

# Driving offences and penalties

## disqualifications and suspensions

This factsheet outlines some of the traffic enforcement measures used to help make our roads safer. It explains demerit points, licence suspensions, disqualifications, and how to reinstate your licence after your suspension or disqualification ends.

### Alcohol and drug affected driving

Alcohol and drug affected driving are serious offences and carry tough penalties, especially for repeat offenders. If you're convicted of a third or subsequent offence, you'll be disqualified from driving for more than one year and either fined up to \$6000 or imprisoned for up to 2 years.

If you cause injury or death when driving carelessly while under the influence of alcohol or drugs, you'll be disqualified and either fined up to \$10,000 or sentenced to prison. Where a breath or blood test shows you were over the legal limit or shows evidence of the use of a qualifying drug, you will be disqualified and either fined up to \$20,000 or imprisoned for up to 10 years.

For more information go to:

[www.nzta.govt.nz/alcohol-and-drug-limits](http://www.nzta.govt.nz/alcohol-and-drug-limits)

### Speeding

Speeding fines increase progressively from \$30 for speeds less than 10km/h over the limit, to \$630 for speeds up to 50km/h over the limit. In addition to a fine, you'll also incur demerit points. See the *Demerit points* section for more information.

If your speed is more than 40km/h above the speed limit you can get a 28-day licence suspension, and at more than 50km/h over the limit you can also be charged with careless, dangerous or reckless driving.

### Other offences

Infringement fees range from \$12 for parking offences to \$10,000 for overloading offences. The infringement fee for not wearing a seat belt is \$150.

Court imposed maximum fines for general driving offences range from \$2000 for driving an unsafe vehicle, to up to \$20,000 for reckless or dangerous driving causing injury or death to another person, or for failing to stop after a crash where someone is killed.

For more information go to:

[www.nzta.govt.nz/offences-penalties](http://www.nzta.govt.nz/offences-penalties)

### Demerit points

Demerit points are given for all speeding infringements (except those recorded by speed camera), some traffic offences and for breaching licence conditions, eg a learner driver unaccompanied by a supervisor or a restricted driver carrying unauthorised passengers.

Demerit points also apply to some alcohol and drug-related infringements and offences. For example, points can also be allocated in conjunction with a court disqualification where the court chooses to disqualify a person for less than 6 months.

For a full list of demerit points, go to

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

Demerit points remain active on your licence record for a period of 2 years from the date of the offence. However, if the court disqualifies you for a period of 6 months or more, any active demerit points recorded on your licence record at the time will be cancelled and will no longer contribute to your active demerit point total.

If you accumulate 100 or more active demerit points within any 2-year period, your licence will be suspended for a period of 3 months and you will not be entitled to drive. The suspension period begins as soon as the demerit suspension notice is served on you by Waka Kotahi, the police or an authorised agent of Waka Kotahi.

At the end of your demerit suspension, you'll be unlicensed and not entitled to drive until you've reinstated your licence. See the *Reinstating your licence* section for more information.

### 28-day roadside licence suspension

If you're caught committing a serious driving offence that puts the lives of other road users at risk, the police can suspend your licence, on the spot, for 28 days. This is called roadside licence suspension, but can happen anywhere.

The police can apply to the court to extend the original 28-day suspension for a further 28 days, up to 3 times. For more information, go to:

[www.nzta.govt.nz/roadside-licence-suspension](http://www.nzta.govt.nz/roadside-licence-suspension)

### 28-day roadside vehicle impoundment

Your vehicle will be impounded if you're caught driving under certain specific circumstances. At the end of the 28-day impoundment period, you'll have to pay the towing and storage fees before getting the vehicle back. For more information go to:

[www.nzta.govt.nz/roadside-vehicle-impoundment](http://www.nzta.govt.nz/roadside-vehicle-impoundment)

### Disqualifications and suspensions

If your licence has been suspended or you've been disqualified from driving by the courts, you're not entitled to hold your licence and must surrender it to the court, the police, Waka Kotahi or an authorised agent of Waka Kotahi. If you're caught driving while disqualified or suspended, the vehicle you're driving will be seized and impounded for 28 days. It doesn't matter whether it's your vehicle or not.

At the end of your suspension or disqualification, you'll be unlicensed and not entitled to drive until you've reinstated your licence. See the *Reinstating your licence* section for more information.

## Indefinite disqualifications

If you're convicted by the courts (under section 65 of the Land Transport Act 1998) for repeat driving offences involving drugs or alcohol, you'll be indefinitely disqualified. You'll have to prove you've dealt with your drug or alcohol problem before you can apply to have your indefinite disqualification ended.

### Step 1: Get assessed by an approved drug and alcohol assessment centre

To find your nearest approved drug and alcohol assessment centre, go to:

[www.nzta.govt.nz/assessment-centres](http://www.nzta.govt.nz/assessment-centres)

If you received a letter from Waka Kotahi about getting your licence back, take it with you to the assessment centre.

After assessing you, the assessment centre will prepare a report on how well you're managing your drug or alcohol problem. The assessment centre will send a copy of that report to Waka Kotahi.

Waka Kotahi will then assess the report. We'll need to be satisfied that you're managing your drug and/or alcohol problems and are fit to hold a licence again. If you've served the minimum disqualification period of one year and one day, and are fit to hold a licence again, we'll send you a letter confirming this and telling you how to reinstate your driver licence.

### Step 2: Apply for your licence to be reinstated and sit and pass the driver licence tests

After Waka Kotahi has ended your indefinite disqualification, you will be unlicensed and not entitled to drive until you've reinstated your licence. See the *Reinstating your licence* section for more information.

## Alcohol interlock disqualifications

If you're convicted by the courts (under section 65AC of the Land Transport Act 1998) for certain driving offences involving alcohol, you'll receive an alcohol interlock disqualification. After your disqualification has ended, you must not drive until you've obtained an alcohol interlock licence. Then, you may only drive vehicles fitted with an approved alcohol interlock device. For more information go to:

[www.nzta.govt.nz/alcohol-interlock](http://www.nzta.govt.nz/alcohol-interlock)

## Zero alcohol licence

You'll be issued a zero alcohol licence if you've been given a zero alcohol sentence by the courts. The zero alcohol licence will be issued when you apply to reinstate your licence.

See the *Reinstating your licence* section for more information. You'll need to complete any fixed period of disqualification the courts have given you before you can apply for a zero alcohol licence. You will remain disqualified and not entitled to drive until you've been issued with your zero alcohol licence.

If you have a zero alcohol licence you must maintain a zero alcohol limit at all times when driving. This means that if you have any alcohol in your system you're not allowed to drive.

You can replace or reinstate your zero alcohol licence, or get an additional licence class or endorsement. However you cannot renew your zero alcohol licence as it can only be held for a period of 3 years.

You'll need to hold your zero alcohol licence for 3 years. Any period that your zero alcohol licence is not current (eg disqualified, suspended, revoked or reinstate) is not included when calculating the 3-year period.

Once the 3-year period has been completed, your zero alcohol licence will expire. You'll be unlicensed and not entitled to drive until you've reinstated your licence. See the *Reinstating your licence*

section for more information.

Zero alcohol licences are also issued to participants in the alcohol interlock programme.

## Reinstating your licence

At the end of a disqualification or suspension (other than 28-day roadside suspensions) or when your zero alcohol licence expires you'll be unlicensed and not entitled to drive until you've applied at a driver licensing agent to have your licence reinstated and a new licence has been issued. Any licence card held by you at the time of your suspension or disqualification will have been permanently cancelled.

You can apply to have your licence reinstated at any driver licensing agent. You'll need to:

- complete an *Application for reissue of driver licence* form (DL7), available at [www.nzta.govt.nz/form-DL7](http://www.nzta.govt.nz/form-DL7)
- provide acceptable evidence of identity - this can be:
  - your New Zealand photo driver licence (which must be current or expired up to 2 years), or
  - other acceptable forms of evidence of identity (see *Factsheet 20 Identification for driver licensing* for further information and a full list of acceptable identity documents)
- prove your eyesight meets the required standard
- provide a medical certificate if required
- have your image and signature captured
- pay the reinstatement fee:
  - if you were disqualified 12 months or less the fee is \$48.00
  - if you were disqualified for more than 12 months the fee is \$100.10.

If you were disqualified for more than 12 months, you'll also need to pass the appropriate tests to regain the driver licence classes you held previously. See *Disqualifications over one year*.

If you were indefinitely disqualified after convictions for repeat driving offences involving drugs or alcohol, you'll be required to prove you've dealt with your drug or alcohol problem before reinstating your licence. See *Indefinite disqualifications* for more information.

If you drive after your suspension or disqualification has ended, but before your licence has been reinstated, you could be fined and forbidden to drive. If you then continue to drive without reinstating your licence, you could be charged with driving while forbidden and the vehicle could be impounded.

## Medical certificates

A medical certificate is usually required if you're reinstating a class 2, 3, 4 or 5 licence, if you have a medical condition which affects your driving or if you are 75 years of age or over.

However, if you're under 75 years of age, you may not have to present a medical certificate if you've already presented one within the last 5 years, and you sign a declaration.

Medical certificates must:

- be the original
- be from a New Zealand-registered health practitioner - this could be your usual doctor (GP), a registered nurse or nurse practitioner, or a specialist if appropriate
- be no more than 60 days old
- state that you are safe to drive, or set out the conditions under which you can drive.

## Disqualifications over one year

If you were disqualified from driving for a continuous period of more than one year, you'll also have to pass tests to requalify your licence classes when you apply to reinstate your licence.

If you had a car licence (class 1) or motorcycle licence (class 6), you'll have to pass the appropriate theory and practical test. If you had both a car and a motorcycle licence, and you want both again, you'll have to pass theory and practical tests for each of them.

If you had a heavy vehicle licence (classes 2-5), you only sit a theory and a practical test for the highest class. For example, if you had a class 5 licence you won't have to sit the tests for classes 1-4, just the theory and practical tests for class 5. You can choose to complete an approved course instead of passing a practical test

If you've passed a theory test but have still to sit a practical test, you'll be given a licence with a supervisor condition. The supervisor condition will remain until you've passed your practical test.

You don't have to pay any test fees, and there are no fees to change or cancel your test.

### Supervisor condition

This means that you must only drive when you have a supervisor in the front seat of the vehicle next to you.

A supervisor is a person who:

- holds a current full New Zealand driver licence for the class of vehicle, and
- does not have a supervisor condition on their New Zealand licence, and
- has held their full New Zealand driver licence for at least 2 years OR has held an equivalent overseas driver licence for at least 2 years.

Once you've successfully completed your practical test you'll be issued with a new licence without the supervisor condition.

### Motorcycle licence

If you're requalifying a restricted or full motorcycle licence you do not need to have a supervisor. You'll be issued with a learner motorcycle licence and will need to comply with the learner conditions until you pass your practical test and are issued with your restricted or full licence.

That means you:

- must ride a LAMS-approved motorcycle - for more information on LAMS approved motorcycles go to [www.nzta.govt.nz/LAMS](http://www.nzta.govt.nz/LAMS)
- must not carry passengers on the motorcycle or in a sidecar
- must not ride between the hours of 10pm and 5am
- must not tow another vehicle.

## Not reinstating your licence

If you don't want to apply for your indefinite disqualification to end, or apply for an alcohol interlock licence or zero alcohol licence, or you don't want to reinstate or sit your driver licence tests, **don't drive**.

If you're caught driving while any disqualification or suspension is still in place, or while you're unlicensed, you could be fined or even imprisoned. The vehicle you're driving could be seized and impounded for 28 days. It doesn't matter whether it's your vehicle or not.

## Driver licence stop order (DLSO)

If you have outstanding traffic related fines or reparation, the Ministry of Justice (MoJ) may impose a driver licence stop order and suspend your driver licence. You'd generally be served a DLSO suspension by a bailiff or by the police at the roadside.

You'll need to contact the MoJ to pay the fines or to make an arrangement to pay before the DLSO can be ended. The MoJ can be contacted at 0800 4 FINES (0800 434 637) or go to <http://www.justice.govt.nz>.

Once you've been served with a DLSO your licence is suspended for an indefinite period and you're not entitled to hold or obtain a driver licence. This means that you cannot drive using your New Zealand licence (including a limited licence) or any overseas licence you may have until the DLSO has been ended and your licence record is shown as current on the Driver Licence Register.

Waka Kotahi cannot end or remove a DLSO; this can only be done by the MoJ.

If you have a DLSO suspension and you're stopped by the police at the side of the road, you're subject to the same penalties that would apply if you were suspended or disqualified for any other reason.

## Limited licences

If the disqualification or suspension will cause extreme hardship to you or undue hardship to another person, you might be able to get a limited licence.

You cannot get a limited licence if you're subject to a driver licence stop order, are indefinitely disqualified or have an alcohol interlock licence.

A lawyer can assist you to apply for a court order authorising you to obtain a limited licence. They'll get the documents ready and present them to the court. If the court order is granted, then you must obtain a limited licence from Waka Kotahi before you can drive. For more information go to:

[www.nzta.govt.nz/limited-licence](http://www.nzta.govt.nz/limited-licence)

## Learner and restricted licences

Any period of disqualification or suspension is not included in any qualifying time required before you can move to the next stage of your driver licence. This includes any DLSO suspension.

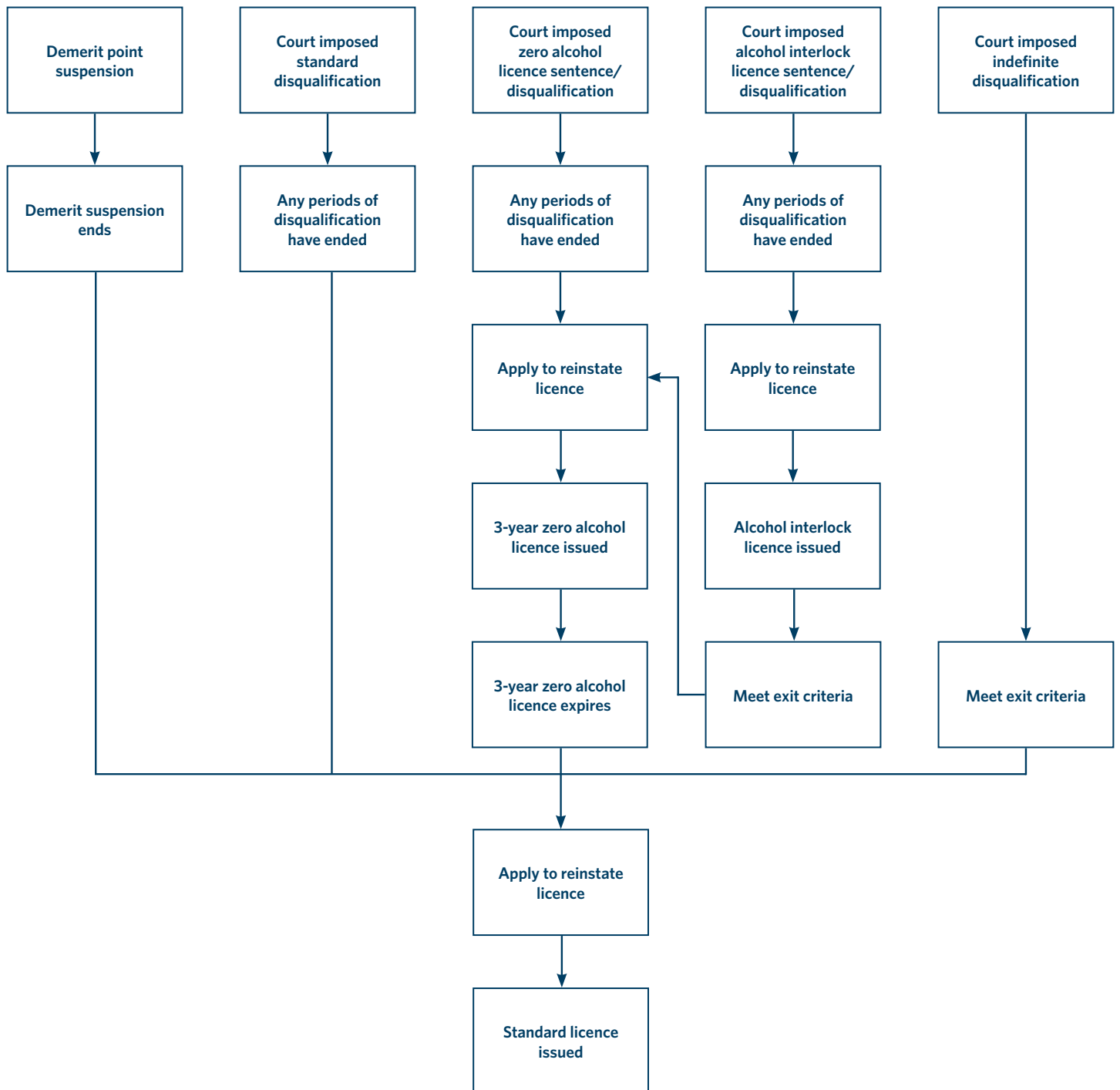
## Overseas driver licences

If you were suspended or disqualified from driving and you only hold an overseas driver licence, you're not allowed to drive again in New Zealand until you've obtained a New Zealand driver licence.

You cannot apply for a New Zealand licence until your suspension or disqualification period has ended. For more information go to:

[www.nzta.govt.nz/overseas-conversion](http://www.nzta.govt.nz/overseas-conversion)

## Overview of disqualification/suspension and reinstatement process



This factsheet is a general guide only. It doesn't replace legal advice, and your exact requirements will depend on current legislation.

Make sure you have the most up-to-date version of this factsheet by checking [www.nzta.govt.nz/factsheets](http://www.nzta.govt.nz/factsheets)



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



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