

Part 1 Rule requirements

Section 1 Preliminary

1.1 Title

1.1(1) This Rule is *Land Transport Rule: Omnibus Amendment 2009*.

1.1(2) This Rule amends the following Land Transport Rules:

- (a) *Land Transport (Driver Licensing) Rule 1999*;
- (b) *Land Transport Rule: Frontal Impact 2001*;
- (c) *Land Transport Rule: Operator Licensing 2007*;
- (d) *Land Transport Rule: Operator Safety Rating 2008*;
- (e) *Land Transport Rule: Passenger Service Vehicles 1999*;
- (f) *Land Transport Rule: Vehicle Dimensions and Mass 2002*;
- (g) *Land Transport Rule: Vehicle Equipment 2004*;
- (h) *Land Transport Rule: Vehicle Exhaust Emissions 2007*;
- (i) *Land Transport Rule: Vehicle Standards Compliance 2002*.

1.2 Commencement

This Rule comes into force on *[Date]*¹.

¹ Commencement dates for each amended Rule have not yet been determined. These may vary but are likely to be 1 April 2010 except for the Operator Safety Rating amendment, which will come into force on a date notified in the Gazette.

Section 2 Driver licensing

2.1 Amendments to Land Transport (Driver Licensing) Rule 1999

2.1(1) This section amends the *Land Transport (Driver Licensing) Rule 1999*.

2.1(2) *Schedule 3* is amended by:

- (a) substituting “not more than 18,000 kg” for “less than 18,001 kg” in the following paragraphs:
 - (i) *paragraphs (b)(ii) and (c)* relating to “Class 1” licence class; and
 - (ii) *paragraphs (a) and (e)* relating to “Classes 2 and 2L” licence class; and
 - (iii) *paragraph (b)* relating to “Class 2” licence class;
- (b) substituting “not more than 25,000 kg” for “less than 25,001 kg” in the “Classes 3 and 3L” licence class description.

Section 3 **Frontal impact**

- 3.1** **Amendments to *Land Transport Rule: Frontal Impact 2001***
- 3.1(1) This section amends *Land Transport Rule: Frontal Impact 2001*.
- 3.1(2) The Rule is amended by substituting “Agency” for “Director” and “Director of Land Transport Safety” where they appear in the following:
- (a) the *Objective*;
- (b) 4.6(4), 4.6(5) and 4.6(6).
- 3.1(3) *Clause 1.4* is amended by inserting the following subclause:
- “1.4(3) If there is a conflict between a provision of this Rule and a provision of *Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002*, the provision of *Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002* applies.”.
- 3.1(4) *Part 2* is amended by substituting the following definition for the definition of **immigrant’s vehicle**:
- “**Immigrant’s vehicle** means a motor vehicle that has been identified as an immigrant’s vehicle in accordance with this Rule or under *Land Transport Rule: Vehicle Emissions 2007*”;
- 3.1(5) *Part 3* is amended by substituting “Agency” for “Director” where it appears in *Schedules 1* and *2*.

Section 4 **Operator licensing**

- 4.1 **Amendments to *Land Transport Rule: Operator Licensing 2007***
- 4.1(1) This section amends *Land Transport Rule: Operator Licensing 2007*.
- 4.1(2) The Rule is amended by substituting “Agency” for “Director” where it appears in 4.11(2), 4.11(7), and 4.11(8).
- 4.1(3) *Clause 2.4* is amended by inserting the following subclause:
- “2.4(3) Despite 2.4(2), a holder of a passenger service licence who operates a taxi service or shuttle service must ensure that every taxi or shuttle used under the licence displays either:
- “(a) the transport service licence card specified in 2.4(1); or
- “(b) his or her transport service licence number:
- “(i) comprising the letters ‘TSL’ followed by the number in a 48 point minimum, plain font;
- “(ii) on the outside of the vehicle on both forward doors;
- “(iii) in a position clearly visible to a person standing beside the vehicle;
- “(iv) in a contrasting colour to the background on which it is displayed.”.
- 4.1(4) *Section 8* is amended by inserting the following heading and clause after *clause 8.2*:
- “8.2A Approval of taxi organisations**
- “8.2A(1) If satisfied that the application meets the requirements in *section 30Q* of the Act and *section 8* of this Rule, the Agency must confirm approval by notice in writing to the applicant.
- “8.2A(2) A person must not purport to act as an approved taxi organisation without a current approval.”.
- 4.1(5) *Part 2* is amended by substituting the following paragraph for *paragraph (b)* in the definition of **goods service vehicle**:
- “(b) does not include a forklift.”.
- 4.1(6) *Schedule 4 of Part 3* is amended by omitting “Ashburton” and “Ashburton Ward”.

Section 5 **Operator safety rating**

5.1 **Amendments to *Land Transport Rule: Operator Safety Rating 2008***

- 5.1(1) This section amends *Land Transport Rule: Operator Safety Rating 2008*.
- 5.1(2) The Rule is amended by substituting “Agency” for “Director” or “Land Transport New Zealand” where they appear in the following:
- (a) the *Objective*;
 - (b) 2.1(1), 2.2, 3.1, 3.2, 3.3, 4.1(1), 4.1(2), 4.1(3), 5.1(1), 5.1(2)(a), 5.2(1), 5.2(2), 5.2(3)(a)(b) and (c), 5.3(1), 5.6(2), 5.6(3), 5.7(1), 5.7(2), 5.7(3), 7.1(1) and 7.1(2.);
 - (c) the headings to *clauses 5.7* and *7.1*.
- 5.1(3) *Subclause 2.1(1)* is amended by omitting “(including the operator’s vehicle crash history).”.
- 5.1(4) *Clause 5.2* is amended by substituting the following subclauses for *subclause 5.2(2)*:
- “5.2(2) Except if 5.2(2A) applies, a review panel conducting a review must consist of two industry representatives, two Agency employees, and one lawyer drawn from the review panel pool.
- “5.2(2A) With the agreement of the applicant, a review panel may comprise a minimum of three members, consisting of a lawyer, an Agency employee, and an industry representative.”.
- 5.1(5) *Part 2* is amended by:
- (a) inserting the following definition in the appropriate place:

“**Agency** means the New Zealand Transport Agency established under *section 93* of the *Land Transport Management Act 2003*.”;
 - (b) substituting “Agency” for “Director” where it appears in the definitions of **approved methodology** and **approved taxi organisation**.

Section 6 Passenger service vehicles

6.1 *Amendments to Land Transport Rule: Passenger Service Vehicles 1999*

6.1(1) This section amends *Land Transport Rule: Passenger Service Vehicles 1999*.

6.1(2) *Subclause 1.2(2)* is amended by substituting the following paragraph for *paragraph 1.2(2)(c)*:

“(c) on or after 1 September 1999 must comply, according to the vehicle class, with either:

“(i) all requirements of this Rule; or

“(ii) all the requirements of *UN/ECE Regulation No. 36* and *UN/ECE Regulation No. 66*, or *UN/ECE Regulation 52*, whichever is relevant to the vehicle and whichever version is in force at the time when the vehicle enters service as a passenger service vehicle in New Zealand, and with *sections 1, 6, 8, 9 and 10*, and *7.1, 7.2, 7.3 and 7.4* of this Rule; or

“(iii) all the requirements of *UN/ECE Regulation No. 107*, and *UN/ECE Regulation No. 66* or *Directive 2001/85/EC*, whichever is relevant to the vehicle and whichever version is in force at the time when the vehicle enters service as a passenger service vehicle in New Zealand, and with *sections 1, 6, 8, 9 and 10*, and *7.1, 7.2, 7.3 and 7.4* of this Rule.”.

6.1(3) *Subclause 2.3(4)* is amended by inserting “or *UN/ECE Regulation No. 107* or *Directive 2001/85/EC*,” after “*UN/ECE Regulation No. 52*”.

6.1(4) *Subclause 2.4(5)(d)* is amended by inserting “or *UN/ECE Regulation No. 107* or *Directive 2001/85/EC*” after “*UN/ECE Regulation No. 36*”.

6.1(5) The *Schedule* in *Part 3* is amended by inserting the following items after item 14:

(a) “*UN/ECE Regulation No. 107, 02 Series of Amendments (UN/ECE Regulation No. 107, Uniform provisions concerning the approval of categories M2 or M3 Vehicles with regard to their general construction (E/ECE324-E/ECE/TRANS/505/Rev.2/Add 106/Rev.1/Amend 1))*”;

(b) “*Directive 2001/85/EC of the European Parliament and of the Council of 20 November 2001 relating to special provisions for vehicles used for the carriage of passengers comprising more than eight seats in addition to the driver’s seat, and amending Directives 70/156/EEC and 97/27/EC*”.

Section 7 Vehicle dimensions and mass

7.1 Amendments to *Land Transport Rule: Vehicle Dimensions and Mass 2002*

7.1(1) This section amends *Land Transport Rule: Vehicle Dimensions and Mass 2002*.

7.1(2) *Table 4.1* is amended by inserting after “Rigid vehicle (not towing)” under the item related to overall length, the following row:

<p>“Rigid bus with three axles where the rearmost axle is a single-tyred steering axle that is:</p> <p>(a) either positively and continuously linked to the front steer axle (except may be locked for reverse and high speed operations); or</p> <p>(b) automatically locked at a speed of 30 km/h in the straight-ahead position and for reverse operations.”</p>	13.5
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7.1(3) *Clause 4.1* is amended by inserting the following subclauses:

“4.1(4A) A bus of Class MD3, MD4 or ME not exceeding 13.5 m in length may be fitted with a bicycle rack.

“4.1(4B) A bicycle rack is not included in determining the overall length or forward distance of the bus.”.

7.1(4) *Clause 6.6* is amended by substituting the following subclause for *subclause 6.6(11)*:

“6.6(11) A Category 1 or Category 2 motor vehicle does not have to comply with the travel time requirements specified in *6.12(3)*, *6.12(5)* or *6.12(6)* provided that the vehicle or any load or equipment it carries does not project outside the lane in which it is travelling; and

“(a) the vehicle’s:

“(i) performance dimensions have been verified by a person or organisation approved by the Agency as meeting those of a maximum-sized standard motor vehicle, as specified in *Schedule 8*; and

“(ii) load or equipment carried by or attached to the vehicle, or the vehicle itself, does not exceed the maximum dimensions specified by the approved person or organisation; or

“(b) the vehicle is designed to be operated in connection directly with the operation or management of a farm.”.

Section 8 Vehicle equipment

8.1 *Amendments to Land Transport Rule: Vehicle Equipment 2004*

8.1(1) This section amends *Land Transport Rule: Vehicle Equipment 2004*.

8.1(2) *Paragraph 2.5(2)(c)* is amended by omitting “is fitted as original equipment by the vehicle manufacturer and”.

Section 9 Vehicle exhaust emissions

- 9.1 *Amendments to Land Transport Rule: Vehicle Exhaust Emissions 2007*
- 9.1(1) This section amends *Land Transport Rule: Vehicle Exhaust Emissions 2007*.
- 9.1(2) *Paragraph 2.2(3)(a)* is amended by omitting “Class MA, MB or MC”.
- 9.1(3) *Section 5* is amended by inserting the following heading and subclause:
 “**5.3 Functions and powers of the Agency**
 “5.3(1) The Agency may identify in writing, in accordance with *Schedule 4*, a vehicle as an immigrant’s vehicle for the purposes of *2.2(3)(a)*.
 “5.3(2) The Agency may, by notice in the *Gazette*, appoint an organisation or organisations to process applications for specific motor vehicles to be identified as immigrants' vehicles for the purposes of *2.2(3)(a)*.”.
- 9.1(4) *Part 2* is amended by:
 (a) inserting the following definition of **Euro 5** in the appropriate place:
 “*Commission Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information*, as amended by *Commission Regulation (EC) No 692/2008 of 18 July 2008*, as per Euro 5 emissions limits set out in Annex 1;”;
 (b) substituting the following definition for the definition of **immigrant’s vehicle**:
 “**Immigrant’s vehicle** means a motor vehicle that has been identified as an immigrant’s vehicle in accordance with this Rule or under *Land Transport Rule: Frontal Impact 2001*”;
 (c) inserting the following definition of **special interest vehicle**:
 “**Special interest vehicle** has the same meaning as in *Land Transport Rule: Frontal Impact 2001*.”.

9.1(3)

Part 3 is amended by:(a) substituting the following table for *Table 2.2* in *Schedule 1*; and

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

[Note: Grey-shaded area indicates standards in current Rule to be carried over.]

substituting the following table for *Table 2.4* in *Schedule 1*:

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

[Note: Grey-shaded area indicates standards in current Rule to be carried over.]

- (b) inserting the following schedule [9.3(1)]

[Schedule 4 - Immigrants' vehicles

[Ref. 5.3(1)]

Application for identification of vehicle as immigrant's vehicle

1. To have a vehicle identified as an immigrant's vehicle, an applicant must:

- (a) apply to the Agency, or to an organisation appointed by the Agency under 5.3(2), before the vehicle is certified for entry into service in New Zealand; and
- (b) pay the appropriate fee or fees (if any) specified in accordance with regulations made under the Act.

2. The applicant must:

- (a) be a New Zealand citizen, a New Zealand resident or a person entitled under the *Immigration Act 1987* to take up permanent residence; and
- (b) have lived outside New Zealand for a period of not less than 21 months before the date of his or her arrival or return to New Zealand; and
- (c) apply within 18 months of the applicant's arrival in or return to New Zealand; and
- (d) personally own the vehicle; and
- (e) have personally owned and registered the vehicle for personal use in a country outside New Zealand for a period of at least one year before the applicant's arrival in or return to New Zealand; and
- (f) never had any other vehicle identified as an immigrant's vehicle; and
- (g) not have imported or be importing the vehicle on behalf of, or for, a third party; and
- (h) make a declaration declaring that:
 - (i) the applicant has resided outside New Zealand for a period of not less than 21 months before the applicant's arrival in or return to New Zealand; and
 - (ii) the applicant has personally owned the vehicle, and has registered it for personal use in a country outside New Zealand, for a period of at least one year before the applicant's arrival in or return to New Zealand; and
 - (iii) the applicant has never had any other vehicle identified as an immigrant's vehicle; and
 - (iv) the applicant has not imported the vehicle on behalf of, or for, a third party; and
 - (v) the applicant will not sell or lease the vehicle to a third party for at least a year after the date on which the vehicle is first registered in New Zealand; and

- (vi) the applicant will not operate the vehicle in a transport service.

Identification of immigrant's vehicle

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

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

Conditions of use

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

Transitional and savings

6. A New Zealand citizen or New Zealand resident may apply for identification of a vehicle as an immigrant's vehicle if:

- (a) the vehicle was border inspected:
 - (i) on or after [date]; and
 - (ii) before [date]; and
- (b) but for *paragraph 2(c)*, the vehicle would be identified as an immigrant's vehicle.

Interpretation

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

Section 10 Vehicle standards compliance

- 10.1** *Amendments to Land Transport Rule: Vehicle Standards Compliance 2002*
- 10.1(1) This section amends *Land Transport Rule: Vehicle Standards Compliance 2002*.
- 10.1(2) The heading to *clause 10.7* is amended by substituting “Surrender of evidence of vehicle inspection, conditional permits, certificates of loading, and records of determination” for “Surrender of evidence of vehicle inspection, conditional permits and certificate of loading”.
- 10.1(3) The heading to *clause 11.3* is amended by substituting “Revocation of evidence of vehicle inspection, conditional permits, certificates of loading, and records of determination” for “Revocation of evidence of vehicle inspection, conditional permits and certificate of loading”.
- 10.1(4) *Table A* in *Part 2* is amended by substituting “300 watts” for “200 watts” in the definition of **Class AB vehicle** (power-assisted pedal cycles).

Part 2 Schedules

Schedule Consequential amendment to Definitions

Land Transport Rule	Amendment
<p><i>Door Retention Systems 2001;</i> <i>External Projections 2001;</i> <i>Frontal Impact 2001;</i> <i>Fuel Consumption Information 2008;</i> <i>Glazing, Windscreen Wipe and Wash, and Mirrors 1999;</i> <i>Head Restraints 2001;</i> <i>Heavy Vehicles 2004;</i> <i>Heavy-vehicle Brakes 2006;</i> <i>Interior Impact 2001;</i> <i>Light-vehicle Brakes 2002;</i> <i>Seatbelts and Seatbelt Anchorages 2002;</i> <i>Seats and Seat Anchorages 2002;</i> <i>Steering Systems 2001;</i> <i>Tyres and Wheels 2001;</i> <i>Vehicle Dimensions and Mass 2002;</i> <i>Vehicle Equipment 2004;</i> <i>Vehicle Exhaust Emissions 2007;</i> <i>Vehicle Lighting 2004;</i> <i>Vehicle Repair 1998.</i></p>	<p>By substituting “300 watts” for “200 watts” in the description in <i>Table A – Vehicle classes of Class AB (power-assisted pedal cycle)</i>.</p>