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
Land Transport Rule

Vehicle Exhaust Emissions
Amendment 2010

Rule 33001/4
Contents

Objective of the Rule vii
Extent of consultation vii

Part 1  Rule requirements  1

Section 1  Application  1
  1.1  Title  1
  1.2  Date when Rule comes into force  1

Section 2  Amendments relating to vehicle exhaust emissions  1
  2.1  Vehicle emissions standards  1
  2.2  Responsibilities  1

Section 3  Amendments to Definitions  2
  3.1  Insertion of definition  2
  3.2  Substitution of definition  2

Section 4  Amendments to Schedules  3
  4.1  Amendments to Schedule 1  3
  4.2  Insertion of new Schedule  5

Part 2  Schedule  6

  Insertion of new Schedule 4  6
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:


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).”
### 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"**

<table>
<thead>
<tr>
<th>Date of manufacture</th>
<th>Approved vehicle emissions standard</th>
<th>Light vehicles</th>
<th>Heavy vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>New petrol, LPG and CNG vehicles</strong></td>
<td><strong>New model</strong></td>
<td><strong>Existing model</strong></td>
</tr>
<tr>
<td></td>
<td><strong>New model</strong></td>
<td><strong>Existing model</strong></td>
<td></td>
</tr>
<tr>
<td>Before 3 January 2008</td>
<td>ADR 79/01; Euro 3; Japan 00/02; or US 2001</td>
<td>ADR 79/01; Euro 3; Japan 00/02; or US 2001</td>
<td>ADR 80/01; Japan 00/02; or US 98P</td>
</tr>
<tr>
<td>On or after 3 January 2008 and before 1 January 2009</td>
<td>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</td>
<td>ADR 79/01; Euro 3; Japan 00/02; or US 2001</td>
<td>ADR 80/02; Euro 4; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2009 and before 1 January 2010</td>
<td>ADR 79/02; Euro 4; Japan 05; or US 2004</td>
<td>ADR 79/01; Euro 4; Japan 05; or US 2004</td>
<td>ADR 80/02; Euro 4; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2010 and before 1 January 2011</td>
<td>ADR 79/02; Euro 4; Japan 05; or US 2004</td>
<td>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</td>
<td>ADR 80/03; Euro 4; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2011 and before 1 January 2012</td>
<td>ADR 79/02; Euro 4; Japan 05; or US 2004</td>
<td>ADR 79/02; Euro 4; Japan 05; or US 2004</td>
<td>ADR 80/03; Euro 5; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2012 and before 1 January 2015</td>
<td>ADR 79/02; Euro 4; Japan 05; or US 2004</td>
<td>ADR 79/02; Euro 4; Japan 05; or US 2004</td>
<td>ADR 80/03; Euro 5; Japan 05; or US 2004</td>
</tr>
</tbody>
</table>
(b) substituting the following table for Table 2.4 in Schedule 1:

"Table 2.4 Vehicle exhaust emissions requirements for new diesel vehicles

<table>
<thead>
<tr>
<th>Date of manufacture</th>
<th>Approved vehicle emissions standard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Light vehicles</td>
</tr>
<tr>
<td></td>
<td>New model</td>
</tr>
<tr>
<td></td>
<td>New model</td>
</tr>
<tr>
<td>Before 3 January 2008</td>
<td>ADR 79/01 and ADR 30/01; Euro 4; Japan 02/04; or US 2004</td>
</tr>
<tr>
<td>On or after 3 January 2008 and before 1 January 2009</td>
<td>ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2009 and before 1 January 2010</td>
<td>ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2010 and before 1 January 2011</td>
<td>ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2011 and before 1 January 2012</td>
<td>ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004</td>
</tr>
<tr>
<td>On or after 1 January 2012 and before 1 January 2015</td>
<td>ADR 79/01 and ADR 30/01; Euro 4; Japan 05; or US 2004</td>
</tr>
</tbody>
</table>

On or after 1 January 2015 and before 1 January 2016
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.”