or an electrically powered equivalent, to be fitted with ABS

Current state

Over the five years from 2013 to 2017, amongst motorcycle users there have been an average of 46 deaths, 365 reported serious injuries and 603 reported minor injuries per year.¹

Some of the commonly cited reasons for these incidents that can be attributed to the braking systems of motorcycles include:

- Having separate front and rear braking systems which make braking sensitive to the rider's balancing skills
- Riders not remaining stable and upright once they have begun skidding (normally due to sudden braking)
- Sensitivity to traction and surface conditions which can result in reduced road contact
- Less visible to road users, increasing the occasions where riders need to brake suddenly.

At present, the Light-vehicle Brakes Rule only requires motorcycles entering the fleet to have a service brake (the brake normally used to slow down and stop a vehicle) capable of stopping the vehicle within a distance of 7m from a speed of 30km/h.

Proposed change and the effect on the industry

The proposed amendment would require motorcycles (both new and used) of engine capacities over 125cc, or the electrically powered equivalent, entering the fleet to have ABS fitted to operate on New Zealand roads. This would be subject to the proposed exceptions and dates outlined in proposals below.

The provision to include electrically powered equivalents at this point will allow the amendment Rule to remain relevant as this technology further develops.

Data held by the Transport Agency shows that in 2017, 72 percent of the motorcycles imported had engines rated over 125cc.

¹ Please note: these figures differ slightly with the information in the Ministry of Transport's Cabinet Paper and Regulatory Impact Assessment. This data has been updated with finalised figures of annual road deaths.

Table 1: Total number of motorcycles entering the fleet

Type of motorcycle	2015	2016	2017
New, larger than 125cc	6622	6898	7102
New, up to and including 125cc	941	643	634
Used, larger than 125cc	2485	2398	2897
Used, up to and including 125cc	42	46	36
Total	10,090	9,985	10,669

It is estimated that around 60-70 percent of the new motorcycles entering the fleet in 2017 were already fitted with ABS.

In comparison, following discussions with importers, it is estimated that 10 percent of used motorcycles entering the fleet in 2017 were fitted with ABS. This figure is expected to gradually increase over time as a result of ABS being required in other jurisdictions. Without intervention, New Zealand could become a 'dumping ground' for used motorcycles without ABS.

To gain the maximum benefit from the technology, it is necessary to make ABS mandatory for motorcycles over 125cc, and the electrically powered equivalent.

Rule reference: 2.5 (New clause 2.7 inserted)

PROPOSAL 2: To require motorcycles with engine capacities over 50cc and not exceeding 125cc, or an electrically powered equivalent, to be fitted with ABS or CBS.

As with larger motorcycles, smaller motorcycles are only required to have a service brake.

If a change were to be made in the requirements for larger motorcycles over 125cc, or an electrically powered equivalent, it would be sensible to also consider smaller motorcycles.

A combined braking system (CBS) is considered to be a simpler version of ABS, which is commonly found on smaller motorcycles. A combined braking system has brakes on both wheels which are operated through a single control.

During an emergency braking situation, CBS eliminates the potential of compromised braking by allowing the rider to easily control both brakes. This has been shown to reduce stopping distances and can stop the motorcycle from up-ending.

CBS is seen as an economical way to improve the safety standard of small motorcycles.

As identified in the cost benefit analysis undertaken by the Ministry of Transport, in order to gain the maximum benefit from the technology, it is necessary to make ABS or CBS compulsory for motorcycles over 50cc and not exceeding 125cc, and the electrically powered equivalent.

Rule reference: 2.5 (New clause 2.7 inserted)

PROPOSAL 3: Implementation dates for ABS requirements will be from 1 November 2019 for new model new motorcycles and from 1 November 2021 for all existing-model new and used motorcycles entering the fleet

Implementation dates

There are many factors to consider in deciding on the implementation date. One of these is alignment with the Australian market, as these are the dates from which the requirements will apply in Australia.

It would prevent the New Zealand market from becoming an effective ‘dumping’ ground for motorcycles that would otherwise not comply with entry requirements for the Australian market.

Modelling in the cost benefit analysis shows that the greatest overall benefits to safety would be realised by bringing forward the date for full implementation of ABS in the whole fleet. So, the sooner motorcycles are required to be fitted with ABS the sooner the benefits are seen. The proposed dates are the earliest considered practical.

The proposed implementation dates for motorcycles entering the fleet being required to have ABS or CBS fitted are—

- 1 November 2019 for new model new motorcycles; and
- 1 November 2021 for all existing-model (i.e. models already available in New Zealand) new motorcycles and all used motorcycles entering the fleet.

While the 1 November 2019 date could be seen as a short lead in time for industry, a number of the larger importers, which hold a majority of the market, were engaged during development of this policy so are aware of the intent. These importers noted that all their new road motorcycles do already have ABS.

This was signalled as part of the *Safer Journeys Action Plan 2016-2020*, therefore it should not be a surprise for suppliers.

While most new motorcycles are manufactured by a small number of major brands, around 10 percent of new motorcycles entering the fleet are from smaller, usually less well-known brands selling less than 50 motorcycles a year. The Ministry has very little information about the safety technology fitted to these motorcycles, or any plans these companies may have for fitting of ABS.

Given this, the Transport Agency would welcome feedback on whether it would be appropriate to align implementation for existing model new and all used motorcycles with the 2019 date for new model new motorcycles.

Savings provision for motorcycles ordered prior to signing of the Rule

Feedback is also sought on whether to allow motorcycles without ABS or CBS to enter service in New Zealand if they have been ordered by importers prior to the signing of the Rule but not entry certified before the implementation date.

This provision would allow for instances where an order has been unable to be amended to a motorcycle with either ABS or CBS and acknowledges the potential financial hardship should these motorcycles be turned away during entry certification.

If progressed, we propose that affected parties would be required to provide documentation (i.e. proof of a receipt or confirmation of the order) to the Transport Agency to be excepted from complying with the Rule.

Rule reference: 2.5 (New clause 2.7)

PROPOSAL 4: To except used motorcycles without ABS or CBS and manufactured on or before 1 January 1990 from the requirement to have ABS or CBS, and to allow a limited number of motorcycles without ABS or CBS to enter into service if they are of special interest

There is a continued interest in the collection of ‘classic’ or ‘collectable’ motorcycles which often are older vehicles (for example, World War II motorcycles). In 2017, 22 percent of used motorcycles registered (accounting for 8 percent of total registrations or 1,100 motorcycles) were manufactured before 1997.

Given their age, these motorcycles are usually not intended for regular use. Travel data shows that these motorcycles travel small annual distances and are often referred to as ‘sunny Sunday afternoon’ motorcycles, because they are not intended for daily use, rather they are used for occasional recreational travel. These motorcycles are subject to six monthly warrant of fitness inspections, which means the compliance burden of owning such a motorcycle is high.

Despite the average scrapping age of a used motorcycle being around 18 years, in 2017 almost 1,400 (1,371) motorcycles manufactured in or before 2000 entered the fleet out of a total number of 13,547 motorcycles registered that year. This is equivalent to 10 percent of all motorcycle registrations that entered in 2017. Since the year 2000 registrations of older motorcycles (20 or more years old) have been relatively constant with around 1,000 – 1,200 older motorcycles being registered each year

Although older motorcycles only travel small distances, compared to newer motorcycles, their continued importation and registration would reduce the expected long-term safety benefits of ABS. On this basis it makes sense to restrict their ongoing registration. However, it is equally likely that given the consistency of demand for older motorcycles, motorcycle riders and importers will expect some form of exception or exemption process to allow ‘classic’ and ‘collectable’ motorcycles to continue to be imported.

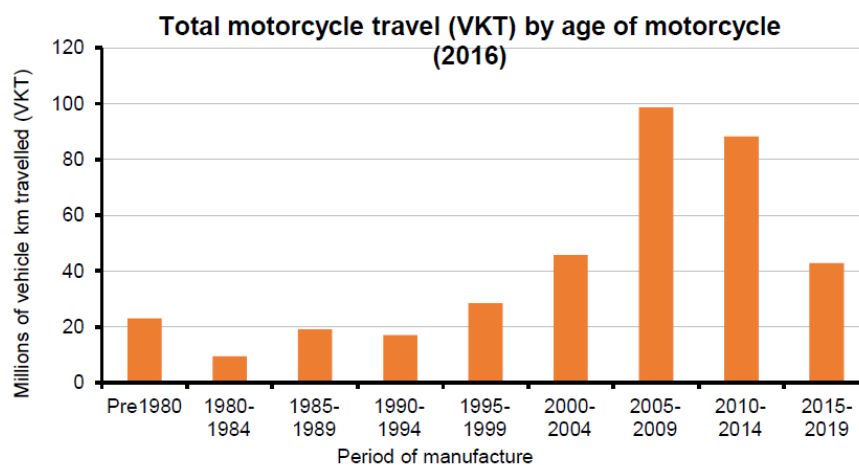
The proposed exception for motorcycles manufactured on or before 1 January 1990 would allow for these ‘classic’ motorcycles to continue to be imported. It is expected that this fixed date would not create a significant potential market for non-ABS motorcycles.

Given the low usage of these motorcycles and the low vehicle kilometres travelled, the exposure of the riders to potential accidents on the road is low.

Death and serious injury data held by the Transport Agency supports the above statement.

This data shows that motorcycles manufactured pre-1990 are not over represented when comparing the frequency of occurrences in comparison to the number of motorcycles (both licensed and unlicensed).

Figure 1: Travel by motorcycles is higher for those manufactured within the last 15 years



The proposed date of 1990 has been suggested as ABS has become more widely deployed across the various motorcycle makes, and motorcycles with ABS fitted have become more widely available since then. A rolling date for an exception (for example motorcycles aged 30 years or more) was also considered.

The possibility of having ‘classic’ motorcycles retrofitted with ABS is not considered to be a feasible option given the complexity and expense.

While the 1990 date is proposed, alternative dates of 1 January 1970 and 1 January 1980 have also been suggested.

Rule reference 2.5 (New clause 2.7(7)(c))

Provision to allow a limited number of motorcycles without ABS or CBS to enter into service if they are of special interest

A Special Interest Motorcycle (SIM) permit scheme would operate similarly to the existing permit scheme for special interest passenger vehicles that do not comply with frontal impact standards.

The SIM scheme would allow for a limited number of collectable motorcycles that are manufactured in small numbers and not manufactured with ABS to be imported to meet a genuine demand from collectors. The SIM scheme would be especially relevant for motorcycles manufactured after 1990 (or other selected date), which are not fitted with ABS and therefore would otherwise not be able to be registered.

Under this scheme, an applicant may apply to the Transport Agency, and pay an associated fee, for a permit to have a special interest motorcycle entered into service despite it not having ABS. An application would be considered against specified criteria.

We propose to limit SIM permits to 100 per year, as this will continue to enable the collectables market while limiting the number of motorcycles without ABS entering service. There is a concern that this could negate the increased safety implications of requiring ABS and CBS. However, it is reasonable to expect that special interest motorcycles would not be intended for everyday use, meaning their road exposure is likely to be low compared to motorcycles used daily.

Criteria

It is proposed that the following would be the criteria for the SIM permit:

- The motorcycle is a collector's item; and
- 20,000, or fewer, were manufactured in the year; and
- The same model is not available with ABS or CBS; or
- The motorcycle has historical value.

Rule reference 2.5 (New clause 2.7(7)(f) and Schedule 2)

PROPOSAL 5: To provide exceptions for immigrant's vehicles and specialist motorsport motorcycles (Trial and Enduro) from requiring ABS or CBS and to allow certain motorcycles principally used off-road to be able to switch off the ABS function

Immigrant's vehicles

The purpose of the immigrant's vehicle scheme is to assist returning citizens and residents with a smooth transition when they enter New Zealand by enabling them

to import a means of transport even if that vehicle does not comply with certain requirements. We propose to extend this exception to allow the vehicle to be a motorcycle owned by returning New Zealand residents or citizens that does not have either ABS or CBS fitted. This would expand the exception in the *Land Transport Rule: Frontal Impact 2001* which allows immigrants to bring in one passenger vehicle that does not comply with frontal impact standards and in the *Land Transport Rule: Vehicle Exhaust Emissions 2007* which allows immigrants to bring in a vehicle that does not comply with an exhaust emissions standard. The exception, which is limited to one vehicle per applicant, would allow applicants to import a motorcycle that they have personally owned for a period of at least one year prior to their return to New Zealand. This exception would allow for one vehicle to be imported in total by an applicant which could be either a passenger vehicle or a motorcycle. Following the motorcycle gaining entry certification, the vehicle must remain registered in the name of the applicant for at least one year. This is similar to the same provisions that exist for passenger vehicles.

Rule reference 2.5 (New clause 2.7(7)(d) and Schedule 1)

Trial and Enduro motorcycles

There are a small number of road-registered motorcycles which are primarily used for off-road or motor sports events, which may occasionally travel on the road.

To require ABS or CBS to be fitted to these motorcycles could make them unfit for their intended purpose. So, to allow these motorcycles to be used as intended, it is proposed to create an exception from the requirement to have ABS or CBS fitted for these defined classes of motorcycle. This would be consistent with the Australian market and the scope of this proposal mirrors that in the Australian Standard (ADR 33/01).

Rule reference 2.5 (New clause 2.7(7)(a) and (b)), 2.7 (New definitions of Enduro motorcycle and Trial motorcycle)

Switches to disable ABS

To allow for circumstances where motorcycles are used on unsealed roads and off-road, it is proposed to create an exception to allow motorcycles to be equipped with a switch to enable the rider to temporarily disable the ABS function.

ABS may not work as effectively on unsealed roads, such as gravel (or similar surfaces), as vehicles have lower levels of traction on these surfaces.

This exception would only cover motorcycles that are designed and constructed with a switch to enable a rider to disable the system when using off-road.

This provision closely matches the equivalent Australian rule (ADR 33/01) enabling the New Zealand market to be consistent with the Australian market, between which shipments are often shared.

Rule reference 2.5 (New clause 2.7(6))

PROPOSAL 6: To remove the requirement for twin-wheeled motor tricycles to have park brakes installed

Twin-wheeled motor tricycles are defined as having two wheels mounted on the same axle where the distance between the two is less than 460mm. The two wheels, which essentially operate as one wheel, can move up and down independently relative to each other allowing the vehicle to lean when cornering. We propose to remove the current requirement for these vehicles to be equipped with a park brake.

Park brakes are designed to prevent vehicles from rolling while parked. However, a majority of twin-wheeled motorcycles do not have the ability to stand up by themselves and must use a stand (as the twin wheels will lean to one side).

Without the stand, these motor tricycles do not roll by themselves, but will fall over, as do two-wheeled motorcycles.

Therefore, we believe that a separate parking brake is a redundant requirement.

In Europe and Australia, twin-wheeled motor tricycles have been granted exemptions from the relevant legislation. Consequently, for New Zealand to continue to have different entry requirements would either remove these twin-wheeled motor tricycles out of the New Zealand marketplace or create unnecessary compliance costs. There are some twin-wheeled motor tricycles that allow the front wheels to act independently and balance the motor tricycle when parked without the use of the stand. Investigations have shown that these are manufactured with park brakes.

At present, the Light-vehicle Brakes Rule requires all motor tricycles to have a park brake. Given that a majority of twin-wheeled motor tricycles are currently manufactured without park brakes, the Transport Agency currently issues exemptions to allow these motor tricycles to gain entry to New Zealand, 273 exemptions were issued in 2018.

The proposed amendment would reduce compliance costs while not affecting any safety outcomes.

Rule reference 2.1, 2.3

What are Land Transport Rules?

Land Transport Rules (Rules) are legislation made by the Minister of Transport or his delegate ('the Minister') under the *Land Transport Act 1998* (the Act).

The Act sets out principles and the policy framework; Rules contain detailed requirements, including standards and processes, for putting those principles and policy into operation. Rules cover a range of land transport issues. Among the outcomes that Rules aim to achieve are: safeguarding 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.

The Act provides the legal framework for making Land Transport Rules. Section 161 states the procedures by which the Minister makes ordinary Rules.

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.

Rules are drafted in plain language to be understood by a wide audience and to help ensure compliance with requirements. The Transport Agency is responsible for ensuring that appropriate consultation is undertaken on proposed Rules, and a draft Rule may be changed in response to submissions received.

Application of Rule-making criteria

Proposed activity or service

Section 164(2)(b) of the Act requires that appropriate weight be given to the nature of the proposed activity or service for which the Rule is being established.

The Light-vehicle Brakes Rule specifies the braking and electronic stability control system requirements with which a vehicle must comply to be operated on New Zealand Roads.

Further, for the purposes of *Land Transport Rule: Vehicle Standards Compliance 2002*, these are the applicable requirements for brakes and electronic stability control systems.

The proposed amendments are intended to improve the overall safety for motorcycle riders, by requiring either an advanced braking system (ABS) or a combined braking system (CBS) depending on the size of the motorcycle. Both of these are proven to be effective in aiding the braking ability of motorcycle riders, particularly in times where sudden braking is required.

Risk to land transport safety

Section 164(2)(a), (c) and (d) 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 is designed to improve outcomes for both motorcycle riders and general road users.

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 is neutral in terms of assisting economic development

Improves access and mobility

The proposed amendment is neutral in terms of improving access and mobility.

Protects and promotes public health

The proposed amendment will improve safety for motorcyclists and other road users, through improving the braking capability of the motorcycle fleet.

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 statements on the Ministry of Transport's website, can be found on page:

<https://transport.cwp.govt.nz/land/abs-for-motorcycles/>

There are potential changes to the motorcycle purchasing costs. For new imports, it is estimated to be between \$250 and \$450 for CBS and \$350 and \$650 for ABS.

For used imports, it is estimated to be between \$40 and \$80 for CBS and \$50 and \$90 for ABS.

Using current importation figures, it is expected that the total cost of the changes could be \$4.3 million, with \$90,000 of this being costs to the NZ Transport Agency to amend the Vehicle Inspection Portal and checklists, alongside delivering communications to the industry.

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 proposed amendment does not conflict with New Zealand's international obligations.

How the amendment Rule fits with other legislation**Offences and penalties**

Land Transport Rules do not contain offences and penalties for breaches of Rule requirements. These provisions are usually set out in regulations.

A consequential change to the *Land Transport (Offences and Penalties) Regulations 1999* is required to create an offence of producing a false statutory declaration regarding an application for having a vehicle identified as an immigrant's vehicle or in an application for a special interest motorcycle permit.

Fees and Charges

A consequential change to the *Land Transport (Certification and Other Fees) Regulations 2014* would be required to support implementation of the proposed Rule. This would be required to provide for a fee of \$160 to be charged by the Agency for processing applications for special interest motorcycle permits.

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:

<https://www.nzta.govt.nz/about-us/consultations/land-transport-rule-light-vehicle-brakes-2019>

Availability of Rules

Land Transport Rules can be purchased from selected bookshops throughout New Zealand that sell legislation. They are also available to read free of charge at the offices of the NZ Transport Agency. Final versions of Rules are also available on the NZ Transport Agency's website at:

<http://www.nzta.govt.nz/resources/rules/about/>

The current consolidated version of the Light-vehicle Brakes Rule is available at:

<https://www.nzta.govt.nz/assets/resources/rules/docs/light-vehicle-brakes-as-1-July-2015.pdf>

Information about Rules

Information about Rules is available online at:

<http://www.nzta.govt.nz/resources/rules/about/>

If you wish to register your interest in this proposed amendment Rule (or other 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 document, or at:

<http://www.nzta.govt.nz/resources/rules/about/registration.html>. This includes a form for registering an interest in Rules.

Appendix

Regulatory impact of proposed Rule amendments

A Regulatory Impact Statement on the proposed Rule changes is available for you to read, should you wish, in conjunction with the overview.

The document can be downloaded from the Ministry of Transport's website at:

<https://transport.cwp.govt.nz/land/abs-for-motorcycles/>

A summary of the benefits and costs/risks of the amendment Rule proposals are set out in table 1.

Table 1 Summary of benefits and costs by proposal

No	Proposal	Benefits	Costs
1	To require that ABS is fitted on motorcycles of engine capacity over 125cc.	<ul style="list-style-type: none"> • Increased safety for motorcycle users, reducing fatalities and injuries. • Together with proposal 2, would potentially prevent 34 fatalities, 375 serious injuries and 656 minor injuries between 2019 and 2046. 	<ul style="list-style-type: none"> • Purchasing costs of these motorcycles could increase between \$350 and \$650 for new imports. • Purchasing costs of used imports could increase between \$50 and \$90.
2	To require motorcycles with engine capacities over 50cc and not exceeding 125cc, or an electrically powered equivalent, to be fitted with ABS or CBS.	<ul style="list-style-type: none"> • Increased safety for motorcycle users, reducing fatalities and injuries. • Together with proposal 1, this would potentially prevent 34 fatalities, 375 serious injuries and 656 minor injuries between 2019 and 2046. 	<ul style="list-style-type: none"> • Purchasing costs of these motorcycles could increase between \$250 and \$450 for new imports. • Purchasing costs of used imports could increase between \$40 and \$80.
3	These new requirements will come into force for new model new motorcycles entering the fleet after 1 November 2019 and for all existing-model new	<ul style="list-style-type: none"> • Allow for New Zealand importers to continue shared shipping arrangements with Australia 	<ul style="list-style-type: none"> • Importers that may not be aware of the consultation and proposed changes who may have orders

	motorcycles and used motorcycles from 1 November 2021 entering the fleet.	<ul style="list-style-type: none"> • Ensure safety benefits are seen as soon as possible 	that cannot proceed through entry certification.
4	To except used motorcycles without ABS or CBS and manufactured on or before 1 January 1990 from the requirement to have ABS or CBS, and to allow a limited number of motorcycles without ABS or CBS to enter into service if they are of special interest	<ul style="list-style-type: none"> • Allowing the continued importation of ‘collectables’ for motorcycle enthusiasts. 	<ul style="list-style-type: none"> • Potential reduced safety impact by allowing these motorcycles without ABS/CBS to be used on the road.
5	To provide exceptions for immigrant’s vehicles and specialist motorsport motorcycles (Trial and Enduro) from requiring ABS or CBS and to allow certain motorcycles principally used off-road to be able to switch off the ABS function	<ul style="list-style-type: none"> • Providing returning New Zealand citizens and residents with the ability to bring their motorcycles into the country on their return. • Provision to ensure that specialist motorcycles can continue to be fit for purpose. • Ensuring motorcyclists can continue to ride safely off-road where ABS could hinder the braking capabilities of the motorcycle. 	<ul style="list-style-type: none"> • Potential reduced safety impact by allowing these motorcycles without ABS/CBS to be used on the road. • Cost to the Agency to run these exceptions.

6	To remove the requirement for twin-wheeled motor tricycles to have park brakes installed.	<ul style="list-style-type: none">• Removing an unnecessary compliance measure	<ul style="list-style-type: none">• Assessed as very low likelihood
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