



Land Transport (Road User) Amendment Rule (No 2) 2009

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

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Rule

- 1 Title**
This rule is the Land Transport (Road User) Amendment Rule (No 2) 2009.
- 2 Commencement**
This rule comes into force on 11 December 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 the 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 Ban on use of mobile phones while driving

(1) Rule 7.3A(1) is revoked and the following subclauses are substituted:

- “(1) A driver must not, while driving a vehicle,—
- “(a) use a mobile phone to make, receive, or terminate a telephone call; or
 - “(b) use a mobile phone to create, send, or read a text message; or
 - “(c) use a mobile phone to create, send, or read an email; or
 - “(d) use a mobile phone to create, send, or view a video message; or
 - “(e) use a mobile phone to communicate in a way similar to a way described in any of paragraphs (b) to (d); or
 - “(f) use a mobile phone in a way other than a way described in any of paragraphs (a) to (e).

“(1A) Subclause (1) is overridden by subclauses (2) to (7).”

(2) Rule 7.3A(5) is revoked.

(3) Rule 7.3A is amended by adding the following subclause:

- “(7) A driver may, while driving a vehicle, use a mobile phone in a way described in subclause (1)(a) or (f), if both the following apply:
- “(a) the phone is secured in a mounting fixed to the vehicle; and
 - “(b) if the driver manipulates or looks at the phone, he or she does so infrequently and briefly.”

Schedule 1

Objective of rule

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The objective of this rule is to amend the principal rule to allow a driver to use a mobile phone for any purpose, other than a text message, video message, email, or similar communication, while driving. The phone has to be secured in a mounting that is fixed to the vehicle and the driver is allowed to manipulate and look at the phone only infrequently and briefly. A driver will also still be able to use a hands-free mobile phone.

Schedule 2

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

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Consultation on this rule began on 9 October 2009. Letters and emails outlining the proposed changes to the Land Transport (Road User) Rule 2004 were sent to 55 interested organisations and individuals.

The Minister of Transport's proposal to make the rule was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*. Details of the proposed amendment and the draft rule were made available on the NZ Transport Agency's website and through its Contact Centre. Ten submissions were received on the draft rule.

Comments made in submissions were taken into account in redrafting the rule, following which the draft rule was signed by the Minister of Transport.

Dated at Wellington this 9th day of November 2009.

Steven Joyce,
Minister of Transport.

Explanatory note

This note is not part of the rule, but is intended to indicate its general effect.

This rule amends the Land Transport (Road User) Rule 2004 in the ways described in *Schedule 1*. It comes into force on 11 December 2009.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 12 November 2009.
This rule is administered by the Ministry of Transport.
