

Land Transport (Road User) Amendment Rule [2009]

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, the Minister for Transport Safety makes the following ordinary rule.

Contents		Page
1	Title	2
2	Commencement	3
3	Principal rule amended	3
4	Objective	3
5	Consultation	3
6	Interpretation	3
7	Use of lanes	5
8	New clause 2.5A inserted	5
	2.5A Optional hook turn by cyclist	5
9	Driving along footpath	6
10	Traffic signals in form of disc	7
11	Traffic signals in form of arrow	7
12	Drivers' signals	8
13	Giving way where vehicles are controlled by stop sign or give-way sign	8
14	New clause 4.3 substituted	8
	4.3 Giving way where intersection controlled by traffic signals or an enforcement officer	8
15	Speed limits for vehicles towing other vehicles	9
16	New clause 5.6A inserted	9
	5.6A Speed limit for mopeds	9
17	New clause 6.2 substituted	9
	6.2 Parking vehicles off roadway	9
18	Parking contrary to notice, traffic sign, or marking	10
19	Parking near bus stop	10
20	Parking on stopping places and stands	10

21	New clause 7.3A inserted	11
	7.3A Ban on use of mobile phones	11
22	Driver must ensure passengers of or over 8 years but under 15 years wear seat belts	12
23	Persons of or over 15 years must wear seat belt and keep it fastened	12
24	Exceptions to application of requirements relating to use of child restraints and seat belts	12
25	Towing	12
26	Loaded firearms	13
27	New clause 7.23 inserted	13
	7.23 Child safety locks in taxis	13
28	Use of motor vehicle lighting equipment on road	14
29	Use of beacons	14
30	Level crossing requirements applying to passenger service vehicles	15
31	Exceptions to level crossing requirements	15
32	Pedestrian crossings	16
33	Use of footpath and roadway	16
34	New clause 11.1A inserted	16
	11.1A Use of shared paths	16
35	Riding cycles or mopeds on footpaths, etc	17

Schedule 1
Objective of rule

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

Rule

1 Title

This rule is the Land Transport (Road User) Amendment Rule [2009].

2 Commencement

This rule comes into force on [1 July 2009].

3 Principal rule amended

This rule amends the Land Transport (Road User) Rule 2004.

4 Objective

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

5 Consultation

A statement of the extent of consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Interpretation

- (1) Clause 1.6 is amended by inserting the following definitions in their appropriate alphabetical order:

“**child safety lock** means a safety device installed in a vehicle during the manufacture of the vehicle to prevent a door of the vehicle from being opened from the inside of the vehicle

“**daytime running lamp** has the same meaning as in Part 2 of Land Transport Rule: Vehicle Lighting 2004

“**large passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998

“mobile telephone—

- “(a) includes a portable electronic device that also functions as a mobile telephone; but
- “(b) does not include—
 - “(i) a CB radio or any other two-way radio; or
 - “(ii) a separate earpiece, or a separate mouthpiece, that is temporarily attached to the mobile telephone for the purpose of allowing the mobile telephone to be used without being hand-held or manipulated

“urban traffic area has the same meaning as in Part 2 of Land Transport Rule: Setting of Speed Limits 2003”.

- (2) Clause 1.6 is amended by revoking the definition of **headlamp** and substituting the following definition:

“headlamp—

- “(a) in relation to a vehicle that is not a cycle, means a lamp designed to illuminate the road ahead of the vehicle and that is—
 - “(i) a dipped-beam headlamp; or
 - “(ii) a main-beam headlamp; or
 - “(iii) a combination of a dipped-beam headlamp and a main-beam headlamp;
- “(b) in relation to a cycle, means a forward-facing lamp that is visible for at least 100 m when it is illuminated”.

7 Use of lanes

Clause 2.3 is amended by inserting the following subclause after subclause (4):

- “(4A) However, the total distance travelled to complete a driver’s manoeuvre under subclause (4) must not exceed 100 m.”

8 New clause 2.5A inserted

The following clause is inserted after clause 2.5:

“2.5A Optional hook turn by cyclist

- “(1) A cyclist may turn right at an intersection by making—

“(a) a right turn in accordance with clause 2.5(2) or (3); or

“(b) a hook turn in accordance with subclause (2).

- “(2) To make a hook turn, the cyclist must—

“(a) approach and enter the intersection from as near as practicable to the far left side of the road that the cyclist is leaving; and

“(b) after completing the step in paragraph (a), move forward until the cyclist is as near as practicable to the far side of the road that the cyclist is entering; and, in moving forward, the cyclist must—

“(i) keep as near as practicable to the far left side of the intersection; and

“(ii) keep clear of any marked foot crossing; and

“(iii) keep clear, as far as practicable, of any driver turning left from the left of the intersection; and

- “(c) if there are traffic signals at the intersection, remain at the position reached in paragraph (b) until the traffic signals on the road the cyclist is entering change to green; and
- “(d) if there are no traffic signals at the intersection, remain at the position reached in paragraph (b) until the cyclist has given way to approaching drivers on the road that the cyclist is leaving; and
- “(e) after completing the step in paragraphs (c) or (d), turn right into the road that the cyclist is entering.”

9 Driving along footpath

Clause 2.13 is amended by adding the following subclause as subclause (2):

- “(2) Subclause (1) does not apply to a person who rides a moped or motorcycle on a footpath in the course of delivering newspapers, mail, or other printed material to letterboxes, but only if—
 - “(a) either—
 - “(i) the road on which the footpath is located has a speed limit of 70 km an hour or more; or
 - “(ii) the road controlling authority has authorised the use of the footpath for that purpose; and
 - “(b) the speed of the moped or motorcycle does not exceed 10 km an hour while it is operated on the footpath; and
 - “(c) the person complies with the requirements in clause 11.1(4) and (5) as if the person were the driver of a wheeled recreational device.”

10 Traffic signals in form of disc

- (1) Clause 3.2(1)(b)(ii) is amended by inserting “, riders of mobility devices, and riders of wheeled recreational devices” before “lawfully crossing”.
- (2) Clause 3.2(2) is amended by inserting “, riders of mobility devices, and riders of wheeled recreational devices who are using the footpath and” before “facing”.
- (3) Clause 3.2(4)(b) is amended by inserting “, riders of mobility devices, and riders of wheeled recreational devices who are using the footpath and” before “facing”.
- (4) Clause 3.2(5)(b) is amended by inserting “, riders of mobility devices, and riders of wheeled recreational devices who are using the footpath and” before “facing”.

11 Traffic signals in form of arrow

- (1) Clause 3.3(1)(b) is amended by inserting “, riders of mobility devices, and riders of wheeled recreational devices who are using the footpath and” before “facing”.
- (2) Clause 3.3(2)(b) is amended by inserting “, riders of mobility devices, and riders of wheeled recreational devices who are using the footpath and” before “facing”.
- (3) Clause 3.3(3)(b) is amended by inserting “, riders of mobility devices, and riders of wheeled recreational devices who are using the footpath and” before “facing”.

12 Drivers’ signals

Clause 3.10 is amended by adding the following subclause:

- “(8) It is not a breach of subclauses (5) or (6) if the driver is riding a cycle and arm signals are not practicable.”

13 Giving way where vehicles are controlled by stop sign or give-way sign

(1) Clause 4.1 is amended by adding the following subclause:

“(3) A driver approaching a section of road suitable for travel in only 1 direction and controlled by a one-way give-way sign at or near the section of road must give way to vehicles within or approaching that section of road as indicated by the one-way give-way sign.”

14 New clause 4.3 substituted

Clause 4.3 is revoked and the following clause substituted:

“4.3 Giving way where intersection controlled by traffic signals or enforcement officer

“(1) Except as otherwise expressly provided in this Rule, clauses 4.1 and 4.2 do not apply to an intersection while it is controlled by traffic signals or an enforcement officer.

“(2) Clause 4.2(2) applies when both the vehicles travelling in the direction in which the driver is travelling, and the vehicles approaching from the opposite direction are controlled by a traffic signal in the form of a green disc.

Compare: SR 1976/227 r 9(6).”

15 Speed limits for vehicles towing other vehicles

Clause 5.4 is amended by adding the following subclauses:

“(5) A driver must not drive on a road at a speed exceeding 50 km an hour any vehicle that is being used to tow (using a non-rigid towing system) a vehicle that is normally powered by mechanical power.

- “(6) Subclause (5) does not apply if a lower speed limit applies to the vehicle that is being used to tow.”

16 New clause 5.6A inserted

The following clause is inserted after clause 5.6:

“5.6A Speed limit for mopeds

- “(1) A driver must not drive a moped at a speed exceeding 50 km an hour.
- “(2) For the purposes of subclause (1), **moped** includes a vehicle that is registered as a moped under the Transport (Vehicle and Driver Registration and Licensing) Act 1986.”

17 New clause 6.2 substituted

Clause 6.2 is revoked and the following clause substituted:

“6.2 Parking vehicles off roadway

- “(1) Except as provided in subclause (2), unless a road controlling authority, by means of signs or markings, indicates otherwise, a driver or person in charge of a vehicle must not stop, stand, or park the vehicle on a roadway when it is reasonably practicable to do so on the road margin.
- “(2) Unless a road controlling authority, by means of signs or markings, indicates otherwise, a driver or person in charge of a vehicle must not stop, stand, or park a motor vehicle on a grassed area or other cultivation forming part of a road that is within an urban traffic area.

Compare: SR 1976/227 r 35(1)(b)”.

18 Parking contrary to notice, traffic sign, or marking

Clause 6.4(1) is amended by inserting “, in accordance with the requirements of Land Transport Rule: Traffic Control Devices 2004,” after “road” in the second place where it appears.

19 Parking near bus stop

Clause 6.8(1) is revoked and the following subclause is substituted:

- “(1) A driver or person in charge of a vehicle must not park and (except in if the vehicle is a bus) stop or stand within 6m of a bus stop..”

20 Parking on stopping places and stands

Clause 6.15(1)(c) is amended by inserting “, where practicable,” after “area”.

21 New clause 7.3A inserted

The following clause is inserted after clause 7.3:

“7.3A Ban on use of mobile telephones

- “(1) Except as provided in subclause (2), a driver must not use a mobile telephone while the driver is operating a vehicle.
- “(2) Subclause (1) does not apply to—
- “(a) an enforcement officer; or
 - “(b) a driver using a mobile telephone to make a 111 or *555 call (**emergency call**) in a genuine emergency when it is unsafe or impractical to stop and park the vehicle in order to make the emergency call; or

- “(c) a driver who uses a mobile telephone that—
 - “(i) is secured in a mounting affixed to the vehicle while the mobile telephone is being used; and
 - “(ii) does not require the pressing of more than 1 button on the mobile telephone to make, receive, or terminate a telephone call; or
- “(d) a driver who uses a mobile telephone that—
 - “(i) is not secured in a mounting affixed to the vehicle; but
 - “(ii) does not require the driver to hold, or to manipulate, the mobile telephone in order to make, receive, or terminate a telephone call; or
- “(e) a driver who uses a mobile telephone when the vehicle that the driver is operating has stopped; but the vehicle has not temporarily stopped in the normal flow of traffic.”

22 Driver must ensure passengers of or over 8 years but under 15 years wear seat belts

Clause 7.8 is amended by omitting “wears the seat belt and keeps” and substituting “wear the seat belt correctly so that they are properly restrained and keep”.

23 Persons of or over 15 years must wear seat belt and keep it fastened

Clause 7.10 is amended by omitting “and must ensure that it is securely fastened” and substituting “correctly so that the person is properly restrained and must ensure that it is kept securely fastened”.

24 Exceptions to application of requirements relating to use of child restraints and seat belts

Clause 7.11 is amended by revoking subclause (4) and substituting the following subclause:

- “(4) The requirements of clauses 7.7, 7.8, and 7.10 do not apply to the driver of a bus.”

25 Towing

Clause 7.18 is amended by revoking subclause (5) and substituting the following subclause:

- “(5) A person may not operate a motor vehicle that is being used to tow a trailer unless—
- “(a) the trailer is safely and securely attached to the vehicle in front with an adequate coupling that complies with the requirements for couplings in Land Transport Rule: Heavy Vehicles 2004 (if applicable); and
 - “(b) if the gross weight of the trailer does not exceed 2500 kg and the trailer is not fitted with a breakaway brake that complies with Land Transport Rule: Light-vehicle Brakes 2002, the trailer is safely and securely attached to the vehicle in front with a chain coupling, or cable coupling, that complies with Land Transport Rule: Light-vehicle Brakes 2002.”

26 Loaded firearms

Clause 7.21(2)(c) is amended by omitting “a commissioned officer of the police” and substituting “a constable who is of or above the position of inspector”.

27 New clause 7.23 inserted

The following clause is inserted after clause 7.22:

“7.23 Child safety locks in taxis

“(1) This clause applies to taxis that are fitted with child safety locks.

“(2) A driver of a taxi to which this clause applies must ensure that—

“(a) a sign approved by the Agency is displayed at the outer handle of a door of the taxi that is fitted with a child safety lock; and

“(b) a child safety lock is used only at the request of—

“(i) the passenger nearest to a door of the taxi that is fitted with the child safety lock; or

“(ii) a person who is responsible for the well-being of the passenger nearest to a door of the taxi that is fitted with a child safety lock.”

28 Use of motor vehicle lighting equipment on road

Clause 8.3 is amended by adding the following subclause:

“(5) However, at times other than during the hours of darkness, a driver of a moped or a motorcycle must use—

“(a) the vehicle’s headlamps; or

“(b) if fitted, the vehicle’s daytime running lamps.”

29 Use of beacons

Clause 8.5(1) is amended by inserting the following paragraphs after paragraph (a):

- “(aa) a blue beacon fitted to a vehicle operated by—
- “(i) a customs officer (as defined in section 2 of the Customs and Excise Act 1996) in order to exercise a power to stop that has been conferred on that officer under section 144 of that Act; or
 - “(ii) a fishery officer (as defined in section 2 of the Fisheries Act 1996) in order to exercise a power to stop that has been conferred on that officer under section 199 of that Act; or
 - “(iii) a ranger (as defined in section 2 of the Marine Reserves Act 1971) in order to exercise a power to stop that has been conferred on that officer under section 18 of that Act; or”.

30 Level crossing requirements applying to passenger service vehicles

Clause 9.4(1)(a) is amended by omitting “a vehicle (other than a taxi)” and substituting “a large passenger service vehicle”.

31 Exceptions to level crossing requirements

Clause 9.5 is amended by adding “; or” and also by adding the following paragraph:

- “(c) a traffic signal producing a steady red signal in the form of a disc or 2 alternately flashing red signals is for the time being installed at the level crossing.”

32 Pedestrian crossings

Clause 10.1(1)(a) is amended by inserting “, or obviously waiting to cross” after “pedestrian crossing”.

33 Use of footpath and roadway

Clause 11.1 is amended by revoking subclause (6) and substituting the following subclause:

- “(6) A pedestrian must not unduly impede the passage of—
- “(a) a mobility device or wheeled recreational device on the footpath;
or
 - “(b) a moped or motorcycle that is permitted on the footpath under clause 2.13(2).”

34 New clause 11.1A inserted

The following clause is inserted after clause 11.1:

“11.1A Use of shared paths

- “(1) This clause applies to paths that are shared by—
- “(a) pedestrians:
 - “(b) cyclists:
 - “(c) drivers of mobility devices:
 - “(d) drivers of wheeled recreational devices.
- “(2) A user of a shared path—
- “(a) must use the shared path in a careful and considerate manner;
and
 - “(b) must not use the shared path in a manner that constitutes a hazard to other users of the shared path.

- “(3) If priority is indicated by signs or other markings to a particular user of the shared path, the other users of the shared path must give way to the user of the shared path that has priority.
- “(4) However, if subclause (3) applies, the user that has priority must not unduly impede the passage of any of the other users of the shared path.”

35 **Riding cycles or mopeds on footpaths, etc**

- (1) The heading to clause 11.11 is amended by omitting “**or mopeds**”.
- (2) Clause 11.11(1) is amended by omitting “or moped”.

Schedule 1

Objective of rule

The objective of this rule is to amend the principal rule by—

- (a) restricting the distance that a driver may travel on a flush median; and
- (b) allowing cyclists to make hook turns; and
- (c) allowing a person to ride a moped or motorcycle on a footpath for the purpose of delivering printed matter; and
- (d) prescribing the privileges and duties of riders of mobility devices and wheeled recreational devices; and

- (e) providing an exception for cyclists from giving arm signals at roundabouts, where it is impracticable to do so; and
- (f) requiring drivers, approaching section of road at which only 1 direction of traffic may pass at a time, to give way at a one-way give-way sign; and
- (g) clarifying provisions relating to intersections not controlled by traffic signals; and
- (h) restricting vehicles to a speed of 50 km an hour if they are using a non-rigid towing system to tow vehicles normally powered by mechanical power; and
- (i) restricting mopeds to a speed of 50 km an hour; and
- (j) preventing motor vehicles parking on grassed verges; and
- (k) clarifying provisions relating to parking contrary to notices, signs or markings, parking near bus stops, and parking on stopping places and stands; and
- (l) banning the use of mobile telephones while operating a vehicle; and
- (m) requiring seat belts to be worn correctly and properly and clarifying the requirements relating to seat belts for drivers of buses; and
- (n) aligning provisions relating to the towing of trailers with Land Transport Rule: Light-vehicle Brakes; and
- (o) allowing taxis to be fitted with child safety locks provided the taxi displays an approved sign and the locks are used only on request; and
- (p) requiring mopeds and motorcycles to use headlamps or daytime running lamps during the day; and
- (q) allowing vehicles to display blue beacons when operated by certain officials with statutory powers to stop; and
- (r) amending provisions relating to level crossings; and

- (s) requiring drivers to stop for pedestrians at pedestrian crossings who are obviously waiting to cross; and
- (t) prescribing requirements for paths shared by pedestrians, cyclists, drivers of mobility devices, and drivers of wheeled recreational devices.

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

[to be completed following consultation]

Dated at Wellington this [] day of [] 2009.

Harry Duynhoven,
Minister for Transport Safety.