

Land Transport Rule: Work Time and Logbooks Amendment [2017]

*Land Transport Rules are law produced by the NZ Transport Agency for the Minister of Transport. This is the public consultation (yellow) draft of **Land Transport Rule: Work Time and Logbooks Amendment 2017 (Rule 62001/7)**.*

*If you wish to comment on this draft Rule, please see the information about making a submission in the accompanying explanatory material. The deadline for submissions is **Friday 18 November 2016**.*

Land Transport Rule

Work Time and Logbooks Amendment 2017

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Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Work Time and Logbooks Amendment 2017*.

1.2 Commencement

This Rule comes into force on [date to come].

1.3 Principal Rule amended

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

Section 2 Amendments to Rule requirements

2.1 Rest breaks: driver categories

2.1(1) After *clause 2.1(1)*, replace the heading “*Taxis*” with “*Driver of a vehicle used in a small passenger service*”.

2.1(2) After *clause 2.1(1)*, replace “[Note: “*Taxi*” is defined by reference to the Act.]” with “[Note: “*small passenger service vehicle*” is defined by reference to the Act.]”.

2.1(3) In *clause 2.1(2)*, replace “*taxi driver*” with “*driver of a vehicle used in a small passenger service*”.

2.1(4) Replace *clause 2.1(3)* with:

2.1(3) Work time, for a driver of a vehicle used in a small passenger service, includes time spent—

- (a) waiting for a hire while the vehicle is parked in an area designated for use by small passenger service vehicles; and
- (b) cruising for hire; and
- (c) carrying out administrative work.

2.1(5) Delete *clause 2.1(4)*.

2.1(6) In *clause 2.1(10)*, replace “*taxi*” with “*vehicle used in a small passenger service*”.

2.2 Secondary or parallel employment

In the example after *clause 3.3*, replace “*taxi*” with “*vehicle used in a small passenger service*”.

2.3 Form of the logbook

Replace *clause 5.1(5)* with:

5.1(5) A person who drives a vehicle subject to work time requirements must use an approved logbook form.

2.4 Managing the records

2.4(1) Replace clause 5.5(2) with:

5.5(2) An employed driver or, in the case of a small passenger service, a driver who is facilitated to drive by a small passenger service operator must remove each 'record' copy at the end of a cumulative work period and hand it to their employer or facilitator within 14 days of the date of the record being made.

2.4(2) Replace the Note after clause 5.5(3) with:

[Note: an employer or transport service operator must retain records provided by a driver under 5.5(2) for a period of 12 months from the date the record was made, as required by section 30ZH(1)(b) of the Act.]

Section 3 Amendments to Definitions

3.1 Amendments to Definitions

3.1(1) In *Part 2 Definitions*, insert the following definition in its appropriate alphabetical order:

facilitator has the same meaning as in section 2(1) of the Act
small passenger service has the same meaning as in section 2(1) of the Act

3.1(2) In *Part 2 Definitions*, definition of 'Short fare', delete "taxi".

3.1(3) In *Part 2 Definitions*, delete the definition of 'taxi'.

3.1(4) In *Part 2 Definitions*, definition of 'tow authority', replace "10.9(2) of *Land Transport Rule: Operator Licensing 2007*" with "5.8(2) of *Land Transport Rule: Operator Licensing 2017*".

3.1(5) In *Part 2 Definitions*, definition of 'Unique Identifier', replace "*Land Transport Rule: Operator Licensing 2007*" with "*Land Transport Rule: Operator Licensing 2017*".

Section 4 Amendment to Schedule

4.1 Amendment to Schedule

In *Part 3 Schedule, Part 1 Prescribed forms, clause 1.2*, replace “Taxi logbook form” with “Logbook form for use with small passenger service vehicles”.