

Land Transport Amendment Bill

Government Bill

As reported from the Transport and Industrial Relations Committee

Commentary

Recommendation

The Transport and Industrial Relations Committee has examined the Land Transport Amendment Bill, and recommends that it be passed with the amendments shown.

Introduction

The bill seeks to amend the Land Transport Act 1998 to improve regulation that supports the efficiency, effectiveness, and safety of the land transport system. The bill as introduced has six parts. They aim to:

- reduce repeat drink driving offences by strengthening the legislation covering alcohol interlocks¹
- give enforcement officers, other than the Police, new powers when dealing with fare evasion on public transport services
- reduce the incidence of drivers who fail to stop for the Police by increasing the penalties for these drivers and strengthening the Police's powers to impound vehicles involved in failing-to-stop incidents
- update the heavy vehicle regulations to align with recent changes to the Land Transport Rule: Vehicle Dimensions and Mass 2016
- update the regulatory system for small passenger services to ensure that it responds to emerging technology and is fit for purpose to meet New Zealand's future needs

¹ An alcohol interlock is an electronic device that prevents the vehicle starting if alcohol is detected in a breath sample.

- make minor amendments to the Land Transport Act to clarify interpretations of the legislation and improve its operation.

This commentary covers the main amendments that we recommend to the bill. It does not cover minor, technical, or consequential amendments.

Change to the title of the bill

This bill was introduced as the Land Transport Amendment Bill. As there has already been a bill with the same name during this Parliament, we recommend amending the name of this bill to the Land Transport Amendment Bill (No 2).

Report of the Attorney-General under the New Zealand Bill of Rights Act 1990

On 12 September 2016, the Attorney-General presented a report on the bill to the House of Representatives under section 7 of the New Zealand Bill of Rights Act 1990 and Standing Order 265 of the Standing Orders of the House of Representatives. The Attorney-General concluded that clause 35 of the bill was inconsistent with section 21 of the Bill of Rights Act. This section affirms that everyone has the right to be secure against unreasonable search or seizure, whether of the person, their property, correspondence, or otherwise.

Clause 35 of the bill as introduced would give the Police the power to seize and impound for 28 days a motor vehicle that has failed to stop if:

- they suspect on reasonable grounds that the owner, hirer, or person in lawful possession of a vehicle knows the driver's identity
- the person has failed or refused to provide information or has provided false or misleading information.

As part of our consideration, we asked officials from the Ministry of Justice's Bill of Rights Vetting Team to give evidence on behalf of the Attorney-General.

After hearing the reasoning behind the Attorney-General's opinion, we have amended this clause to address the inconsistency with the Bill of Rights Act. The amendments are discussed later in the section on fleeing drivers.

Alcohol interlock sentences

Distance exception from mandatory alcohol interlock sentence

Clause 19 of the bill as introduced, section 65AB(2)(b), would create an exception if an offender lives in an area that will not be serviced by an approved provider and is more than 30 kilometres away from the nearest alcohol interlock service centre, or on an island without an alcohol interlock service centre.

We recommend extending the 30 kilometre distance to ensure that more offenders in rural areas are still covered by alcohol interlock sentences. This would reduce opportunities for those offenders living in rural areas to avoid a mandatory alcohol interlock sentence.

We considered whether it was necessary to specify a distance. However, we believe the legislation should provide the courts with direction on how to apply the exception. Although some Australian states specify a distance of 150 kilometres, we do not think this is appropriate in New Zealand. We therefore recommend a minimum distance of 70 kilometres, and propose a new definition of “non-serviced area” in clause 5(4) accordingly.

We recommend amending clause 19, section 65AB(2)(b), to modify the exception for a person who lives in a non-serviced area. This amendment would mean that such a person could be given an alcohol interlock sentence if they were prepared to travel to the nearest interlock service centre for the initial installation and any necessary service.

Although remote downloading of alcohol interlock data and remote servicing is not yet available, it may become available in the future. To future-proof the bill, we recommend including in the definition of non-serviced area in clause 5(4) a requirement that the area is not able to be serviced by an approved provider via remote technology.

Alcohol interlock sentences for certain concurrent offences

Under the bill as introduced, when considering concurrent offences, the courts would not have discretion to allow a mandatory disqualification for a non-alcohol offence to be subsumed within the period of disqualification for an alcohol interlock offence. Non-alcohol offences that incur a mandatory disqualification include driving while disqualified, dangerous or reckless driving, illegal street racing, driving while under the influence of drugs, and failing to stop after an accident.

We recommend amending clause 19 to delete proposed section 65AE(d)(iii). As introduced, this section would require the courts to order the required disqualification for any non-alcohol offence.

We believe that allowing a person to start driving with an alcohol interlock device promptly benefits road safety. We therefore recommend amending clause 19, section 65AH, to specify that a court has discretion to choose whether or not to order any disqualification that might otherwise apply to any non-alcohol offence.

We recommend inserting a definition of “concurrent offence” in clause 5(4) to specify that the offence would need to have occurred as part of the same series of events as the qualifying offence. This would reduce the possibility of inequitable outcomes if a court was considering separate incidents on the same day.

We recommend amending clause 19 to insert section 65AH(3)(b). For concurrent offences not involving injury or death, the court could choose not to order any disqualification that might apply to a concurrent offence. Instead, the person would be disqualified for the period that would otherwise apply for the alcohol interlock sentence.

As a result of these changes, we recommend the following related amendments regarding specific offences that entail a mandatory disqualification from driving:

- new clause 5A, amending section 32

- new clause 6(2) and (3), amending section 33
- new clause 6A, amending section 35
- new clause 6B, amending section 36
- new clause 6C, amending section 36AA
- new clause 6D, amending section 36A
- new clause 6E, amending section 38
- new clause 6F, amending section 39
- new clause 11(1AA) and (1AB), amending section 57A
- amending clause 12, section 58
- amending clause 13, section 60.

Concurrent offences involving injury or death, or fleeing drivers

We accept that discretion for the courts is not appropriate for certain severe offences. These severe offences are those involving injury or death or fleeing drivers. We believe that the courts would still need to impose the mandatory disqualification for these offences before an offender could start driving with their alcohol interlock device.

We recommend amending clause 19 to insert section 65AH(3)(a). This would specify that, if a concurrent offence resulted in injury or death, the offender must be disqualified from holding or obtaining a licence for the time period appropriate to the provision relating to the concurrent offence.

We recommend inserting clauses 6B, 6C, 6D, 6E, and 6F, and amending clauses 14 (section 61) and 15 (section 62) to this effect.

We recommend amending clause 34 to insert new section 52A(6A). This would specify that, if a concurrent offence involved a fleeing driver, the mandatory disqualification period for that offence would apply before a person could start driving with an alcohol interlock device.

Mandatory disqualification and assessment for repeat offences involving the use of alcohol or drugs

Under section 65 of the Land Transport Act, a person convicted of certain repeat drink driving offences would be disqualified from driving indefinitely, and ordered to attend an approved alcohol or drug assessment centre. The New Zealand Transport Agency (NZTA) can remove the disqualification under section 100 of the Act if it receives a satisfactory assessment report from a medical practitioner attached to the assessment centre that the person is fit to hold a driver licence.

Clause 18 of the bill would amend section 65 to replace the mandatory indefinite disqualification with an alcohol interlock sentence. A person receiving an alcohol interlock sentence under section 65 would still need a satisfactory assessment report from an approved assessment centre to complete the requirements of the alcohol interlock sentence.

We recommend amending clause 18, sections 65(3A) and 65(4A), to provide that the alcohol interlock sentence would not need to be made at the same time as the order requiring a person to attend an assessment centre and disqualifying them from holding or obtaining a driver licence. This would clarify that a person who is subject to a pre-existing indefinite disqualification could move to their alcohol interlock sentence, rather than having to go through the section 100 process and then move to an alcohol interlock sentence.

We also recommend amending clause 19, section 65AE(d)(ii), to the effect that a section 65 indefinite disqualification is an exception to the rule in section 65AE that an existing disqualification be served before a person can drive with an alcohol interlock device.

Definition of assessment centres

Under the Land Transport Act, the chief executive of the Ministry of Health approves assessment centres for section 65 assessments. Section 2 of the Act defines an assessment centre as “an establishment for the time being approved as an assessment centre for the purposes of this Act by the chief executive of the Ministry of Health”.

We recommend broadening the definition of an assessment centre to include individuals as well as establishments. This would mean that individual alcohol and drug counsellors working in private practice could also make assessments under section 65 providing they are approved to do so by the chief executive of the Ministry of Health.

Removal of alcohol interlock device

Under clause 26 of the bill, which would replace section 100A of the Act, a person who has met the conditions of their alcohol interlock sentence could apply to the NZTA to authorise the removal of their alcohol interlock device and replace the alcohol interlock licence with a zero alcohol licence.

We recommend amending this provision to make it clear that when a person meets the requirements of their alcohol interlock licence, they would have to pay the zero alcohol licence fee to the NZTA.

Cancellation of alcohol interlock sentence due to a change in personal circumstances

Under clause 26 of the bill, new section 100B, the court could cancel an alcohol interlock sentence if it was satisfied that the sentence was no longer appropriate due to a significant change in a person’s personal circumstances.

We recommend amending clause 26, new section 100B, to make it clear that a person must apply to a court for the cancellation of their alcohol interlock sentence if their personal circumstances have changed significantly. If the court agreed, it would instead disqualify the person from holding or obtaining a driver licence for the applicable period.

Alcohol interlock sentences where an exception no longer applies

We recommend amending clause 26 to insert new section 100C. This would allow a person who had been excepted from an alcohol interlock sentence (under new section 65AB(2)) to apply to a court for such a sentence if the exception no longer applied. An example would be a person who, at the time of sentencing did not have access to a vehicle, or someone who had since moved from a non-serviced area. The person could apply to have their alternative sentence of disqualification cancelled and have an alcohol interlock sentence imposed instead.

Fare evasion

Subpart 2 of Part 1 of the bill deals with fare evasion.

Clause 29, which would replace section 79M, would create additional infringement offences for a person who fails to pay a public transport service fare or fails to provide evidence to an enforcement officer of having paid a fare.

Section 79M(3) would create two new offences: for failing to provide identification to an enforcement officer when asked to, and for boarding, or failing or refusing to disembark, when asked to by an enforcement officer.

Section 79M(4) would create a defence if a person had attempted to buy a ticket from the ticket vending machine and the machine was not working or there was no other available means to buy a ticket.

To allow for future technologies such as “tag-on, tag-off ticketing”, we recommend replacing “attempted to buy a ticket from a ticket vending machine” with “made reasonable attempts to pay the fare and there were no available means of paying.”

Clause 30, which would insert new section 128F, outlines the powers of enforcement officers in relation to public transport fares. As introduced, these provisions would allow an enforcement officer to request that a person:

- provide evidence of having paid a public transport fare
- provide identifying details if they fail to give evidence of payment
- not board or disembark the public transport service.

We recommend replacing the references to “request” with “direct”. This would ensure consistency with the powers of parking wardens in existing section 128E(1)(b) of the Act.

For the same reason, we also recommend amending clause 29, section 79M(2)(b), (3)(a), and (3)(b).

Regulation-making powers

Section 167 of the Land Transport Act sets out the purposes for which the Governor-General may make regulations by Order in Council.

Clause 31 would amend section 167 to insert a new empowering provision. It would allow regulations to specify the obligations of a person who is liable to pay a passenger or public transport service fare.

The Regulations Review Committee recommended that we satisfy ourselves that this regulation-making power is genuinely required. They recommended that we amend the clause to specify the type of regulations that could be made under it.

The purpose of this regulation-making provision was to give local councils the ability to have enforcement officers check tickets earlier, such as on a train platform, rather than at a train door. However, we believe this provision is unnecessary, because clauses 29 and 30 are worded in terms of a person being liable to pay a fare. A council can indicate where the liability to pay arises, and anyone entering that area would need to show evidence of having paid the requisite fare, and to comply with all directions from enforcement officers. We therefore recommend deleting clause 31.

Fleeing drivers

Subpart 3 of Part 1 deals with fleeing drivers.

Clause 35 of the bill as introduced would add a new power, under a new paragraph 96(1AB)(b), for the Police to seize and impound a motor vehicle for 28 days if they reasonably suspect that the owner, hirer, or person in lawful possession of the vehicle was driving or knows the identity of the driver of the vehicle and has failed or refused to provide information or has provided false or misleading information.

The Attorney-General, in his report under section 7 of the New Zealand Bill of Rights Act, concluded that this clause was inconsistent with section 21 of the Act. This is the right to be secure against unreasonable search or seizure of the person, their property, correspondence, or otherwise.

The Attorney-General believes that it is not unreasonable to impound a vehicle where there are reasonable grounds to believe the driver has failed to stop (as in the existing section 96(1AB)). Although it may not prevent or deter further offending, it may reduce the driver's opportunities to offend while the Police consider whether to lay charges.

The Attorney-General considers that the new power to seize and impound a vehicle for failing or refusing to provide information is not rationally or proportionately connected to its purpose of deterring people from committing an offence under the Land Transport Act.

To address the inconsistency with the Bill of Rights Act, we recommend amending clause 35 to delete new section 96(1AB)(b). The Police could still rely on the existing power under section 96(1AB) of the Land Transport Act. Section 96(1AB) gives the Police the power to seize and impound a vehicle for 28 days if they reasonably believe that the driver has been involved in a failing-to-stop incident. There is also already an offence under section 52 of the Land Transport Act to fail or refuse to provide information, or to give false information.

We recommend amending clause 35(2), to insert section 96(6B). Our amendment would provide that a vehicle could be returned to its owner within the 28 day impoundment period if the owner was not the driver who fled from the Police, and has provided the information requested by the Police.

We recommend amending clause 36 to insert new section 102(1)(ga) to allow the owner of a vehicle to appeal against its impoundment. Grounds for an appeal would be if they were not the person driving in the incident and either did not know, and could not be reasonably expected to know, the identity of the driver or if they have provided the information to the Police.

The Attorney-General has considered these changes and is comfortable that they address the inconsistency with section 21 of the Bill of Rights Act.

Heavy vehicles

Subpart 4 deals with heavy vehicles.

Clause 41, which would replace section 16 of the Act, specifies that a person may not operate a heavy vehicle in breach of the prescribed maximum mass limits. The recently updated Vehicle Dimensions and Mass Rule prescribes mass limits for axle sets rather than groups of axles. Although the term “group of axles” has no defined meaning in any legislation, we received advice that groups of axles should be covered in the bill. We therefore recommend inserting the term “axle sets” in clause 41, replaced section 16(1)(b).

We also recommend inserting “axle set” into clause 44, section 43 which outlines overloading and over-dimension offences.

Off-loading of overweight vehicles

Section 126 of the Act provides that any vehicle found to be overloaded by more than 10 percent must have its load reduced or redistributed so that it complies with all legal limits before continuing its journey. Clause 47 would amend section 126 to retain the 10 percent threshold for vehicles weighing up to 20 tonnes. Vehicles weighing over that level would have a 2 tonne offloading threshold.

We recommend amending the heading of section 126, to replace the term “overweight” with “overloaded”. This is because the term “overweight” can also apply to vehicles that are legally operating with an overweight permit.

Exemptions to rules for the New Zealand Defence Force

Under section 166 of the Land Transport Act, the NZTA can exempt specific persons, vehicles, or services from the requirements of the rules if it is satisfied that safety risks are not significantly increased. Clause 52 would amend section 166 to require the NZTA to consider the potential impact on infrastructure when granting an exemption for heavy vehicles.

Clause 53 would insert new section 166A to allow the NZTA to grant an exemption to individual vehicles, groups of vehicles, or types of vehicles belonging to the New Zealand Defence Force. This would be subject to the same criteria set out in section 166 of the Act. This new provision is designed to enable a more efficient exemption process for specialised military vehicles which must currently be individually exempted.

We received advice from the Regulations Review Committee that neither of the exemption powers in clauses 52 and 53 is wholly consistent with its approach to exemption powers. It recommended that we consider amending section 166 of the Act to:

- require the NZTA to give a statement of reason for granting any exemption
- require that any exemption granted by the NZTA expires after a specified period of time unless it is replaced or revoked
- specify whether an exemption under that section is a disallowable instrument.

We believe that these suggestions would impose additional costs on the NZTA and operators, with no corresponding benefit. We consider that these exemptions are individual exceptions and therefore they do not need to be disallowable.

The Legislation Advisory Committee's guidance on exemptions recommends expiry dates except where an exemption is not necessarily permanent or will naturally expire. We believe that this would apply to most vehicle-related exemptions, as the exemption will naturally expire when the vehicle leaves the fleet.

Clause 53, which would insert section 166A, allows exemptions from other rules that do not relate to the heaviness of the vehicle. We therefore recommend moving it to subpart 6 (miscellaneous amendments) as new clause 89A.

Penalties for breaches of mass limits on bridges

The Heavy Motor Vehicle Regulations allow road controlling authorities to set mass limits for heavy vehicles on specific bridges if engineering advice indicates that the bridge is likely to fail if used by vehicles operating with a higher mass.

Until recently, the Police enforced bridge limits in the same way as general overloading offences. However, a District Court decision found that under the Land Transport (Offences and Penalties) Regulations 1999, breaching a bridge limit was not clearly specified as an overloading offence. This means that the maximum penalty is much lower for breaching a bridge limit than for overloading offences that are breaches of the Vehicle Dimensions and Mass Rule.

We recommend inserting new clauses 95A and 96A in Part 2 of the bill to amend the Heavy Motor Vehicle Regulations 1974 and the Land Transport (Offences and Penalties) Regulations 1999. These provisions would prohibit breaches of mass limits for bridges and specify that such breaches are overloading offences under the Land Transport Act. This change would make penalties for breaches of mass limits the same as for other overloading offences under section 43 of the Act.

Clause 42, replacing section 16A of the Act, would provide that the road closure power currently provided in section 16A could only be used for the temporary restriction of heavy traffic where there is an urgent risk of damage to a road or to the safety of users.

We recommend inserting a transitional provision under new Schedule 1, new clause 5A to allow time for existing permanent road closure orders under section 16A to be replaced using other powers, as appropriate.

Small passenger services

Suspension of transport service licence

Clause 67, amending section 30U, would create two new grounds for a suspension of a transport service licence. This clause specifies that a suspension would immediately cease when the NZTA receives notice that any of the conditions of suspension no longer apply. We recommend an amendment so that a suspension would cease when the NZTA is satisfied that the grounds for suspension no longer apply.

Requirement for facilitator to keep records

Section 30Q, inserted by clause 64, would require a facilitator of a facilitated cost-sharing arrangement to keep all records of payments and distance travelled on each trip. We recommend inserting clause 75A, new section 79HA, to create an offence if a person failed to comply with section 30Q. The maximum penalty for the offence would be a fine not exceeding \$100,000 upon conviction.

Liability for a person using unlicensed transport services

Section 79E of the Land Transport Act makes it an offence if a person knowingly uses an unlicensed transport service. This would on its face include NZTA staff members using a transport service as part of an investigation.

We recommend inserting new clause 74A, amending section 79E, to clarify that this does not apply to an enforcement officer performing their official enforcement duties as an employee or agent of the NZTA. This would include undertaking an investigation, checking for compliance, or investigating a complaint.

Transitional arrangements for taxi stands and transit lanes

Clause 8 of new Schedule 1 would allow existing taxi stands and transit lanes to apply to all small passenger service vehicles until such time as the road controlling authority determines otherwise. We recommend extending this transitional arrangement to include shuttle stands.

New Zealand Labour Party minority view

The New Zealand Labour Party supports the main intent of the bill, but has concerns about protecting public safety in the proposed deregulation of small passenger services.

It is important that we learn from the mistakes of previous Parliaments where deregulation has led to reduced protection for the public resulting in tragic consequences for Pike River Mine workers and leaky-home owners.

While we endorse the need to modernise regulations for small passenger services that recognise technological advances and provide choice for passengers, the over-riding role of our Parliament in this service is to ensure public safety.

Labour also wants to ensure that a level playing field exists across the small passenger services.

Labour supports the increased use of genuine ride-sharing as a cost-effective way to reduce congestion and carbon emissions.

Many submitters reminded us that disabled people are reliant on the small passenger service for their transportation needs. For them, it is not a choice to use these services, but a necessity.

The New Zealand Labour Party will propose two amendments to this proposed legislation.

The first will be to continue to require the small passenger service fleet to have braille signage identifying the service provider and the driver. We heard evidence that good quality signage can be provided for \$20 per vehicle. We do not consider this cost to be onerous in order to ensure that passengers who are blind can identify who they are travelling with.

The second will be to continue with the in-vehicle camera requirements that currently exist for small passenger services. The requirement for in-vehicle camera facilities for services in major towns and cities was introduced in 2011 as a result of the murder of two taxi drivers in Auckland and Christchurch. Their presence also protects the most vulnerable in our community using these services. Since they were installed, there have been no reported deaths of taxi drivers and the industry regards this measure as having made a major safety improvement in an increasingly violent society. In the same way that new technology enables a more flexible small passenger service, it also brings down the cost of operating in-vehicle recording devices for the safety of both drivers and passengers.

Appendix

Committee process

This bill was referred to the committee on 15 September 2016. The closing date for submissions was 27 October 2016. We received and considered 79 submissions from interested groups and individuals. We heard oral evidence from 32 submitters.

We received advice from the Ministry of Transport, the New Zealand Transport Agency, and the New Zealand Police. The Regulations Review Committee reported to the committee on the powers contained in clauses 31, 52, and 53.

Committee membership

Jonathan Young (Chairperson)

Andrew Bayly, until 8 February 2017

Hon David Bennett, from 8 February 2017

Peeni Henare

Iain Lees-Galloway

Clayton Mitchell

Sue Moroney

Dr Parmjeet Parmar

Denise Roche

Alastair Scott

Hon Maurice Williamson

Dr Jian Yang

Hon David Bennett in his capacity as Associate Transport Minister excused himself from any discussion or decisions involving this bill.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Simon Bridges

Land Transport Amendment Bill

Government Bill

Contents

		Page
1	Title	7
2	Commencement	7
Part 1		
Amendments to Land Transport Act 1998		
3	Principal Act	8
4	New section 2A inserted (Transitional, savings, and related provisions)	8
	2A Transitional, savings, and related provisions	8
Subpart 1—Alcohol interlock sentences		
5	Section 2 amended (Interpretation)	8
<u>5A</u>	<u>Section 32 amended (Contravention of section 5(1)(c))</u>	<u>9</u>
6	Section 33 amended (Contravention of section 5(2) or (3))	9
<u>6A</u>	<u>Section 35 amended (Contravention of section 7, or section 22 where no injury or death involved)</u>	<u>10</u>
<u>6B</u>	<u>Section 36 amended (Contravention of section 7 or section 22 involving injury)</u>	<u>10</u>
<u>6C</u>	<u>Section 36AA amended (Contravention of section 7 by causing death of another person)</u>	<u>10</u>
<u>6D</u>	<u>Section 36A amended (Contravention of section 22A)</u>	<u>10</u>
<u>6E</u>	<u>Section 38 amended (Contravention of section 8 causing injury or death)</u>	<u>11</u>
<u>6F</u>	<u>Section 39 amended (Aggravated careless use of vehicle causing injury or death)</u>	<u>11</u>
7	Section 55A amended (Offences concerning alcohol interlock devices)	11

Land Transport Amendment Bill

8	Section 56 amended (Contravention of specified breath or blood-alcohol limit)	12
9	Section 57 amended (Contravention of specified breath or blood-alcohol limit by person younger than 20)	12
10	Section 57AA amended (Contravention of specified breath or blood alcohol limit by holder of alcohol interlock licence or zero alcohol licence)	12
11	Section 57A amended (Driving while impaired and with blood that contains evidence of use of qualifying drug)	13
12	Section 58 amended (Contravention of section 12)	13
13	Section 60 amended (Failure or refusal to permit blood specimen to be taken or to undergo compulsory impairment test)	14
14	Section 61 amended (Person in charge of motor vehicle causing injury or death)	14
15	Section 62 amended (Causing injury or death in circumstances to which section 61 does not apply)	14
16	Section 63 amended (Further penalty in certain cases where person driving vehicle used in transport service)	15
17	Cross-heading above section 65 replaced	15
<i>Mandatory disqualification and assessment for repeat offences</i>		
18	Section 65 amended (Mandatory penalties for repeat offences involving use of alcohol or drugs)	15
19	Section 65A replaced (Alcohol interlock requirements for repeat offences or certain first time offences involving use of alcohol)	15
<i>Mandatory alcohol interlock sentence for repeat offences and certain first offences</i>		
65AB	Qualifying offences	16
65AC	Alcohol interlock sentence	17
65AD	Injury or death	17
65AE	Period of disqualification	17
65AF	Alcohol interlock sentence disqualifies person from driving except under alcohol interlock licence	18
65AG	Alcohol interlock licence requirements	18
65AH	<u>When</u> court may take alcohol interlock sentence into account	19
65AI	Exceptions: persons who are not to be given alcohol interlock sentence	19
65AJ	Effect of subsequent qualifying offences on alcohol interlock licence <u>sentence</u>	19
65AK	Effect of other subsequent offences on alcohol interlock licence	20
<i>Mandatory zero alcohol requirements for repeat offences</i>		

Land Transport Amendment Bill

20	Section 65B amended (Mandatory zero alcohol requirements for repeat offences involving use of alcohol)	20
21	Section 81 amended (Provisions relating to mandatory disqualification)	21
21A	<u>Section 86 amended (Term of disqualification if person already disqualified)</u>	<u>21</u>
22	Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)	21
23	Section 94 amended (Substitution of community-based sentences)	21
24	Section 99 amended (Court may reduce disqualification)	21
25	Section 100 amended (Agency to remove certain disqualifications)	21
26	Section 100A replaced (Agency to remove alcohol interlock requirements)	22
	100A Agency may replace alcohol interlock licence with zero alcohol licence <u>authorise removal of alcohol interlock device and certify that requirements of alcohol interlock sentence have been fulfilled</u>	22
	100B Court may cancel alcohol interlock sentence <u>and disqualify driver instead</u>	22
	<u>100C Court may impose alcohol interlock sentence if exception no longer applies</u>	<u>23</u>
27	Section 103 amended (Persons who may apply to court for limited licence)	23
28	Section 108 replaced (Appeal against Agency's refusal to remove disqualification)	23
	108 Appeal against Agency's refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence	23
Subpart 2—Fare evasion		
29	Section 79M replaced (Penalties for failure to pay passenger service fares)	23
	79M Penalties for failure to pay service fares, etc	24
30	New section 128F inserted (Powers of enforcement officers in relation to public transport service fares)	24
	128F Powers of enforcement officers in relation to public transport service fares	24
31	Section 167 amended (Regulations)	<u>25</u>
Subpart 3—Fleeing drivers		
32	Section 36AB repealed (Contravention of sections 7 and 114)	25
33	Section 52 amended (Contravening notices, requirements, etc, given or imposed by enforcement officers)	25
34	New section 52A inserted (Contravention of section 114)	25
	52A Contravention of section 114	25

Land Transport Amendment Bill

35	Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)	26
36	Section 102 amended (Appeal to Police against impoundment of vehicle)	27
37	Section 118 amended (Owner or hirer or licence holder to give information as to identity of driver or passenger)	28
38	Section 123 amended (Enforcement officer may seize and impound vehicle for up to 7 days where serious accident or hit and run offence or for failure to stop)	28
	Subpart 4—Heavy vehicles	
39	Section 2 amended (Interpretation)	29
40	Section 6 amended (Vehicles to be safe and operated in compliance with rules)	29
41	Section 16 replaced (Heavy motor vehicles not to be overloaded)	30
	16 Heavy motor vehicles not to be overloaded or in breach of dimension requirements	30
42	Section 16A replaced (Restriction of heavy traffic on roads)	30
	16A Temporary restriction of heavy traffic on roads	30
43	Section 30O amended (Term of transport service licence)	31
44	Section 43 replaced (Overloading offences)	31
	43 Overloading and over-dimension offences	31
45	Section 113A amended (Power to inspect records)	31
46	Section 125 amended (Stopping, inspection, and weighing of heavy vehicles and certain transport service vehicles)	31
47	Section 126 amended (Off-loading of overweight vehicle)	32
48	Section 147 amended (Evidence of accuracy of weighing devices and sites)	32
49	New section 147A inserted (Certification of accuracy of alternative weighing technology)	32
	147A Certification of accuracy of alternative weighing technology	32
50	Section 152 amended (Power of Minister to make ordinary rules)	33
51	Section 164 amended (Matters to have regard to when making or recommending rules)	33
52	Section 166 amended (Agency may grant exemptions)	33
53	New section 166A inserted (Agency may grant exemptions to New Zealand Defence Force)	33
	166A Agency may grant exemptions to New Zealand Defence Force	33
54	Section 167 amended (Regulations)	34
	Subpart 5—Small passenger services	
55	Section 2 amended (Interpretation)	34

Land Transport Amendment Bill

56	Section 22AB amended (Road controlling authorities may make certain bylaws)	36
57	Section 30A amended (Requirements for vehicles)	36
58	Section 30B repealed (Provision of identification information in Braille)	36
59	Section 30D amended (Additional criteria for small passenger service vehicles and vehicle recovery service)	36
60	Section 30E amended (Additional criteria for large passenger service vehicles)	36
61	Section 30J replaced (Transport service operators may not carry on certain transport services unless licensed to do so)	36
	30J Transport service operators must be licensed	37
62	Section 30L amended (Grant of licence)	37
63	Section 30M amended (Conditions of transport service licences)	37
64	Sections 30P to 30R replaced	37
	30P Driver must have or drive under transport service licence	37
	30Q Records to be kept by facilitator of facilitated cost-sharing arrangement	38
65	Section 30S amended (When Agency may revoke transport service licence)	38
66	Section 30T amended (Procedure Agency must follow before revoking transport service licence)	38
67	Section 30U amended (Suspension of transport service licence)	38
68	Section 30V amended (Interpretation)	39
69	Section 30Z replaced (Application of Part)	39
	30Z Application of Part	39
70	Section 30ZD amended (Records must be kept)	39
71	Section 30ZH amended (Duties regarding logbooks)	40
72	Section 79A amended (Offence to carry on transport service without licence)	40
73	New section 79AB inserted (Offence to drive vehicle used in transport service without licence)	40
	79AB Offence to drive vehicle used in transport service without licence	40
74	Section 79C amended (Failure to present vehicle for inspection)	41
74A	<u>Section 79E amended (Liability of persons who use unlicensed transport service)</u>	41
75	Section 79H amended (Contravention of section 128A)	41
75A	<u>New section 79HA inserted (Failure to keep or produce records)</u>	41
	<u>79HA Failure to keep or produce records</u>	41
76	Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)	41
77	Section 128A amended (Enforcement officer's powers in respect of non-complying small passenger service vehicles)	41

Land Transport Amendment Bill

78	Section 158 amended (Rules concerning licensing, standard-setting, etc)	41
79	Section 199A amended (Register of transport service licences)	42
	Subpart 6—Miscellaneous amendments	
80	Section 2 amended (Interpretation)	42
81	Section 22AB amended (Road controlling authorities may make certain bylaws)	42
82	Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)	42
83	Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)	43
84	Section 119 amended (Powers of entry)	43
85	Section 121 amended (Enforcement officer may immobilise vehicle, etc, in specified circumstances)	43
86	Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules)	43
87	Section 132 amended (Inspection powers concerning dangerous goods)	44
88	Section 139 amended (Issue of infringement notice)	44
89	Section 140 amended (Contents of infringement and reminder notices)	44
89A	<u>New section 166A inserted (Agency may grant exemptions to New Zealand Defence Force)</u>	<u>44</u>
	<u>166A Agency may grant exemptions to New Zealand Defence Force</u>	<u>45</u>
90	Section 168 amended (Regulations relating to fees and charges for land transport)	45
91	Section 242 amended (Motor vehicles must be registered and licensed)	45
92	Section 269 amended (Regulations)	45

Part 2

Related and consequential amendments

Amendment to Government Rounding Powers Act 1989

93	Amendment to Government Rounding Powers Act 1989	46
----	--	----

Amendment to Land Transport (Road Safety and Other Matters) Amendment Act 2011

93A	<u>Amendment to Land Transport (Road Safety and Other Matters) Amendment Act 2011</u>	<u>46</u>
-----	---	-----------

Amendment to Road User Charges Act 2012

94	Amendment to Road User Charges Act 2012	47
----	---	----

	<i>Amendments to Sentencing Act 2002</i>	
95	Amendments to Sentencing Act 2002	47
	<i>Amendments to Heavy Motor Vehicle Regulations 1974</i>	
95A	Amendments to Heavy Motor Vehicle Regulations 1974	47
	<i>Amendments to Land Transport (Offences and Penalties) Regulations 1999</i>	
95B	Amendments to Land Transport (Offences and Penalties) Regulations 1999	48
	<i>Transitional, savings, and related provisions</i>	
96	New Schedule 1 inserted and amended	49
	<i>Consequential amendments to enactments</i>	
97	Consequential amendments to enactments	52
	Schedule 1	53
	New Schedule 1 inserted	
	Schedule 2	54
	Consequential amendments to Acts	
	Schedule 3	57
	Consequential amendments to other enactments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transport Amendment Act (No 2) **2016**.

2 Commencement

Commencement of amendments relating to alcohol interlock sentences 5

- (1) **Subpart 1 of Part 1 and sections 96(2) and 97(1) and (4)** come into force—

- (a) on **1 April 2018**; or
- (b) on an earlier date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes. 10

Commencement of amendments relating to small passenger vehicles

- (2) **Subpart 5 of Part 1 and sections 96(3) and 97(3) and (8)** come into force—

- (a) on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes; and 15

- (b) to the extent not previously brought into force under **paragraph (a)**, on **1 July 2017**.

Commencement of the rest of this Act

- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

5

Part 1

Amendments to Land Transport Act 1998

3 Principal Act

This Part amends the Land Transport Act 1998 (the **principal Act**).

4 New section 2A inserted (Transitional, savings, and related provisions) 10

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

Subpart 1—Alcohol interlock sentences 15

5 Section 2 amended (Interpretation)

- (1) In section 2(1), definition of **alcohol interlock device**, paragraph (c), replace “section 65A” with “**sections 65AB to 65AK**”.
- (2) In section 2(1), definition of **alcohol interlock licence**, replace “section 65A(2)” with “**section 65AC**”.
- (3) In section 2(1), definition of **zero alcohol licence**, paragraph (a), replace “made under section 65B(2)” with “referred to in section 65B(1)”.
- (4) In section 2(1), insert in their appropriate alphabetical order:

20

alcohol interlock sentence has the meaning given in **section 65AC**

concurrent offence means an offence—

25

(a) that is not a qualifying offence; and

(b) that occurred as part of the same series of events as the facts that gave rise to the person’s conviction for a qualifying offence; and

(c) for which the offender may or must be disqualified from holding or obtaining a driver licence under this Act or under section 124 of the Sentencing Act 2002

30

non-serviced area means an area that is identified on an Internet site maintained by or on behalf of the Agency and—

(a) is 70 km or more from an approved provider's service centre or is on an island without an approved provider's service centre; and (b) is not able to be serviced by an approved provider via remote technology qualifying offence is an offence described in section 65AB(1)	
5A Section 32 amended (Contravention of section 5(1)(c))	5
(1) After section 32(3), insert:	
(3A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and section 65AH(3)(b) applies.	10
(2) After section 32(4), insert:	
(4A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (4)(b) does not apply and section 65AH(3)(b) applies.	15
(3) Replace section 32(6) with:	
(6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).	
6 Section 33 amended (Contravention of section 5(2) or (3))	20
(1) After section 33(1), insert:	
(1A) Subsection (1) does not apply in relation to—	
(a) an application for an alcohol interlock licence made in accordance with an alcohol interlock sentence; or	
(b) an application for a zero alcohol licence made in accordance with section 65B.	25
(2) After section 33(2), insert:	
(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) does not apply and section 65AH(3)(b) applies.	30
(3) Replace section 33(3) with:	
(3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).	35

6A Section 35 amended (Contravention of section 7, or section 22 where no injury or death involved)

(1) After section 35(2), insert:

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) does not apply and **section 65AH(3)(b)** applies.

5

(2) Replace section 35(3) with:

(3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

10

6B Section 36 amended (Contravention of section 7 or section 22 involving injury)

(1) After section 36(2), insert:

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (see **section 65AH(3)(a)**).

15

(2) Replace section 36(3) with:

(3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

20

6C Section 36AA amended (Contravention of section 7 by causing death of another person)

(1) After section 36AA(2), insert:

25

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (see **section 65AH(3)(a)**).

(2) Replace section 36AA(3) with:

30

(3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

6D Section 36A amended (Contravention of section 22A)

(1) After section 36A(2), insert:

35

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory dis-

qualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*).

(2) After section 36A(3), insert:

(3A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*).

5

(3) In section 36A(4), after “and section 35(2)”, insert “, **(2A)**”.

(4) Replace section 36A(6) with:

(6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

10

6E Section 38 amended (Contravention of section 8 causing injury or death)

(1) After section 38(2), insert:

(2A) If an offence against subsection (1) or (1A) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*).

15

(2) Replace section 38(3) with:

(3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

20

6F Section 39 amended (Aggravated careless use of vehicle causing injury or death)

(1) After section 39(2), insert:

25

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*).

(2) Replace section 39(3) with:

30

(3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

7 Section 55A amended (Offences concerning alcohol interlock devices)

(1) In section 55A(1), replace “order made by a court under section 65A(2)” with “alcohol interlock sentence”.

35

(2) In section 55A(2), and (3), replace “order made under section 65A(2)” with “alcohol interlock sentence”.

8 Section 56 amended (Contravention of specified breath or blood-alcohol limit)

(1) After section 56(3), insert:

(3A) The mandatory disqualification in subsection (3)(b) does not apply if—

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

5

(2) Replace section 56(4A) with:

(4A) The mandatory disqualification in subsection (4)(b) does not apply if—

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

10

(3) Replace section 56(6) with:

(6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

9 Section 57 amended (Contravention of specified breath or blood-alcohol limit by person younger than 20)

15

Replace section 57(4) with:

(4) The mandatory disqualification in subsection (3)(b) does not apply if—

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

20

(5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

10 Section 57AA amended (Contravention of specified breath or blood alcohol limit by holder of alcohol interlock licence or zero alcohol licence)

25

(1) After section 57AA(3), insert:

(3A) The mandatory disqualification in subsection (3)(b) does not apply if—

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

(2) Replace section 57AA(7) with:

30

(7) The mandatory disqualification in subsection (6)(b) does not apply if—

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

(8) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

35

11 Section 57A amended (Driving while impaired and with blood that contains evidence of use of qualifying drug)

(1AA) After section 57A(2), insert:

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) does not apply and **section 65AH(3)(b)** applies. 5

(1AB) After section 57A(3), insert:

(3A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and **section 65AH(3)(b)** applies. 10

(1) Replace section 57A(6) with:

(6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 15

12 Section 58 amended (Contravention of section 12)

(1) After section 58(2), insert:

(2A) The mandatory disqualification in subsection (2)(b) does not apply to an offence against subsection (1)(a) that is a qualifying offence if— 20

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

(2B) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and **section 65AH(3)(b)** applies. 25

(2) Replace section 58(3A) with:

(3A) The mandatory disqualification in subsection (3)(b) does not apply to an offence against subsection (1)(a) that is a qualifying offence if— 30

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

(3B) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and **section 65AH(3)(b)** applies. 35

(3) Replace section 58(5) with:

(5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

13 Section 60 amended (Failure or refusal to permit blood specimen to be taken or to undergo compulsory impairment test)

(1) After section 60(2), insert:

(2A) The mandatory disqualification in subsection (2)(b) does not apply if—

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

5

(2) Replace section 60(3A) with:

(3A) The mandatory disqualification in subsection (3)(b) does not apply if—

(a) an order is made under section 65; or

(b) an alcohol interlock sentence is ordered under **section 65AC(1)**.

10

(3) Replace section 60(5) with:

(5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

14 Section 61 amended (Person in charge of motor vehicle causing injury or death)

15

(1) After section 61(3B), insert:

(3BA) If an alcohol interlock sentence is ordered under **section 65AC(1)** for an offence ~~described in against~~ subsection (1) or (2)(a) that is a qualifying offence, ~~then the mandatory disqualification referred to in subsection (3)(b), (3AA)(b), or (3A) (whichever applies) is the period of disqualification under that alcohol interlock sentence for the purposes of~~ **section 65AE(d)** (*see section 65AD*).

20

(3BB) If an offence against subsection (2) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b), (3AA)(b), or (3A) (whichever applies) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*).

25

(2) Replace section 61(4) with:

(4) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).

30

15 Section 62 amended (Causing injury or death in circumstances to which section 61 does not apply)

Replace section 62(3) with:

(3) Subsection (2)(b) does not apply if an order is made under section 65.

35

(4) If an alcohol interlock sentence is ordered under **section 65AC(1)** for an offence described in subsection (1)(a) that is a qualifying offence, ~~then the mandatory disqualification referred to in subsection (2)(b) is the period of disquali-~~

- fication under that alcohol interlock sentence for the purposes of **section 65AE(d)** (*see section 65AD*).
- (4A) If an offence against subsection (1) or (1B) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 5
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 16 Section 63 amended (Further penalty in certain cases where person driving vehicle used in transport service)** 10
- In section 63(3), replace “(which relates to community-based sentences)” with “(which allows a court to substitute disqualification with a community-based sentence)”.
- 17 Cross-heading above section 65 replaced** 15
- Replace the cross-heading above section 65 with:
- Mandatory disqualification and assessment for repeat offences*
- 18 Section 65 amended (Mandatory penalties for repeat offences involving use of alcohol or drugs)**
- (1) Replace the heading to section 65 with “**Mandatory disqualification and assessment for repeat offences**”. 20
- (2) After section 65(3), insert:
- (3A) The mandatory disqualification referred to in subsection (2) is replaced by any alcohol interlock sentence ordered under **section 65AC(1)** (whether or not the alcohol interlock sentence is ordered at the same time as, or after, the order made under subsection (2)). 25
- (3) After section 65(4), insert:
- (4A) The mandatory disqualification referred to in subsection (4) is replaced by any alcohol interlock sentence ordered under **section 65AC(1)** (whether or not the alcohol interlock sentence is ordered at the same time as, or after, the order made under subsection (4)). 30
- 19 Section 65A replaced (Alcohol interlock requirements for repeat offences or certain first time offences involving use of alcohol)**
- Replace section 65A with:

Mandatory alcohol interlock sentence for repeat offences and certain first offences

65AB Qualifying offences

- (1) **Section 65AC** applies if a court convicts a person of an offence ~~involving the use of~~ in relation to alcohol against any of sections 56(1), 56(2), 57(1), 57(2), 57AA, 58(1)(a), 60(1)(a) to (c), 61(1), 61(2)(a), and 62(1)(a) and either—
- 5
- (a) the person convicted has previously been convicted of such an offence committed within 5 years of the date of the commission of the offence being dealt with by the court (whether or not section 65(2) or (4) also applies); or
- 10
- (b) the offence for which the person is convicted involves either or both of the following:
- 15
- (i) the proportion of alcohol in the person's breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, is or exceeds 800 micrograms of alcohol per litre of breath:
- 15
- (ii) the proportion of alcohol in the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, is or exceeds 160 milligrams of alcohol per 100 millilitres of blood.
- 20
- (2) However, **section 65AI** applies instead of **section 65AC** if a person described in **subsection (1)**—
- 25
- (a) has a medical condition (as certified by an appropriately qualified ~~medical~~ health practitioner) that renders him or her incapable of providing a valid breath sample to activate an alcohol interlock device; or
- 25
- (b) ~~usually lives at a place that will not be serviced by an approved provider and is—~~
- (i) ~~more than 30 km from the nearest alcohol interlock service centre; or~~
- (ii) ~~on an island without an alcohol interlock service centre; or~~
- 30
- (b) usually lives in a non-serviced area and is not prepared to drive to a serviced area for an initial installation and any necessary service; or
- (c) has never held a New Zealand licence; or
- (d) holds a licence that has been revoked or is suspended (except one that is suspended under section 90, 95, or 95A); or
- 35
- (e) is not likely, during the term of any alcohol interlock sentence that would otherwise apply, to—
- (i) have lawful possession of a motor vehicle to the extent of being able to use it and fit it with an alcohol interlock device; or

- (ii) have the type of possession described in **subparagraph (i)** of a motor vehicle that is technically able to be fitted with an alcohol interlock device.

65AC Alcohol interlock sentence

- (1) If this section applies, the court must order an alcohol interlock sentence. 5
- (2) An alcohol interlock sentence—
 - (a) disqualifies the person from holding or obtaining a driver licence for the period required by **section 65AE**; and
 - (b) authorises the person to apply for an alcohol interlock licence at the end of that period; and 10
 - (c) disqualifies the person from holding or obtaining any licence except an alcohol interlock licence; and
 - (d) authorises the person, after complying with the alcohol interlock licence requirements, to apply to replace the alcohol interlock licence with a zero alcohol licence. 15
- (3) **Subsection (1)** applies unless for special reasons relating to the qualifying offence the court thinks fit to order otherwise and, if so,—
 - (a) section 94 may apply (and a reference to disqualification in section 94 must be treated as if it referred to an alcohol interlock sentence); but
 - (b) an alcohol interlock sentence may not otherwise be substituted by a community-based sentence. 20

65AD Injury or death

If a qualifying offence resulted in injury or death, the court must disqualify the person from holding or obtaining a driver licence for the period of disqualification that is appropriate under ~~section 61(3)(b), (3AA)(b), or (3A) or 62(2)(b)~~ the provision relating to the qualifying offence. 25

65AE Period of disqualification

The period of disqualification for an alcohol interlock sentence is the greatest of the following periods:

- (a) 28 days; and 30
- (b) any period when the person's licence is expired or suspended under section 90, 95, or 95A; and
- (c) any period when the person is in prison (because of the qualifying offence or otherwise); and
- (d) any period when the person is disqualified from holding or obtaining a driver licence, ~~whether including—~~ 35
 - (i) under **section 65AD**; or

- (ia) under **section 65AH(3)**; or
- (ii) because of an existing disqualification; ~~or (except a disqualification under section 65(2) or (4): see **section 65(3A) and (4A)**).~~
- (iii) ~~because the person, at the same time as the person is sentenced to the alcohol interlock sentence, is disqualified from holding or obtaining a driver licence for any other offence under this Act or under section 124 of the Sentencing Act 2002.~~

5

65AF Alcohol interlock sentence disqualifies person from driving except under alcohol interlock licence

A person who is subject to an alcohol interlock sentence and who does not apply for an alcohol interlock licence is disqualified from holding or obtaining a driver licence.

10

65AG Alcohol interlock licence requirements

- (1) An alcohol interlock licence replaces any licence held by a person.
- (2) An alcohol interlock licence requires a person holding it to drive only a motor vehicle or vehicles to which an alcohol interlock device is fitted.
- (3) A person may apply under **section 100A** to replace an alcohol interlock licence with a zero alcohol licence if—
 - (a) every motor vehicle the person has driven for 12 months (or more) had an alcohol interlock device fitted and operating; and
 - (b) in relation to a person who is required to attend an assessment centre under section 65 (or any other section), the person has attended and been assessed as being a fit person to hold a driver licence; and
 - (c) during the previous 6 months, the person—
 - (i) has not attempted to drive while the person's breath contained a proportion of alcohol above the level to which the device is set; and
 - (ii) has not committed a qualifying offence or an offence ~~under~~ against section 55A; and
 - (iii) has complied with any relevant regulations made under this Act.
- (4) The 6-month period referred to in **subsection (3)(c)** may be reduced to 3 months if the person has been assessed at an assessment centre (whether the attendance was voluntary or ordered by a court) as a fit person to hold a driver licence.

15

20

25

30

65AH When court may take alcohol interlock sentence into account*Fines, imprisonment, assessments, or community-based sentences*

- (1) A court must order any fine, imprisonment, assessment, or community-based sentence that is appropriate for ~~the~~ a qualifying offence or a concurrent offence regardless of the requirement to impose an alcohol interlock sentence. 5
- (2) However, the court may take into account the cost of an alcohol interlock sentence ~~when setting and may discount~~ the amount of any fine.

Disqualifications

- (3) For a concurrent offence,—

Injury or death

- (a) that resulted in injury or death, the court must disqualify the person from holding or obtaining a driver licence for the period of disqualification that is appropriate under the provision relating to the concurrent offence: 10

No injury or death

- (b) that did not result in injury or death, the court may, taking into account the alcohol interlock sentence that must be ordered for the qualifying offence under **section 65AC**, choose not to order any disqualification that might otherwise apply to the concurrent offence. 15

65AI Exceptions: persons who are not to be given alcohol interlock sentence

If this section applies because an exception described in **section 65AB(2)** applies to the person, a court must— 20

- (a) ~~order any disqualification~~ disqualify the person from holding or obtaining a driver licence for the period that is appropriate under the provision relating to the qualifying offence; and
- (b) order any fine, imprisonment, assessment, or community-based sentence that is appropriate for the qualifying offence; and 25
- (c) if a disqualification is ordered, authorise the person to apply for a zero alcohol licence at the end of the period of disqualification.

65AJ Effect of subsequent qualifying offences on alcohol interlock licence sentence

- (1) This section applies to a person with an alcohol interlock ~~licence~~ sentence who is convicted of a subsequent qualifying offence. 30
- (2) The court must replace the alcohol interlock sentence with a new alcohol interlock sentence under **section 65AC** unless—
 - (a) **section 65AC(3)** applies to the subsequent qualifying offence; or 35
 - (b) an exception described in **section 65AB(2)** now applies to the person (in which case, **section 65AI** applies).

- (3) **Sections 65AC to 65AI** apply to the new alcohol interlock sentence as if a reference to a qualifying offence in those sections were a reference to the subsequent qualifying offence.

65AK Effect of other subsequent offences on alcohol interlock licence

- (1) This section applies to a person with an existing alcohol interlock licence— 5
- (a) who is convicted of a subsequent offence ~~against this Act~~ that is not a qualifying offence; and
- (b) who is disqualified under this Act or under section 124 of the Sentencing Act 2002 from holding or obtaining a driver licence for that subsequent offence. 10
- (2) In order to continue the existing alcohol interlock ~~sentence licence~~, the court must authorise the person to apply for a new alcohol interlock licence at the end of the disqualification referred to in subsection (1)(b).
- (3) **Sections 65AG, 65AJ, and this section** continue to apply to the new alcohol interlock licence as if it were the existing previous alcohol interlock-sentence licence and the previous alcohol interlock licence had not been interrupted by the disqualification. 15
- (4) When the person applies under **section 100A(1)** in relation to ~~any~~ the new alcohol interlock licence, the Agency must accept any compliance with the requirements of **section 65AG** in relation to the person's previous alcohol interlock licence as compliance with the requirements of **section 65AG** in relation to the person's new alcohol interlock licence. 20

Mandatory zero alcohol requirements for repeat offences

- 20 Section 65B amended (Mandatory zero alcohol requirements for repeat offences involving use of alcohol)** 25
- (1) In the heading to section 65B, replace “**involving use of alcohol**” with “**and certain first offences**”.
- (2) Replace section 65B(1) and (2) with:
- (1) This section applies if a court has authorised a person to apply for a zero alcohol licence under any of the following sections: 30
- (a) **section 65AC(2)(d)**;
- (b) **section 65AI(c)**;
- (c) **section 100B(2)(b)**.
- (2) A zero alcohol licence has effect for a period of 3 years from the date the licence is issued. 35
- (3) In section 65B(3), replace “authorised under subsection (2)” with “authorised under a section referred to in **subsection (1)**”.

- (4) In section 65B(3)(b), replace “order made under section 65A(2)(b)” with “alcohol interlock sentence”.
- (5) Replace section 65B(4) with:
- (4) A person who has been authorised to apply for a zero alcohol licence and who does not apply for a zero alcohol licence is disqualified from holding or obtaining a driver licence. 5
- 21 Section 81 amended (Provisions relating to mandatory disqualification)**
- (1) Replace the heading to section 81 with “**Mandatory disqualification: court’s discretion if special reasons relating to offence**”.
- (2) In section 81(3), replace “(which relates to community-based sentences)” with “(which allows a court to substitute disqualification with a community-based sentence)”. 10
- 21A Section 86 amended (Term of disqualification if person already disqualified)**
- After section 86(1), insert: 15
- (1A) Subsection (1) does not apply if an alcohol interlock sentence is ordered under **section 65AC(1)**.
- 22 Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)**
- (1) In section 87(1)(b), replace “under section 65A(2)(b)(i)” with “under **section 65AC**”. 20
- (2) Replace section 87(1)(c) with:
- (c) an order authorising the person to apply for a zero alcohol licence under **section 65AC(2)(d), 65AI(c), or 100B(2)(b)**:
- 23 Section 94 amended (Substitution of community-based sentences)** 25
- After section 94(4)(a), insert:
- (aa) an alcohol interlock sentence has been ordered under **section 65AC(1)**; or
- 24 Section 99 amended (Court may reduce disqualification)**
- In section 99(7), after “person who is subject to”, insert “an alcohol interlock sentence or to”. 30
- 25 Section 100 amended (Agency to remove certain disqualifications)**
- After section 100(3), insert:
- (4) If the Agency decides not to remove the disqualification under subsection (1), the Agency must refer the applicant to the right of appeal under **section 108**. 35

26 Section 100A replaced (Agency to remove alcohol interlock requirements)

Replace section 100A with:

- 100A ~~Agency may replace alcohol interlock licence with zero alcohol licence~~
authorise removal of alcohol interlock device and certify that
requirements of alcohol interlock sentence have been fulfilled** 5
- (1) If satisfied that the holder of an alcohol interlock licence (the **applicant**) is a fit person to hold a driver licence and has complied with **section 65AG**, the Agency must—
- (a) authorise the removal of the alcohol interlock device from every motor vehicle or vehicle the person drives; and 10
- (b) ~~replace the applicant's alcohol interlock licence with a zero alcohol licence.~~
- (b) certify that the requirements of the alcohol interlock sentence have been fulfilled.
- (2) If the Agency acts under **subsection (1)**, every order made under **section 65AC(1)** that applies to the applicant must be treated as having expired. 15
- (3) If the Agency does not act under **subsection (1)**, the Agency must refer the applicant to the right of appeal under **section 108(1)**.
- 100B Court may cancel alcohol interlock sentence and disqualify driver instead**
- (1AA) A person may apply to a court seeking the cancellation of an alcohol interlock sentence if the person's personal circumstances have changed significantly. 20
- (1) ~~The court may cancel an alcohol interlock sentence if satisfied that the person's personal circumstances have changed significantly.~~
- (2) ~~If the court cancels an alcohol interlock sentence, The court may cancel an alcohol interlock sentence, and if it does so, the court must—~~ 25
- (a) ~~order any disqualification~~ disqualify the person from holding or obtaining a driver licence for the period that is appropriate under the provision relating to the qualifying offence that would have applied under **section 65AI** if an exception described in **section 65AB(2)** had applied to the person; and 30
- (b) authorise the person to apply for a zero alcohol licence at the end of the period of disqualification.
- (3) The court may set the length of the disqualification imposed under **subsection (2)(a)** after having regard to—
- (a) the length of time that has elapsed since the alcohol interlock sentence was imposed; and 35
- (b) the person's compliance with **section 65AG**.

100C Court may impose alcohol interlock sentence if exception no longer applies

- (1) A person may apply to a court seeking an alcohol interlock sentence if—
- (a) an exception described in **section 65AB(2)** applied to the person and therefore the person was disqualified from holding or obtaining a driver licence in accordance with **section 65AI**; but
 - (b) the exception no longer applies.
- (2) The court may cancel the person's disqualification, and if it does so, the court must impose an alcohol interlock sentence.

27 Section 103 amended (Persons who may apply to court for limited licence)

Replace section 103(2)(e) with:

- (e) a person who—
- (i) is subject to an alcohol interlock sentence under **section 65AC**; or
 - (ii) would have been subject to an alcohol interlock sentence but an exception described in **section 65AB(2)** applied:

28 Section 108 replaced (Appeal against Agency's refusal to remove disqualification)

Replace section 108 with:

108 Appeal against Agency's refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence

- (1) A person may appeal to—a the District Court against the refusal of the Agency to—
- (a) remove a disqualification under section 100; or
 - (b) replace an alcohol interlock licence with a zero alcohol licence under **section 100A**.
- (2) In determining the appeal, the court may—
- (a) direct the Agency to remove a disqualification or replace an alcohol interlock licence with a zero alcohol licence; or
 - (b) dismiss the appeal.

Subpart 2—Fare evasion

29 Section 79M replaced (Penalties for failure to pay passenger service fares)

Replace section 79M with:

79M Penalties for failure to pay service fares, etc

- (1) A person who fails to pay a passenger service fare that ~~he or she~~ the person is liable to pay commits an infringement offence.
- (2) A person commits an infringement offence if, in relation to a public transport service fare that the person is liable to pay, the person—
 - (a) fails to pay the fare; or
 - (b) fails to provide (in response to an enforcement officer's ~~request made~~ direction given in accordance with **section 128F(1)**) evidence of having paid the fare.
- (3) A person commits an offence if, in relation to a public transport service fare that the person is liable to pay, the person—
 - (a) fails to provide (in response to an enforcement officer's ~~request made~~ direction given in accordance with **section 128F(2)(a)**) the identifying particulars referred to in ~~that~~ **section 128F(2)(a)**; or
 - (b) boards, or fails or refuses to disembark, the public transport service in contravention of an enforcement officer's ~~request made~~ direction given in accordance with **section 128F(2)(b)**.
- (4) It is a defence to an offence ~~under~~ against **subsection (1) or (2)(a) or (b)** if a person ~~attempted to buy a ticket from a ticket vending machine and at that time—~~ made reasonable attempts to pay the fare and there were no available means of paying.
 - (a) ~~the ticket vending machine was not working; and~~
 - (b) ~~there was no other available means to buy a ticket.~~
- (5) The maximum penalty on conviction for an offence ~~under~~ against **subsection (1) or (2)(a) or (b)** is a fine not exceeding \$500.
- (6) The maximum penalty on conviction for an offence ~~under~~ against **subsection (3)(a) or (b)** is a fine not exceeding \$1,000.
- (7) For the purposes of this section, **public transport service** has the same meaning as in section 5 of the Land Transport Management Act 2003.

30 New section 128F inserted (Powers of enforcement officers in relation to public transport service fares)

After section 128E, insert:

128F Powers of enforcement officers in relation to public transport service fares

- (1) An enforcement officer may ~~request~~ direct a person to provide evidence that the person has paid a public transport service fare that the person is liable to pay.
- (2) If a person fails to provide evidence of payment after a ~~request is made~~ direction is given under **subsection (1)**, the enforcement officer may—

- (a) ~~request~~ direct the person to provide the person's full name, full address, telephone number, and date of birth; and
- (b) ~~request~~ direct the person not to board, or direct the person to disembark, the public transport service concerned.

31 Section 167 amended (Regulations) 5

After section 167(1)(ib), insert:

- (ie) ~~specifying the obligations of a person who is liable to pay a passenger service fare or a public transport service fare:~~

Subpart 3—Fleeing drivers

32 Section 36AB repealed (Contravention of sections 7 and 114) 10

Repeal section 36AB.

33 Section 52 amended (Contravening notices, requirements, etc, given or imposed by enforcement officers)

- (1) Repeal section 52(1)(aa), (3), (4), and (5).
- (2) In section 52(1)(c), after “dangerous goods enforcement officer”, insert “(except for any described in **section 52A**)”. 15
- (3) Replace section 52(6) with:

- (6) A person commits an offence if the person, in response to any request for information by an enforcement officer under section 118 and without reasonable excuse,— 20
 - (a) fails or refuses to provide information; or
 - (b) provides false or misleading information.

34 New section 52A inserted (Contravention of section 114)

After section 52, insert:

52A Contravention of section 114 25

- (1) A person commits an offence if the person—
 - (a) is the driver of a vehicle that fails to stop—
 - (i) as soon as practicable when signalled or requested to stop under section 114(1); or
 - (ii) when required to stop under section 114(2); or 30
 - (b) is the driver of a vehicle that is stopped and fails to remain stopped in accordance with section 114(2A) or (3)(a); or
 - (c) fails or refuses to provide information or provides false or misleading information in response to a demand for information made by an enforcement officer under section 114(3)(b). 35

- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$10,000.
- (3) If a person is convicted of a first offence against **subsection (1)(a) or (b)** and committed the offence while exceeding the applicable speed limit or operating a motor vehicle in an otherwise dangerous manner, a court must order the person to be disqualified from holding or obtaining a driver licence for 6 months. 5
- (4) If a person is convicted of a second offence against **subsection (1)**, a court must order the person to be disqualified from holding or obtaining a driver licence for 1 year.
- (5) If a person is convicted for a third or subsequent offence against **subsection (1)**,— 10
- (a) the maximum penalty is imprisonment for a term not exceeding 3 months; and
- (b) the court must order the person to be disqualified from holding or obtaining a driver licence for 2 years. 15
- (6) A disqualification ordered under **subsection (3), (4), or (5)** is cumulative on, and not concurrent with, any other disqualification that a court may order in respect of the facts that gave rise to the person's conviction for an offence described in **subsection (1)**.
- (6A) If an offence against **subsection (1)** is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then in relation to that alcohol interlock sentence— 20
- (a) **section 65AH(3)** does not apply; and
- (b) the mandatory disqualification in **subsection (3), (4), or (5)** is the period of disqualification for the purposes of **section 65AE(d)**. 25
- (7) **Subsection (6)** does not apply to offending that occurs after the facts that gave rise to the person's conviction for an offence described in **subsection (1)**.

35 Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances) 30

- (1) Replace section 96(1AB) with:

- (1AB) ~~An enforcement officer may seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer—~~
- (a) ~~believes on reasonable grounds that a person driving the vehicle has failed to stop (or remain stopped) as signalled, requested, or required under section 114; or~~ 35
- (b) ~~suspects on reasonable grounds that the owner, person in lawful possession, or hirer of the vehicle—~~

- (i) ~~knows the identity of or is the driver of the vehicle who failed to stop or remain stopped as signalled, requested, or required under section 114; and~~
- (ii) ~~has failed or refused to provide information, or has provided false or misleading information, in response to any request for information by an enforcement officer under section 118(4).~~ 5
- (1) In section 96(1AB),—
- (a) after “stop”, insert “(or remain stopped)”; and
- (b) replace “114(1) or (2)” with “114”.
- (2) Replace section 96(6)(a) with: 10
- (a) the Police have decided ~~finally that~~ not to take any of the following proceedings ~~will not be taken~~ (or if proceedings have been taken and the person is acquitted):
- (i) proceedings against a person who drove the vehicle in circumstances referred to in subsection (1): 15
- (ii) proceedings against a person who operated the vehicle in circumstances referred to in subsection (1AA) or (1A):
- (iii) ~~proceedings against in relation to a vehicle driven by a person who failed to stop (or remain stopped) in the circumstances referred to in subsection (1AB)(a),~~ proceedings against that person: 20
- (iv) ~~proceedings against a person who failed or refused to provide information, or who provided false or misleading information, in the circumstances referred to in~~ **subsection (1AB)(b)(ii)**; and
- (iv) in relation to a vehicle driven by a person who failed to stop (or remain stopped) in the circumstances referred to in subsection (1AB), proceedings against a person (if any) who has not provided the information requested under section 118(4); and 25
- (3) After section 96(6A), insert:
- (6B) A vehicle to which subsection (1AB) applies may be released to the owner if the owner— 30
- (a) was not the person driving the vehicle when the vehicle failed to stop (or remain stopped); and
- (b) has provided the information requested under section 118(4).
- 36 Section 102 amended (Appeal to Police against impoundment of vehicle)**
- (1) In section 102(1), replace “owner whose motor vehicle” with “owner or person in lawful possession of a motor vehicle whose vehicle”. 35
- (2) In section 102(1)(f),—
- (a) replace “(1AB)” with “**(1AB)(a)**”; and

- (b) replace “or 114(1) or (2)” with “or 114(1), (2), (2A), or (3)(a)”.
- (2) In section 102(1)(f), replace “or 114(1) or (2)” with “or 114”.
- (3) In section 102(1)(g),—
- (a) replace “(1AB)” with “**(1AB)(a)**”; and
- (b) replace “or 114(1) or (2)” with “or 114(1), (2), (2A), or (3)(a)”.
- (3) In section 102(1)(g), replace “or 114(1) or (2)” with “or 114”.
- (4) After section 102(1)(g), insert:
- (ga) if ~~section 96(1AB)(b)~~ applies, the owner or person in lawful possession of the vehicle did not know, and could not reasonably be expected to know, the identity of the driver; or
- (ga) if section 96(1AB) applies, the owner—
- (i) was not the person driving the vehicle when the vehicle failed to stop (or remain stopped); and
- (ii) either—
- (A) did not know, and could not reasonably have been expected to know, the identity of the driver; or
- (B) has otherwise provided the information requested under section 118(4); or
- 37 Section 118 amended (Owner or hirer or licence holder to give information as to identity of driver or passenger)**
- (1) Replace the heading to section 118 with “**Requirement to give information as to identity of driver or passenger**”.
- (2) In section 118(1), (2), and (3), after “owner”, insert “~~, person in lawful possession,~~”.
- (3) In section 118(4),—
- (a) replace “vehicle has been used to flee a Police pursuit” with “vehicle failed to stop or remain stopped in contravention of section 114”; and
- (b) after “owner”, insert “~~, person in lawful possession, or hirer~~” in each place.
- (4) In section 118(5), after “owner”, insert “~~, person in lawful possession, or hirer~~”.
- 38 Section 123 amended (Enforcement officer may seize and impound vehicle for up to 7 days where serious accident or hit and run offence or for failure to stop)**
- (1) In the heading to section 123, replace “**where serious accident or hit and run offence or for failure to stop**” with “**in relation to certain offences**”.
- (2) Replace section 123(1)(b) with:

- (b) a driver has failed to stop (or remain stopped) as signalled, requested, or required under section 114.

Subpart 4—Heavy vehicles

39 Section 2 amended (Interpretation)

- (1) In section 2(1), definition of **goods service**, paragraphs (a) and (b), replace “gross laden weight” with “gross vehicle mass”. 5
- (2) In section 2(1), repeal the definition of **gross laden weight**.
- (3) In section 2(1), insert in its appropriate alphabetical order:

gross vehicle mass means the maximum safe operating mass for a vehicle (including the mass of any accessories, crew, passengers, or load) that is derived from the design, capabilities, and capacities of the vehicle’s construction, systems, and components, and that— 10

- (a) is determined by—

- (i) the Agency; or
- (ii) the manufacturer of the vehicle; or 15
- (iii) if the vehicle is modified after manufacture, a certifier approved by the Agency; and

- (b) may be recorded in kilograms on the register of motor vehicles—~~as a weight in kilograms~~

- (4) In section 2(1), definition of **heavy motor vehicle**, replace “gross laden weight” with “gross vehicle mass”. 20
- (5) In section 2(1), definition of **infringement offence**, paragraph (b), after “overloading”, insert “or over-dimension”.
- (6) In section 2(1), definition of **light rental service vehicle**, replace “gross laden weight” with “gross vehicle mass”. 25
- (7) In section 2(1), insert in its appropriate alphabetical order:

over-dimension offence means an offence against any enactment that is specified as an over-dimension offence by the regulations

- (8) In section 2(1), definition of **rental service**, paragraph (b), replace “gross laden weight” with “gross vehicle mass”. 30

40 Section 6 amended (Vehicles to be safe and operated in compliance with rules)

After section 6(4), insert:

- (5) A certificate of loading must be displayed on the vehicle to which it applies if required by the rules. 35

41 Section 16 replaced (Heavy motor vehicles not to be overloaded)

Replace section 16 with:

16 Heavy motor vehicles not to be overloaded or in breach of dimension requirements

- (1) ~~A person operating a heavy motor vehicle or combination of vehicles must not operate the vehicle or combination of vehicles in breach of the prescribed maximum gross mass limits for motor vehicles or prescribed maximum axle limits for axles or groups of axles of motor vehicles.~~ 5
- (1) A person operating a heavy motor vehicle or combination of vehicles must not operate the vehicle or combination of vehicles in breach of any of the following: 10
- (a) the prescribed maximum mass limits for axles:
 - (b) the prescribed maximum mass limits for axle sets:
 - (c) the prescribed maximum mass limits for groups of axles:
 - (d) the prescribed maximum gross mass limits for motor vehicles. 15
- (2) A person must not operate a heavy motor vehicle or combination of vehicles if the vehicle or combination of vehicles exceeds the gross vehicle mass for that vehicle or vehicles.
- (3) A person must not operate a heavy motor vehicle or combination of vehicles if the vehicle or combination of vehicles breaches prescribed requirements in relation to dimensions. 20

42 Section 16A replaced (Restriction of heavy traffic on roads)

Replace section 16A with:

16A Temporary restriction of heavy traffic on roads

- (1) This section applies if a road controlling authority decides on reasonable grounds that there is an urgent risk of either or both of the following: 25
- (a) damage to a road:
 - (b) danger to the safety of road users.
- (2) The road controlling authority may, for a specified period of no more than 6 months, by a road closure sign, direct that any heavy traffic, or any specified kind of heavy traffic, may not proceed between any 2 places by way of any specified road or roads. 30
- (3) A sign referred to in **subsection (2)** must be displayed in at least 1 prominent position on every road to which the sign applies.
- (4) A person commits an offence, and is liable on conviction to a fine not exceeding \$1,000, if the person contravenes the requirements of any sign described in **subsection (2)** unless the person proves that there was no other way reasonably available for the traffic concerned to proceed. 35

43 Section 300 amended (Term of transport service licence)

In section 300(4)(a), replace “Armed Forces” with “New Zealand Defence Force”.

44 Section 43 replaced (Overloading offences)

Replace section 43 with:

5

43 Overloading and over-dimension offences

~~(1) A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles breaches the applicable prescribed maximum gross mass limits for motor vehicles or prescribed maximum mass limits for axles or groups of axles of motor vehicles.~~

10

(1) A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles breaches any of the following:

(a) the prescribed maximum mass limits for axles:

(b) the prescribed maximum mass limits for axle sets:

15

(c) the prescribed maximum mass limits for groups of axles:

(d) the prescribed maximum gross mass limits for motor vehicles.

(2) Separate offences are committed in respect of every axle, ~~every axle set~~, group of axles, and the total number of axles of a heavy motor vehicle or combination of vehicles if the mass on that axle or those axles exceeds the relevant prescribed maximum gross mass limit or prescribed maximum mass limit.

20

(3) A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles breaches the prescribed requirements in relation to dimensions.

(4) A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles exceeds the gross vehicle mass for that vehicle or vehicles.

25

(5) If a person commits an infringement offence against this section, the person must pay the penalty prescribed by the regulations.

45 Section 113A amended (Power to inspect records)

30

In section 113A(1), after “(but not limited to)”, insert “records kept under section 65 of the Road User Charges Act 2012,”.

46 Section 125 amended (Stopping, inspection, and weighing of heavy vehicles and certain transport service vehicles)

(1) Replace section 125(3)(b) with:

35

(b) more than 10 km, if the site where the vehicle has been brought to a stop is unsuitable for weighing the vehicle because—

- (i) doing so may pose a safety risk to other road users or to the enforcement officer; or
 - (ii) the site is not level enough for accurate weighing.
- (2) In section 125(4) replace “by a sign displaying the words “ALL TRUCKS STOP”” with “by a sign specifying that that particular vehicle or vehicles of that vehicle’s class must stop”. 5

47 Section 126 amended (Off-loading of overweight vehicle)

(1AA) In the heading to section 126, replace “**overweight**” with “**overloaded**”.

- (1) In section 126, replace “weight” with “mass” in each place.
- (2) In section 126(1)(b), replace “exceeds by 10% or more” with “exceeds by at least 10% or by 2 000 kg (whichever is the lesser)”. 10
- (3) In section 126(4)(b), replace “exceeds by 10% or more” with “exceeds by at least 10% or by 2 000 kg (whichever is the lesser)”. 10

48 Section 147 amended (Evidence of accuracy of weighing devices and sites)

- (1) Repeal section 147(3). 15
- (2) After section 147(7), insert:
- (8) In this section, **site** does not include weigh-in-motion technology.

49 New section 147A inserted (Certification of accuracy of alternative weighing technology)

After section 147, insert: 20

147A Certification of accuracy of alternative weighing technology

- (1) Alternative weighing technology may be certified as having been tested and found to be accurate if, on a specified date, it was tested and found to be accurate by—
 - (a) an Inspector of Weights and Measures; or 25
 - (b) an accredited person (within the meaning of the Weights and Measures Act 1987); or
 - (c) an employee of a laboratory for the time being approved for the purpose by the Science Minister by notice in the *Gazette*; or
 - (d) any other person who is approved for the purpose by the Minister by notice in the *Gazette*. 30
- (2) A certificate issued under **subsection (1)** sufficiently identifies the alternative weighing technology to which it refers if it contains the serial number of the technology or if it refers to the location of the technology.
- (3) For the purposes of this section, **alternative weighing technology** means technology that— 35

- (a) is capable of measuring the mass of a vehicle or the mass on each axle of a vehicle; and
- (b) is not described in section 147(4).
- (4) If alternative weighing technology has been certified under **subsection (1)** on a date not more than 12 months earlier than the date of the use of the technology, the technology— 5
- (a) may be used to assess whether to investigate a possible offence against this Act or an offence against the Road User Charges Act 2012 (or any regulations made under those Acts); or
- (b) may be used to assess whether such an offence has been committed. 10
- 50 Section 152 amended (Power of Minister to make ordinary rules)**
After section 152(b), insert:
- (ba) providing for the appropriate management of infrastructure:
- 51 Section 164 amended (Matters to have regard to when making or recommending rules)** 15
After section 164(2)(d), insert:
- (da) the appropriate management of infrastructure, including (but not limited to)—
- (i) the impact of vehicles on infrastructure; and
- (ii) whether the costs of the use of the infrastructure are greater than the economic value generated by its use: 20
- 52 Section 166 amended (Agency may grant exemptions)**
After section 166(2), insert:
- (2A) In addition to the factors that must be considered under subsection (2), if the exemption relates to a heavy vehicle, the Agency must have regard to the potential impact on infrastructure (including, for example, potential damage to infrastructure such as roads and the cost of repairing the infrastructure). 25
- 53 New section 166A inserted (Agency may grant exemptions to New Zealand Defence Force)**
After section 166, insert: 30
- 166A Agency may grant exemptions to New Zealand Defence Force**
- (1) The Agency may, if the Agency considers it appropriate and upon such conditions as the Agency considers appropriate, exempt the New Zealand Defence Force from a specified requirement in a rule made under this Part in relation to a vehicle or a group of vehicles or a type of vehicle belonging to the Defence Force. 35

- (2) ~~Section 166(2) to (4) applies to an exemption made under this section in the same way as section 166(2) to (4) applies to an exemption made under section 166(1).~~

54 Section 167 amended (Regulations)

- (1) In section 167(1)(e)(iv),— 5
- (a) after “overloading”, insert “or over-dimension”; and
- (b) replace “\$10,000” with “\$15,000”.
- (2) In section 167(1)(f), after “overloading”, insert “or over-dimension”.

Subpart 5—Small passenger services

55 Section 2 amended (Interpretation) 10

- (1) In section 2(1), repeal the definition of **approved taxi organisation**.
- (2) In section 2(1), definition of **control**,—
- (a) delete “or a proposed or approved taxi organisation”; and
- (b) delete “or taxi organisation” in each place; and
- (c) delete “or organisation”. 15
- (3) In section 2(1), definition of **passenger service**, after paragraph (b)(ii), insert:
- (ia) after a connection between a passenger and a small passenger service facilitated by a facilitator; or
- (4) In section 2(1), repeal the definitions of **passenger service licence**, **taxi**, and **taxi service**. 20
- (5) In section 2(1), replace the definition of **transport service licence** with:
- transport service licence** means any of the following licences granted or deemed to be granted under subpart 3 of Part 4A:
- (a) a goods service licence:
- (b) a large passenger service licence: 25
- (c) a rental service licence:
- (d) a small passenger service licence:
- (e) a vehicle recovery service licence
- (6) In section 2(1), replace the definition of **transport service operator** with:
- transport service operator**— 30
- (a) means a person who carries on a transport service; and
- (b) includes, in relation to a small passenger service, a facilitator; but
- (c) does not include any other person who is a driver in the transport service or who otherwise assists in the transport service
- (7) In section 2(1), insert in their appropriate alphabetical order: 35

facilitate, in relation to a small passenger service,—

- (a) means to enable drivers and passengers to connect by electronic or any other means (for example, by telephone, Internet site, application, or software); but
- (b) does not include the mere provision of an answering or call centre service

5

facilitated cost-sharing arrangement means a small passenger service that is facilitated by a facilitator (whether or not the facilitator is paid) under which a passenger is carried in return for the driver's costs being reimbursed, which costs—

10

- (a) may include actual costs up to a maximum amount per kilometre set by the Minister by notice in the *Gazette* (for example, the costs of fuel and reasonable vehicle wear and tear); but
- (b) may not include—
 - (i) payment for the driver's driving or travelling time; or
 - (ii) any infringement fee incurred in the course of the journey; or
 - (iii) registration and licensing costs for the driver or the driver's vehicle

15

facilitator means a person who facilitates a small passenger service

large passenger service means a passenger service provided in a large passenger service vehicle

20

large passenger service licence means a licence granted or deemed to be granted under subpart 3 of Part 4A that authorises its holder to carry on a large passenger service

small passenger service means a passenger service provided in—

25

- (a) a small passenger service vehicle; or
- (b) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is provided by one of the passengers being carried; or
- (c) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is being used in a facilitated cost-sharing arrangement

30

small passenger service licence means a licence granted or deemed to be granted under subpart 3 of Part 4A that authorises its holder to carry on or facilitate a small passenger service

small passenger service operator—

- (a) means a person who carries on a small passenger service; and
- (b) includes a facilitator; but
- (c) does not include any other person who is a driver in the small passenger service or who otherwise assists in the small passenger service

35

- 56 Section 22AB amended (Road controlling authorities may make certain bylaws)**
In section 22AB(1)(r), delete “, taxis,”.
- 57 Section 30A amended (Requirements for vehicles)**
- (1) In section 30A(1)(a) and (b), delete “connection with”. 5
 - (2) In section 30A(2), replace “vehicle that is used in the service” with “transport service vehicle used in the service”.
 - (3) After section 30A(2), insert:
 - (2A) The driver of a small passenger service vehicle must, whenever required to do so by the Agency, present the vehicle for inspection. 10
 - (4) ~~Replace~~ After section 30A(4) ~~with~~, insert:
 - (45) Nothing in subsection (1), ~~or~~ (3), ~~or~~ (4) applies to a vehicle used in a small passenger service.
 - (56) Nothing in this section applies to— 15
 - (a) the facilitator of a facilitated cost-sharing arrangement; or
 - (b) a vehicle used in a facilitated cost-sharing arrangement; or
 - (c) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried.
- 58 Section 30B repealed (Provision of identification information in Braille)**
Repeal section 30B. 20
- 59 Section 30D amended (Additional criteria for small passenger service vehicles and vehicle recovery service)**
- (1) In the heading to section 30D, delete “vehicles”.
 - (2) In section 30D, replace “passenger service involving the use of small passenger service vehicles” with “small passenger service”. 25
- 60 Section 30E amended (Additional criteria for large passenger service vehicles)**
- (1) In the heading to section 30E, delete “vehicles”.
 - (2) In section 30E, replace “passenger service involving the use of large passenger service vehicles” with “large passenger service”. 30
- 61 Section 30J replaced (Transport service operators may not carry on certain transport services unless licensed to do so)**
Replace section 30J with:

30J Transport service operators must be licensed

A transport service operator may not carry on (or, in relation to a small passenger service operator, facilitate) any of the following transport services unless licensed to do so:

- (a) a goods service:
- (b) a large passenger service:
- (c) a rental service:
- (d) a small passenger service:
- (e) a vehicle recovery service.

5

62 Section 30L amended (Grant of licence)

10

(1) Replace section 30L(1) with:

(1) After considering an application for a transport service licence, the Agency may grant the licence only if the Agency is satisfied that—

- (a) the applicant is a fit and proper person to hold a transport service licence; and
- (b) any person who is to have, or is likely to have, control of the transport service is a fit and proper person to have such control; and
- (c) the applicant or any person who is to have control of the transport service is the holder of the appropriate certificate (if any) required by the regulations or the rules; and
- (d) ~~except in relation to a small passenger service licensee, all relevant requirements of this Act, the regulations, and the rules have been complied with.~~

15

20

(1A) The Agency may grant a small passenger service licence only if the Agency is satisfied that a person who is to have control of the small passenger service in New Zealand lives in New Zealand.

25

(2) In section 30L(2), replace “operate, control, or have an involvement in, a transport service” with “control a transport service”.

63 Section 30M amended (Conditions of transport service licences)

In the heading to section 30M, replace “**transport service licences**” with “**goods service licence**”.

30

64 Sections 30P to 30R replaced

Replace sections 30P to 30R with:

30P Driver must have or drive under transport service licence

A transport service driver must, when using a vehicle in a transport service,—

35

- (a) have the relevant transport service licence; or

(b) drive on behalf of the holder of the relevant transport service licence; or (c) have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence.	
30Q Records to be kept by facilitator of facilitated cost-sharing arrangement	
(1) A facilitator of a facilitated cost-sharing arrangement must keep— (a) all records of payments to the driver; and (b) all records of payments made by passengers to the facilitator; and (c) a record of the distance travelled on each trip.	5
(2) The person who keeps the records required under subsection (1) must— (a) keep each record for 12 months from the date it is made; and (b) make all records referred to in subsection (1) in the possession or control of that person available for immediate inspection on demand at any reasonable time by the Agency.	10
(3) A person employed by the Agency to whom records are made available for inspection under subsection (2)(b) is entitled to make copies of those records.	15
65 Section 30S amended (When Agency may revoke transport service licence)	
(1) Replace section 30S(1)(b) with: (b) any person who has control of the transport service is not a fit and proper person to have control of the service; or (c) any driver is not a fit and proper person.	20
(2) After section 30S(1), insert:	
(1A) Subsection (1)(c) does not apply in relation to drivers who are facilitated to connect with passengers under a facilitated cost-sharing arrangement.	
66 Section 30T amended (Procedure Agency must follow before revoking transport service licence)	25
In section 30T, replace “this section” with “section 30S”.	
67 Section 30U amended (Suspension of transport service licence)	
Replace section 30U(1) and (2) with:	
(1) The Agency may suspend a licence if— (a) the holder of a transport service licence, or any person who has control of the service, does not hold a certificate required by the regulations or the rules; or	30
(b) the holder of a small passenger service licence, or any person who has control of the service, does not comply with the applicable requirements in this Part, Part 4B, the regulations, or the rules; or	35

- (c) in relation to a small passenger service licence, no person with control of the service in New Zealand lives in New Zealand.
- (2) A suspension ceases immediately when the Agency ~~receives notice~~ is satisfied that **subsection (1)(a), (b), or (c)** no longer applies.

68 Section 30V amended (Interpretation)

5

- (1) In section 30V, replace the definition of **adverse decision** with:

adverse decision means any decision of the Agency—

- (a) that a person is not a fit and proper person under subpart 2; or
- (b) to refuse to grant a transport service licence under section 30L; or
- (c) to grant a licence on conditions under section 30M; or
- (d) to revoke a transport service licence under section 30S; or
- (e) to suspend a transport service licence under section 30U; or
- (f) to disqualify—
 - (i) a transport service driver under section 87A; or
 - (ii) a transport service licence holder or person in control of a transport service under section 87B

10

15

- (2) In section 30V, definition of **affected licence holder**, delete “or is or will be involved”.

69 Section 30Z replaced (Application of Part)

Replace section 30Z with:

20

30Z Application of Part

Nothing in this Part applies in relation to—

- (a) a facilitated cost-sharing arrangement; or
- (b) any rail service vehicle.

70 Section 30ZD amended (Records must be kept)

25

- (1) Replace section 30ZD(1) with:

(1AA) **Subsection (1)** applies to—

- (a) a person who employs a person to drive a vehicle referred to in section 30ZB; and
- (b) a self-employed driver who drives a vehicle referred to in section 30ZB; and
- (c) a facilitator who facilitates a driver who drives a vehicle referred to in section 30ZB to connect with passengers.

30

- (1) A person to whom this section applies must keep all—

(a)	time records, records of payments to the driver, and employment or contractual records relating to the driver; and	
(b)	accommodation records and receipts for the driver that are relevant to the driver's transport service or transport service vehicle; and	
(c)	fuel records and receipts for the relevant transport service vehicles.	5
(2)	Replace section 30ZD(2)(b) with:	
(b)	make all relevant records referred to in subsection (1) in the possession or control of that person available for immediate inspection on demand at any reasonable time by an enforcement officer.	
71	Section 30ZH amended (Duties regarding logbooks)	10
(1)	In section 30ZH(1)(b),—	
(a)	after “an employee”, insert “, or who is driving on behalf of a transport service operator, or who is facilitated to connect with passengers by a small passenger service operator,”; and	
(b)	after “driver's employer”, insert “or transport service operator”; and	15
(c)	after “the employer”, insert “or transport service operator”.	
(2)	In section 30ZH(4), replace “wage records, and other related employment records” with “records of payments to the driver, and employment or contractual records relating to the driver”.	
72	Section 79A amended (Offence to carry on transport service without licence)	20
(1)	Replace section 79A(1) with:	
(1)	A person commits an offence if the person carries on (or, in relation to a small passenger service operator, facilitates) any transport service without the appropriate current licence.	25
(2)	In section 79A(3), replace “vehicle” with “transport service vehicle”.	
73	New section 79AB inserted (Offence to drive vehicle used in transport service without licence)	
	After section 79A, insert:	
79AB	Offence to drive vehicle used in transport service without licence	30
(1)	A transport service driver commits an offence if the driver uses a vehicle in a transport service and there is no relevant transport service licence held by any of the following:	
(a)	the driver:	
(b)	a transport service operator on whose behalf the driver is driving:	35
(c)	a facilitator who facilitated the driver to connect with passengers of the service.	

- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$10,000.

74 Section 79C amended (Failure to present vehicle for inspection)

Replace section 79C(1) with:

- (1) A transport service licence holder commits an offence if the holder fails to present a transport service vehicle used in the service for inspection when required to do so by the Agency. 5
- (1A) A driver of a small passenger service vehicle commits an offence if the driver fails to present the vehicle for inspection when required to do so by the Agency. 10

74A Section 79E amended (Liability of persons who use unlicensed transport service)

After section 79E(1), insert:

- (1A) Subsection (1) does not apply to an enforcement officer acting in the performance or intended performance of the officer's official duties as an employee or agent of the Agency. 15

75 Section 79H amended (Contravention of section 128A)

In section 79H(1), replace “a passenger service licence” with “a small passenger service licence”.

75A New section 79HA inserted (Failure to keep or produce records) 20

After section 79H, insert:

79HA Failure to keep or produce records

- (1) A person commits an offence if the person fails or refuses to comply with any of the requirements of **section 30Q**.
- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$100,000. 25

76 Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)

In section 87B, delete “or involved in”.

77 Section 128A amended (Enforcement officer's powers in respect of non-complying small passenger service vehicles) 30

In section 128A, delete “section 30B or”.

78 Section 158 amended (Rules concerning licensing, standard-setting, etc)

- (1) In section 158(b)(vi)(C), replace “the fixing and advertising of fares” with “requirements relating to fares”. 35

- (2) In section 158(b)(vii), delete “and approved taxi organisations”.
- (3) In section 158(b)(viii), delete “and approved taxi organisations”.
- (4) In section 158(b)(viii), delete “area knowledge certificates or”.
- (5) In section 158(b)(ix), delete “area knowledge certificates or”.
- (6) Repeal section 158(b)(xi). 5

79 Section 199A amended (Register of transport service licences)

- (1) Repeal section 199A(3).
- (2) Replace section 199A(4)(b) with:
 - (b) is, without the consent of the holder of the transport service licence named in the application, entitled only to the information stored in the register in respect of the licence holder that is specified in subsection (2)(a) and (g) to (l). 10

Subpart 6—Miscellaneous amendments

80 Section 2 amended (Interpretation)

- (1AA) In section 2(1), definition of **assessment centre**, after “establishment”, insert “or individual”. 15
- (1) In section 2(1), replace the definition of **moped** with:
 - moped** means a motor vehicle (other than a power-assisted pedal cycle) that has—
 - (a) 2 or 3 wheels; and 20
 - (b) a maximum speed not exceeding 50 kilometres per hour; and
 - (c) either—
 - (i) an engine cylinder capacity not exceeding 50 cc; or
 - (ii) a power source other than a piston engine
- (2) In section 2(1), definition of **moving vehicle offence**, paragraph (b), after “traffic signal”, insert “or a traffic sign that is a variable traffic or lane control sign”. 25
- (3) In section 2(1), repeal the second definition of **parking warden**.

81 Section 22AB amended (Road controlling authorities may make certain bylaws)

- In section 22AB(1)(b), replace “\$500” with “\$1,000”. 30

82 Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)

- (1) After section 90(1), insert:

- (1A) An enforcement officer may also give a notice described in subsection (1) in the circumstances described in that subsection (whether or not the person has received a notice from the Agency).
- (2) ~~In section 90(2), replace “served” with “served, including at the roadside,”.~~
- (2) In section 90(2),— 5
- (a) after “subsection (1)”, insert “or (1A)”; and
- (b) replace “served” with “served, including at the roadside,”.
- (2A) In section 90(3), after “subsection (1)”, insert “or (1A)”.
- (3) In section 90(3) and (5), delete “or, if longer than 3 months, the period calculated under section 90A”. 10
- 83 Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)**
- (1) In section 95(2)(b), replace “his or her driver licence is suspended for 28 days” with “~~he or she~~ the person is suspended from holding or obtaining a driver licence for 28 days”. 15
- (2) In section 95(2)(c), replace “his or her driver licence” with “any driver licence ~~he or she~~ that the person has”.
- 84 Section 119 amended (Powers of entry)**
- ~~In section 119(5), replace “Judge” with “issuing officer”.~~
- 85 Section 121 amended (Enforcement officer may immobilise vehicle, etc, in specified circumstances)** 20
- Replace section 121(1)(a)(i) with:
- (i) a person who is for the time being in charge of a motor vehicle,—
- (A) because of his or her physical or mental condition (however arising), is incapable of having proper control of the vehicle; or 25
- (B) has not completed a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained to give the test, when required to do so by an enforcement officer under section 71A; or 30
- (C) has failed or refused to undergo a compulsory impairment test when required to do so under section 71A; or
- 86 Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules)**
- After section 129(2), insert: 35
- (2A) An enforcement officer or a dangerous goods enforcement officer may give such reasonable directions as are necessary in relation to the loading or unload-

- ing of the vehicle or the packing or unpacking of any thing to ensure compliance with the rules or otherwise to ensure safety in relation to the transportation of dangerous goods.
- (2B) Every enforcement officer or dangerous goods enforcement officer exercising any of the powers conferred under this section must, at the time of exercising that power, and thereafter on request, produce— 5
- (a) evidence of that person’s appointment as an officer; and
 - (b) evidence of that person’s identity.
- (2C) An enforcement officer or a dangerous goods enforcement officer may, if authorised (either generally or specifically) in writing for the purpose by the Agency or the Commissioner, take a person or an animal to assist the officer with an inspection, and a person assisting the officer has the powers conferred on an officer by this section. 10
- 87 Section 132 amended (Inspection powers concerning dangerous goods)**
- In section 132, replace “section 130(5) or section” with “**section 129(2C)**, 130(5), or”. 15
- 88 Section 139 amended (Issue of infringement notice)**
- (1) After section 139(2)(b), insert:
- (ba) by delivering it, or a copy of it, personally to the person who appears to be in charge of the vehicle to which the notice relates; or 20
- (2) In section 139(2)(c), replace “him or her at his or her” with “the person who appears to have committed the infringement offence at the person’s”.
- (3) Replace section 139(3)(a) with:
- (a) is attached to a vehicle under subsection (2)(a) or personally delivered under **subsection (2)(ba)** must be treated as having been served on every person liable in respect of the alleged offence when it is attached to the vehicle or personally delivered: 25
- 89 Section 140 amended (Contents of infringement and reminder notices)**
- After section 140(1)(h), insert:
- (ha) in the case of an alleged infringement offence that is a stationary vehicle offence, an outline of the process under section 133A for transferring liability in relation to the alleged offence; and 30
- 89A New section 166A inserted (Agency may grant exemptions to New Zealand Defence Force)**
- After section 166, insert: 35

166A Agency may grant exemptions to New Zealand Defence Force

(1) The Agency may, if the Agency considers it appropriate and on the conditions the Agency considers appropriate, exempt the New Zealand Defence Force from a specified requirement in a rule made under this Part in relation to a vehicle, a group of vehicles, or a type of vehicle belonging to the Defence Force. 5

(2) Section 166(2) to (4) applies to an exemption made under this section in the same way as section 166(2) to (4) applies to an exemption made under section 166(1).

90 Section 168 amended (Regulations relating to fees and charges for land transport) 10

After section 168(4)(a), insert:

(aa) prescribe fees and charges payable, or provide for their fixing (including a means by which they may be calculated and ascertained, or a rate at which they may be calculated or ascertained): 15

(ab) provide for the imposition by the person to whom the fees are payable of reasonable charges in connection with the administration of any payment:

91 Section 242 amended (Motor vehicles must be registered and licensed)

Replace section 242(1)(b) with: 20

(b) has affixed to it and displayed in the manner prescribed by regulations made under this Part the registration plates issued for it; and

(c) has displayed in the manner prescribed by regulations made under this Part a current licence issued for it and appropriate for its use under section 244. 25

92 Section 269 amended (Regulations)

(1) Replace section 269(1)(a)(iii) with:

(iii) the manufacture, issuing, cancellation, refusal to issue, or surrender of registration plates:

(iiia) the manufacture or production (including electronic production), issuing, cancellation, refusal to issue, or surrender of licences: 30

(2) Replace section 269(1)(h) with:

(h) prescribing, or authorising the Registrar to prescribe, in relation to registration plates,—

(i) the form, colour, and material of registration plates; and 35

(ii) the size, shape, and character of the numbers, letters, messages, symbols, distinguishing marks, or slogans to be shown on registration plates; and

- (iii) the means to make registration plates easily visible; and
- (iv) the number of registration plates to be displayed and the position and manner in which they are to be displayed; and
- (v) the eligibility requirements for registration plates; and
- (vi) the duration of registration plates: 5
- (ha) prescribing, or authorising the Registrar to prescribe, in relation to licences,—
- (i) the form (including electronic form), colour, and material and design of licences; and
- (ii) the size, shape, and character of the numbers, letters, messages, symbols, distinguishing marks, or slogans to be shown on licences; and 10
- (iii) the means to make licences easily visible or electronically accessible; and
- (iv) the number of licences to be displayed and the position and manner (which may include electronic manner) in which licences are to be displayed; and 15
- (v) the eligibility requirements for licences and licence labels; and
- (vi) the duration of licences:

Part 2

20

Related and consequential amendments

Amendment to Government Roding Powers Act 1989

93 Amendment to Government Roding Powers Act 1989

- (1) This section amends the Government Roding Powers Act 1989.
- (2) In section 109(1), replace “\$500” with “\$1,000”. 25

Amendment to Land Transport (Road Safety and Other Matters) Amendment Act 2011

93A Amendment to Land Transport (Road Safety and Other Matters) Amendment Act 2011

- (1) This section amends the Land Transport (Road Safety and Other Matters) Amendment Act 2011. 30
- (2) Repeal section 53(2).

*Amendment to Road User Charges Act 2012***94 Amendment to Road User Charges Act 2012**

- (1) This section amends the Road User Charges Act 2012.
- (2) In section 88(4), before paragraph (a), insert:
 - (aaa) provide for the fixing of fees (including a means by which they may be calculated and ascertained, or a rate at which they may be calculated or ascertained): 5
 - (aab) provide for the imposition by the person to whom the fees are payable of reasonable charges in connection with the administration of any payment. 10

*Amendments to Sentencing Act 2002***95 Amendments to Sentencing Act 2002**

- (1) This section amends the Sentencing Act 2002.
- (2) In section 128(1)(b), replace “52(1)(aa), 52(1)(c) (but only in relation to failing to stop in accordance with section 114(2) or failing to give particulars in accordance with section 114(3)),” with “**52(6), 52A(1)**,”. 15
- (3) In the heading to section 129, replace “**second**” with “**subsequent**”.
- (4) In section 129(1)(a), after “39(1),”, insert “**52(6), 52A(1)**,”.
- (5) In section 129(1)(b), replace “further offence (the **second offence**)” with “subsequent offence”. 20
- (6) In section 129(2), replace “second” with “subsequent”.
- (7) In section 129(3), replace “second” with “subsequent”.

*Amendments to Heavy Motor Vehicle Regulations 1974***95A Amendments to Heavy Motor Vehicle Regulations 1974**

- (1) This section amends the Heavy Motor Vehicle Regulations 1974. 25
- (2) After the heading to regulation 11, insert:
 - (1) A person operating a heavy motor vehicle or combination of vehicles must comply with a mass limit or a speed limit fixed in accordance with this regulation (*see also* regulations 2A, 3(4), and **4(6)** of the Land Transport (Offences and Penalties) Regulations 1999). 30
- (3) In Schedule 1, form D—
 - (a) replace “weight” with “mass” in each place; and
 - (b) replace “weights” with “mass”; and
 - (c) replace “infringement fees” with “penalties and infringement fees”; and
 - (d) replace “Schedule 1” with “Schedule 1A or Part 3 of Schedule 1B”. 35

*Amendments to Land Transport (Offences and Penalties) Regulations 1999***95B Amendments to Land Transport (Offences and Penalties) Regulations 1999**

- (1) This section amends the Land Transport (Offences and Penalties) Regulations 1999. 5
- (2) In regulation 2A(a), replace “; or” with “; and”.
- (3) Replace regulation 2A(b) with:
 (b) for which a penalty is set in Schedule 1A or in Part 3 of Schedule 1B.
- (4) Replace regulation 4(6) with:
- (6) The infringement fee for a breach of section 43 of the Act, and for a breach of section 2 of Land Transport Rule: Vehicle Dimensions and Mass 2016 that is an overloading offence, is specified by the scale in the applicable table in Part 3 of Schedule 1B. 10
- (5) In Schedule 1A, table 1, replace the heading with “**Overloading individual axles (table 1)**”. 15
- (6) In Schedule 1A, table 2, replace the heading with “**Other overloading (table 2)**”.
- (7) In Schedule 1A, after clause 4, insert:
- 4A Gross vehicle mass** 20
For each vehicle, or combination of vehicles, the gross vehicle mass of which exceeds either the prescribed maximum gross mass limit or the gross vehicle mass, the appropriate overloading infringement fee shown in table 2 is payable.
- 4B Mass on bridges** 25
For each vehicle, or combination of vehicles, the gross vehicle mass or any other mass of which exceeds the gross vehicle mass or any other mass limit fixed in relation to a particular bridge by a notice under regulation 11 of the Heavy Motor Vehicle Regulations 1974, the appropriate overloading infringement fee shown in table 2 is payable.
- (8) In Schedule 1B, Part 3, table 1, replace the heading with “**Overloading individual axles (table 1)**”. 30
- (9) In Schedule 1B, Part 3, table 2, replace the heading with “**Other overloading (table 2)**”.
- (10) In Schedule 1B, Part 3, after clause 4, insert:
- 4A Gross vehicle mass** 35
For each vehicle, or combination of vehicles, the gross vehicle mass of which exceeds either the prescribed maximum gross mass limit or the gross vehicle mass, the appropriate overloading infringement fee shown in table 2 is payable.

4B Mass on bridges

For each vehicle, or combination of vehicles, the gross vehicle mass or any other mass of which exceeds the gross vehicle mass or any other mass limit fixed in relation to a particular bridge by a notice under regulation 11 of the Heavy Motor Vehicle Regulations 1974, the appropriate overloading infringement fee shown in table 2 is payable.

5

*Transitional, savings, and related provisions***96 New Schedule 1 inserted and amended**

- (1) Insert the **Schedule 1** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act.
- (2) In **Schedule 1** (as inserted by **subsection (1)**), insert in their appropriate numerical order:

10

*Alcohol interlock sentences***2 Pre-existing alcohol interlock orders, licences, and applications for alcohol interlock licences unaffected by subpart 1 of Part 1 of amendment Act**

15

Except as provided in **clauses 3 and 4, subpart 1 of Part 1 of the amendment Act** does not affect an alcohol interlock order made under section 65A(2) before that subpart came into force, and does not affect—

- (a) the existing licensed status of a person who was issued with an alcohol interlock licence before that subpart came into force; or
- (b) any application for an alcohol interlock licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force; or
- (c) the period of disqualification required by section 65A(2)(a); or
- (d) the requirement in section 65A(4) that a person who is subject to an order under section 65A(2) and who does not apply for an interlock licence is to be treated as a person with a licence of no effect.

20

25

3 Pre-existing alcohol interlock order

A person subject to an alcohol interlock order made under section 65A(2) before **subpart 1 of Part 1 of the amendment Act** came into force may apply for the order to be cancelled under **section 100B** as if the order were an alcohol interlock sentence ordered under that subpart.

30

4 Effect of subsequent offence on pre-existing alcohol interlock licence

- (1) This clause applies to a person who has an alcohol interlock licence that was issued before **subpart 1 of Part 1 of the amendment Act** came into force and who commits a subsequent offence after that subpart came into force.

35

- (2) **Sections 65AJ and 65AK** apply to the person as if the person had an alcohol interlock licence issued under **section 65AC**.
- 5 Existing zero alcohol licences and applications for zero alcohol licences unaffected by subpart 1 of Part 1 of amendment Act**
- Subpart 1 of Part 1 of the amendment Act** does not affect a zero alcohol licence order that was made under section 65B(2) before that subpart came into force, and does not affect—
- (a) the existing licensed status of a person who was issued with a zero alcohol licence before that subpart came into force; or
 - (b) any application for a zero alcohol licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force.
- (3) In **Schedule 1** (as inserted by **subsection (1)**), insert in their appropriate numerical order:
- Small passenger services*
- 6 Transitional arrangement for small passenger service operator**
- (1) Before the close of the 28th day after the commencement of this clause, **sections 30J(d) and 30U(1)(c)** do not apply to a small passenger service operator who is facilitating a small passenger service.
- (2) ~~A small passenger service operator must, before the close of the 28th day after the commencement of this clause, do the following:~~
- (a) ~~in relation to an operator that is not licensed, apply for and be granted a small passenger service licence;~~
 - (b) ~~in relation to an operator that is already licensed, but that has no person with control of the small passenger service in New Zealand living in New Zealand,—~~
 - (i) ~~arrange for there to be a person with control of the service in New Zealand who lives in New Zealand; and~~
 - (ii) ~~in the manner required by the Agency, notify the Agency of the following:~~
 - (A) ~~that there is a person with control of the service in New Zealand who lives in New Zealand; and~~
 - (B) ~~any address information required under the rules in relation to that person.~~
- (2) A small passenger service operator who does not comply with **section 30J(d)** at the commencement of this clause must, before the close of the 28th day after the commencement of this clause, have a small passenger service licence.

- (3) A small passenger service operator who does not comply with **section 30U(1)(c)** at the commencement of this clause must, before the close of the 28th day after the commencement of this clause,—
- (a) ensure that a person with control of the service in New Zealand lives in New Zealand; and 5
 - (b) in the manner required by the Agency, notify the Agency of the following:
 - (i) that a person with control of the service in New Zealand lives in New Zealand; and
 - (ii) any address information required under the rules in relation to that person. 10
- 7 Transitional arrangement for driver using vehicle in small passenger service**
- (1) Before the close of the 28th day after the commencement of this clause, **sections 30P(c) and 79AB(1)(c)** do not apply to a driver using a vehicle in a small passenger service who has been facilitated to connect with passengers by a facilitator. 15
- (2) Before the close of the 28th day after the commencement of this clause, a driver using a vehicle in a small passenger service must—
- (a) have a small passenger service licence; or 20
 - (b) drive on behalf of the holder of a small passenger service licence; or
 - (c) have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence.
- 8 Transitional arrangement for taxi stands and transit lanes**
- Taxi stands, shuttle stands, and transit lanes—applying to certain that may be used by any type of small passenger service vehicles vehicle before the commencement of this clause—apply to may be used by all small passenger service vehicles until the relevant road controlling authority changes the taxi stand or transit lane the rules about the vehicles that may use the stands or lanes. 25
- 9 Existing passenger service licences and applications unaffected by subpart 5 of Part 1 of amendment Act** 30
- (1AA) A person who has an existing passenger service licence when **subpart 5 of Part 1 of the amendment Act** comes into force is deemed to have—
- (a) a small passenger service licence (as defined in section 2 as amended by **subpart 5 of Part 1 of the amendment Act**); and 35
 - (b) a large passenger service licence (as defined in section 2 as amended by **subpart 5 of Part 1 of the amendment Act**).

- (1) Except as required by **clauses 6 and 7, subpart 5 of Part 1 of the amendment Act** does not affect—
- (a) the existing licensed status of a person who was granted a passenger service licence before that subpart came into force; or
 - (b) any application for a passenger service licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force. 5

Consequential amendments to enactments

97 Consequential amendments to enactments

- (1) Amend the Acts specified in **Part 1 of Schedule 2** as set out in that Part (being consequential amendments relating to alcohol interlock sentences). 10
- (2) Amend the Act specified in **Part 2 of Schedule 2** as set out in that Part (being consequential amendments relating to heavy vehicles).
- (3) Amend the Acts specified in **Part 3 of Schedule 2** as set out in that Part (being consequential amendments relating to small passenger services). 15
- (4) Amend the enactments specified in **Part 1 of Schedule 3** as set out in that Part (being consequential amendments relating to alcohol interlock sentences).
- (5) Amend the enactment specified in **Part 2 of Schedule 3** as set out in that Part (being a consequential amendment relating to fare evasion).
- (6) Amend the enactment specified in **Part 3 of Schedule 3** as set out in that Part (being a consequential amendment relating to fleeing drivers). 20
- (7) Amend the enactments specified in **Part 4 of Schedule 3** as set out in that Part (being consequential amendments relating to heavy vehicles).
- (8) Amend the enactments specified in **Part 5 of Schedule 3** as set out in that Part (being consequential amendments relating to small passenger services). 25

Schedule 1
New Schedule 1 inserted

s 96(1)

Schedule 1
Transitional, savings, and related provisions

5

s 2A

Part 1
Provisions relating to Land Transport Amendment Act (No 2) 2016

1 Interpretation

In this Part, **amendment Act** means the Land Transport Amendment Act (No 2) 2016. 10

Heavy vehicles

5A Existing notices given under section 16A to have continuing effect

(1) Notices given under section 16A before subpart 4 of Part 1 of the amendment Act comes into force continue to have effect as if that subpart had not come into force. 15

(2) **Subclause (1)** applies until the close of the day that is 12 months after subpart 4 of Part 1 of the amendment Act comes into force.

Schedule 2

Consequential amendments to Acts

s 97(1)–(3)

Part 1

Alcohol interlock sentences

5

Criminal Procedure Act 2011 (2011 No 81)

Replace section 358(1)(ga) with:

- (ga) must, if the offence is a qualifying offence as described in **section 65AB(1)** of the Land Transport Act 1998, impose an alcohol interlock sentence:

10

Repeal section 358(1)(gb).

In section 358(gc), replace “if that offence is an offence to which section 65B(1)” with “if **section 65AI**”.

Criminal Records (Clean Slate) Act 2004 (2004 No 36)

Replace section 7(1)(g) with:

15

- (g) no order has ever been made about him or her under section 65 of the Land Transport Act 1998 or under section 30A of the Transport Act 1962.

Sentencing Act 2002 (2002 No 9)

Replace section 126(ja) with:

20

- (ja) **section 65AC** (court must impose alcohol interlock sentence):

Replace section 129(4) with:

- (4) Despite subsection (3), the court must not make an order under that subsection if—
- (a) it will result in extreme hardship to the offender or undue hardship to any other person; or
 - (b) an interlock is or is to be fitted to the motor vehicle.

25

Part 2

Heavy vehicles

Road User Charges Act 2012 (2012 No 1)

30

In section 5(1), definition of **gross vehicle mass**, replace “Part 2 of the VDAM Rule 2002” with “section 2(1) of the Land Transport Act 1998”.

Replace section 65(3) with:

Road User Charges Act 2012 (2012 No 1)—continued

- (3) Records required to be kept under subsection (2)—
- (a) may be used as evidence in a prosecution relating to compliance with requirements in relation to heavy vehicles or heavy traffic in the Land Transport Act 1998 or in regulations or rules made under that Act; but
 - (b) may not be used as evidence in a prosecution for a work time or logbook offence under the Land Transport Act 1998, except as provided for under Part 4B of the Land Transport Act 1998.

5

Part 3**Small passenger services****Income Tax Act 2007 (2007 No 97)**

10

In section EE 29(3)(c), replace “taxi” with “small passenger service vehicle”.

In section YA 1, definition of **car**, paragraph (b)(iii), replace “taxi” with “small passenger service vehicle”.

In section YA 1, insert in its appropriate alphabetical order,—

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998.

15

In section YA 1, repeal the definition of **taxi**.

Land Transport Management Act 2003 (2003 No 118)

In section 5(1), repeal the definition of **taxi service**.

Replace section 119(1)(b) with:

20

- (b) provide any financial assistance to any operator or user of any other passenger service in a small passenger service vehicle.

In section 120(1)(a)(vii), replace “taxi services or shuttle services” with “passenger services in small passenger service vehicles”.

Local Government Act 1974 (1974 No 66)

25

In section 339(1), replace “taxi passengers” with “small passenger service vehicle passengers”.

Smoke-free Environments Act 1990 (1990 No 108)

In section 2(1),—

- (a) repeal the definition of **operating taxi**; and
- (b) repeal the definition of **passenger service vehicle** and **small passenger service vehicle**.

30

Replace section 9(1) to (3) with:

- (1) This section applies to the following (**passenger service vehicles**):

Smoke-free Environments Act 1990 (1990 No 108)—continued

- (a) a large passenger service vehicle while it is carrying passengers:
 - (b) a small passenger service vehicle at all times except when it is returning from carrying a passenger at the end of a shift:
 - (c) a vehicle being used in a small passenger service.
 - (2) The operator of a passenger service vehicle must not permit any person to smoke in the vehicle. 5
 - (3) No person may smoke in a passenger service vehicle.
 - (4) In this section,—
 - large passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998 10
 - small passenger service** has the same meaning as in section 2(1) of the Land Transport Act 1998
 - small passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.
- In section 17(4), replace “subsection (1) or subsection (1A) of section 9” with “**section 9(2)**”. 15

Terrorism Suppression Act 2002 (2002 No 34)

In section 4(1), definition of **public transportation system**, replace “taxis” with “small passenger vehicles”.

In section 4(1), definition of **State or government facility**, replace “taxi” with “small passenger vehicle”. 20

Schedule 3

Consequential amendments to other enactments

s 97(4)–(8)

Part 1

Alcohol interlock sentences

5

Land Transport (Alcohol Interlock) Regulations 2012 (SR 2012/202)

In regulation 4(1), definition of **driver**, paragraph (a), replace “an order made under section 65A(2)(b)(i)” with “an alcohol interlock sentence”.

After regulation 5(2)(b)(ix), insert:

(x) is serving a prison sentence; or

10

Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93)

In regulation 7(1), replace “section 65A(2)” with “**section 65AC**”.

In regulation 7(2), replace “section 65B(2)” with “**section 65AC(2)(d), 65AI(c), or 100B(2)(b)**”.

15

Part 2

Fare evasion

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 1, replace the item relating to section 79M of the Land Transport Act 1998 with:

20

79M(1) or (2)(a)	Failing to pay passenger service fare or public transport service fare	—	—	150	—
79M(2)(b)	Failing to provide evidence of having paid public transport service fare (in response to enforcement officer’s request <u>direction</u> made in accordance with section 128F(1))	—	—	150	—

Part 3

Fleeing drivers

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 2, revoke the first 2 items relating to section 52(1)(c) of the Land Transport Act 1998.

25

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

In Schedule 4, form, Part 1, replace “**Advice to driver (*or operator*)**” with “**Advice to driver *or operator or owner or registered person***”.

In Schedule 4, form, Part 1, replace “that you drove the vehicle on a road” with “the vehicle was driven on a road”.

In Schedule 4, form, Part 1, replace “**The vehicle driven (*or operated*) by you**” with “**The vehicle**”. 5

In Schedule 4, form, Part 1, replace “your rights” with “rights”.

In Schedule 4, form, Part 1, replace “____ (d) you failed to stop” with “____ (d) the driver failed to stop or to remain stopped”.

In Schedule 4, form, Part 2, paragraph 4(b)(iv), replace “stop” with “stop (or remain stopped)”. 10

In Schedule 4, form, Part 2, paragraph 4(b)(iv), replace “section 114(1) or (2)” with “section 114”.

In Schedule 4, form, Part 2, paragraph 4(d), replace “section 114(1) or (2)” with “section 114”. 15

In Schedule 4, form, Part 2, paragraph 4(e), replace “section 114(1) or (2)” with “section 114”.

In Schedule 4, form, Part 2, paragraph 4(e), after “(whichever applies)”, insert “; or”.

In Schedule 4, form, Part 2, after paragraph 4(e), insert:

- | | | |
|------|--|----|
| (f) | if section 96(1AB) of the Act applies, the registered person (not being the driver who failed to stop (or remain stopped)) either— | 20 |
| (i) | did not know, and could not reasonably have been expected to know, the identity of the driver; or | |
| (ii) | has otherwise provided the information requested under section 118(4) of the Act. | 25 |

Part 4

Heavy vehicles

Heavy Motor Vehicle Regulations 1974 (SR 1974/218)

In regulation 2(1), definition of **heavy motor vehicle**, replace “gross laden weight” with “gross vehicle mass”. 30

In regulation 11, replace “weight” with “mass” in each place.

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 1A, table 1, replace “weight” with “mass” in each place.

In Schedule 1A, table 2, replace “weights” with “mass” in each place.

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

In Schedule 1A, table 2, replace “weight” with “mass”.

In Schedule 1A, replace the heading to clause 1 with “**Mass on individual axles**”.

In Schedule 1A, clause 1, replace “weight” with “mass” in each place.

In Schedule 1A, replace the heading to clause 2 with “**Sum of axle mass on 2 or more consecutive axles**”.

5

In Schedule 1A, clause 2, replace “total” with “sum” in each place.

In Schedule 1A, clause 2, replace “weights” with “mass” in each place.

In Schedule 1A, heading to clause 3, replace “**weight**” with “**mass**”.

In Schedule 1A, clause 3, replace “weight” with “mass”.

In Schedule 1A, clause 3, replace “total of axle weights” with “total axle mass”.

10

In Schedule 1A, heading to clause 4, replace “**weight**” with “**mass**”.

In Schedule 1A, clause 4, replace “weight” with “mass”.

In Schedule 1A, clause 4, replace “weights” with “mass”.

~~In Schedule 1A, revoke clause 5(1).~~

~~In Schedule 1A, clause 5(2), replace “weight” with “mass”.~~

15

~~In Schedule 1A, clause 5(2), replace “weights” with “mass”.~~

~~In Schedule 1A, clause 5(2)(a), replace “legal maximum weight” with “maximum prescribed mass”.~~

~~In Schedule 1A, clause 5(2)(b), replace “any weight” with “any mass”.~~

~~In Schedule 1A, clause 5(2)(b), replace “legal maximum weight” with “maximum prescribed mass”.~~

20

~~In Schedule 1A, clause 5(2)(c), replace “any weight” with “any mass”.~~

~~In Schedule 1A, clause 5(2)(c), replace “legal maximum weight” with “maximum prescribed mass”.~~

~~In Schedule 1A, clause 5(2)(d), replace “any weight” with “any mass”.~~

25

~~In Schedule 1A, clause 5(2)(d), replace “legal maximum weight” with “maximum prescribed mass”.~~

In Schedule 1A, replace clause 5 with:

5 Weighing tolerances

The axle mass measured (or, in the case of an offence referred to in table 2, the total of the mass measured on the axles) is to be reduced by the following amounts:

30

(a) 0.5 tonnes for any mass measured on any axle:

(b) 0.5 tonnes for any mass measured on any twin-steer axle set:

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

(c)	<u>1.0 tonnes for any mass measured on any other axle set (except in a case to which paragraph (d) applies):</u>	
(d)	<u>0.5 tonnes,—</u>	
(i)	<u>in the case of a single vehicle that is not part of a combination vehicle, for any mass measured on all axles of that vehicle:</u>	5
(ii)	<u>in the case of a combination vehicle, for any mass measured on all axles of that combination vehicle.</u>	
In Schedule 1B, Part 3, table 1, replace “weight” with “mass” in each place.		
In Schedule 1B, Part 3, table 2, replace “weights” with “mass” in each place.		
In Schedule 1B, Part 3, table 2, replace “weight” with “mass”.		10
In Schedule 1B, Part 3, replace the heading to clause 1 with “ Mass on individual axles ”.		
In Schedule 1B, Part 3, clause 1, replace “weight” with “mass” in each place.		
In Schedule 1B, Part 3, replace the heading to clause 2 with “ Sum of axle mass on 2 or more consecutive axles ”.		15
In Schedule 1B, Part 3, clause 2, replace “total of the weights” with “sum of the mass” in each place.		
In Schedule 1B, Part 3, heading to clause 3, replace “ weight ” with “ mass ”.		
In Schedule 1B, Part 3, clause 3, replace “weight” with “mass”.		
In Schedule 1B, Part 3, clause 3, replace “total of axle weights” with “total axle mass”.		20
In Schedule 1B, Part 3, heading to clause 4, replace “ weight ” with “ mass ”.		
In Schedule 1B, Part 3, clause 4, replace “weight” with “mass”.		
In Schedule 1B, Part 3, clause 4, replace “weights” with “mass”.		
In Schedule 1B, Part 3, revoke clause 5(1).		25
In Schedule 1B, Part 3, clause 5(2), replace “weight” with “mass”.		
In Schedule 1B, Part 3, clause 5(2), replace “weights” with “mass”.		
In Schedule 1B, Part 3, clause 5(2)(a), replace “legal maximum weight” with “maximum prescribed mass”.		
In Schedule 1B, Part 3, clause 5(2)(b), replace “any weight” with “any mass”.		30
In Schedule 1B, Part 3, clause 5(2)(b), replace “legal maximum weight” with “maximum prescribed mass”.		
In Schedule 1B, Part 3, clause 5(2)(c), replace “any weight” with “any mass”.		
In Schedule 1B, Part 3, clause 5(2)(c), replace “legal maximum weight” with “maximum prescribed mass”.		35

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

~~In Schedule 1B, Part 3, clause 5(2)(d), replace “any weight” with “any mass”.~~

~~In Schedule 1B, Part 3, clause 5(2)(d), replace “legal maximum weight” with “maximum prescribed mass”.~~

In Schedule 1B, Part 3, replace clause 5 with:

5	<u>Weighing tolerances</u>	5
	<u>The axle mass measured (or, in the case of an offence referred to in table 2, the total of the mass measured on the axles) is to be reduced by the following amounts:</u>	
	(a) <u>0.5 tonnes for any mass measured on any axle:</u>	
	(b) <u>0.5 tonnes for any mass measured on any twin-steer axle set:</u>	10
	(c) <u>1.0 tonnes for any mass measured on any other axle set (except in a case to which paragraph (d) applies):</u>	
	(d) <u>0.5 tonnes,—</u>	
	(i) <u>in the case of a single vehicle that is not part of a combination vehicle, for any mass measured on all axles of that vehicle:</u>	15
	(ii) <u>in the case of a combination vehicle, for any mass measured on all axles of that combination vehicle.</u>	

Land Transport Rule: Heavy-vehicle Brakes 2006

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

20

Land Transport Rule: Heavy Vehicles 2004

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Operator Licensing 2007

In Part 2, definition of **goods service**, paragraphs (a) and (b), replace “gross laden weight” with “gross vehicle mass”. 25

In Part 2, revoke the definition of **gross laden weight**.

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

In Part 2, definition of **rental service**, paragraph (b), replace “gross laden weight” with “gross vehicle mass”. 30

Land Transport Rule: Vehicle Dimensions and Mass-2002 2016

In Part 2, replace the definition of **gross vehicle mass** with:

Land Transport Rule: Vehicle Dimensions and Mass 2002 2016—continued

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Vehicle Standards Compliance 2002

In Part 2, definition of **all-terrain vehicle**, paragraph (d), replace “gross laden weight” with “gross vehicle mass”.

In Part 2, revoke the definition of **gross laden weight**.

5

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Part 5**Small passenger vehicles****Accident Compensation (Ancillary Services) Regulations 2002 (SR 2002/13)**

10

In regulation 11(1), replace “, hire car, non-scheduled shuttle, or non-scheduled water taxi” with “or other non-scheduled passenger service”.

Jury Rules 1990 (SR 1990/226)

In rule 28(4), replace “taxi” with “small passenger service vehicle” in each place.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)

15

In rule 2(1), revoke the definition of **large passenger service vehicle**.

In rule 2(1), revoke the definition of **passenger service**.

In rule 2(1), revoke the definition of **small passenger service vehicle**.

In rule 2(1), replace the definition of **large passenger service vehicle** with:

large passenger service vehicle has the same meaning as in the Land Transport Act 1998

20

In rule 2(1), replace the definition of **passenger service** with:

passenger service has the same meaning as in the Land Transport Act 1998

In rule 2(1), replace the definition of **small passenger service vehicle** with:

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

25

In rule 26(2)(h), after “chauffeur”, insert “; or”.

After rule 26(2)(h), insert:

- (i) when the motor vehicle is being used in a facilitated cost-sharing arrangement.

30

Revoke rule 27(1)(d).

In rule 27(1)(d), before “the person”, insert “in the case of a person who drives or intends to drive a large passenger service vehicle,”.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—*continued*

Revoke rule 93(b)(i).

Land Transport (Road User) Rule 2004 (SR 2004/427)

In rule 7.11(3)(c), replace “taxi” with “small passenger vehicle”.

Land Transport Rule: Traffic Control Devices 2004

In Part 2, definition of **standing**, replace “taxi stand” with “small passenger service vehicle stand”. 5

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, revoke the item relating to shuttle stands.

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, item relating to small passenger service vehicle (PSV) stands, after “*used in a*”, insert “*small*”. 10

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, item relating to small passenger service vehicle (PSV) stands, delete “(e.g. *taxis, shuttles, private hire*)”.

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, revoke the item relating to taxi stands. 15

In Schedule 1, item relating to R6–2C Text or symbols that may appear below or beside symbol R6-1C or R6-1D, item relating to small PSV parking, after “*used in a*”, insert “*small*”.

In Schedule 1, item relating to R6–2C Text or symbols that may appear below or beside symbol R6-1C or R6-1D, item relating to small PSV parking, delete “(e.g. *taxis, shuttles, private hire*)”. 20

In Schedule 1, item relating to R6-2S Symbols used with appropriate R6 signs, revoke the item relating to shuttles.

Witnesses and Interpreters Fees Regulations 1974 (SR 1974/124) 25

In the Schedule, clause 8(b), replace “taxi” with “small passenger service vehicle”.

Legislative history

12 September 2016
15 September 2016

Introduction (Bill 173–1)
First reading and referral to Transport and Industrial Relations
Committee