

# Land Transport Rule Tyres and Wheels Amendment [(No 2) 2009]

**Rule 32013/5**

## **Overview**

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*Land Transport Rules are produced for the Minister of Transport. They go through an extensive consultation process and are refined in response to consultation.*

*This overview accompanies, and sets in context, the yellow (public consultation) draft of **Land Transport Rule: Tyres and Wheels Amendment [(No 2) 2009]** (Rule 32013/5). The draft Rule proposes amendments to Land Transport Rule: Tyres and Wheels 2001 (Rule 32013).*

*If you wish to comment on this draft Rule, please see the page headed 'Making a submission'. The deadline for submissions is **9 April 2009**.*

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## *What are Land Transport Rules?*

The NZ Transport Agency (the NZTA) is contracted to produce Land Transport Rules (Rules), for signing by the Minister of Transport, under an agreement for Rule development services with the Secretary for Transport. Rules are made in respect of a wide range of matters covered by the New Zealand Transport Strategy. These include safeguarding and improving land transport safety and security, improving access and mobility, assisting economic development, protecting and promoting public health and helping to ensure environmental sustainability.

Land Transport Rules are drafted in plain language and aim to:

- clarify
- consolidate and
- create

land transport law.

## *What is the consultation process for this Rule?*

The Government is committed to ensuring that legislation is sound and robust and that the consultation process takes account of the views of, and the impact on, people affected by changes proposed in Rules.

This publication, for your comment, has two parts:

- (a) an overview, which sets proposed Rule changes in context; and
- (b) the yellow draft of *Land Transport Rule: Tyres and Wheels Amendment [(No 2) 2009]* (Rule 32013/5) (the proposed amendment Rule) for public comment.

This proposed amendment Rule contains changes to requirements in *Land Transport Rule: Tyres and Wheels 2001* ('the Tyres and Wheels Rule' or 'the Rule'). Please read the overview carefully and consider the effects that these proposed changes would have on you or your organisation, in particular the benefits and costs that would accrue from the implementation of the amendment Rule.

The yellow draft amendment Rule contains only the proposed Rule changes. If you do not have a copy of the Tyres and Wheels Rule, please read the information about obtaining Land Transport Rules in *Publication and availability of Rules* (see page 14). To assist in setting the proposed amendments in context, the web versions of the amendment Rule and the Tyres and Wheels Rule are linked.

The issues that are raised in submissions on this yellow draft of the proposed amendment Rule will be analysed and taken into account in redrafting the proposed amendment Rule.

Following completion of the public consultation phase, the final draft of the amendment Rule will be submitted to the Ministry of Transport for Government scrutiny. The final draft Rule will then go to Cabinet for noting and will be submitted for signature by the Minister of Transport.

### ***How do I make a submission?***

If you wish to make a submission on the proposed amendment Rule, please read the material headed *Making a submission* at the front of this document.

The deadline for submissions is **9 April 2009**.

### ***When will the Rule come into force?***

Subject to Government approval, it is proposed that the amendment Rule will come into force in late 2009.

## *Why is this amendment Rule being proposed?*

The Tyres and Wheels Rule sets out safety requirements and approved vehicle standards for tyres and wheels, and their assembly with hubs and axles, for motor vehicles and pedal cycles operating on New Zealand roads.

This is the fifth amendment of the Rule to be released for consultation. It will make four proposed changes to the Rule. These are:

- (a) inclusion of winter tyre requirements;
- (b) inclusion of inspection requirements for visible cords in the tread area of heavy vehicle tyres;
- (c) removal of the requirement for the sum of the load ratings of the tyres fitted to an axle of a vehicle to equal the maximum load specified on the Certificate of Loading (CoL) for the vehicle;
- (d) removal of the requirement for space-saver tyre labels to be approved.

The purpose of the proposed amendment relating to winter tyres is to address the safety issues arising from the use of these tyres. The proposed amendment relating to visible cords is aimed at improving the inspection process to avoid the unnecessary rejection of safe heavy vehicle tyres. The other two proposed amendments would remove requirements that are no longer considered to be necessary.

## *Will changes be required to other legislation?*

### **Offences and penalties**

No changes are proposed to the *Land Transport (Offences and Penalties) Regulations 1999* as a result of the proposed amendment Rule.

## *What changes are proposed?*

### *Proposal 1 Requirements for winter tyres*

#### **Background**

This amendment is aimed at reducing the risk of motor vehicle crashes associated with the use of winter tyres (commonly referred to as ‘snow tyres’). In recent years, four fatal crashes have occurred in which the misuse of winter tyres (by mixing these types of tyre with other tyre types) was identified as a contributing factor. Subsequent testing of winter tyres at an Australian testing facility has led to this proposal to prohibit the mixing of winter tyres with other tyre types (summer/all season tyres) on light passenger vehicles and light goods vehicles.

A winter tyre would be defined as being a tyre designed principally for operation at temperatures below seven degrees Celsius. The sidewall of a winter tyre would normally be marked with a symbol of a snowflake and a mountain.

#### **Proposed Rule change**

It is proposed to require that if a vehicle of Class MA, MB, MC, MD1, MD2 or NA (as defined in *Table A* in *Part 2* of the Rule) is fitted with winter tyres, those tyres must be fitted to all road wheels of the vehicle.

### *Proposal 2 Inspection requirements for visible cords in the tread area of heavy vehicle tyres*

#### **Background**

Radial-ply, heavy vehicle tyres are manufactured with a reinforcing belt embedded close to the tyre tread to protect the inner construction of the tyre from stones. Stones entering the tyre tread area can expose the cords of the reinforcing belt. Although this might not compromise the safety of the tyre, and thereby the vehicle, it is a reason, under *subclause 2.3(5)* of the Rule, for rejecting the vehicle at certificate of fitness (CoF) inspection.

Vehicle inspectors may not have sufficient experience to determine whether or not the safety of a radial-ply, heavy vehicle tyre has been compromised by the presence of visible cords in the tread area. They would, therefore, benefit from specialist tyre knowledge and experience such as that of a tyre industry ‘tyre fleet serviceperson’. These specialists make similar safety decisions every day, for example, deciding whether or not a tyre is suitable for retreading. Giving vehicle inspectors discretion to allow such tyres and permitting them to take specialist advice into consideration could avoid the cost of safe tyres being unnecessarily rejected.

#### **Proposed Rule change**

It is proposed to amend *clause 2.3* of the Rule to allow a vehicle inspector to take into account a written statement from a tyre fleet serviceperson verifying the safety of a radial-ply, heavy vehicle tyre with exposed cords in the tread area.

### **Proposal 3**

#### ***Change to requirements relating to the sum of the load ratings of the tyres fitted to a vehicle axle***

##### **Background**

Many vehicles operate significantly below the maximum allowable loads specified on their Certificate of Loading (CoL), for various reasons related to the particular usage of the vehicle concerned. Medium/large motor-homes are an example of this practice as they always operate significantly below their maximum allowable load. It is an unnecessary cost to have the vehicle fitted with tyres of greater capacity than is required for the purpose for which the vehicle is being used.

Tyre-loading safety is covered in *subclause 2.3(12)* of the Rule, and is enforced by the Police at the roadside, so there would be no adverse safety implications from changing this requirement.

##### **Proposed Rule change**

It is proposed to remove the requirement for the sum of the load ratings of the tyres fitted to an axle of a vehicle to equal the maximum load specified on the CoL for the vehicle. This would entail deleting *subclauses 2.3(10)* and *2.3(11)* of the Rule.

## ***Proposal 4                      Removal of requirement for space-saver tyre labels to be approved***

### ***Background***

When space-saver tyres first entered the New Zealand market in significant numbers, many people were wary of them and others rejected them outright, with their reactions stemming from a lack of understanding of the tyres' purpose and use. This response to the introduction of space-saver tyres was reinforced by two high profile crashes that were attributed to the misuse of this type of tyre. This led to an undue concern in New Zealand about the safety of these tyres that was not evident elsewhere.

Space-saver tyres are now more accepted by the average motorist, who better understands the correct way of using them. There have been no reported incidents involving space-saver tyres in more than seven years. To reduce overall compliance costs, it is proposed to remove the requirement for the space-saver labels to be approved by the NZTA.

The other label requirements would remain and would continue to be enforced at entry inspection.

### ***Proposed Rule change***

It is proposed to amend *clause 2.6* of the Rule to remove the space-saver label approval requirement.

## *Matters to be taken into account*

The *Land Transport Act 1998* (the Act) provides the legal framework for making Land Transport Rules. *Section 161* of the Act states the procedures by which the Minister makes ‘ordinary rules’. These include the obligation to consult, which has been developed into a series of formal and informal discussion procedures.

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

The *Land Transport Amendment Act 2004* amended the matters that the Minister must take into account when making Rules, to reflect the overarching importance for transport of the *New Zealand Transport Strategy* (NZTS). The NZTS envisages that New Zealand will have an affordable, integrated, safe, responsive and sustainable transport system.

### *Application of Rule-making criteria*

#### ***Proposed activity or service***

*Section 164(2)(b)* of the Act requires that appropriate weight be given to the nature of the proposed activity or service for which the Rule is being established.

The ‘proposed activity or service’ that is covered by the proposed amendment Rule is the fitting on vehicles operating on New Zealand road of tyres that comply with appropriate safety requirements and standards.

#### ***Risk to safety and personal security***

*Section 164(2)(a), (c) and (d)* requires the Minister to take into account:

- (i) the level of risk to land transport safety in each proposed activity or service;
- (ii) the level of risk existing to land transport safety in general in New Zealand; and
- (iii) the need to maintain and promote land transport safety and security, including personal security.

The risk to land transport safety arising from the misuse of winter tyres has been clearly demonstrated in four fatal crashes in recent years in which the misuse of this type of tyre was a cause. The proposed amendment Rule would address this risk by improving the safety requirements for the fitting of these tyres.

### ***Assisting achievement of strategic objectives***

*Section 164(2)(e)* of the Act requires the Minister to take into account whether the proposed Rule:

- (i) assists economic development;
- (ii) improves access and mobility;
- (iii) protects and promotes public health;
- (iv) ensures environmental sustainability.

Overall, the Rule amendment proposals would not have any significant impact on achieving these strategic objectives. However, the proposed change to the winter tyre requirements is intended to reduce the risk of crashes involving motor vehicles using these tyres and would, therefore, help protect and promote public health.

The proposed changes to the inspection requirements for visible cords in the tread area of heavy vehicle tyres potentially could have a positive impact on sustainability by reducing tyre wastage resulting from safe tyres being unnecessarily rejected at CoF inspection. These amendment proposals should also result in cost savings, which would have a positive impact on economic development.

### ***Costs of proposed changes***

*Section 164(2)(ea)* of the Act requires that appropriate weight be given to the costs of implementing the measures for which the Rule is being proposed.

The amendment Rule proposals are not expected to result in any additional compliance costs. The proposed removal of the requirement for space-saver tyre labels to be approved by the NZTA would reduce the overall costs of complying with the Rule.

The proposal relating to inspection requirements for heavy vehicle tyres would also be expected to produce costs savings if vehicle tyres are not replaced unnecessarily.

### ***International considerations***

*Sections 164(1) and 164(2)(f)* of the Act respectively require that Rules may not be inconsistent with New Zealand's international obligations concerning land transport safety, and that international circumstances in respect of land transport safety be taken into account in making a Rule.

International best practice has been considered in developing the amendment proposals. New Zealand has no international obligations relating to land transport safety that would apply to the proposed amendment Rule.

## *Publication and availability of Rules*

### *Availability of Land Transport Rules*

Copies of this Rule proposal document may be obtained by calling the NZTA Contact Centre on 0800 699 000. It is also available at: [www.nzta.govt.nz/consultation/tyres-and-wheels-amendment/index.html](http://www.nzta.govt.nz/consultation/tyres-and-wheels-amendment/index.html).

The Tyres and Wheels Rule and other final Land Transport Rules can be purchased from selected bookshops throughout New Zealand that sell legislation. They are also available at: [www.landtransport.govt.nz/legislation](http://www.landtransport.govt.nz/legislation), and can be inspected at regional offices of the NZTA.

### *Information about Rules*

Information about the Rules programme and process can be found on the website at: [www.landtransport.govt.nz/legislation/](http://www.landtransport.govt.nz/legislation/). An on-line form is provided for registering an interest in Rules.

If you have not registered your interest to receive drafts of this proposed amendment Rule (or other draft Rules in the Rules programme), you can do so by contacting the NZTA at the addresses shown in the *Making a submission* section at the front of this publication, or at [www.landtransport.govt.nz/rules/reg-interest-rules.html](http://www.landtransport.govt.nz/rules/reg-interest-rules.html).