



Ministry of **Transport**

TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

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

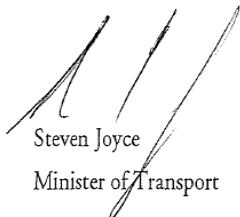
I, **Steven Joyce**, Minister of Transport,

HEREBY make the following ordinary rule:

Land Transport Rule: Vehicle Exhaust Emissions Amendment

SIGNED AT Wellington

This *22nd* day of *February* 2010



Steven Joyce
Minister of Transport

Land Transport Rule

Vehicle Exhaust Emissions Amendment 2010

Rule 33001/4

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Land Transport Rule
Vehicle Exhaust Emissions
Amendment 2010

Rule 33001/4

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Objective of the Rule

Land Transport Rule: Vehicle Exhaust Emissions Amendment 2010 amends *Land Transport Rule: Vehicle Exhaust Emissions 2007* (the Rule), which sets out requirements aimed at progressively improving the emissions standards of vehicles entering the New Zealand fleet.

The objective of this amendment Rule is to make changes to the Rule:

- to allow vehicles that do not comply with New Zealand vehicle exhaust emissions standards, but that meet the criteria to be categorised as an ‘immigrant’s vehicle’, to be certified for use on the road;
- to replicate the provisions relating to immigrants’ vehicles in *Land Transport Rule: Frontal Impact 2001* to provide for a regime under the Rule for processing applications for, and identifying, vehicles of that category;
- to update the Rule by inserting the vehicle emissions standard *Euro 5*;
- to amend the definition of ‘immigrant’s vehicle’ to bring the Rule into line with the definition of this term used in *Land Transport Rule: Frontal Impact 2001*.

Extent of consultation

For the purposes of consultation, amendments proposed to *Land Transport Rule: Vehicle Exhaust Emissions 2007* and eight other Land Transport Rules were combined into a single draft Rule, *Land Transport Rule: Omnibus Amendment 2009* (the Omnibus Amendment Rule).

On 13 November 2009, the NZ Transport Agency sent details of the amendment proposals by letter or email to about 1800 groups and individuals who had registered an interest in the Rules to be amended. The draft Omnibus Amendment Rule was made available through the NZ Transport

Agency's Contact Centre and, together with Questions and Answers, was also available on the NZ Transport Agency website. The availability of the draft for comment was publicised in the metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin, selected regional daily newspapers and in the *New Zealand Gazette*.

The NZ Transport Agency received 257 submissions on the draft Omnibus Amendment Rule, of which six commented on the proposed requirements in this amendment Rule. Following consultation, the provisions in the draft Omnibus Amendment Rule were split into nine separate amendment Rules, including this Rule. The submissions that were received were taken into account in drafting this amendment Rule before it was submitted to the Minister of Transport for signing.

Part 1 Rule requirements

Section 1 Application

1.1 Title

1.1(1) This Rule is *Land Transport Rule: Vehicle Exhaust Emissions Amendment 2010*.

1.1(2) This Rule amends *Land Transport Rule: Vehicle Exhaust Emissions 2007*.

1.2 Date when Rule comes into force

This Rule comes into force on 1 April 2010.

Section 2 Amendments relating to vehicle exhaust emissions

2.1 Vehicle emissions standards

Paragraph 2.2(3)(a) is amended by omitting “Class MA, MB or MC”.

2.2 Responsibilities

Section 5 is amended by inserting the following heading and subclause:

“5.3 **Functions and powers of the Agency**

“5.3(1) The Agency may identify in writing, in accordance with *Schedule 4*, a vehicle as an immigrant’s vehicle for the purposes of *2.2(3)(a)*.

“5.3(2) The Agency may, by notice in the *Gazette*, appoint an organisation or organisations to process applications for specific motor vehicles to be identified as immigrants’ vehicles for the purposes of *2.2(3)(a)*.”

Section 3 Amendments to Definitions

3.1 Insertion of definition

Part 2 is amended by inserting the following definition of **Euro 5** in the appropriate place:

“**Euro 5** is an abbreviation for *Commission Regulation (EC) No. 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information*, as amended by *Commission Regulation (EC) No. 692/2008 of 18 July 2008*, as per Euro 5 emissions limits set out in Annex 1.”

3.2 Substitution of definition

Part 2 is amended by substituting the following definition for the definition of **immigrant’s vehicle**:

“**Immigrant’s vehicle** means a motor vehicle that has been identified in writing, under *Land Transport Rule: Frontal Impact 2001*, or in accordance with *Schedule 4* by the Agency or by an organisation appointed by the Agency under 5.3(2).”

Section 4 Amendments to Schedules

4.1 Amendments to Schedule 1

Part 3 is amended by:

- (a) substituting the following table for *Table 2.2* in *Schedule 1*:

“Table 2.2 Vehicle exhaust emissions requirements for new petrol, LPG and CNG vehicles

Date of manufacture	Approved vehicle emissions standard			
	New petrol, LPG and CNG vehicles			
	Light vehicles		Heavy vehicles	
	New model	Existing model	New model	Existing model
Before 3 January 2008	ADR 79/01; Euro 3; Japan 00/02; or US 2001	ADR 79/01; Euro 3; Japan 00/02; or US 2001	ADR 80/01; Japan 00/02; or US 98P	ADR 80/01; Japan 00/02; or US 98P
On or after 3 January 2008 and before 1 January 2009	Before 1 July 2008 ADR 79/01; Euro 4; Japan 05; or US 2004 On or after 1 July 2008 ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 79/01; Euro 3; Japan 00/02; or US 2001	ADR 80/02; Euro 4; Japan 05; or US 2004	ADR 80/02; Euro 4; Japan 00/02; or US 98P
On or after 1 January 2009 and before 1 January 2010	ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 79/01; Euro 4; Japan 05; or US 2004	ADR 80/02; Euro 4; Japan 05; or US 2004	ADR 80/02; Euro 4; Japan 05; or US 2004
On or after 1 January 2010 and before 1 January 2011	ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 79/01; Euro 4; Japan 05; or US 2004 On or after 1 July 2010 ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 80/03; Euro 4; Japan 05; or US 2004	ADR 80/02; Euro 4; Japan 05; or US 2004
On or after 1 January 2011 and before 1 January 2012	ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 80/03; Euro 5; Japan 05; or US 2004	ADR 80/03; Euro 4; Japan 05; or US 2004
On or after 1 January 2012 and before 1 January 2015	ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 79/02; Euro 4; Japan 05; or US 2004	ADR 80/03; Euro 5; Japan 05; or US 2004	ADR 80/03; Euro 5; Japan 05; or US 2004”

- (b) substituting the following table for *Table 2.4* in *Schedule 1*:

“Table 2.4 Vehicle exhaust emissions requirements for new diesel vehicles

Date of manufacture	Approved vehicle emissions standard			
	New diesel vehicles			
	Light vehicles		Heavy vehicles	
	New model	Existing model	New model	Existing model
Before 3 January 2008	ADR 79/01 and ADR 30/01; Euro 4; Japan 02/04; or US 2004	ADR 79/01 and ADR 30/01; Euro 4; Japan 02/04; or US 2004	ADR 80/00 and ADR 30/01; Euro 3; Japan 02/04; or US 2004	ADR 80/00 and ADR 30/01; Euro 3; Japan 02/04; or US 98D
On or after 3 January 2008 and before 1 January 2009	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 79/01 and ADR 30/01; Euro 4; Japan 02/04; or US 2004	ADR 80/02 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 80/00 and ADR 30/01; Euro 3; Japan 02/04; or US 2004
On or after 1 January 2009 and before 1 January 2010	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 80/02 and ADR 30/01; Euro 4; Japan 05; or US 2007	ADR 80/02 and ADR 30/01; Euro 4; Japan 02/04; or US 2004
On or after 1 January 2010 and before 1 January 2011	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 80/03 and ADR 30/01; Euro 4; Japan 05; or US 2007	ADR 80/02 and ADR 30/01; Euro 4; Japan 05; or US 2004
On or after 1 January 2011 and before 1 January 2012	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 80/03 and ADR 30/01; Euro 5; Japan 05; or US 2007	ADR 80/03 and ADR 30/01; Euro 4; Japan 05; or US 2004
On or after 1 January 2012 and before 1 January 2015	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004	ADR 80/03 and ADR 30/01; Euro 5; Japan 05; or US 2007	ADR 80/03 and ADR 30/01; Euro 5; Japan 05; or US 2004”

4.2

Insertion of new Schedule

The Rule is amended by inserting, after *Schedule 3*, *Schedule 4* set out in the Schedule to this Rule.

Part 2

Schedule

Insertion of new Schedule 4

[Ref. 4.2]

“Schedule 4 – Immigrants’ vehicles

[Ref. 5.3(1)]

Application for identification of vehicle as immigrant’s vehicle

1. To have a vehicle identified as an immigrant’s vehicle, an applicant must:
 - (a) apply to the Agency, or to an organisation appointed by the Agency under 5.3(2), before the vehicle is certified for entry into service in New Zealand; and
 - (b) pay the appropriate fee or fees (if any) specified in accordance with regulations made under the Act.
2. The applicant must:
 - (a) be a New Zealand citizen, a New Zealand resident or a person entitled under the *Immigration Act 1987* to take up permanent residence; and
 - (b) have lived outside New Zealand for a period of not less than 21 months before the date of his or her arrival or return to New Zealand; and
 - (c) unless the vehicle was border inspected before 1 April 2010, apply within 18 months of the applicant’s arrival in or return to New Zealand; and
 - (d) personally own the vehicle; and
 - (e) have personally owned and registered the vehicle for personal use in a country outside New Zealand for a period of at least one year before the applicant’s arrival in or return to New Zealand; and

- (f) never had any other vehicle identified as an immigrant's vehicle; and
- (g) not have imported or be importing the vehicle on behalf of, or for, a third party; and
- (h) make a declaration declaring that:
 - (i) the applicant has resided outside New Zealand for a period of not less than 21 months before the applicant's arrival in or return to New Zealand; and
 - (ii) the applicant has personally owned the vehicle, and has registered it for personal use in a country outside New Zealand, for a period of at least one year before the applicant's arrival in or return to New Zealand; and
 - (iii) the applicant has never had any other vehicle identified as an immigrant's vehicle; and
 - (iv) the applicant has not imported the vehicle on behalf of, or for, a third party; and
 - (v) the applicant will not sell or lease the vehicle to a third party for at least a year after the date on which the vehicle is first registered in New Zealand; and
 - (vi) the applicant will not operate the vehicle in a transport service.

Identification of immigrant's vehicle

3. The Agency, or an organisation appointed by the Agency under 5.3(2), may identify a vehicle in writing as an immigrant's vehicle if the vehicle is a motor vehicle to which *section 2* would otherwise apply and the applicant:
 - (a) is a New Zealand citizen, a New Zealand resident or a person entitled

- under the *Immigration Act 1987* to take up permanent residence; and
- (b) has never had any other vehicle identified as an immigrant's vehicle; and
 - (c) makes a declaration in accordance with *paragraph 2(h)*; and
 - (d) has paid the appropriate fee or fees (if any) specified in accordance with regulations made under the Act.

Conditions of use

- 4. The vehicle must be registered in New Zealand in the applicant's name for at least one year after the date on which the vehicle is first registered in New Zealand (although additional names may also appear on the registration documents).
- 5. The applicant may not operate the vehicle in a transport service.

Interpretation

- 6. To avoid doubt, in this Schedule, "arrival in or return to New Zealand" means arrival in or return to New Zealand after having lived outside New Zealand for a period of not less than 21 months."