

# Impoundment of your vehicle

## at the roadside

Factsheet

**63**

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If you're caught committing certain driving offences, the vehicle you're driving can be impounded by the police.

This factsheet explains when the vehicle can be impounded, what happens at the roadside and the actions you need to take to get it back.

### When might a vehicle I'm driving be impounded at the roadside?

The vehicle you're driving will be impounded if you're caught driving when:

- you've been disqualified from holding or getting a driver licence
- your driver licence has been suspended or revoked
- you don't hold (or have never held) a driver licence or your licence has expired, and you've been forbidden to drive by a police officer until you have a new or renewed licence
- you have to reinstate your licence and have been forbidden to drive by a police officer until you do
- you commit a drink drive offence and have two previous drink drive convictions in the last four years
- the vehicle is used by a transport service operator:
  - who has been disqualified from holding or getting a transport service licence
  - whose transport service licence has been suspended or revoked
  - who doesn't (or has never) held a transport service licence and has previously been forbidden to operate the service.

Your vehicle can also be impounded if:

- you're caught racing (eg drag racing)
- you're caught performing street car stunts (eg wheel spins)
- you've broken a bylaw that prohibits cruising
- you've failed to stop when requested by the police (eg you've sped off and weren't immediately apprehended)
- you have an alcohol interlock licence and the vehicle doesn't have an alcohol interlock device fitted.

### What happens when a vehicle I'm driving is impounded at the roadside?

The police will give you an impoundment notice and will call for a tow truck to take the vehicle away to a storage facility.

You'll have to pay the towing and storage fees before you can get the vehicle back.

The vehicle will be impounded for 28 days.

After that, you have 10 days to claim the vehicle and pay the fees (or make arrangements to pay the fees).

If the vehicle was impounded because you were racing or doing street car stunts, you must get a new warrant of fitness before the vehicle may be driven again. This means you have to take the vehicle straight from the storage facility to a garage or testing station for a warrant of fitness inspection.

### What happens if the driver isn't the registered person?

The person registered in respect of the vehicle has an obligation to make sure that only licensed drivers use their vehicles, and that drivers use their vehicles responsibly. However, there are some circumstances where the registered person can appeal against a roadside vehicle impoundment.

### When can I make an appeal?

As the registered person, you can make an appeal only on the grounds that:

- the impounded vehicle was stolen or converted at the time it was impounded (converted means the vehicle was taken or used dishonestly and without claim of right)
- the police officer didn't have reasonable grounds or didn't follow proper procedures to impound the vehicle
- you didn't know, and couldn't reasonably have been expected to know, that the driver was unlicensed or disqualified
- you took all reasonable steps to prevent the unlicensed driver from driving
- you didn't know, and couldn't reasonably have been expected to know, that the driver would race the vehicle or perform street car stunts
- you took all reasonable steps to prevent the driver from racing or performing street car stunts
- the driver drove in a serious medical emergency (which includes carrying a person about to give birth)
- you didn't know, and couldn't reasonably be expected to know, that the operator of the transport service was disqualified
- you didn't know, and couldn't reasonably be expected to know, that the relevant transport service licence was suspended or revoked
- you didn't know, and couldn't reasonably be expected to know, that the operator didn't hold a transport service licence and had previously been forbidden to operate.

You can't appeal on the grounds that vehicle impoundment will cause undue hardship. The appeal won't be accepted.

## How can I make an appeal?

As the registered person for the vehicle, you may appeal to the Commissioner of Police within 14 days. If that appeal is unsuccessful, you can make a further appeal to a district court.

If your appeal is successful, the vehicle will be returned. You don't have to pay the costs of the impoundment if it's shown that the police didn't have reasonable grounds to impound the vehicle or didn't follow the correct procedure.

If the vehicle was stolen or converted, you don't have to pay the storage fee, but you must pay the towing fee.

## How do I get the vehicle back when the impoundment ends?

At the end of the 28 days, go to the storage provider. Take:

- a form of identification (eg a bank or credit card, driver licence or passport), and
- a document proving that you're the registered person or the owner of the vehicle, or
- your copy of the impoundment notice, or
- a device on which you can do the registered person query online to show you are the registered person (go to [www.nzta.govt.nz/confirm-registered-person](http://www.nzta.govt.nz/confirm-registered-person)).

When you've paid the towing and storage fees and shown your documentation, the storage provider will release the vehicle.

## Does vehicle impoundment mean you don't need to go to court?

If you've received a summons you must still go to court. Impoundment doesn't replace any legal action the police may take.

## How much are the towing and storage fees?

They depend on:

- how much the vehicle weighs
- when it's towed
- how far it's towed.

### Towing fees:

Gross vehicle weight	Time/day	Towage fee (incl. GST)
3500kgs or less	Between the hours of 7am and 6pm, Monday to Friday (not including public holidays)	\$53.67
	Any other time (eg Saturday, Sunday or a public holiday)	\$71.56
More than 3500kgs	Between the hours of 7am and 6pm, Monday to Friday (not including public holidays)	\$132.89
	Any other time (eg Saturday, Sunday or a public holiday)	\$204.44
<b>Additional fee</b>		
Fee for additional kilometres towed in excess of 10 kilometres (per km or part of a km)		\$3.07

### Storage fees:

Gross vehicle weight	First 28 days (incl. GST)	Each additional day (incl. GST)
Gross vehicle weight is 3500kgs or less	\$306.67*	\$12.27
Gross vehicle weight is more than 3500kgs	\$715.56*	\$28.62

\*As the storage fee isn't charged for the first three days, this fee is the daily fee multiplied by 25.

**Note:** Towing and storage fees are set in regulations made by the government. However, the current regulations that describe these fees were last updated when GST was set at 12.5%.

Now that GST is set at 15%, we've calculated the fees in this factsheet at 15% GST, to show you what you'd pay today.

## What happens if I can't afford to pay the towing and storage fees?

You should contact the storage provider to discuss what options the provider may offer for paying it off.

## What happens if a vehicle is damaged while it's being impounded?

The tow truck company is responsible for any damage to the vehicle while it's being towed to storage. The storage provider is responsible while the vehicle is being stored.

## What happens if a vehicle isn't claimed in time?

If a vehicle isn't claimed within **10 days from when the impoundment finishes**, the storage provider can ask the police for approval to dispose of the vehicle.

After the police give their approval, the storage provider can dispose of the vehicle subject to any terms or conditions the police may impose.

## What happens if an impounded vehicle is a rental vehicle or a company vehicle?

Rental companies are responsible for making sure they only rent vehicles to licensed drivers.

Employers are responsible for checking that their employees' driver licences are valid before allowing them to drive company vehicles (see below).

It's the company's responsibility to recover the impoundment fee from the driver.

## How can an employer check on the licences of their employees?

Employers can subscribe to Driver Check, a secure online service that allows them to confirm that only licensed drivers are driving their company vehicles. The employer registers the names of their drivers (with the drivers' consent) and the NZ Transport Agency then advises the employer of any change to a driver licence status.

For more information see [www.nzta.govt.nz/driver-check](http://www.nzta.govt.nz/driver-check) or email [drivercheck@nzta.govt.nz](mailto:drivercheck@nzta.govt.nz).

## Where you can find out more

- See the relevant legislation at [www.legislation.govt.nz](http://www.legislation.govt.nz):
  - Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999.
  - Land Transport Act 1998.
- Email us at [info@nzta.govt.nz](mailto:info@nzta.govt.nz).
- Call us on 0800 822 422.
- Write to us at NZ Transport Agency, Private Bag 11777, Palmerston North 4442.

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### Contact details

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