

Things to consider

Before you apply for an exemption, you should consider the following factors:

- You are applying for an exemption from complying with the law.
- The matters to be considered before an exemption can be granted are set out in law. This means exemptions are not automatically granted.
- The law does not provide for an exemption to be granted on the basis of inconvenience or hardship.
- The fee is non-refundable - regardless of whether your application is granted or declined. The fee covers the cost of processing your application.
- Exemptions can only be granted where there is no increased risk to road safety. Having a clean driving record is an indicator of a person's likelihood to adhere to the road rules and drive safely. Not having a clean driving record can impact on whether or not your exemption is granted.
- The NZ Transport Agency is not obliged to grant an exemption if it is not considered appropriate to do so.
- The Transport Agency may impose conditions to any exemptions issued.
- Exemptions are not granted for an indefinite period. Instead they are granted for the minimum period necessary for you to fully comply with the law. For example:
 - if you are granted an exemption to carry passengers on a Class 1R licence, your exemption will expire shortly after you become eligible to obtain a Class 1F licence.
- It is unlikely that an exemption will be granted if you hold a Class 1 or 6 learner licence or are in the first 6 months of holding your restricted licence.

Application

You should hear the outcome of your application within 10 working days of your application being received.

If your application is declined, you will receive a letter advising this. The letter will also advise you of your right to lodge an appeal with the district court.

Warning

It is an offence to supply false information and may lead to court action. The consequences can include losing your licence and/or paying a fine.

Your overseas licence documentation will be examined to determine its authenticity. **Documents will not be returned where the documents are clearly fraudulent or tampered with or where there is any significant doubt regarding their authenticity.**

How to apply

Print and complete this form and send it with your documentation and payment (where appropriate) to the address below.

**Assessments Team
NZ Transport Agency
Private Bag 11777
Palmerston North 4442**

If you are sending original evidence in support of your application, we recommend that you send the application by courier to the address below to ensure safe delivery.

**Assessments Team
NZ Transport Agency
43 Ashley Street
Palmerston North 4410**

If you require your documents to be returned by courier, please enclose a prepaid courier bag with the address you want your documents returned to. If you do not provide a prepaid courier bag, then your documents will be returned by standard mail.

Privacy information

The particulars you provide will become part of the Driver Licence Register. Collection, dissemination and release of this information is authorised by the Land Transport Act 1998.

The Transport Agency may also use some of these particulars to provide you with information relating to driver licensing and driving. We may also disclose some of the particulars to our agents and contractors in relation to the above purposes.

Details supplied with your application may be used to make such enquiries as are deemed necessary to consider your exemption request.

Under the Electoral Act 1993, s 263B, the Electoral Enrolment Centre operates an authorised information matching programme with the Transport Agency. The purpose of this programme is to assist in keeping the Electoral Roll up-to-date.

To keep the Driver Licence Register up-to-date the Transport Agency also operates an authorised information matching programme with Births, Deaths and Marriages. Please refer to the Privacy section of our website for more information.

The Privacy Act 1993 provides rights of access to, and correction of, any readily retrievable personal information held about you. Should you wish to exercise these rights please contact the NZ Transport Agency, Private Bag 11777, Palmerston North 4442 or email info@nzta.govt.nz.

More information

The Transport Agency has a range of factsheets which give more information on a wide range of driver licensing topics. These are available on our website www.nzta.govt.nz/resources/factsheets.

We use our forms and factsheets to provide useful, common-sense advice and information in a concise format. They can't cover all aspects of a topic and should not be used instead of authoritative legal documents or legal advice.

Passengers

If you hold a restricted car licence, you are entitled to carry certain passengers without obtaining an exemption. These passengers are:

- Your spouse (a person you live with in the nature of marriage)
- Children who live with you and who are under your or your spouse's care (you or your spouse support them financially)
- Your parent or guardian
- Relatives who live with you and who receive a social security benefit (eg the jobseeker support, sole parent support or supported living payment benefits)
- Someone you look after as their primary caregiver.

Checklist

Please read the following points to ensure your application provides all required information. If you do not supply all relevant information your application may be delayed or declined.

- Your completed application form** (this must be the original form that you have printed and completed). Faxes, photocopies, or scans of the completed form are not acceptable.
- A cheque or money order for \$27.20 to pay the application fee** (this must be made out to the NZ Transport Agency). **You can also pay by credit card over the phone by calling 0800 822 422** and you will be given a reference number to include in the *Payment options* section on page 4 of this form.
- To ensure the safe return of your original documents, we recommend that you also provide a traceable courier bag marked with your return address.** If you do not provide a courier bag your original documents will be returned by standard mail.

Exemptions from the Land Transport (Driver Licensing) Rule 1999

- If you are applying for an exemption to obtain a class 1F/6F licence at an age younger than 18 you must:**
 - Have a clean driving record, and
 - If applying for a 1F licence, have held your 1R licence at least 18 months (reduced to 12 months if you have successfully completed an approved advanced driving course), and
 - If applying for a 6F licence, have held your 6R licence at least 18 months (reduced to 12 months if you successfully completed an approved competency-based training assessment (CBTA) course).
- If you are applying for an exemption to ride a LAMS-prohibited motorcycle* on a 6R licence you must provide information about:**
 - When you obtained your 6L licence (if this was on/after 1 October 2012, an exemption is likely to be declined).
 - When you will be eligible for a Class 6F licence (if you are already eligible to apply for a Class 6F licence, an exemption is likely to be declined).
 - The date you purchased the LAMS-prohibited motorcycle (if this was on/after 1 October 2012, an exemption is likely to be declined).
 - The make, model and registration plate number of the LAMS-prohibited motorcycle you are seeking an exemption to ride.

* more information about LAMS-prohibited motorcycles is available at www.nzta.govt.nz/lams.
- If you are applying for an exemption to drive unsupervised on a restricted licence between the hours of 10pm and 5am, you must provide:**
 - The reason you need to travel unsupervised outside the normal hours of the restricted licence.
 - A letter from your employer confirming your start and/or finish times and the length of your employment if the request for an exemption is to travel to and from work.
 - Alternative travel methods that are available to you (eg bus routes).
 - Any travel arrangements that existed prior to the application for an exemption and why these arrangements are no longer appropriate.
 - Addresses you wish to travel between (eg home address and work address), the distance to be travelled and the likely travel time.
 - Days and times you wish to travel (eg between 10pm and 11pm on Sundays and Mondays).
 - If you are under 18 and reside with your parents or guardians, you will need to provide a letter of authority from them. If you are under 18 and do not reside with your parents or guardians, you will need to include that information in your application.

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- If you are applying for an exemption to carry passengers, you must provide:**
- The reason you need to carry passengers.
 - The full name and age of each passenger.
 - Alternative travel methods that are available to any passengers that you wish to carry (eg bus routes).
 - A letter of authority from each passenger or a letter of authority from their parents or guardians if they are under 18 years of age.
 - A letter from the doctor of the person you are wanting to carry for medical reasons.
 - Addresses you wish to travel between (eg home address and school address), the distance to be travelled and the likely travel time.
 - Days and times you wish to travel (eg between 2pm and 4pm on weekdays).
 - If you are under 18 and reside with your parents or guardians, you will need to provide a letter of authority from them. If you are under 18 and do not reside with your parents or guardians, you will need to include that information in your application.

- If you are applying for an exemption to recognise overseas driving experience, you must provide:**
- Your original overseas driver licence.
 - An original *Certificate of particulars* if your overseas licence does not have an issue date.
 - An original approved translation if your overseas driver licence or *Certificate of particulars* is not in English.

Note: should the above exemption be granted, this does not guarantee the subsequent approval of any endorsements.

- If you are applying for an exemption to convert to a New Zealand driver licence without the original overseas licence, you must provide:**
- An original *Certificate of particulars* from the overseas driver licensing authority.
 - An original approved translation if your *Certificate of particulars* is not in English.
 - Confirmation from the overseas licensing authority they will not issue you with replacement overseas licence while you are in New Zealand.

- If you are applying for an exemption to convert an overseas special-type vehicle endorsement (eg forklift), or for recognition of an overseas driving instructor qualification, you must provide:**
- Evidence of the overseas endorsement/qualification (eg course certificate or qualification certificate).
 - Evidence of any overseas driving experience you have had (eg letter from your employer).

- If you are wanting an exemption to present an approved course certificate (instead of passing a practical driving test) to convert overseas heavy driver licence classes to New Zealand driver licence classes 2, 3, 4 or 5, you must provide:**
- The original *Driver licence and endorsement certificate* issued to you by the NZ Transport Agency-approved course provider.
 - Your original overseas driver licence.
 - Your original course study guide and self-assessment documentation.

If you are wanting an exemption to present an approved competency-based training assessment (CBTA) certificate (instead of passing a practical driving test) to convert an overseas motorcycle driver licence class to New Zealand driver licence class 6, you do not need to submit a completed exemption application form. You simply present the certificate confirming successful completion of the approved course to the driver licensing agent.

Exemptions from the Land Transport (Road User) Rule 2004

Note: If you are applying for an exemption from a requirement of the Land Transport (Road User) Rule there is no fee payable.

- If you are wanting an exemption from wearing a bicycle helmet on the grounds of religious belief or physical disability you must provide:**
- A completed exemption form.
 - A certificate from a registered medical practitioner issued within the last 60 days (if you are applying on medical grounds).
- If you are wanting an exemption from wearing a motorcycle helmet because you are an adherent of the Sikh religion you:**
- Do not need to apply for an exemption if you are travelling at a speed not exceeding 50kmph.
 - Must provide proof to an enforcement officer that you were an adherent of the Sikh religion at the time of the alleged breach.
- If you are wanting an exemption from wearing a motorcycle helmet on the grounds of religious belief or physical disability you must provide:**
- A completed exemption form.
 - A certificate from a registered medical practitioner issued within the last 60 days (if you are applying on medical grounds).

If you are wanting a seatbelt or child restraint exemption you do not need to apply for an exemption. However you will need to obtain a medical certificate from a registered medical practitioner and carry it with you in the vehicle.

Legal information

Exemptions from a legislated requirement in a rule or regulation are considered using the criteria in section 166 of the Land Transport Act 1998. This means the Transport Agency must be satisfied that the risk to road safety will not be significantly increased and that at least one of the criteria detailed in questions 2-5 is met.

The Transport Agency will consider the information provided in your application to determine whether the application will be approved or declined.

Questions

You **must** answer Question 1.

Question 1: If you are granted an exemption from complying with a legislative requirement, how will you make sure there will be no increased risk to road safety (to yourself and other road users)?

continue on a separate sheet if necessary...

You must also answer **at least one** of the following questions (tick the box next to the question(s) you are answering):

- Question 2:** How have you substantially complied with the law, and why should you be exempt from the remaining provisions of the law?
- Question 3:** What action have you taken or provision have you made that is as effective or more effective than actual compliance with the legislative requirement?
- Question 4:** How are the legislated requirements clearly unreasonable or inappropriate in your case?
- Question 5:** What events have occurred to make the legislated requirements unnecessary or inappropriate in your case?

continue on a separate sheet if necessary...

If you do not provide a satisfactory answer to question 1 and to at least one of questions 2-5, your application will not meet the legislated threshold. The Transport Agency is required, by law, to decline such applications.

Declaration

I state that, to the best of my knowledge and belief, all the information I have given for this application is correct.

Signature of applicant

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Date

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