

RD 25/3

10 August 2001

Mr Paul Bluett
Principal Adviser Rules
Ministry of Transport
P O Box 3175
WELLINGTON

Dear Paul

PROPOSED VEHICLE CERTIFICATION RULE

I have enclosed three copies of the overview and draft *Land Transport Rule: Vehicle Certification* formerly the *Vehicle Standards Compliance Rule*. Please pass copies on to the Ministry's legal and policy sections. We seek the Ministry's agreement to our releasing these documents for public consultation.

If the Ministry has any comments in relation to the proposed rule including the name change, we would be grateful if these could be conveyed to us by 24 August 2001. As you are aware we are aiming to have this rule and the other rules relating to the vehicle safety proposals signed in April 2002. Accordingly, it is important that this matter is considered urgently.

Yours sincerely

Angela Duncan
Manager Rules

Land Transport Rule Vehicle Certification

Rule 35001/1

Overview

Land Transport Rules are law produced by the Land Transport Safety Authority for the Minister of Transport. The LTSA produces drafts of each rule in plain language to reach a wide audience, and refines each draft in response to consultation.

This overview accompanies, and sets in context, the yellow (public consultation) draft of Land Transport Rule 35001/1. This draft legislation will revoke and replace Land Transport Rule: Vehicle Standards Compliance 1998 (Rule 35001). It sets out requirements in relation to the inspection and certification of motor vehicles for the purposes of determining whether they are safe to enter the land transport system and to be operated on the road in New Zealand.

If you wish to comment on this draft rule, please see the page headed 'Information on submissions'. The deadline for submissions is 30 September 2001.

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What are Land Transport Rules?

The Land Transport Safety Authority of New Zealand (LTSA) was established by the *Land Transport Act 1993* (now replaced by the *Land Transport Act 1998*). One of the tasks of the LTSA is to produce Land Transport Rules on behalf of the Minister of Transport ('the Minister') to cover safety and licensing issues.

Land Transport Rules aim to:

- **clarify**
- **consolidate** and
- **create**

land transport law.

Rules are developed by means of extensive consultation and drafts of each rule are produced in plain language to reach a wide audience.

When a rule requires revision, the LTSA produces a draft and consults on the draft as if it were a new rule. This publication, for your comment, has two parts:

- (a) the overview, which sets the proposed rule in context; and
- (b) the yellow draft of *Land Transport Rule: Vehicle Certification* (Rule 35001/1) for public comment.

If you wish to make a submission on this publication, please read the page headed 'Information on submissions' and send your submission to:

Helen McLean
Rules Team
Land Transport Safety Authority
PO Box 2840
Wellington.

The deadline for submissions is 30 September 2001.

It is anticipated that this rule will come into force on 1 April 2002. This date, however, is dependent on Government agreement to the final content of the rule before the Minister signs it.

Matters to be taken into account

The *Land Transport Act 1998* (the Act) provides the legal framework for making Land Transport Rules.

Section 161 of the Act states the procedures by which the Minister makes ordinary rules. These include the need for consultation, which has been developed by the LTSA into a series of formal and informal discussion procedures.

Section 164 of the Act states the matters to be taken into account in making rules. In making ordinary rules, the Minister is required to give such weight as he or she considers appropriate in each case to the following matters:

- risks being addressed;
- international considerations;
- benefits and costs.

Risks being addressed

Subsections 164 (2)(a), (b) and (c) of the Act require that appropriate weight be given to the nature of the particular activity or service for which the rule is being established, the level of risk existing to land transport safety in New Zealand in general, and the level of risk in each proposed activity or service.

Proposed activity or service

This rule sets out requirements in relation to the inspection and certification of motor vehicles for the purposes of determining whether they are safe to enter the land transport system and to be operated on the road in New Zealand.

The proposed activity or service that is covered by the existing *Land Transport Rule: Vehicle Standards Compliance 1998* (the 'Compliance Rule') will be carried over into the *Land Transport Rule: Vehicle Certification 2002* (the 'Certification Rule'), which will revoke and replace the existing rule.

Risks to land transport safety

The *Compliance Rule* addresses the risk to land transport safety of having vehicles on the road that are poorly designed, constructed, repaired or maintained. The risk is higher, per vehicle, for heavy vehicles such as trucks because of their size, their momentum when moving and the goods they carry, and for passenger service vehicles such as buses because of the number of people that could be injured in a single collision.

New Zealand currently makes use of overseas standards for vehicle design and construction, by accepting only vehicles that meet these standards. New Zealand also has a system of periodic inspection to check the performance and condition of vehicles in service.

Since 1936, New Zealand has had in place a system of regular in-service inspection of vehicles in use on the road. The Warrant of Fitness (WoF) inspection is an annual or six-monthly inspection (the frequency depending on the age of the vehicle) of privately-owned cars, while the Certificate of Fitness (CoF) inspection is a more stringent inspection carried out every six months on commercial and heavy vehicles.

The *Compliance Rule*, which came into force on 1 March 1999, set in place a separate system of inspection and certification to ensure vehicles are safe to enter the land transport system. This is necessary to ensure that vehicles have been designed and constructed to meet approved vehicle standards prescribed in New Zealand law, and that they have not been structurally damaged or poorly repaired. In terms of the *Compliance Rule*, the LTSA appointed certifiers to carry out these inspections.

The proposed *Certification Rule* carries over the systems introduced by the *Compliance Rule*, with some refinements (see *Proposed changes and their economic justification*, page 11).

International considerations

Sections 164(1) and 164(2)(f) of the Act require that rules not be inconsistent with New Zealand's international obligations concerning land transport safety and that international circumstances be given such weight as the Minister considers appropriate in each case.

Consideration of international best practice is a vital part of the LTSA strategy in the area of vehicle standards. Many of the requirements for vehicles to be designed and constructed to meet approved vehicle standards are among the provisions in the various regulations and rules in *Schedule 1* of the proposed rule. The aim is that the New Zealand vehicle fleet will benefit from overseas advances in vehicle design. The proposed *Certification Rule* aims to ensure that certification and inspection systems are in place that will maintain this position.

Benefits and costs

Subsections 164 (2)(d) and (e) of the Act require that appropriate weight be given to the need to maintain land transport safety, and to the costs of implementing land transport safety measures. This links with *sections 169 and 189*, in which the Minister and the LTSA are charged with promoting safety in land transport at a reasonable cost.

The *Compliance Rule* has been restructured and simplified to avoid some repetitiveness. It is expected that compliance will be increased and that costs of compliance and enforcement will be reduced. Overall, this will result in an economic benefit (see *Proposed changes and their economic justification*, page 11 and *How the rule fits with other legislation*, page 19).

Why is this rule being proposed?

Background

The *Compliance Rule* requires that vehicles be inspected at the beginning of their use in New Zealand (when they ‘enter the land transport system’) and at intervals thereafter (when they are ‘in service’). Vehicles must also be inspected if they are re-entering service after being deregistered (taken off the road) in New Zealand.

A vehicle compliance certifier carries out the inspection of a vehicle, as a whole. When a vehicle passes one of these inspections, it is ‘certified’ as being in compliance with the applicable requirements. Examples of vehicle compliance certifiers are the Transport Services Delivery agents who are contracted by the LTSA to certify imported used vehicles before they can enter service on the road in New Zealand, and the certifiers who carry out regular WoF inspections.

In certain circumstances, such as when a vehicle is modified, the vehicle compliance certifier must obtain a specialist certification carried out by a specialist certifier. The specialist certifier is responsible for checking whether specified aspects of a vehicle comply with applicable requirements.

The *Compliance Rule* also requires that imported used vehicles be inspected at the border so that information can be recorded, including odometer readings and any obvious structural damage. The border inspection is currently carried out on behalf of the LTSA by inspectors of the Ministry of Agriculture and Forestry at the same time as bio-security checks are made.

Scope of the rule

The *Compliance Rule* covers all vehicle inspections in New Zealand. The proposed *Certification Rule* will carry forward these requirements, with little change in scope except that the ‘exempt’ vehicle issue will be addressed.

The agricultural sector has advised the LTSA that there have been extensive technical developments in the vehicles and the machinery used in the ‘exempt’ categories since the *Traffic Regulations* put the concessions in place. The basis for the exemption – that the vehicles and machinery are not capable of travelling at a speed greater than 30km/h – is seldom valid today.

The *Certification Rule* proposes, accordingly, that a new regime be set in place for 'exempt' vehicles. There are several elements to the proposal:

- (a) If a vehicle is capable of exceeding 50 km/h the revised rule proposes that it cannot be considered as 'exempt' and it must be certified for entry into the land transport system as well as being regularly inspected in service. This will usually mean a CoF rather than a WoF inspection. This will cover modern highly sophisticated JCB Fast-tracks for instance. (See *clauses 6.1* and *7.1* of the revised rule.)
- (b) If a vehicle is not capable of exceeding 50 km/h, the owner/operator can choose whether the vehicle will be operated outside or within the in-service inspection regime:
 - (i) If the vehicle is never operated on the road at a speed greater than 30 km/h, the owner can decide that it will be outside the in-service inspection regime. Enforcement would be based on whether a vehicle is actually travelling at a speed greater than 30 km/h.
 - (ii) If the vehicle is to be operated on the road at a speed greater than 30 km/h, but at not more than 50 km/h, the owner can decide that it will be within the in-service inspection regime. The vehicle must have a WoF. Enforcement would be based on whether the vehicle has a current WoF.

The LTSA invites comment on these proposals.

Proposed changes and their economic justification

Vehicle safety proposals

Border inspections for imported used vehicles to be made more stringent

(Clause 4.5 of the proposed rule.)

The current border inspection is limited by the fact that it takes place at the dockside, where there are storage and time constraints. The inspection is very brief and is only required to identify defects that are 'obvious' to the inspector. Under the proposed *Certification Rule*, a secure area would be set up away from the docks. The imported used vehicle would not be released to the importer until:

- a vehicle identification number had been issued; and
- a thorough inspection of the vehicle had been carried out; and
- the vehicle's documentation had been checked.

If the vehicle passed the inspection, it would be automatically certified. If the vehicle required repairs, the certification could take place later, as under the present system, but inspectors would only need to check that the defects identified at the border inspection had been rectified. The proposed rule would make the border inspection more detailed than at present, and would provide better enforcement of the safety requirements, because non-complying aspects of the vehicle would be identified before importers had time to partially repair or disguise them.

This is one of a number of vehicle safety proposals on which a consultation document was recently released. The LTSA will carry out a detailed benefit/cost assessment of the proposal in the light of the comments received during consultation.

Water-damaged vehicles to be banned from New Zealand roads

(Clause 11.1 of the proposed rule.)

Currently, structurally damaged vehicles can be certified to operate on the road in New Zealand provided they have been repaired properly. In the case of significant damage to its structure, the vehicle is subjected to detailed scrutiny by a specialist Repair Certifier.

Vehicles that have been damaged by immersion in water (usually flood-damaged vehicles from Japan) are grouped with other structurally damaged vehicles. Responsibility is placed on Repair Certifiers to ensure that they have been safely repaired before being allowed to operate on the road in New Zealand.

The proposed *Certification Rule* would allow the Director to specify water damage or other damage to vehicles that could pose a long-term risk to land transport safety, and to ban vehicles with those defects from being certified and registered for use on the road.

The proposal addresses the issue of vehicles that may appear to be in good condition on the day of inspection, but will later develop problems that threaten the safety of the vehicle because of the insidious long term effects of, for instance, salt water corroding electrical components. Due to the intricacy of modern vehicles, repair certification cannot provide sufficient assurance that water-damaged vehicles will remain safe once they have gone on the road.

This is one of a number of vehicle safety proposals on which a consultation document was recently released. The LTSA will carry out a detailed benefit/cost assessment of the proposal in the light of the comments received during consultation.

Warrant of Fitness inspections to be yearly until vehicles are five years old, and six-monthly thereafter

(Clause 9.5 of the proposed rule.)

The WoF inspection in New Zealand applies to light vehicles other than taxis and rental cars. Currently, these vehicles are subjected to annual WoFs if they were new when first registered in New Zealand, up to the point when the vehicles are six years old. Thereafter, they are inspected six-monthly. This regime does not apply to used vehicles imported from overseas, where six-monthly inspections are required irrespective of the vehicle's age.

Under this proposal, WoF inspections would be required annually for all light vehicles, other than taxis and rental cars, up to the fifth anniversary of their first registration in New Zealand or overseas, and at six-monthly intervals thereafter. Since there is evidence that vehicle defects increase as vehicles get older, the proposal would improve the targeting of enforcement effort to higher risk vehicles.

The proposal would also remove the inconsistent way that the present system treats identical vehicles depending on the vehicle's registration history. If, for instance, a vehicle was three years old when it was imported and first registered in New Zealand, it currently must have a WoF inspection every six months. Under the proposal the vehicle would have a yearly WoF inspection, before moving to six-monthly inspections when it reached the fifth anniversary of its first registration anywhere in the world.

This is one of a number of vehicle safety proposals on which a consultation document was recently released. The LTSA will carry out a detailed benefit/cost assessment of the proposal in the light of the comments received during consultation.

Frequency of Certificate of Fitness inspections to vary, depending on the operator's safety performance

(Subclause 9.5(1)(b) and clause 9.9 of the proposed rule.)

All commercial vehicles are required to undergo a CoF inspection every six months. The LTSA is proposing an 'operator rating scheme' for commercial vehicle operators that would rate them on the basis of how safely they perform, using a set of agreed performance criteria, including how well their vehicles are maintained.

In advance of the development of the full operator rating scheme, which would require further consultation and a change to primary legislation, this more limited proposal would allow the frequency of CoF inspections for commercial vehicles to be varied, depending on the vehicle's previous record in passing the CoF inspection. Vehicles with a good track record would have the interval between CoFs lengthened, while those with a poor record would have the interval shortened.

The aim of this proposal is to target enforcement on higher risk operators and reduce enforcement effort in relation to low risk operators. Not only will this be a more cost-effective use of resources, but it will also provide incentives for operators to improve their safety performance.

This is another of the vehicle safety proposals on which a consultation document was recently released. The LTSA will carry out a detailed benefit/cost assessment of the proposal in the light of the comments received during consultation.

Testing stations to cancel a current Certificate of Fitness

(Clause 9.8 of the proposed rule.)

Vehicles are often inspected for a CoF well before the current CoF expires. If the vehicle passes the inspection, a new CoF is issued and the unexpired portion of the previous CoF is credited to the new CoF, up to a maximum of 28 days. If the vehicle fails, the current CoF continues to be valid until its date of expiry is reached. This allows the operator time to have the vehicle repaired and reinspected for a new CoF to be issued.

There is clear evidence of operators abusing the 28-day concession, and continuing to operate vehicles that have failed the CoF inspection with serious defects. This proposal would authorise testing stations to cancel a current CoF immediately if a vehicle failed an inspection with a serious defect. This will assist the Police in catching unscrupulous operators who operate dangerous vehicles.

The LTSA will carry out a detailed benefit/cost assessment of the proposal in the light of the comments received during consultation.

Proposed changes

Change of name

It is proposed to change the name of the rule to *Land Transport Rule: Vehicle Certification*.

Restructuring of the Compliance Rule

The *Compliance Rule* contains provisions for the appointment of certifiers (*sections 2, 9 and 10*). In the proposed *Certification Rule*, all the provisions for appointment of certifiers are in *section 2*. A detailed commentary on the changes is given below.

Section 10 of the *Compliance Rule*, which deals with responsibilities, has been removed, because the responsibilities of various persons in the vehicle inspection and certification regime are set out through the proposed rule.

Trade plates

The *Compliance Rule* does not adequately cover the temporary use on the road of vehicles bearing trade plates (also known as dealer plates). Such vehicles may need to be taken to a repairer before being ready to be certified for entry into the land transport system, or in the case of a heavy vehicle, may need to be driven to a workshop to be fully built up.

The risk of these vehicles being operated on the road with trade plates is relatively low provided there are controls on the distances covered and the purposes for which the vehicles are used. Accordingly, in terms of *section 166(1)* of the Act, a system of exemptions to the *Compliance Rule* has been set up to deal with such cases. The proposed *Certification Rule* provides for conditional permits to be issued for such vehicles and thus avoids the need for exemptions.

Current WoF at change of ownership

Clause 5.6, of the *Compliance Rule*, which requires persons selling a motor vehicle to ensure that the vehicle has been certified for in-service fitness within one month before the date of delivery, has not been carried over into the proposed rule. A current WoF is not required on change of ownership of a vehicle.

This change is proposed because the existing requirement has not been enforced and provides little real benefit in the case of private sales. (The *Motor Vehicle Dealers Act 1975* covers most commercial sales.)

Comment is invited, however, as to whether this provision should be retained in the proposed rule.

28-day free recheck

Regulation 8 of the *Land Transport (Certification and Other Fees) Regulations 1999* allows a customer whose vehicle fails a WoF inspection to continue to have the vehicle reinspected free of charge within 28 days of the inspection.

The LTSA has previously consulted on this issue. The argument for removing the ‘free recheck’ was that it leads to a cross-subsidy between vehicle owners whose vehicles pass without the need for a recheck, and other owners whose vehicles have to be reinspected. Approximately 30% to 40% of cars fail their WoF inspection and need to be reinspected. Comment is invited on this issue.

Appointments and authorisations by the Director

(*Section 2* of the proposed rule.)

The proposed rule introduces the term Record of Determination (see *Part 2: Definitions*). It encapsulates the idea that both passes and fails must be recorded when a vehicle is inspected. The pass then means that the vehicle can be ‘certified’ as being in compliance with the rule.

The Director has the power not only to appoint individual vehicle certifiers and border inspectors but also to authorise vehicle inspection organisations, and vehicle inspection centres, that employ border inspectors and certifiers. The relevant existing requirement is in 9.1(5) of the *Compliance Rule*.

The fit and proper person criteria are similar to those in 9.3 of the *Compliance Rule*. The criteria apply to appointed border inspectors and vehicle certifiers, and to persons who carry out functions on behalf of an authorised organisation or centre.

The conditions of appointment or approval in the proposed rule are more specific than the *Compliance Rule*.

The delegations provision in the proposed *Certification Rule* is more detailed than previously. It would allow an organisation to delegate some functions (like training) to another organisation, subject to approval by the Director.

The provisions for suspension and revocation are based on 9.4 of the *Compliance Rule* with a new proposed provision allowing immediate suspension if the Director has reason to believe that there is an imminent threat to land transport safety (2.8 of the proposed rule).

Inspection procedures

(Section 3 of the proposed rule.)

Most of the material in this section of the proposed rule comes from the existing section 2 of the *Compliance Rule*. The requirements regarding inspection procedures are based on provisions 2.6(1) and 2.6(2) of the *Compliance Rule*.

Inspection of vehicles at the border

(Section 4 of the proposed rule.)

The provisions have been simplified, and there is now no distinction between new vehicles imported by franchisees and by parallel importers.

However, whereas the *Compliance Rule* required only a visual inspection of the vehicle, the border inspection requirements in 4.4 of the proposed rule are more stringent.

Inspection of vehicles for conditional operation before entering or re-entering service

(Section 5 of the proposed rule)

This new section deals with some situations that were not covered in the *Compliance Rule*; in particular the temporary operation of a vehicle before it is certified. The section introduces the concept of a Conditional Permit for conditional operation of a vehicle before entering or re-entering service. *Sections 9 and 10* of the proposed rule provide details as to how these vehicles are to be operated.

The new system allows for conditional operation of vehicles before they enter service, effectively incorporating the exemption-based regime, which has been developed over the last two years by the LTSA. See *Proposed changes and their economic justification*, page 11.

Under this regime, vehicles are allowed to operate, subject to conditions, on the basis of a check-sheet signed by the operator (Annex B) and a list of addresses (Annex A). Alternatively vehicles can be operated on the basis of a permit (Annex C) issued by a Transport Services Delivery agent. Under the system proposed in the *Certification Rule*, Annex A would become Form A, Annex B would become Form B, and Annex C would become Form C.

Inspection and certification of vehicles for entry or re-entry into service

(*Section 6* of the proposed rule.)

This is based on *section 4* of the *Compliance Rule*.

The list of vehicles not required to have entry-level certification before being registered, in *6.1* of the proposed rule, is based on *4.10* of the *Compliance Rule*. It is the list of vehicles that are not inspected before getting registration plates, including, for example, a light trailer. However, there are changes proposed in relation to vehicles involved in agricultural and roading operations.

The requirement for a vehicle to have proof of standards compliance in order to enter service in New Zealand incorporates some technical changes as a result of experience in operating under the provisions of the *Compliance Rule*.

Clause 6.5 of the proposed rule outlines the steps a certifier must take to determine whether a vehicle or specified aspect of a vehicle complies with the requirements of this rule. The 'applicable requirements' are those from *Schedule 1* that apply to that vehicle's inspection.

The requirements for specialist certification at entry in *4.6* and *section 6* of the *Compliance Rule* (dealing with the certification of modified light vehicles) have been incorporated into the proposed rule.

Inspection and certification of vehicles for operation in service

(Section 7 of the proposed rule)

This section is based on *section 5* of the *Compliance Rule*, except the requirement for the vehicle to have 'current' Evidence of Vehicle Inspection as required under the Act is now in *section 9* of the proposed rule.

Vehicles that do not require a WoF or CoF to be operated on a road, listed in *7.1* of the proposed rule are similar to those in *5.9* of the *Compliance Rule*. However, there are changes in relation to vehicles involved in agricultural and roading operations.

Clause 7.5 outlines the steps a certifier must take to determine whether a vehicle or specified aspect of a vehicle complies with the requirements of this rule. The 'applicable requirements' are those from *Schedule 1* that apply to that vehicle's inspection.

The operation subject to specified conditions described in the proposed *7.9* is the same as the operation on a conditional permit set out in *5.8* of the *Compliance Rule*.

Subclause 7.9(2)(b) is new and would allow a determination to be made that a vehicle that has been registered in another country, and that has not been in New Zealand for more than a continuous period of 18 months, is safe to be operated.

Verification and recording of vehicle loading and weight limits

(Section 8 of the proposed rule)

Some technical changes in the specifications have been made in redrafting *section 8*. For example, there has been a change in the gross combination mass in the proposed *8.4(f)*.

This section is based on *section 8* of the *Compliance Rule*. Situations under the proposed *8.2(a)* where a light vehicle is modified so as to affect the Certificate of Loading would include a passenger service vehicle that had been modified, for example, by the addition of a roofrack on a Class MD2 vehicle. Another example would be a taxi that had been modified to include fittings designed for the benefit of a disabled person.

Evidence of Vehicle Inspection, Conditional Permits and Certificates of Loading

(Section 9 of the proposed rule)

This new section covers the issuing, frequency and expiry of WoFs, CoFs, Conditional Permits and Certificates of Loading.

Operation of vehicles on the road

(Section 10 of the proposed rule)

This section sets out the requirement for a vehicle to have current Evidence of Vehicle Inspection to be operated on the road. The approach is similar to that in *section 6* of the Act.

Transitional provisions and savings

(Section 12 of the proposed rule)

New transitional requirements are set out in the proposed *section 12*. These ensure that those appointed or approved under the *Compliance Rule* retain their status, and that vehicles that were certified under the *Compliance Rule* can remain on the road legally.

The proposed rule is scheduled to come into force on 1 April 2002. There may need to be lead-times for new provisions, for example, for implementation of a more stringent border inspection and changes to the frequency of WoF inspections.

Schedules

(Part 3 of the proposed rule.)

Schedules 1 to 3 in the *Compliance Rule* have been carried over into the proposed rule, with some minor changes. *Schedule 1* now states that Land Transport Rules that may be applicable to vehicles certified under this rule do not include the *Certification Rule* itself. *Schedule 2* has been simplified but no substantive change has been made.

In *Schedule 3*, the 21-km/h limit for tractors to be driven on the road has been removed. Tractors are now exempt under this schedule if they are not designed to be operated at a speed in excess of 50 km/h.

Schedule 4 of the *Compliance Rule* has not been carried over, as it is no longer necessary.

How the rule fits with other legislation

The *Compliance Rule* set in place a consolidated legal framework for the certification of vehicles when it came into force. This function would be retained by the proposed *Certification Rule*.

The proposed rule is authorised under the *Land Transport Act 1998*, particularly *sections 197 and 198* of the Act, which gives the Director the power to exercise control over entry into, and operation in, the land transport system. *Section 155(e)* of the Act provides for rules to be made for the periodical (or other) examination of vehicles and the issuing of Evidence of Vehicle Inspection and Certificates of Loading.

Section 6 of the Act provides that a person may not operate an unsafe vehicle on the road and must comply with provisions in regulations or rules, for current Evidence of Vehicle Inspection, to be operated. It is this provision that is emphasised in the proposed rule.

The actual requirements with which vehicles must comply when they are inspected and certified in terms of the rule are those requirements in the Acts, regulations and rules listed in *Schedule 1* of the rule that are 'applicable' to the type of vehicle and the type of inspection.

Section 213 of the Act provides for imported vehicles to remain under the control of New Zealand Customs Service until rule requirements are met, that is, until the vehicle has been checked at the border. This provides a means of enforcing the border check provisions in *section 3* of the proposed rule. If, because of consultation on the vehicle safety proposals, a more stringent border check is agreed on, arrangements will have to be made with Customs and these arrangements will need to be incorporated into the proposed rule.

It is not anticipated that the proposed rule would require any changes in the *Land Transport (Certification and Other Fees) Regulations 1999*.

Although the rule proposes to change the threshold for 'exempt' vehicles this will not affect Road User Charges, which are based on the vehicle's declared on-road usage. Vehicles that might be affected are those, such as high-speed tractors capable of exceeding 50 km/h, that will no longer be exempt from the requirement to have a CoF under the proposed rule. This might impose additional certification, registration or licensing costs on owners or operators. Comment is invited on these issues.

Existing legal requirements to be replaced by the rule

Offences and penalties

The *Land Transport (Offences and Penalties) Regulations 1999* provide offences and penalties for breaches of the responsibilities set out in the rule. These regulations would be updated when the proposed *Certification Rule* came into force, but the offences and penalties would remain the same.

Consultation

This is the first draft of the *Certification Rule* to be published by the LTSA for comment. It is being made available for public consultation.

The LTSA invites comments on the proposals in the yellow draft of the rule, including comments on any related benefits and costs. The issues that are raised in your submissions will be analysed and taken into account in redrafting the rule.

To register an interest in rules, contact the LTSA at the address in the *Information on submissions* page at the start of this document or email on info@ltsa.govt.nz.

Several policy changes that are relevant to the vehicle certification regime, and hence to the rule, have been proposed in a consultation paper currently available for your comment. The *Vehicle Safety Proposals: Consultation Paper* is available from the LTSA Helpdesk at 0800 699 000 or on the LTSA website at www.ltsa.govt.nz. Please note that the closing date for submissions on the consultation paper is 31 August 2001.

Land Transport Rule

Vehicle Certification

Rule 35001/1

Draft for the Ministry of Transport

Land Transport Rules are law produced by the Land Transport Safety Authority for the Minister of Transport. This is the yellow draft for public comment of a rule that will update and replace Land Transport Rule: Vehicle Standards Compliance 1998. The name of the rule has been changed to Land Transport Rule: Vehicle Certification to reflect more accurately the purpose of the rule.

If you wish to comment on this rule, please see the page headed 'Information on submissions'. The deadline for submissions is 30 September 2001.

Land Transport Rule

Vehicle Certification

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Part 1 Rule requirements

Section 1 Application

1.1 Title

This rule is *Land Transport Rule: Vehicle Certification [2002]*.

1.2 Scope of the rule

1.2(1) This rule sets out requirements for the inspection and certification of motor vehicles to determine whether they are safe to enter the land transport system and to be operated on a road in New Zealand.

1.2(2) This rule applies to all motor vehicles, including motor vehicles in *Table A of Part 2*.

1.3 Purpose of rule

The purpose of this rule is to:

- (a) provide for the appointment of border inspectors and certifiers, and the authorisation of vehicle inspection organisations and vehicle inspection centres, to enable vehicles to be inspected and certified for entry into the land transport system and for operation on a road;
- (b) specify requirements for the inspecting and certifying of vehicles;
- (c) provide for the issuing of Evidence of Vehicle Inspection, a Conditional Permit and a Certificate of Loading;
- (d) require a vehicle to have current Evidence of Vehicle Inspection or a current Conditional Permit, and a current Certificate of Loading so as to be operated in-service;
- (e) provide the Director with further powers to control the entry of vehicles into the land transport system and for their operation on a road.

1.4 Application of rule provisions

If there is a conflict between a provision of this rule and a provision of another Land Transport Rule relating to vehicles, the provision of this rule applies.

1.5 Date when rule comes into force

1.5(1) This rule revokes and replaces *Land Transport Rule: Vehicle Standards Compliance 1998*, which came into force on 1 March 1999.

1.5(2) This rule comes into force on 1 April 2002.

Section 2 **Appointments and authorisations by the Director**

2.1 Appointments and authorisations

2.1(1) The Director may appoint a border inspector to carry out the following functions:

- (a) to inspect a vehicle and associated documentation at the border so as to determine whether there is an aspect of the vehicle that does not comply with this rule; and
- (b) to record an aspect that does not comply with this rule and other information about the vehicle inspected; and
- (c) to provide the Director with information recorded under 2.1(1)(b).

2.1(2) The Director may appoint a vehicle compliance certifier to carry out one or more of the following functions:

- (a) to inspect a vehicle and associated documentation to determine whether the vehicle or an aspect of it complies or does not comply with this rule;
- (b) to make, for a vehicle inspected, a Record of Determination;
- (c) to record the aspect of a vehicle that does not comply with this rule, and other information about the vehicle inspected;
- (d) to verify and record loading and weight limits for a vehicle;
- (e) to provide the Director with the Record of Determination and information recorded in (c) and (d);
- (f) to issue Evidence of Vehicle Inspection, a Conditional Permit or a Certificate of Loading.

2.1(3) The Director may appoint a specialist certifier to carry out one or more of the following functions:

- (a) to inspect a vehicle and associated documentation to determine whether a specified aspect of the vehicle complies or does not comply with this rule;
- (b) to make, for a vehicle inspected, a Record of Determination;
- (c) to record the specified aspect that does not comply with this rule and any other information about a vehicle inspected;
- (d) to provide the Director or other specified persons with the Record of Determination and information recorded in (c).

2.1(4) The Director may authorise a vehicle inspection organisation and a vehicle inspection centre to provide premises, equipment, procedures, training, supervision, guidance or other services for the use of border inspectors or certifiers to carry out their functions.

2.2 **Application for appointment or authorisation**

2.2(1) Application for appointment as a border inspector or certifier, or for authorisation as a vehicle inspection organisation or vehicle inspection centre must:

- (a) be made to the Director on a form provided by the Director; and
- (b) contain such information as is required by the Director; and
- (c) be accompanied by the prescribed fee.

2.2(2) In considering an application for appointment or for authorisation, the Director must have regard, and give such weight as the Director considers appropriate, to the following:

- (a) for an application for appointment as a border inspector or certifier:
 - (i) the applicant's qualifications, knowledge, experience and technical competence; and
 - (ii) the applicant's access to facilities and equipment;

- (b) for an application for authorisation as a vehicle inspection organisation or vehicle inspection centre, the applicant's capability to provide premises, equipment, procedures, training, supervision, guidance or other relevant services;
- (c) the applicant's arrangements for civil liability insurance that might arise from carrying out the relevant functions under 2.1;
- (d) the applicant's arrangements for the provision of quality assurance;
- (e) the applicant's degree of financial or professional interest in the importation or sale of vehicles or vehicle parts, or in the modification or repair of vehicles; and the extent to which that interest, if any, is counterbalanced by other relevant factors;
- (f) any other information the Director considers relevant.

2.2(3) The Director may seek from an applicant for appointment as a border inspector or certifier information relevant to the fit and proper person criteria in 2.3, and consent for the Director to obtain that information from any source.

2.2(4) The Director may, for an application for authorisation as a vehicle inspection organisation or vehicle inspection centre, seek information relevant to the fit and proper person criteria in 2.3 from persons who carry out functions on behalf of the organisation or centre, and consent from the persons concerned to obtain such information from any source.

2.2(5) The Director may seek and receive additional information from other parties relevant to an application for appointment as a border inspector or certifier, or for authorisation as a vehicle inspection organisation or vehicle inspection centre.

2.2(6) If an application for appointment or for authorisation is declined, the Director must notify the applicant in writing, with the reasons for declining the application, and the applicant may request a review of that decision.

2.3 Fit and proper person criteria

2.3(1) In determining whether or not a border inspector or certifier or, for a vehicle inspection organisation or vehicle inspection centre, a person who carries out functions on behalf of the organisation or centre, is a fit and proper person for the purposes of this rule, the Director may have regard to, and give such weight as the Director considers appropriate to, the following matters:

- (a) convictions entered against that person, in the previous 10 years, that relate to offences that are relevant to the functions in 2.1, including offences relating to theft, fraud or dishonesty;
- (b) that person's compliance history with transport safety requirements;
- (c) warnings or penalties given to, or disciplinary action of any kind taken against, that person, by the Authority or the Ministry of Transport in relation to any relevant or similar service or appointment undertaken by that person;
- (d) any complaints made by users of a relevant or similar service provided by that person;
- (e) other matters or evidence that the Director considers appropriate in the public interest.

2.4 Conditions of appointment or authorisation

2.4(1) When appointing a border inspector or certifier, or authorising a vehicle inspection organisation or vehicle inspection centre, the Director:

- (a) must specify:
 - (i) the functions in 2.1 that may be carried out; and
 - (ii) the categories of vehicle that may be inspected or certified; and
 - (iii) the aspects of vehicles that may be inspected or certified.

- (b) may specify the period of the appointment or the authorisation, and may impose a condition that is relevant to:
 - (i) the Director's functions and powers under *section 197 of the Land Transport Act 1998*;
 - (ii) the functions of border inspectors and certifiers under *2.1 (1) to (3)*; and
 - (iii) the functions of vehicle inspection organisations or vehicle inspection centres under *2.1(4)*.

2.4(2) It is a condition of each appointment and each authorisation made by the Director that each border inspector and certifier appointed, and any person who carries out functions on behalf of an authorised vehicle inspection organisation or a vehicle inspection centre:

- (a) continue to satisfy the fit and proper person criteria specified in *2.3*; and
- (b) carry out their functions competently and diligently and in accordance with the requirements of this rule.

2.4(3) It is a condition of each appointment and each authorisation made by the Director that each border inspector and certifier, and each vehicle inspection organisation and vehicle inspection centre:

- (a) keep all records relating to vehicle inspections and certifications for periods specified by the Director; and
- (b) advise the Director as soon as practicable if there is a reason to believe that a vehicle has been inspected or certified incorrectly; and
- (c) advise the Director as soon as practicable of a defect in the production runs or quality control processes of which they become aware that may affect the safety performance of a vehicle inspected or certified.

2.5 Delegations

2.5(1) Subject to *2.5(2) and (3)*, a border inspector, certifier, vehicle inspection organisation or vehicle inspection centre appointed or authorised under *2.1* may, either generally or

particularly, with or without imposing directions or conditions, delegate any or all of the relevant functions in 2.1.

2.5(2) A border inspector, certifier, vehicle inspection organisation or vehicle inspection centre may delegate relevant functions in 2.1 only if the delegation is:

- (a) in writing; and
- (b) approved by the Director in writing; and
- (c) for a specified period.

2.5(3) A delegation made under 2.5(1) does not affect the responsibility of the appropriate border inspector, certifier, vehicle inspection organisation or vehicle inspection centre for the actions of a person or organisation acting under the delegation.

2.6 Performance monitoring arrangements

2.6(1) The Director may monitor the performance, in relation to the conditions of appointment or authorisation, of a border inspector, certifier, vehicle inspection organisation and vehicle inspection centre.

2.6(2) The Director may, in writing, require, such information, documents or evidence from a border inspector, certifier, vehicle inspection organisation and vehicle inspection centre relating to their functions under this rule as the Director considers relevant to monitoring of their performance.

2.6(3) The Director may require a border inspector, certifier, vehicle inspection organisation or vehicle inspection centre to undergo an inspection in connection with the monitoring of their performance as the Director reasonably considers necessary in the interests of land transport safety, and, for that purpose the inspector, certifier, organisation or centre must:

- (a) provide information that the Director considers relevant to the inspection; and
- (b) bear the costs of the inspection.

2.7 Failure to meet conditions of appointment or authorisation

2.7(1) If the Director has reason to believe that a border inspector or certifier has failed to comply with any of the conditions of appointment, or that a vehicle inspection organisation or vehicle inspection centre has failed to comply with any of the conditions of authorisation, the Director may take one or more of the following actions, subject to 2.7(2):

- (a) conduct an investigation;
- (b) arrange for more frequent monitoring of their performance;
- (c) require remedial action be taken;
- (d) suspend the whole or any part of the appointment or authorisation for a specified period or until specified conditions are met;
- (e) revoke the appointment or authorisation.

2.7(2) Subject to 2.8, before carrying out any of the actions in 2.7(1)(c) to (e) the Director must:

- (a) notify the border inspector, certifier, vehicle inspection organisation or vehicle inspection centre, in writing, of the action that is being considered, with the reasons for that action; and
- (b) inform the border inspector, certifier, vehicle inspection organisation or vehicle inspection centre of the reasons for the action that is being considered; and
- (c) specify a date by which submissions may be made to the Director in respect of the action that is being considered, which must be at least 21 days after the notice in (a) was given; and
- (d) where appropriate, specify the date on which the action that is being considered will take effect, which, unless the Director determines otherwise, will be at least 28 days after the notice in (a) was given.

2.7(3) If the Director gives a notice under 2.7(2), the Director may supply a copy of it to:

- (a) an affected border inspector, certifier, vehicle inspection organisation or vehicle inspection centre, if the Director considers that the action that is being considered is likely to have a significant impact on the operations of that affected inspector, certifier, organisation or centre; and
 - (b) any other affected person.
- 2.7(4) If a border inspector, certifier, vehicle inspection organisation or vehicle inspection centre receives a notice under 2.7(2), they must ensure that all information that they wish to have considered by the Director about the action that is being considered is received by the Director within the period specified in the notice or within the further period that the Director may allow in any case.
- 2.7(5) The Director must consider a submission made and information supplied under 2.7(4).
- 2.7(6) After considering a submission made and information supplied, the Director must:
 - (a) finally determine whether or not to take the action that is being considered; and
 - (b) as soon as is practicable, notify, in writing, the border inspector, certifier, vehicle inspection organisation or vehicle inspection centre directly affected of:
 - (i) the Director's decision with regard to the action that is being considered; and
 - (ii) where appropriate, the date on which the action will take effect; and
 - (iii) where appropriate, the right of appeal under *section 106* of the *Land Transport Act 1998*.
- 2.7(7) The Director may require a border inspector, certifier, vehicle inspection organisation or vehicle inspection centre to bear the costs associated with investigations, more frequent monitoring, and remedial action under 2.7(1)(a) to (c).

2.8 Immediate suspension or imposition of conditions

- 2.8(1) Despite 2.7(2), if the Director has reason to believe that a border inspector, certifier, vehicle inspection organisation or vehicle inspection centre has failed to comply with the conditions of an appointment or authorisation made under 2.1 and that this poses a significant risk to land transport safety, the Director may suspend, with immediate effect, the whole or any part of the appointment or authorisation or impose conditions in respect of the appointment or authorisation.
- 2.8(2) The suspension or condition imposed under 2.8(1) remains in force until the Director has determined the action to be taken, in accordance with 2.7.
- 2.8(3) The duration of a suspension or condition imposed under 2.8(1) must not exceed 21 days unless the Director considers that a further specified period is necessary.
- 2.8(4) A person in respect of whom a decision is taken under 2.8(1) may appeal against that decision under *section 106* of the *Land Transport Act 1998*.

Section 3 Procedures for inspecting vehicles and documentation

- 3.1(1) Procedures for inspecting vehicles, associated documentation and other evidence, for the purposes of identifying a vehicle and making a determination under this rule, must be established, in writing, by:
- (a) each border inspector and certifier if they are not carrying out functions on behalf of a vehicle inspection organisation or vehicle inspection centre; and
 - (b) each vehicle inspection organisation and vehicle inspection centre.
- 3.1(2) Those establishing procedures under *3.1(1)* must have regard to:
- (a) the purpose of the inspection;
 - (b) the vehicle being inspected, including vehicle type, class, age and proposed use;
 - (c) the geographical area where the vehicle is to be operated;
 - (d) any relevant guidance issued by the Director.
- 3.1(3) The Director may require a border inspector, certifier, vehicle inspection organisation or vehicle inspection centre to amend procedures established under *3.1(1)* and the inspector, certifier, organisation or centre must make those amendments within a reasonable time.
- 3.1(4) Establishing procedures, guidance and requirements under this section, must have regard to:
- (a) the need to maintain land transport safety; and
 - (b) the costs of carrying out the relevant procedures; and
 - (c) the level of risk to land transport safety of a vehicle to which the procedures apply.

Section 4 Inspection of vehicles at the border

4.1 Application

This section applies to a vehicle imported into New Zealand for operation on a road unless it is a:

- (a) new vehicle; or
- (b) vehicle in 6.1 or 7.1(1).

4.2 Who may inspect

A border inspector may inspect a vehicle for the purposes of this section.

4.3 Inspection requirements

A border inspector must inspect a vehicle, associated documentation and other evidence competently and diligently in accordance with procedures established under *section 3* and the requirements in this section.

4.4 Determination of non-compliance

Following inspection of a vehicle under 4.3, and taking into account information obtained from carrying out that inspection, a border inspector must determine, on reasonable grounds, whether:

- (a) an aspect of the vehicle compromises:
 - (i) the safe operation of the vehicle; or
 - (ii) compliance of the vehicle with applicable requirements;
- (b) the vehicle has a defect or damage of a category specified by the Director under *11.1*.

4.5 Information to be recorded

A border inspector must record and provide the Director with the following information about a vehicle inspected under 4.3:

- (a) its identity; and
- (b) the identity and address of its importer; and
- (c) its odometer reading; and
- (d) aspects, defects or damage identified under 4.4; and
- (e) other details that are specified by the Director.

Section 5 Inspection of vehicles for conditional operation before entering or re-entering service

5.1 Application

This section applies to a vehicle for conditional operation before entering or re-entering service.

5.2 Who may inspect

A vehicle compliance certifier or a vehicle's operator, if that operator holds a trade plate under the *Transport (Vehicle Driver Registration and Licensing) Act 1986*, may inspect a vehicle for the purposes of this section.

5.3 Inspection requirements

5.3(1) A vehicle compliance certifier under 5.2 must inspect a vehicle competently and diligently in accordance with procedures established under *section 3*.

5.3(2) A vehicle's operator under 5.2 must inspect the vehicle competently and diligently in accordance with any requirements specified by the Director by notice in the *Gazette*.

5.4 Determining whether the vehicle is safe to be operated conditionally

Following an inspection under 5.3, and taking into account information obtained from carrying out that inspection, the vehicle compliance certifier or the vehicle's operator must determine, on reasonable grounds, whether the vehicle is safe to be operated under the relevant conditions in 10.3, and for any of the purposes in 10.4.

5.5 Conditional Permits

If the vehicle compliance certifier or the vehicle's operator determines under 5.4 that the vehicle is safe to be operated,

he or she must issue a Conditional Permit in accordance with *section 9*, on the same day.

Section 6 **Inspection and certification of vehicles for entry or re-entry into service**

6.1 **Application**

This section applies to all vehicles, except:

- (a) a vehicle of Class AB, LA, LB, TA or TB;
- (b) a vehicle used exclusively as equipment of the New Zealand Defence Force, if the vehicle is an armoured vehicle that has self-laying tracks;
- (c) a traction engine;
- (d) a mechanically-propelled roller;
- (e) a tractor and other vehicles, including a trailer, used in farm or roading operations, whether for traction or otherwise, that is either not capable of being operated or, for a trailer, not designed to be operated, at a speed in excess of 50 km/h;
- (f) a vehicle in *Schedule 3 (h) to (m) and (s) to (tt)*;
- (g) a vehicle that is not in *Table A: Vehicle classes*, or referred to in *Schedules 2 or 3*, if it is similar in design, construction and purpose to a vehicle in *(f)*;
- (h) a vehicle that is currently registered in a country other than New Zealand and has not been in New Zealand for a continuous period of more than 18 months.

6.2 **Requirement for border inspection as a pre-requisite**

A vehicle that is required to be inspected under *section 4*, must be inspected at the border in accordance with *section 4*, before it can be certified for entry or re-entry into service.

6.3 **Who may inspect and certify**

A vehicle compliance certifier or a specialist certifier may inspect and certify a vehicle for the purposes of this section.

6.4 Inspection requirements

- 6.4(1) A vehicle compliance certifier and a specialist certifier must inspect a vehicle, associated documentation and other evidence competently and diligently in accordance with procedures established under *section 3* and with the requirements in this section.
- 6.4(2) Procedures established under *section 3* for the purposes of inspecting and certifying a vehicle for entry or re-entry into service must include inspection of associated documentation and other evidence, specified by the Director, to determine if the vehicle or replacement components complied with applicable approved vehicle standards when manufactured.
- 6.4(3) For the purposes of 6.4(2), the Director may specify one or more of the following:
- (a) a Statement of Compliance for the vehicle, or for a specified aspect of the vehicle, that is issued in accordance with 6.4(4) by the vehicle's manufacturer or manufacturer's representative, or by the relevant component manufacturer or its representative;
 - (b) a compliance plate attached to the vehicle, or standards markings on the vehicle's components, issued with the authority of an organisation that the Director is satisfied has been authorised to provide confirmation of compliance with applicable approved vehicle standards;
 - (c) a record of the vehicle's history of previous registration issued by an organisation that the Director is satisfied has been authorised to provide confirmation of compliance with applicable approved vehicle standards;
 - (d) other relevant documentation.
- 6.4(4) A Statement of Compliance may be issued for the purposes of 6.4(3)(a) only if the manufacturer or manufacturer's representative, or the relevant component manufacturer or its representative, can demonstrate the validity of the statement in accordance with the following:
- (a) a summary of evidence or a test certificate from tests carried out in accordance with the requirements of the applicable approved vehicle standards;

- (b) a type approval issued by a relevant authorised certification organisation for the applicable approved vehicle standards and low volume vehicle type approvals issued by the Director;
- (c) documentation in relation to arrangements for ensuring conformity of vehicle production in accordance with the requirements of the certification organisations for the applicable approved vehicle standards;
- (d) documentation confirming that any deviation of the vehicle from the original source design, resulting from changes to components or manufacturing methods, has no adverse effect on compliance with the applicable approved vehicle standards;
- (e) any other requirements specified by the Director.

6.4(5) A vehicle compliance certifier or a specialist certifier must comply, within a reasonable time, with any request from the Director to produce the documentation in 6.4(4).

6.5 Determination of compliance

6.5(1) Following an inspection under 6.4, a vehicle compliance certifier must determine whether the vehicle:

- (a) is safe to be operated; and
- (b) is designed and constructed using components and materials that are fit for their purpose; and
- (c) complies with the applicable requirements; and
- (d) does not have a defect or damage of a category specified by the Director under 11.1.

6.5(2) Following an inspection under 6.4, a specialist certifier must determine whether:

- (a) the specified aspect compromises the safe operation of the vehicle; and
- (b) the specified aspect is designed and constructed using components and materials that are fit for their purpose; and

- (c) the specified aspect complies with the applicable requirements; and
- (d) the vehicle does not have a defect or damage of a category specified by the Director under *11.1*.

6.5(3)

A determination under *6.5(1)* or *(2)* must be made on reasonable grounds and must take into account:

- (a) information about the vehicle recorded by the border inspector if the vehicle was inspected at the border; and
- (b) information obtained from carrying out the inspection under *6.4*; and
- (c) any specialist certification of the vehicle required under *6.6*; and
- (d) any additional relevant information issued by manufacturers, modifiers, repairers or other persons in relation to the vehicle.

6.6

Specialist certification

6.6(1)

A vehicle may be certified for entry or re-entry into service by a vehicle compliance certifier, only if it has been plated, labelled, or documentation has been issued, to confirm that relevant specialist certification has been obtained for a specified aspect of the vehicle, and if:

- (a) for light vehicle repair certification, the vehicle has been repaired because of significant damage or deterioration to its structure, chassis, body-to-chassis attachment, suspension or occupant protection systems;
- (b) subject to *6.6(2)*, for alternative fuel systems certification, the vehicle is equipped with a functioning alternative fuel system;
- (c) subject to *6.6(3)*, for low volume vehicle certification, the vehicle is a light vehicle that, since it was manufactured or last certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement;
- (d) for heavy vehicle specialist certification, the vehicle is a heavy vehicle that, since it was manufactured or last

certified for modification, has been modified so as to affect its compliance with an applicable requirement, including modifications to its chassis, brakes, log bolster attachments, towing connections, or load anchorages;

- (e) any other specialist certification required by an applicable requirement or specified by the Director by notice in the *Gazette* has been obtained.

6.6(2) A vehicle equipped with a functioning alternative fuel system may not be certified for entry or re-entry into service by a vehicle compliance certifier if the Record of Determination in relation to the alternative fuel systems certification was issued more than one year previously.

6.6(3) Low volume vehicle certification is not required if a light vehicle, since it was manufactured or last certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement, and the modification:

- (a) is inspected by a vehicle compliance certifier in accordance with procedures specified by the Director, including the inspection of a Low Volume Vehicle Auxiliary Component Label, and the certifier is satisfied that the risk of injury to any person has been minimised having regard to any guidance issued by the Director; or
- (b) was necessary for the purposes of law enforcement or the provision of emergency services.

6.7 Record of Determination

6.7(1) When a vehicle compliance certifier or a specialist certifier has determined whether or not a vehicle or a specified aspect of a vehicle complies with the requirements of 6.5(1) or (2), the certifier must make a Record of Determination that either:

- (a) certifies that the vehicle or the specified aspect complies; or
- (b) records that the vehicle or the specified aspect does not comply.

- 6.7(2) The Record of Determination must be issued to the Director, or other persons specified by the Director, in electronic form, or such other form as is specified by the Director.

6.8 Recording of other information

- 6.8(1) A vehicle compliance certifier or a specialist certifier who has made a Record of Determination under 6.7(1) must provide to the Director, or issue to other persons specified by the Director, information that is specified by the Director.

- 6.8(2) The information specified in 6.8(1) must be in electronic form, or in such other form as is specified by the Director.

6.9 Evidence of Vehicle Inspection

When a vehicle compliance certifier makes a Record of Determination that certifies that a vehicle complies with 6.5(1), the certifier must issue Evidence of Vehicle Inspection in accordance with *section 9*, on the same day.

Section 7 **Inspection and certification of vehicles for operation in-service**

7.1 **Application**

7.1(1) This section applies to all vehicles, except:

- (a) a vehicle of Class AB, LA or LB that does not have a motor or motors with a total power output of more than 2 kW, and is not operated at speeds in excess of 50 km/h;
- (b) a vehicle used exclusively as equipment of the New Zealand Defence Force, if the vehicle is an armoured vehicle which has self-laying tracks;
- (c) a traction engine;
- (d) a mechanically-propelled roller;
- (e) a crane fitted with self-laying tracks;
- (f) an excavator fitted with self-laying tracks;
- (g) a tractor and other vehicles, excluding a trailer, used in farm or roading operations that is not operated at a speed in excess of 30 km/h, unless the vehicle is capable of a speed in excess of 50 km/h;
- (h) a trailer used in farm or roading operations that is not operated at a speed in excess of 30 km/h, unless the vehicle is designed to be operated at a speed in excess of 50 km/h;
- (i) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power;
- (j) an all-terrain vehicle used:
 - (i) in moving from the owner's place of residence to a road that is not a public highway, when the distance travelled is less than 3 km; or
 - (ii) in connection with its inspection, servicing or repair; or

(iii) as an agricultural vehicle.

7.1(2) A vehicle, when certified under this section, must comply with applicable requirements only as far as is practicable for their design or type, if it is:

- (a) a vehicle in *Schedule 3(i), (t) to (bb) and (dd) to (tt)*;
- (b) a vehicle that is not in *Table A: Vehicle classes* that is similar in design, construction and purpose to a vehicle in (a).

7.2 Requirement for certification for entry or re-entry as a prerequisite

A vehicle that is required to be inspected under *section 6*, may not be certified for operation in-service, if the vehicle has:

- (a) not previously been certified for entry or re-entry into service; or
- (b) previously been certified for entry or re-entry into service and the vehicle:
 - (i) was last certified for entry or re-entry more than two years previously and has not entered service in that time; or
 - (ii) has been deregistered since it was last certified for entry or re-entry; or
 - (iii) has had a change of use or change of class such that additional requirements will apply to the vehicle in its new use or class; or
 - (iv) has a defect or damage of a category specified by the Director under *11.1*.

7.3 Who may inspect and certify

7.3(1) A vehicle compliance certifier may inspect and certify a vehicle for the purposes of this section.

7.3(2) A specialist certifier may inspect and certify specified aspects of a vehicle for the purposes of this section.

7.4 Inspection requirements for operation in-service

- 7.4(1) A vehicle compliance certifier and a specialist certifier must inspect a vehicle competently and diligently in accordance with the procedures established under *section 3* and with the requirements in this section.
- 7.4(2) Procedures established under *section 3* for the purposes of inspecting and certifying a vehicle for operation in-service must include inspection of associated documentation and standards markings to determine the compliance of the vehicle's components with applicable requirements in accordance with any requirements of the Director.

7.5 Determination of compliance

- 7.5(1) Following an inspection under 7.4, a vehicle compliance certifier must determine whether the vehicle:
- (a) is safe to be operated; and
 - (b) is designed and constructed using components and materials that are fit for their purpose; and
 - (c) complies with the applicable requirements; and
 - (d) does not have a defect or damage of a category specified by the Director under *11.1*.
- 7.5(2) Following an inspection under 7.4, a specialist certifier must determine whether:
- (a) the specified aspect compromises the safe operation of the vehicle; and
 - (b) the specified aspect is designed and constructed using components and materials that are fit for their purpose; and
 - (c) the specified aspect complies with the applicable requirements; and
 - (d) the vehicle does not have a defect or damage of a category specified by the Director under *11.1*.
- 7.5(3) A determination under 7.5(1) or (2) must be made on reasonable grounds and must take into account:

- (a) information obtained from carrying out the inspection under 7.4; and
- (b) any specialist certification of the vehicle required under 7.6; and
- (c) any additional relevant information issued by manufacturers, modifiers, repairers or other persons in relation to the vehicle.

7.6 Specialist certification

7.6(1)

A vehicle must only be certified for operation in-service by a vehicle compliance certifier, if it has been plated, labelled, or documentation has been issued, to confirm that relevant specialist certification has been obtained for a specified aspect of the vehicle, and if:

- (a) subject to 7.6(2), for alternative fuel systems certification, the vehicle is equipped with a functioning alternative fuel system; or
- (b) subject to 7.6(3), for low volume vehicle certification, the vehicle is a light vehicle that, since it was certified for entry or re-entry into service or previously certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement; or
- (c) for heavy vehicle specialist certification, the vehicle is a heavy vehicle that, since it was manufactured or last certified for modification, has been modified so as to affect its compliance with an applicable requirement, including modifications to its chassis, brakes, log bolster attachments, towing connections or load anchorages; or
- (d) any other specialist certification required by an applicable requirement or specified by the Director by notice in the *Gazette* has been obtained.

7.6(2)

A vehicle equipped with a functioning alternative fuel system may not be certified for operation in-service by a vehicle compliance certifier if the Record of Determination in relation to the alternative fuel systems certification was issued more than one year previously.

7.6(3) Low volume vehicle certification is not required if a light vehicle, since it was certified for entry or re-entry into service or previously certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement, and the modification:

- (a) is inspected by a vehicle compliance certifier in accordance with procedures specified by the Director, including the inspection of a Low Volume Vehicle Auxiliary Component Label, and the certifier is satisfied that the risk of injury to any person has been minimised having regard to any guidance issued by the Director; or
- (b) was necessary for the purposes of law enforcement or the provision of emergency services.

7.7 Record of Determination

7.7(1) When a vehicle compliance certifier or a specialist certifier has determined whether or not a vehicle or a specified aspect of a vehicle complies with the requirements of 7.5(1) or (2), the certifier must make a Record of Determination that either:

- (a) certifies that the vehicle or the specified aspect complies; or
- (b) records that the vehicle or the specified aspect does not comply.

7.7(2) The Record of Determination must be issued to the Director, or other persons specified by the Director, in electronic form, or in such other form as is specified by the Director.

7.8 Recording of other information

7.8(1) A vehicle compliance certifier or a specialist certifier who has made a Record of Determination under 7.7(1) must provide to the Director, or issue to other persons specified by the Director, information that is specified by the Director.

7.8(2) The information specified in 7.8(1) must be in electronic form, or in such other form as is specified by the Director.

7.9 Determination that the vehicle is safe to be operated subject to conditions

- 7.9(1) Following an inspection under 7.4 of a vehicle that is in *Schedule 2* but not in *Schedule 3*, the vehicle compliance certifier may determine that the vehicle is safe to be operated, subject to specified conditions, without complying with all the applicable requirements.
- 7.9(2) A vehicle compliance certifier may determine that:
- (a) a vehicle that does not comply with requirements for headlamps is safe to be operated, subject to the vehicle not being operated during the hours of darkness;
 - (b) a vehicle that is currently registered in a country other than New Zealand and has not been in New Zealand for a continuous period of more than 18 months, is safe to be operated.
- 7.9(3) A determination under 7.9(1) or (2) must be made on reasonable grounds and take into account information obtained from carrying out the inspection under 7.4.

7.10 Evidence of Vehicle Inspection and Conditional Permits

- 7.10(1) When a vehicle compliance certifier makes a Record of Determination that certifies that a vehicle complies with 7.5(1), or determines that a vehicle is safe to be operated under 7.9(2), the certifier must issue Evidence of Vehicle Inspection in accordance with *section 9*, on the same day.
- 7.10(2) When a vehicle compliance certifier determines that a vehicle is safe to be operated conditionally under 7.9(1), the certifier must issue a Conditional Permit in accordance with *section 9*, on the same day.

Section 8 Verification and recording of vehicle loading and weight limits

8.1 Application

This section applies to all vehicles in *Schedule 2* that are not in *Schedule 3*, except for a light rental service vehicle that is not a passenger service vehicle.

8.2 Requirement for specialist certification as a prerequisite

A vehicle's loading and weight limits may be verified and recorded for a vehicle, only if it has been plated, labelled, or documentation has been issued, to confirm that relevant specialist certification has been obtained for a specified aspect of the vehicle, and if:

- (a) for low volume vehicle certification, the vehicle is a light vehicle that, since it was manufactured or previously certified as a low volume vehicle, has been modified so as to affect its loading and weight limits;
- (b) for heavy vehicle specialist certification, the vehicle is a heavy vehicle that, since it was manufactured or last certified for modification, has been modified so as to affect its compliance with an applicable requirement, including modification to its chassis, brakes, log bolster attachments, towing connections or load anchorages;
- (c) any other specialist certification required by an applicable requirement or specified by the Director by notice in the *Gazette* has been obtained.

8.3 Who may verify and record

A vehicle compliance certifier may verify and record loading and weight limits for the purposes of this section.

8.4 Verification of information

The vehicle compliance certifier must verify, in accordance with the applicable requirements, the following:

- (a) information that identifies the vehicle, including:
 - (i) the registration number;
 - (ii) the make, model and submodel;
 - (iii) the Vehicle Identification Number or chassis number; and
- (b) details of the vehicle's:
 - (i) gross vehicle mass;
 - (ii) unladen vehicle mass;
 - (iii) wheelbase;
 - (iv) number of axles;
 - (v) if applicable, vehicle over-dimension information;
 - (vi) axle spacings; and
- (c) for a heavy vehicle or a passenger service vehicle that is a vehicle of Class MD1 or Class MD2, details of its:
 - (i) front-axle weight ratings;
 - (ii) rear-axle group weight ratings;
 - (iii) front-axle group tyre designation and tyre capacity;
 - (iv) rear-axle group tyre designation and tyre capacity; and
- (d) relevant endorsements or statements required by applicable requirements; and
- (e) further details and conditions that have been specified for the vehicle's operation; and
- (f) if the vehicle is to be used for towing, as appropriate:
 - (i) the gross combination mass, braked;
 - (ii) the gross combination mass, unbraked;
 - (iii) the maximum braked towed mass;

- (iv) the maximum unbraked towed mass.

8.5 Record of loading and weight limits

8.5(1) A vehicle compliance certifier must provide a record of the information verified under 8.4 to the Director and this must contain such information as is specified by the Director.

8.5(2) The information under 8(5)(1) must be in electronic form, or in such other form as is specified by the Director.

8.6 Certificates of Loading

When a vehicle compliance certifier has provided a record under 8.5, the certifier must issue a Certificate of Loading in accordance with *section 9*, on the same day.

Section 9 Evidence of Vehicle Inspection, Conditional Permits and Certificates of Loading

9.1 Scope

This section sets out requirements for the issue of:

- (a) Evidence of Vehicle Inspection, under 6.9 and 7.10;
- (b) Conditional Permits, under 5.5 and 7.10;
- (c) Certificates of Loading, under 8.6.

9.2 Who may issue Evidence of Vehicle Inspection, Conditional Permits and Certificates of Loading

9.2(1) A vehicle compliance certifier may issue Evidence of Vehicle Inspection and a Certificate of Loading for the purposes of this section.

9.2(2) A vehicle compliance certifier or a vehicle's operator may issue a Conditional Permit for the purposes of this section.

9.3 Evidence of Vehicle Inspection

9.3(1) A vehicle compliance certifier must issue Evidence of Vehicle Inspection in a form and containing information specified by the Director by notice in the *Gazette*.

9.3(2) The Evidence of Vehicle Inspection must specify dates of expiry in accordance with 9.5.

9.3(3) Evidence of Vehicle Inspection may be issued if:

- (a) where *section 8* applies, the vehicle has a current Certificate of Loading; and
- (b) where the vehicle is a transport service vehicle, it is being operated under a valid transport services licence.

9.3(4) The vehicle compliance certifier must affix Evidence of Vehicle Inspection to the vehicle, as follows:

- (a) if the vehicle has a windscreen, on the inside of the windscreen facing outwards, on the same side as the steering wheel;
- (b) if the vehicle does not have a windscreen:
 - (i) for a trailer, on the back of the vehicle near the registration plate, or on the right-hand side of the vehicle at the rear;
 - (ii) for any other vehicle, in a position where it can be readily seen.

9.3(5) Evidence of Vehicle Inspection is a 'Certificate of Fitness' if it is issued for a vehicle in *Schedule 2* that is not in *Schedule 3*.

9.3(6) Evidence of Vehicle Inspection is a 'Warrant of Fitness' if it is issued for a vehicle other than one to which 9.3(5) applies.

9.4 Conditional Permits

9.4(1) A vehicle compliance certifier must issue a Conditional Permit in a form and containing information specified by the Director by notice in the *Gazette*.

9.4(2) A Conditional Permit issued under 5.5 by a vehicle's operator is a 'Form B Conditional Permit'.

9.4(3) A Conditional Permit issued under 5.5 by a vehicle compliance certifier is a 'Form C Conditional Permit'.

9.4(4) A Conditional Permit issued under 7.10 by a vehicle compliance certifier is an 'In-service Conditional Permit'.

9.4(5) A Conditional Permit must be carried inside the vehicle.

9.5 Expiry dates for Warrants of Fitness and Certificates of Fitness

9.5(1) Subject to 9.5(3), when a vehicle is certified before the fifth anniversary of its date of first registration in New Zealand or any other country, the expiry date is:

- (a) for a Warrant of Fitness, the same day of the month as the reference date specified in 9.5(4) or 9.5(5), 12 months after that date;

- (b) for a Certificate of Fitness, the same day of the month as the reference date specified in 9.5(4) or 9.5(5), six months after that date, or an alternative number of months after that date specified by the Director under 9.9.
- 9.5(2) Subject to 9.5(3), when a vehicle is certified on or after the fifth anniversary of its date of first registration in New Zealand or any other country, the expiry date is:
 - (a) for a Warrant of Fitness, the same day of the month as the reference date specified in 9.5(4) or (5), six months after that date;
 - (b) for a Certificate of Fitness, the same day of the month as the reference date specified in 9.5(4) or (5), six months after that date or an alternative number of months after that date specified by the Director under 9.9.
- 9.5(3) The expiry date specified in 9.5(1) or (2) is the last day of the relevant month rather than the same day of that month, if the reference date specified in 9.5(4) is one of the following dates:
29 February, 31 March; 31 May; 29, 30 or 31 August; 31 October; or 31 December.
- 9.5(4) The reference date, for the purposes of 9.5, is the date of issue of the Warrant of Fitness or Certificate of Fitness unless 9.5(5) applies.
- 9.5(5) If the previous Warrant of Fitness or Certificate of Fitness is current at the time of inspection under *section 7*, the reference date for the purposes of 9.5 is:
 - (a) for a warrant:
 - (i) 14 days after the date of issue of the new warrant if the expiry date of the current warrant is more than 14 days after the date of issue;
 - (ii) the date of expiry of the current warrant if the expiry date of the current warrant is less than 15 days after the date of issue of the new warrant;
 - (b) for a certificate:

- (i) 28 days after the date of issue of the new certificate if the expiry date of the current certificate is more than 28 days after the date of issue;
- (ii) the date of expiry of the current certificate if the expiry date is less than 29 days after the date of issue of the new certificate.

9.6 Expiry dates of Conditional Permits

- 9.6(1) The expiry date of a Form B Conditional Permit is as specified by the Director by notice in the *Gazette*.
- 9.6(2) Subject to 9.6(3), the expiry date of a Form C Conditional Permit is the same day of the month as the reference date specified in 9.6(5), six months after that date.
- 9.6(3) The expiry date specified in 9.6(2) is the last day of the relevant month rather than the same day of that month, if the reference date specified in 9.6(5) is one of the following dates: 31 March; 31 May; 29, 30 or 31 August; 31 October; or 31 December.
- 9.6(4) The expiry date of an In-service Conditional Permit is a date specified by the certifier that is no more than 28 days after the reference date specified in 9.6(5).
- 9.6(5) The reference date, for the purposes of 9.6, is the date of issue of the Conditional Permit.

9.7 When Warrants of Fitness, Certificates of Fitness and Conditional Permits cease to be current

A Warrant of Fitness, Certificate of Fitness, or Conditional Permit ceases to be current:

- (a) after the expiry date in 9.5 or 9.6; or
- (b) if the vehicle is modified so that specialist certification is required under 7.6; or
- (c) if the vehicle is a rental service vehicle of Class MA that:
 - (i) suffers significant crash damage; or

- (ii) has travelled more than 50,000 km;
- (d) if an enforcement officer gives a notice to the driver or owner of the vehicle stating that the vehicle may not be operated until a new warrant, certificate or permit has been issued; or
- (e) if a Certificate of Fitness is revoked in accordance with 9.8; or
- (f) if the vehicle is a transport service vehicle that suffers significant damage or deterioration to its structure, chassis, body-to-chassis attachment, suspension or occupant protection systems that is likely to affect its compliance with applicable requirements.

9.8 Revocation of a Certificate of Fitness

- 9.8(1) The Director may specify requirements, from among the applicable requirements, with which a vehicle must comply so as to retain a current Certificate of Fitness.
- 9.8(2) Before specifying requirements under 9.8(1), the Director must be satisfied that there would be a significant risk to land transport safety of a vehicle being operated without complying with the requirements.
- 9.8(3) If a vehicle compliance certifier determines that a vehicle that has a current Certificate of Fitness does not comply with one or more of the requirements in 9.8(1), the certifier must revoke its certificate.
- 9.8(4) If a vehicle's Certificate of Fitness has been revoked, the vehicle compliance certifier must:
- (a) notify the vehicle's operator that the vehicle must not be operated except under specified conditions; and
 - (b) notify the Director that the certificate has been revoked; and
 - (c) request the vehicle's operator to remove the certificate from the vehicle and surrender it to the certifier or the Director.
- 9.8(5) The notification under 9.8(4)(a) must:

- (a) be in a format and contain information specified by the Director by notice in the *Gazette*; and
- (b) be affixed on the vehicle in the position specified in that notice.

9.9 Alternative expiry dates for Certificates of Fitness

9.9(1) The Director may specify a number of months between the reference date and the expiry date specified in 9.5(1)(b) and 9.5(2)(b) of a Certificate of Fitness from a minimum of three months to a maximum of nine months, depending on the safety risk of the vehicle concerned.

9.9(2) The number of months specified in 9.9(1) must be based on information from previous inspections as to the level of risk to land transport safety of the vehicle concerned.

9.10 Certificates of Loading

The vehicle compliance certifier or the vehicle's operator must issue a Certificate of Loading containing information specified by the Director by notice in the *Gazette* including:

- (a) information that identifies the vehicle, including the Vehicle Identification Number, registration number or chassis number;
- (b) the date of certification;
- (c) other information relevant to loading and weight specifications in applicable requirements.

9.11 When a Certificate of Loading ceases to be current

A Certificate of Loading ceases to be current if it has been revoked in accordance with 9.12.

9.12 Revocation of Certificate of Loading

9.12(1) Before issuing a Certificate of Fitness, a vehicle compliance certifier must determine whether or not the current certificate is still valid, if one or more of the following events has occurred since the current certificate was issued:

- (a) the vehicle has been modified so as to require specialist certification under 8.3;
- (b) the vehicle has been deregistered;
- (c) the vehicle has had a change of use or change of class.

9.12(2) If the vehicle compliance certifier has determined that the current Certificate of Loading is no longer valid, the certifier must revoke the certificate and notify the Director.

9.12(3) If a Certificate of Loading has been revoked, the vehicle compliance certifier must request the vehicle's operator to remove the certificate from the vehicle and surrender it to the certifier or the Director.

Section 10 Operation of vehicles on a road

10.1 Application

This section applies to the operation of vehicles other than those in *7.1(1)*.

10.2 Vehicle to have current a Warrant of Fitness, Certificate of Fitness, or Conditional Permit

10.2(1) Subject to *10.2(2)*, *10.3*, *10.4* and *10.5*, a vehicle in *10.1* may be operated only if:

- (a) it has a current Warrant of Fitness, Certificate of Fitness or Conditional Permit; and
- (b) the warrant, certificate, or permit is legible, and affixed or carried in accordance with *9.3* and *9.4*.

10.2(2) A vehicle may be operated without a current Warrant of Fitness, Certificate of Fitness or Conditional Permit if:

- (a) the vehicle is displaying a warrant or certificate that is no longer current; and
- (b) the vehicle is being operated for the purpose of obtaining a warrant or certificate; and
- (c) the vehicle is safe to be operated for that purpose.

10.3 Conditional operation of a vehicle before it enters or re-enters service

10.3(1) A vehicle that has a Form B Conditional Permit may be operated before entering or re-entering service only if:

- (a) the vehicle's operator has fitted a trade plate to the vehicle; and
- (b) the vehicle is only being operated for one or more of the purposes in *10.4*; and
- (c) the vehicle, if a light vehicle, is not being operated on a journey from its point of entry into New Zealand; and

- (d) the vehicle's operator carries in the vehicle an up-to-date list of addresses between which the vehicle will be operated, in a format specified by the Director by notice in the *Gazette* and the format is known as 'Form A' list of addresses, where no distance travelled exceeds the maximum distance specified in the notice.

10.3(2) Subject to 10.3(3), a vehicle that has a Form C Conditional Permit may be operated before entering or re-entering service only if:

- (a) the vehicle's operator has fitted a trade plate to the vehicle; and
- (b) the vehicle is only being operated for one or more of the purposes in 10.4.

10.3(3) A heavy vehicle that has a Form C Conditional Permit may be operated before entering service only if it is being operated for one or more of the purposes in 10.4.

10.4 Purposes for conditional operation of a vehicle before entering or re-entering service

The purposes referred to in 5.4 and 10.3 are:

- (a) demonstration of the vehicle;
- (b) delivery of the vehicle;
- (c) completion of construction of the vehicle;
- (d) repair or modification of the vehicle;
- (e) road testing of the vehicle in connection with certification;
- (f) evaluation or testing of the vehicle.

10.5 Conditional operation of vehicles in-service

A vehicle that has an In-service Conditional Permit may be operated only in accordance with any conditions specified by the certifier.

10.6 Vehicle to have current Certificate of Loading

10.6(1) A vehicle to which *section 8* applies may be operated only if it has a current Certificate of Loading, unless it is being operated conditionally before entering or re-entering service in accordance with *10.3*.

10.6(2) A current Certificate of Loading must be legibly displayed on the vehicle, and must be readily visible to the driver and, if the vehicle is a passenger service vehicle, must be readily visible to the passengers.

10.7 Surrender of Warrants of Fitness, Certificates of Fitness, Conditional Permits and Certificates of Loading

If a Warrant of Fitness, Certificate of Fitness, Conditional Permit or Certificate of Loading has been revoked under *9.8*, *9.12* or *11.3*, the vehicle's operator must remove the warrant, certificate or permit and surrender it to the Director or to the vehicle compliance certifier concerned.

Section 11 Additional powers of the Director

11.1 High-risk vehicles

The Director may, by notice in the *Gazette*, specify a category of vehicle defect or damage that the Director considers would make it impracticable to determine by inspection that a vehicle with that defect or damage is safe to be operated.

11.2 Director may carry out functions of inspectors and certifiers

The Director may undertake directly any function specified in this rule as a function of an inspector or certifier, including the inspection and certification of vehicles.

11.3 Revocation of Warrants of Fitness, Certificates of Fitness, Conditional Permits and Certificates of Loading

11.3(1) The Director may revoke, by giving notice in writing to the vehicle's operator, a Warrant of Fitness, Certificate of Fitness or Conditional Permit issued to a vehicle under this rule, if the Director believes on reasonable grounds that the vehicle does not comply with the requirements of this rule.

11.3(2) The Director may revoke, by giving notice in writing to the vehicle's operator, a Certificate of Loading issued to a vehicle under this rule, if the Director believes on reasonable grounds that the certificate is not valid.

11.4 Vehicles to be reinspected

If a vehicle's Warrant of Fitness, Certificate of Fitness, Conditional Permit or Certificate of Loading has been revoked under *11.3*, the Director may require in writing that an inspector or certifier:

- (a) reinspect a vehicle for any of the purposes of *sections 4 to 8*; and
- (b) carry out the functions in *sections 4 to 8* in respect of the vehicle; and

- (c) issue, where appropriate, a warrant, certificate or permit in accordance with *section 9*; and
- (d) meet the costs of *(a)* to *(c)*.

Section 12 **Transitional provisions and savings**

12.1 **Appointments and authorisations**

12.1(1) Subject to 12.1(2), a person appointed or approved under *Land Transport Rule: Vehicle Standards Compliance 1998* immediately before the commencement of this rule, continues to be appointed or approved in accordance with the terms and conditions of his or her appointment or approval.

12.1(2) Appointments and approvals under 12.1(1) are subject to 2.4(2) to 2.4(4) and 2.5 to 2.8.

12.2 **Inspection procedures**

Inspection procedures that were established under *Land Transport Rule: Vehicle Standards Compliance 1998* by a person to whom 12.1(1) applies, are procedures established under *section 3*.

12.3 **Verifications and certifications**

Verifications of compliance and certifications made under *Land Transport Rule: Vehicle Standards Compliance 1998* are determinations under 4.4, 5.4, 6.5, 7.5 and 7.9 and verifications under 8.4, as appropriate.

12.4 **Records of Certification**

12.4(1) Subject to 12.4(3), a Record of Certification made under *Land Transport Rule: Vehicle Standards Compliance 1998* is, as appropriate:

- (a) a Record of Determination under 6.7 and 7.7;
- (b) a record under 6.8, 7.8 and 8.5;
- (c) Evidence of Vehicle Inspection under 6.9 and 7.10(1);
- (d) a Certificate of Loading under 8.6;
- (e) an In-service Conditional Permit under 7.10(2).

12.4(2) Subject to 12.4(3), an Annex A, B and C attached to an exemption issued under *section 166* of the *Land Transport Act 1998* for the purposes of allowing a vehicle to be operated temporarily without a Record of Certification is, as appropriate:

- (a) a Form A list of addresses under 10.3(1)(d);
- (b) a Form B Conditional Permit under 9.4(2);
- (c) a Form C Conditional Permit under 9.4(3).

12.4(3) The expiry date of a Record of Certification to which 12.4(1) applies, and an Annex to which 12.4(2) applies, is the date that applied immediately before this rule came into force.

Part 2 Definitions

Agricultural

purpose means any purpose connected directly with the operation or management of a farm.

All-terrain

vehicles means a special purpose vehicle, with or without motor cycle controls and equipment, that:

- (a) is principally designed for off-road use;
- (b) has three or more wheels;
- (c) has an engine capacity exceeding 50 ml;
- (d) has a gross weight of less than 1,000 kg.

Alternative fuel

systems

certification means the issuing of an installation certificate or an inspection certificate in accordance with the requirements of *regulations 90A to 90Q of the Traffic Regulations 1976*.

Applicable

requirement means any requirement in an Act, regulation or Land Transport Rule listed in *Schedule 1* that applies to the vehicle.

Approved vehicle

standard means a vehicle standard with which a vehicle is required to comply by an applicable requirement.

Authority

means the Land Transport Safety Authority of New Zealand continued by *section 184 of the Land Transport Act 1998*.

Border inspector means a person appointed under *2.1(1)*.

Certificate of

Fitness

means Evidence of Vehicle Inspection that is issued under *6.9 or 7.10*, to a vehicle to which *9.3(5)* applies, confirming that the vehicle has been certified by a vehicle compliance certifier.

Certifier

means a person appointed under *2.1(2) or (3)*.

- Certify** in relation to a vehicle or specified aspect of a vehicle means to make a Record of Determination under 6.7 or 7.7 that confirms that the certifier has determined that the vehicle or specified aspect of the vehicle complies with the relevant requirements.
- Compliance plate** means an attachment to a vehicle in the form of a plate or label that confirms compliance with one or more approved vehicle standards.
- Conditional Permit** means a permit issued under 5.5 or 7.10 that confirms that a determination has been made that the vehicle is safe to be operated under specified conditions.
- Current** in relation to Evidence of Vehicle Inspection or a Conditional Permit means that none of 9.7(a) to (e) apply, and in relation to a Certificate of Loading means that 9.11 does not apply.
- Deregistered** means that a vehicle has been registered in New Zealand but is no longer registered because its registration has been cancelled in accordance with *section 27* of the *Transport (Vehicle and Driver Registration and Licensing) Act 1986* on destruction or permanent removal of the vehicle; or in accordance with *section 28* of the *Transport (Vehicle and Driver Registration and Licensing) Act 1986* where the licence for the vehicle is not renewed.
- Director** means the person who is the Director of Land Transport Safety appointed under *section 186* of the *Land Transport Act 1998*.
- Evidence of Vehicle Inspection**
- Inspection** has the same meaning as in the *Land Transport Act 1998*.
- Gross laden weight** means the same as in the *Land Transport Act 1998*.
- Gross vehicle mass** in relation to a vehicle, means the maximum permitted mass of the vehicle, specified by the Director, which includes the mass of the vehicle, all the accessories, the crew, the passengers and the baggage and which may be determined by taking into consideration:
- (a) any mass, specified (subsequent to the latest modification, if any) as the gross vehicle mass by the manufacturer of the vehicle;

- (b) any mass proposed as gross vehicle mass of the vehicle subsequent to its modification and recertification to that mass by a person approved for that purpose by the Director;
- (c) evidence on the capability of the components and systems of the vehicle which may be considered by the Director to be necessary to evaluate to ensure the safe operation of the vehicle with the gross vehicle mass.

Heavy vehicle means a vehicle that is either:

- (a) of Class MD3, MD4, ME, NB, NC, TC or TD; or
- (b) a vehicle (not of a class specified in *Table A: Vehicle classes*) with a gross vehicle mass which exceeds 3500 kg.

In-service with reference to a vehicle, means to be operated for a purpose other than one listed in *10.4*.

Light vehicle means a vehicle that is not a heavy vehicle.

Light vehicle

repair certification means certification of a repair to the structure, chassis, body-to-chassis attachments, suspension, or occupant protection systems of a light vehicle for compliance with *Land Transport Rule: Vehicle Repair 1998*.

Low volume

vehicle means a vehicle, of a class specified in *Table A: Vehicle classes*, other than Class MD3, MD4, ME, NB, NC, TC or TD, that is:

- (a) scratch-built in quantities of 200 or less at any one location in any one year, by a manufacturer whose total production of motor vehicles does not exceed 200 units over the same period, and where the construction of the vehicle directly or indirectly affects compliance of the vehicle with any of the vehicle standards prescribed by New Zealand law; or
- (b) modified uniquely, or in quantities of 200 or less at any one location in any one year, in such a way as to affect compliance of the vehicle with a legal requirement relating to safety performance applicable at the time of the modification.

Low Volume**Vehicle**

Certification means certification of a low volume vehicle for compliance with the Low Volume Vehicle Code, including certification for compliance with a Low Volume Vehicle Type Approval issued by the Director in accordance with the code.

Low Volume**Vehicle Code**

means the code of the Low Volume Vehicle Technical Association Incorporated.

Low Volume**Vehicle Type**

Approval means a type approval in relation to a modification to a vehicle confirming that the modification complies with the Low Volume Vehicle Code.

Low Volume**Vehicle Auxiliary**

Component Label means a label issued with the approval of the Director confirming that a component which, when fitted to a specified type of vehicle, will not compromise the vehicle's compliance with applicable requirements.

Make

in relation to a vehicle, means the name given for market identification to a group or groups of vehicles by a company or organisation that owns that name.

Manufacturer's**operating limits** means:

- (a) in relation to a vehicle, the allowance provided by the vehicle manufacturer in terms of performance capability and dimensions, relative to deterioration, malfunction or damage beyond which the safe performance of the vehicle, as defined by the vehicle manufacturer, is compromised; and
- (b) in relation to a system or component, incorporated in or attached to a vehicle, the allowance provided by the system or component manufacturer in terms of performance capability and dimensions, relative to the deterioration, malfunction or damage, beyond which the safe performance of the system or component (and consequently the vehicle) is compromised.

Modify

in relation to a vehicle, means to change the vehicle structure from its original state by altering, substituting, adding or removing any structure, system, component or item of equipment, but does not include repair.

Motor vehicle

means a vehicle drawn or propelled by mechanical power, including its structure, systems, components and equipment; and includes a trailer, but does not include:

- (a) a vehicle running on rails;
- (b) an invalid carriage;
- (c) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force;
- (d) a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres;
- (e) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles;
- (f) a pedestrian-controlled machine.

- New vehicle** means a vehicle that:
- (a) has not been registered and operated on a road in New Zealand or any other country; and
 - (b) has not been operated on a road in New Zealand or any other country as a demonstration or courtesy vehicle; and
 - (c) has not been used for training or testing purposes; and
 - (d) is not a scratch-built vehicle that contains components that have been fitted to a vehicle to which (a), (b) or (c) applies.
- Operator** means a person who drives or uses a vehicle on a road, or who causes or permits the vehicle to be on a road, or to be driven on a road, whether or not the person is present with the vehicle.
- Record of Determination** means a record under 6.5 or 7.5.
- Registered** means that the vehicle has been registered in accordance with *section 8 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986*.
- Registration Number** means the combination of numbers or letters or numbers and letters issued under the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*, for use on a registration plate.
- Rental service vehicle** has the same meaning as in the *Transport Services Licensing Act 1989*.
- Repair** means to restore a damaged or worn vehicle or component and includes the replacement of damaged or worn structures, systems, components and equipment with equivalent undamaged or new structures, systems, components and equipment.
- Scratch-built vehicle** means a vehicle assembled from previously unrelated components and construction materials which have not been

sourced from donors of a single make or model and which, in its completed form, never previously existed as a mass-produced vehicle, although the external appearance may resemble or replicate an existing vehicle. A scratch-built vehicle must contain no more than the following componentry from a mass-produced vehicle of a single make and model:

- (a) 40% of the chassis rails plus half or more of the crossmembers, or alternately 40% of more of a spaceframe, or 40% of the floorpan of a unitary constructed body, which ever is appropriate; and
- (b) 40% or more of the bodywork (based on surface area of body panels but does not include the floorpan, internal bracing, sub panels, bulkheads or firewall).

Specialist certifier means a person appointed by the Director under *2.1(3)*.

Trade plate means a plate issued under *section 22* of the *Transport Act 1962* or *section 34* of the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.

Type approval means an instrument confirming that a specified type of vehicle or component complies with an approved vehicle standard.

Vehicle means a motor vehicle, for the purposes of this rule.

Vehicle compliance

certifier means a person appointed by the Director under *2.1(2)*.

Vehicle

Identification

Number means a group of letters and numbers consisting of 17 characters that:

- (a) is affixed to a vehicle in accordance with the relevant standard prescribed under *regulation 90V* of the *Traffic Regulations 1976*;
- (b) is capable of being decoded to provide identifying information about that vehicle.

Vehicle inspection

centre means a testing station, garage, workshop or other facility authorised under 2.1(4).

Vehicle inspection

organisation means an organisation authorised under 2.1(4).

Vehicle recovery

service vehicle has the same meaning as in the *Transport Services Licensing Act 1989*.

Vehicle standard means a technical specification with which a vehicle component or system must comply, and which is adopted by:

- (a) the New Zealand Standards Council; or
- (b) any international, national or regional organisation with functions similar to the New Zealand Standards Council.

Warrant of Fitness means evidence of vehicle inspection which is issued under 6.9 or 7.10, to a vehicle to which 9.3(6) applies, confirming that the vehicle has been certified by a vehicle compliance certifier, either for entry or re-entry into service under 6.7(1)(a), or for operation in-service under 7.7(1)(a).

Table A **Vehicle classes**

Class	Description
AA (Pedal cycle)	A vehicle designed to be propelled through a mechanism solely by human power.
AB (Power-assisted pedal cycle)	A pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts.
LA (Moped with two wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: <ul style="list-style-type: none"> (a) has two wheels; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.
LB (Moped with three wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: <ul style="list-style-type: none"> (a) has three wheels; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.
LB 1	A class LB motor vehicle that has one wheel at the front and two wheels at the rear.
LB 2	A class LB motor vehicle that has two wheels at the front one wheel at the rear.

LC (Motor cycle)	A motor vehicle that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.□

Table A **Vehicle classes (continued)**

Class	Description
LD (Motor cycle and side-car)	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> (a) has three wheels asymmetrically arranged in relation to the longitudinal median axis; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.
Side Car	<p>A car, box, or other receptacle attached to the side of a motor cycle and supported by a wheel.</p>
LE (Motor tri-cycle)	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> (a) has three wheels symmetrically arranged in relation to the longitudinal median axis; and (b) has a gross vehicle mass not exceeding one tonne; and (c) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.□
LE 1	<p>A Class LE motor vehicle that has one wheel at the front and two wheels at the rear.</p>
LE 2	<p>A Class LE motor vehicle that has two wheels at the front and one wheel at the rear.□</p>
Passenger vehicle	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> (a) is constructed primarily for the carriage of passengers; and (b) either: <ul style="list-style-type: none"> (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding

	one tonne. <input type="checkbox"/>
MA (Passenger car)	A passenger vehicle (other than a Class MB or Class MC vehicle) that has not more than nine seating positions (including the driver's seating position).

Table A **Vehicle classes (continued)**

Class	Description
MB (Forward control passenger vehicle)	<p>A passenger vehicle (other than a Class MC vehicle):</p> <ul style="list-style-type: none"> (a) that has not more than nine seating positions (including the driver's seating position); and (b) in which the centre of the steering wheel is in the forward quarter of the vehicle's total length.
MC (Off-road passenger vehicle)	<p>A passenger vehicle, designed with special features for off-road operation, that has not more than nine seating positions (including the driver's seating position), and that:</p> <ul style="list-style-type: none"> (a) has four-wheel drive; and (b) has at least four of the following characteristics when the vehicle is unladen on a level surface and the front wheels are parallel to the vehicle's longitudinal centre-line and the tyres are inflated to the vehicle manufacturer's recommended pressure: <ul style="list-style-type: none"> (i) an approach angle of not less than 28 degrees; (ii) a breakover angle of not less than 14 degrees; (iii) a departure angle of not less than 20 degrees; (iv) a running clearance of not less than 200mm; (v) a front-axle clearance, rear-axle clearance, or suspension clearance of not less than 175mm.
Omnibus	<p>A passenger vehicle that has more than nine seating positions (including the driver's seating position). An omnibus comprising two or more non-separable but articulated units shall be considered as a single vehicle.</p>
MD (Light omnibus)	<p>An omnibus that has a gross vehicle mass not exceeding 5 tonnes.</p>
MD 1	<p>An omnibus that has a gross vehicle mass not exceeding 3.5</p>

	tonnes and not more than 12 seats.
MD 2	An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and more than 12 seats.
MD 3	An omnibus that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes.

Table A **Vehicle classes (continued)**

Class	Description
MD 4	An omnibus that has a gross vehicle mass exceeding 4.5 tonnes but not exceeding 5 tonnes.
ME (Heavy omnibus)	An omnibus that has a gross vehicle mass exceeding 5 tonnes.
Goods vehicle	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> (a) is constructed primarily for the carriage of goods; and (b) either: <ul style="list-style-type: none"> (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne. <p>For the purpose of this description:</p> <ul style="list-style-type: none"> (a) a vehicle that is constructed for both the carriage of goods and passengers shall be considered primarily for the carriage of goods if the number of seating positions multiplied by 68 kg is less than 50% of the difference between the gross vehicle mass and the unladen mass; (b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods; (c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle.
NA (Light goods vehicle)	A goods vehicle that has a gross vehicle mass not exceeding 3.5 tonnes.□
NB (Medium goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes.□
NC (Heavy goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 12 tonnes.□

Table A Vehicle classes (continued)

Class	Description
Trailer	A vehicle without motive power that is constructed for the purpose of being drawn behind a motor vehicle. □
TA (Very light trailer)	A single-axled trailer that has a gross vehicle mass not exceeding 0.75 tonnes. □
TB (Light trailer)	A trailer (other than a Class TA trailer) that has a gross vehicle mass not exceeding 3.5 tonnes. □
TC (Medium trailer)	A trailer that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 10 tonnes. □
TD (Heavy trailer)	A trailer that has a gross vehicle mass exceeding 10 tonnes

Part 3 Schedules

Schedule 1 Acts, regulations and rules

Acts, regulations and rules that may be applicable to motor vehicles certified under this rule:

- the *Transport Act 1962*;
- the *Transport (Vehicle and Driving Licensing and Registration Act 1986*;
- the *Transport Services Licensing Act 1989*;
- the *Land Transport Act 1998*;
- the *Goods Service Vehicle Constructional Regulations 1936*;
- the *Heavy Motor Vehicle Regulations 1974*;
- the *Passenger Service Vehicle Construction Regulations 1978*;
- the *Traffic Regulations 1976*;
- the *Transport (Vehicle Standards) Regulations 1990*;
- Land Transport Rules, other than this rule.

Schedule 2 Vehicles required to have a Certificate of Fitness

The following vehicles are required to have a Certificate of Fitness unless the vehicle is also listed in *Schedule 3*:

- (a) heavy vehicles;
- (b) passenger service vehicles;
- (c) rental service vehicles;
- (d) vehicle recovery service vehicles;
- (e) an articulated combination of vehicles where the maximum combined gross weight is more than 3500 kg;
- (f) goods service vehicles (as defined in *section 2* of the *Transport Services Licensing Act 1989*) with a gross laden weight of 3500 kg or more, other than a vehicle whose gross laden weight exceeds 3500 kg by reason only of the load that the vehicle is, for the time being, carrying including equipment and accessories.

Schedule 3 Vehicles not required to have a Certificate of Fitness

The following vehicles are not required to have a Certificate of Fitness:

- (a) Class MA, MB or MC vehicles that, in the carriage of passengers for hire or reward:
 - (i) are used solely for transporting not more than seven school-children; and
 - (ii) do not exceed the designed adult passenger capacity of the vehicle by more than two school-children.
- (b) Vehicles that may lawfully be used on the roads under the authority of trade plates affixed to them under *section 35 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986*.
- (c) Vehicles normally propelled by mechanical power while they are being temporarily towed, without the use of their own power, by another vehicle.
- (d) Vehicles used by the New Zealand Defence Force (as defined in the *Defence Act 1971*), that are being used to convey persons who would otherwise use public transport during a period in which any public transport in New Zealand is suspended.
- (e) Motor caravans that:
 - (i) have an original manufacturer's rating of 3750 kg or less;
 - (ii) were registered in New Zealand before 1 January 1992;
 - (iii) have been certified by an approved person to comply with the *Low Volume Vehicle Code* as long as the vehicles continue to comply with the code.
- (f) Vehicles while being used on any road that is not a public highway.

- (g) Vehicles that are used on a public highway only in connection with the inspection, servicing, or repair of the vehicle or for the purpose of allowing any person to sit a practical driving test in that vehicle.
- (h) Pedestrian-controlled goods service vehicles.
- (i) Vehicles propelled and supported solely by self-laying tracks.
- (j) Vehicles used on roads only in road construction zones in accordance with notices declaring such zones.
- (k) Vehicles that are used on a road only in crossing or proceeding along a section of the road where the vehicles have been authorised to operate by the road-controlling authority by an authorisation that requires:
 - (i) a written agreement by the vehicle's operator or the person for whom the vehicle is being operated, to construct, reconstruct, maintain, or restore to the satisfaction of the road-controlling authority all or part of the road used by the vehicle; and
 - (ii) the erection and maintenance of warning devices, signs or control devices as required by the road-controlling authority and the Director; and
 - (iii) where the use of the road does not consist solely of the direct crossing of the road, the prior approval of Transit New Zealand.
- (l) All-terrain vehicles that are used on a public highway:
 - (i) in moving from the owner's place of residence to a road that is not a public highway, where the distance travelled is less than 3 kilometres; or
 - (ii) in connection with the inspection, servicing or repair of the vehicles; or
 - (iii) as an agricultural vehicle.
- (m) Tractors and other vehicles, including trailers, used in farm or roading operations, whether for traction or otherwise, that are not capable of, or for a trailer not

- designed to be operated at a speed in excess of 50 km/h;
- (n) Vehicles exclusively designed and used on a road for driving, carrying, or propelling, any of the following which must be permanently attached to the vehicle:
 - (i) aerodrome runway sweepers;
 - (ii) electrical substations;
 - (iii) filters for transformer oil;
 - (iv) log haulers that are stationary when hauling logs;
 - (v) aero engine test benches.
 - (o) Tractors or self-propelled grassmowers, used exclusively for:
 - (i) the cultivation or upkeep of land used for cemetery purposes or for the purpose of sport, recreation, or education; or
 - (ii) the cutting of grass verges of roads.
 - (p) Tractors owned by a local authority and used exclusively for the construction, maintenance, or mowing of stopbanks and the banks of rivers, streams, drains, canals, or other watercourses.
 - (q) Mobile or movable huts, galleys, or similar vehicles that are used on a road solely in connection with the construction or maintenance of roads.
 - (r) Tractors used exclusively for shunting railway rolling stock.
 - (s) Traction engines.
 - (t) Forklifts.
 - (u) Aerodrome crash fire tenders that are used on a road only in emergencies.
 - (v) Trailers while being drawn by a vehicle specified in (s) to (z) of this schedule.

- (w) Vehicles, used exclusively in connection with the embarking and disembarking of ships' passengers or for loading and unloading ships' mails, cargo, and passengers' baggage, and used on a public highway only when proceeding unladen from one wharf to another wharf or from its usual place of storage to a wharf and returning to that place of storage.
- (x) Vehicles designed exclusively or principally as part of the armament of the New Zealand Defence Force.
- (y) Cable jinkers.
- (z) Front-end loaders.
- (aa) Log skidders.
- (bb) Tractor cranes.
- (cc) Rough terrain cranes.
- (dd) Mobile crushing and screening plant machines, which are mounted on trailers.
- (ee) Motor graders.
- (ff) Motor scrapers.
- (gg) Trailer scrapers.
- (hh) Plant for servicing oil-filled cables.
- (ii) Post debarkers.
- (jj) Saw bench apparatus.
- (kk) Forestry chippers.
- (ll) Tree feller bunchers.
- (mm) Trench diggers and excavators.
- (nn) Vehicles that are always used unladen on the road and that are designed exclusively for carrying earth or other bulk materials.
- (oo) Mobile concrete mixers that are mounted on tractors.

- (pp) Vehicles designed exclusively or principally for agricultural operations and used on a road exclusively for agricultural operations, including mobile or moveable huts, galleys and similar vehicles used on a road solely in connection with such operations except for:
- (i) trailers; or
 - (ii) vehicles designed exclusively or principally for the spreading, or cartage and spreading, of lime or fertiliser, and that are used on a road for the cartage of lime or fertiliser; or
 - (iii) vehicles designed exclusively or principally as a weed sprayer on a truck chassis.
- (qq) Vehicles (except trailers) owned by a person carrying on business as a farmer and used on a road only in proceeding, in connection with the owner's agricultural operations, from one part of a farm to another part of the same farm or from one farm to another farm that is owned or managed by the same person.
- (rr) Tractors or traction engines, if used on a road either:
- (i) exclusively for agricultural operations; or
 - (ii) principally for agricultural operations and otherwise solely in connection with the construction or maintenance of roads.
- (ss) Tractors, and vehicles adapted in their design principally for use as tractors, including any which are fitted with a readily detachable box or platform that is used for the carriage of goods, if the tractor or vehicle is owned by a person carrying on business as a farmer and used on a road only for:
- (i) the owner's agricultural operations; or
 - (ii) the cartage of milk, cream or whey to or from a dairy factory; or
 - (iii) the cartage of any produce of a farm, other than milk, cream or whey, farm implements, stock, or other requisites for a farm where they are carried

from one farm to another farm that is owned or managed by the same person; or they are taken during any one trip along less than 21 km of public highway in going from, or returning to, the owner's farm or other place of storage.

- (tt) Tractors owned and used by a person carrying on business as an agricultural contractor and used on a road only for any of the following purposes:
 - (i) the cartage by means of a trailer of farm implements where the tractor and trailer are not taken during any one trip for the cartage of farm implements along more than 21 km of public highway in going from, or returning to, the usual place of storage;
 - (ii) the haulage on its own wheels of a farm implement or farm machine.
- (uu) Tractors and trailers drawn by tractors that:
 - (i) are designed and used partly for the purpose of loading lime or fertiliser into topdressing aircraft and partly for drawing a trailer that is designed and used exclusively for carrying aviation fuel in a permanently attached tank for use in topdressing aircraft, [and for no other purpose]; and
 - (ii) are not taken during any one trip along more than 21 km of public highway in going from, or returning to the usual place of storage.