



**Ministry of Transport**  
TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

PURSUANT to Section 152 and 155(a) and (b) of the Land Transport Act 1998

I, **Harry James Duynhoven**, Minister for Transport Safety,

**HEREBY** make the following ordinary rule:

Land Transport Rule: Vehicle Equipment Amendment

**SIGNED AT** Wellington

This                      day of    2007

Harry James Duynhoven  
Minister for Transport Safety

**Land Transport Rule**  
**Vehicle Equipment Amendment 2007**

**Rule 32017/2**

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**Land Transport Rule**  
**Vehicle Equipment Amendment 2007**

**Rule 32017/2**



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## Objective of the Rule

### **Land Transport Rule: Vehicle Equipment**

**Amendment 2007** (the amendment Rule) is part of a package of measures that is being introduced to control vehicle exhaust noise. The measures in this Rule expand on the powers already available to the Police and vehicle inspectors to control excessive vehicle noise.

The objective of the amendment Rule is to amend *Land Transport Rule: Vehicle Equipment 2004* (the Rule) to set the maximum decibel limits for vehicles entering into and being operated in service, and to extend objective noise testing to light motor vehicles at in-service inspection (warrant of fitness (WoF) and certificate of fitness (CoF)).

The availability of an objective noise test at in-service testing is intended:

- to support the existing subjective noise test;
- to provide a workable scientific method for measuring vehicle exhaust noise; and
- to set decibel limits that are appropriate for the current New Zealand vehicle fleet, given the advances, in the last two decades, in vehicle technology.

The overall aim of the amendment Rule is to reduce excessive vehicle exhaust noise by targeting the noisiest vehicles (the 'gross emitters'), ie, vehicles fitted with modified exhaust systems that emit noise well in excess of the permitted decibel limits. As a result, operators of these vehicles will have to bring them into compliance in order to operate them on the road.

The amendment Rule allows a vehicle inspector to refer a vehicle for an objective noise test at entry

inspection and certification, or at in-service inspection and certification (WoF or CoF). Under the *Land Transport Act 1998*, the Police can refer a vehicle for a WoF or CoF test if the vehicle's exhaust system does not appear to comply with the noise limits in the Rule.

If a light motor vehicle covered by the Rule has been modified, so as to increase the noise output from its exhaust system, and the exhaust noise output exceeds that prescribed by the amendment Rule, the vehicle would have to be certified in the same manner as a low volume vehicle, under the *Low Volume Vehicle Code*.

In extending objective testing to light motor vehicles at in-service inspection, the amendment Rule provides two options if a vehicle fails a WoF or CoF test because of an excessively noisy exhaust. The vehicle owner can decide to repair or replace the faulty exhaust system and re-present the vehicle, or the vehicle can undergo an objective noise test, at the owner's expense. The cost of compliance with the Rule, therefore, falls mainly upon the small percentage of vehicle owners who do not comply with the law.

Based on research undertaken by the Ministry of Transport and Land Transport New Zealand prior to the making of this amendment Rule, there are an estimated 50,000 vehicles (two percent of cars or 1.3 percent of the total vehicle fleet) fitted with modified exhausts (excluding replacement exhausts similar to the original manufacturer's exhaust system). Noise emissions from most standard vehicles are well under the decibel limits specified in the Rule.

In developing the amendment Rule, account was taken of best practice in overseas jurisdictions. Research undertaken by the Ministry of Transport assessed vehicle noise requirements in other jurisdictions, and the reduced maximum decibel limits applying from 2008 are consistent with those

imposed in Australia. The current objective noise test is based on the international *ISO 5130 Measurement of noise emitted by stationary road vehicles* test methodology (the ‘stationary tailpipe’ test).

## Extent of consultation

Formal public consultation on the amendment Rule began in February 2007 when Land Transport New Zealand released the yellow (public consultation) draft. Organisations and individuals who had registered their interest in the Rule were advised of the release of the yellow draft and copies were sent to key interested industry and other groups. The availability of the draft amendment Rule was publicised in metropolitan and selected regional daily newspapers, *Mana Magazine* and the *New Zealand Gazette*. The draft was also made available, together with Questions and Answers, on the Land Transport NZ website.

Land Transport NZ received 464 submissions on the draft amendment Rule. The comments were taken into account in redrafting the Rule. The Rule was submitted to Cabinet, before being signed by the Minister for Transport Safety.



## **Part 1**                      **Rule requirements**

### **Section 1**                      **Application**

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#### **1.1**                              **Title**

1.1(1)                              This Rule is *Land Transport Rule: Vehicle Equipment Amendment 2007*.

1.1(2)                              This Rule amends *Land Transport Rule: Vehicle Equipment 2004*.

#### **1.2**                              **Date when Rule comes into force**

This Rule comes into force on 1 June 2008.

### **Section 2**                      **Amendments relating to equipment requirements**

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#### **2.1**                              **Scope of the Rule**

*Paragraph 1.2(2)(b)* is amended by inserting the words “vehicle noise, vehicle exhaust noise emissions and” before the words “child restraints”.

#### **2.2**                              **Audible warning devices, speedometers, sun visors and mudguards**

The following provisions are amended by omitting the words “the *Schedule*” and substituting the words “*Schedule 1*”:

(a)     *subclause 2.1(3)*;

- (b) *subclause 2.2(2)*;
- (c) *subclause 2.3(3)*;
- (d) *paragraph 2.4(7)(a)*.

### 2.3 Exhaust systems

2.3(1) *Subclause 2.7(1)* is amended by omitting the words “the *Schedule*” and substituting the words “*Schedule 1*”.

2.3(2) *Clause 2.7* is amended by substituting the following subclause for *subclause 2.7(3)*:

“2.7(3) An exhaust system must be designed, constructed, positioned and maintained in a way that minimises the risk of heat or fumes emitted from the system harming the motor vehicle’s occupants.”

2.3(3) *Clause 2.7* is amended by substituting the following subclauses for *subclause 2.7(4)*:

#### “Noise output of vehicles entering service

“2.7(4) The noise output from a Class LC, LD, LE, MA, MB, MC, MD1, MD2 or NA motor vehicle that is entering service in New Zealand must not exceed:

“(a) the maximum decibel level prescribed in *Schedule 2* when tested in accordance with the vehicle drive-by test prescribed in:

“(i) *ISO 362, Measurement of Noise Emitted by Vehicles*;  
or

“(ii) *BS 3425, Method for the Measurement of Noise*

*Emitted by Motor Vehicles;*  
or

“(iii) *SAE J1470, Measurement of Noise Emitted by Accelerating Highway Vehicles;* or

“(iv) *ADR 28/01, External Noise of Motor Vehicles;* or

“(v) *TRIAS 20, Noise test procedure for motor vehicles (measurement procedure for acceleration running noise level);* or

“(b) the maximum decibel level prescribed in *Schedule 3* when tested in accordance with the *Low Volume Vehicle Code*.

“2.7(5) The noise output from a Class MD3, MD4, ME, NB or NC motor vehicle that is entering service in New Zealand must not exceed the maximum decibel level prescribed in *Schedule 2* when tested in accordance with a method approved by the Director by notice in the *Gazette*, and a vehicle drive-by test referred to in 2.7(4)(a)(i)-(v) is deemed to be an approved method.

“2.7(6) A vehicle is deemed to comply with 2.7(4)(a) and 2.7(5) if:

“(a) the vehicle was manufactured so as not to exceed the maximum decibel level prescribed in *Schedule 2*; and

“(b) the vehicle has not been modified such as to increase the noise output from the exhaust system.

“2.7(7) A vehicle manufactured before 1 January 1985 is not required to comply with *subclause 2.7(4)* or *2.7(5)* if the vehicle has not been modified such as to increase the noise output from the exhaust system.

**“Noise output of vehicles operated in service**

“2.7(8) The noise output from the exhaust system of a motor vehicle that is operated in service:

“(a) must, in the case of a Class LC, LD, LE, MA, MB, MC, MD1, MD2 or NA vehicle:

“(i) be less than, or similar to, the noise output from the vehicle’s original exhaust system at the time of the vehicle’s manufacture; or

“(ii) not exceed the maximum decibel level prescribed in *Schedule 3*, when tested in accordance with the *Low Volume Vehicle Code*;

“(b) must not, in the case of any other motor vehicle, be noticeably and significantly louder than the noise output from the vehicle’s original exhaust system at the time of the vehicle’s manufacture.

“2.7(9) *Subclause 2.7(8)* does not apply to a Class MA or Class MC motor sport vehicle that is:

“(a) competing in an official Motorsport New Zealand speed race or trial (or being driven

directly to or from competition in such a race or trial); and

“(b) complying with Motorsport New Zealand rules and regulations.

“2.7(10) The Director may, by notice in the *Gazette*, appoint an organisation or organisations, having expertise in requirements for vehicles used in motor sport competition, to issue motor sport authority cards for the purpose of this Rule.”

## Section 3                      Modification and repair

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### 3.1                                      Modification

*Clause 3.1* is amended by inserting the following subclauses:

- “3.1(3)    Subject to *3.1(4)*, if a Class LC, LD, LE, MA, MB, MC, MD1, MD2 or NA motor vehicle is modified such as to increase the vehicle’s exhaust noise output, the exhaust system must be tested and certified under the *Low Volume Vehicle Code* in accordance with *Land Transport Rule: Vehicle Standards Compliance 2002*.
- “3.1(4)    *Subclause 3.1(3)* does not apply if the vehicle’s increased exhaust noise output is clearly below the maximum decibel level prescribed in *Schedule 3*.”

## Section 4                      Amendments to definitions

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### 4.1                                      Insertion of new definitions

*Part 2* is amended by inserting the following definitions in their appropriate alphabetical order:

“**ADR** means Australian Design Rule.”

“**BS** means British Standard.”

“**Enter service** has the same meaning as it has in *Land Transport Rule: Vehicle Standards Compliance 2002*.”

“**ISO** means International Standard Organisation Standard.”

“**Motor sport vehicle** means a Class MA or Class MC motor vehicle that is:

- (a) used in motor sport competition; and
- (b) operated in accordance with the conditions of a valid motor sport authority card issued to that vehicle by an organisation in 2.7(10).”

“**Motorsport New Zealand** means Motorsport New Zealand Incorporated.”

“**Operation in service** has the same meaning as it has in *Land Transport Rule: Vehicle Standards Compliance 2002*.”

“**SAE** means Society of Automotive Engineers Standard.”

“**TRIAS** means Type Approval Test Procedure (Japan).”

## **Section 5                      Amendments to Schedules**

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### **5.1                              Amendment to schedule heading**

The heading “*Schedule*” in *Part 3* is revoked and “*Schedule 1*” is substituted.

### **5.2                              New schedules**

*Part 3* is amended by inserting the Schedules set out in *Part 2* of this Rule.



## Part 2 Schedules

### New Schedules inserted into Part 3

#### “Schedule 2 Maximum decibel levels – drive-by test

[Ref. 2.7(4)(a)]

Vehicle class	Maximum noise levels (dBA)
LC, LD, LE (with engine capacity of 125 cm <sup>3</sup> or less)	82
LC, LD, LE (with engine capacity of more than 125 cm <sup>3</sup> )	86
MA, MB, MC, MD1, MD2, and NA	81
MD3, MD4, ME, NB, and NC (with power output of 150 kW or less)	86
MD3, MD4, ME, NB, and NC (with power output of more than 150 kW)	88

#### “Schedule 3 Maximum decibel levels – stationary test

[Ref. 2.7(4)(b)]

Vehicle class	Maximum noise levels (dBA)
LC, LD, LE (with engine capacity of 125 cm <sup>3</sup> or less)	96
LC, LD, LE (with engine capacity of more than 125 cm <sup>3</sup> )	100
MA, MB, MC, MD1, MD2, and NA	
- first registered in New Zealand before 1 June 2008	95
- first registered in New Zealand on or after 1 June 2008, and:	
- manufactured* before 1 January 1985	95
- manufactured* on or after 1 January 1985	90

\* If the date of manufacture cannot be ascertained, the date of first registration (outside New Zealand) is deemed to be the date of manufacture.”