Land Transport (Driver Licensing) Amendment Rule 1999

PURSUANT to the Land Transport Act 1998, the Minister of Transport makes the following ordinary rule.

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1 Title and commencement

(1) This rule may be cited as the Land Transport (Driver Licensing) Amendment Rule 1999, and is part of the Land Transport (Driver Licensing) Rule 1999[1] ("the principal rule").

(2) This rule is the Land Transport Amendment Rule 91001/1.

(3) This rule comes into force on 4 October 1999.

2 Interpretation

(1) Clause 2(1) of the principal rule is amended by inserting in the definition of "combination vehicle", after the words "motor vehicle", the words "(other than a special-type vehicle)".

[1] SR 1999/100

(2) Clause 2(1) of the principal rule is amended by inserting in paragraph (c)(ii) of the definition of **special-type vehicle**, after the words "a trade vehicle,", the words "a tractor, a fire engine,".

3 Objective of rule

A statement of the objective of this rule is set out in Schedule 1.

4 Consultation

A statement of the extent of the consultation that has been carried out in relation to this rule under section 161(2) of the Act is set out in Schedule 2.

5 Clause 6 revoked

Clause 6 of the principal rule is revoked.

6 Application for driver licence, endorsement, or driver identification card

Clause 9 of the principal rule is amended by inserting, after paragraph (g), the following paragraph:

"(ga) If the application is for a passenger, vehicle recovery, driving instructor, or testing officer endorsement, whether the applicant is applying for the endorsement to be issued for a period of 1 year or a period of 5 years; and".

7 Identification

Clause 10 of the principal rule is amended by revoking subclause (1), and substituting the following subclauses:

"(1) The applicant must produce the following evidence of the identity of the applicant to be sighted by the licensing agent:

"(a) A New Zealand passport that is current or has expired within the 2 years immediately preceding the date of application; or

"(b) A New Zealand Driver Licence, or Overseas Driver Licence, that is current or has expired within the 2 years immediately preceding the date of application; or

"(c) A passport issued by or on behalf of the government of a country other than New Zealand that is current or has expired within the 2 years immediately preceding the date of application; or

"(d) One of the following certificates issued under the Citizenship Act 1977:

"(i) A certificate of New Zealand citizenship:

"(ii) A certificate confirming New Zealand citizenship:

"(iii) A certificate confirming registration of citizenship by descent; or

"(e) A certificate of identity issued under the Passports Act 1992 that is current or has expired within the 2 years immediately preceding the date of application; or

"(f) A certificate of identity, as defined in section 2(1) of the Immigration Act 1987, that is current or has expired within the 2 years immediately preceding the date of application; or

"(g) A confirmation of residence permit issued by or on behalf of the Government of New Zealand; or

"(h) A refugee travel document issued by or on behalf of the Government of New Zealand that is current or has expired within the 2 years immediately preceding the date of application; or

"(i) A New Zealand Police or New Zealand Defence Force photo-identity card issued to non-civilian staff that is current or has expired within the 2 years immediately preceding the date of application; or

"(j) A full birth certificate issued in New Zealand, the Cook Islands, Niue, or Tokelau; or

"(k) A birth certificate issued in a country (other than New Zealand, the Cook Islands, Niue, or Tokelau) containing information equivalent to that contained in a full New Zealand birth certificate; or

"(l) Any firearms licence containing a photograph that is issued under the Arms Act 1983, and is current or has expired within the 2 years immediately preceding the date of application.

"(1A) Despite subclause (1),—

"(a) If the Director considers that the information contained in driver licences, passports, or certificates of birth issued by or on behalf of the government of a country other than New Zealand may not be reliable, the Director may issue a direction to all licensing agents prohibiting the acceptance of all or any specified class of documents issued by or on behalf of the government of that country as evidence of the identity of the applicant; and

"(b) No document to which a direction under paragraph (a) applies may be accepted by a licensing agent as evidence of the identity of the applicant while that direction remains in force."

8 Obtaining learner licence

The table in clause 15 of the principal rule is amended by omitting from paragraph (a) of the item relating to a Class 4L licence the expression "12 months", and substituting the expression "6 months".

9 Obtaining driving instructor endorsement

(1) Clause 23(f) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

(2) Clause 23 of the principal rule is amended by adding the following subclause:

"(2) Despite subclause (1), a person who holds a driving instructor endorsement and who applies to add another class of vehicle to that endorsement is entitled to obtain a driving instructor endorsement for that class of vehicle if—

"(a) The person holds, and has held for at least 2 years, a full licence of a class that authorises the person to drive that class of vehicle; and

"(b) The person complies with—

"(i) The provisions listed in subclause (1)(a), other than clause 13; and

"(ii) Subclause (1)(f) and (g)."

10 Obtaining passenger endorsement

(1) Clause 27(f) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

(2) Clause 27 of the principal rule is amended by adding the following subclause:

"(2) Despite subclause (1), a person need not comply with paragraph (d) of that subclause if,—

"(a) At the close of 2 May 1999, the person held a Class CL or Class DL licence; and

"(b) The person applies for a passenger endorsement before 3 May 2001."

11 Obtaining testing officer endorsement

Clause 31(e) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

12 Obtaining vehicle recovery endorsement

(1) Clause 34(f) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

(2) Clause 34 of the principal rule is amended by adding the following subclause:

"(2) Despite subclause (1), a person need not comply with paragraph (d) of that subclause if,—

"(a) At the close of 2 May 1999, the person held a Class NL licence; and

"(b) The person applies for a vehicle recovery endorsement before 3 May 2001."

13 Criteria and procedure in relation to fit and proper person test

Clause 35(1) is amended by inserting, after the words "the applicant for", the words ", or the holder of,".

14 Theory tests required

Clause 45 of the principal rule is amended by inserting, after subclause (1), the following subclause:

"(1A) Despite subclause (1), a person does not have to pass the appropriate theory test as specified in Schedule 5 if,—

"(a) At the close of 2 May 1999, the person held a Class LL licence; and

"(b) The person applies for a Class 3L or Class 5L licence before 3 May 2001."

15 Practical driving tests required

(1) Clause 48(6) of the principal rule is amended by inserting, after the words "Except as provided in", the words "subclause (7) or".

(2) Clause 48 of the principal rule is amended by adding the following subclause:

"(7) An applicant may take the practical driving test in an appropriately configured or loaded vehicle of a class other than that to which the class of licence sought relates if the Director approves the use of that other vehicle for the test."

16 Period of validity of endorsement

The principal rule is amended by revoking clause 61, and substituting the following clause:

"**61**

(1) A dangerous goods endorsement may be issued for a period of 5 years.

"(2) Subject to subclause (3), a passenger, vehicle recovery, driving instructor, or testing officer endorsement may be issued for a period of 1 year or a period of 5 years.

"(3) If a person who holds a passenger, vehicle recovery, driving instructor, or testing officer endorsement obtains an additional endorsement that is a passenger, vehicle recovery, driving instructor, or testing officer endorsement, the additional endorsement expires on the same date as the previous endorsement.

"(4) A special-type vehicle endorsement expires on the same date as the holder's driver licence."

17 Renewal of driver licence

Clause 67 of the principal rule is amended by revoking subclause (5), and substituting the following subclause:

"(5) If a driver licence that is due to expire is renewed less than 60 days before that expiry date, the renewed licence may be issued to an applicant with the expiry date that would have applied had the applicant renewed his or her licence on the expiry date."

18 Renewal of passenger, vehicle recovery, driving instructor, testing officer, or dangerous goods endorsement

(1) Clause 70(1) of the principal rule is amended by omitting the word "first", and substituting the word "fifth".

(2) Clause 70(2) of the principal rule is amended by revoking paragraph (b), and substituting the following paragraphs:

"(b) In the case of an application for the renewal of an endorsement that was issued for a period of 5 years, the person produces a medical certificate in accordance with clause 44; and

"(ba) In the case of an application for the renewal of an endorsement that was issued for a period of less than 5 years, the person produces a medical certificate in accordance with clause 44 if the person has not, within the 5 years immediately preceding the date of the application, produced a certificate that complies with the requirements of clause 44; and"

(3) Clause 70(2)(c) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

19 Replacement of driver licence or endorsement revoked on medical grounds

Clause 86(2)(b) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

20 Approval of course

Clause 96 of the principal rule is amended by adding the following subclause:

"(3) Without limiting subclause (2), when approving a course, the Director may allow the course to be conducted using an ap-

propriately configured or loaded vehicle of a class other than the class to which the course relates."

21 Equivalent class or type of driver licences and endorsements

Clause 106 of the principal rule is amended by inserting in the Table, in the appropriate order and columns, the following items:

Existing licence held	Equivalent licence
Class DL and Class B	Class 2L
Class LL, plus any of Classes F, FR, D, I, or J	Class 5L
Class I, plus either Class B or Class C	Class 4 and forklift, roller, or wheels endorsement, or any combination of those endorsements
Class J, plus either Class B or Class C	Class 4 and tracks or forklift endorsement, or both endorsements

22 Forklift drivers

The principal rule is amended by revoking clause 110, and substituting the following clause:

"**110**

(1) A person is deemed to hold a forklift endorsement on and from 3 May 1999 until it expires in accordance with clause 112 if, at the close of 2 May 1999, the person—

"(a) Held any current full driver licence of any class other than Class A; and

"(b) Had successfully completed a course or held a statement referred to in subclause (2).

"(2) The person must—

"(a) Have successfully completed a forklift course approved by the Occupational Safety and Health Service of the Department of Labour; or

"(b) If an employee, have held a signed statement issued by his or her employer, certifying that that employee had been trained in the use of a forklift to standards in the Approved Code of Practice for Training Operators and Instructors of Powered Industrial Lift Trucks (Forklifts) 1995 (issued by the Secretary of Labour under the Health and Safety in Employment Act 1992); or

"(c) If an independent contractor, have held a signed statement by the applicant—

"(i) Stating that the applicant had been trained in the use of a forklift to standards in the Approved Code of Practice for Training Operators and Instructors of Powered Industrial Lift Trucks (Forklifts) 1995 (issued by the Secretary of Labour under the Health and Safety in Employment Act 1992); and

"(ii) Specifying where the training was held."

23 Obtaining new driver licence

Clause 113(2) of the principal rule is amended by inserting, after paragraph (b), the following paragraph:

"(ba) If the person is 80 years of age, or any age over 80 years that is divisible by 2, passes the test for older drivers under clause 49; and".

24 Additional requirements relating to issue of passenger endorsements

Clause 114(1)(a) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

25 Additional requirements relating to issue of vehicle recovery endorsement

Clause 115(a) of the principal rule is amended by omitting the words "for a further period of 5 years", and substituting the words "during the period of validity of the endorsement".

26 Period of validity of endorsements issued under this Part

Clause 120 of the principal rule is amended by revoking subclause (4), and substituting the following subclause:

"(4) An endorsement issued under clause 113, other than an endorsement referred to in subclauses (1) to (3), may be issued for a period of 1 year or a period of 5 years."

27 Person disqualified or holding expired or suspended driver licence not required to have held learner or restricted licence

Clause 121 of the principal rule is amended by revoking subclause (1), and substituting the following subclauses:

"(1) Subject to this clause, a person specified in subclause (1A) who applies for the issue of a driver licence under this rule must pass—

"(a) The appropriate theory test or tests under clause 45 for the particular class of licence sought; and

"(b) The appropriate practical driving test or tests under clauses 48 or 49 for the particular class of licence sought.

"(1A) The specified persons are persons who, at the close of 2 May 1999,—

"(a) Were disqualified from holding or obtaining a driver licence; or

"(b) Were holders of driver licences issued under the Transport (Vehicle and Driver Registration and Licensing) Act 1986, or any former enactment, that were suspended, expired, or revoked; or

"(c) Were 71 years of age or more and held any expired driver licence."

28 New heading and clause inserted

The principal rule is amended by inserting, after rule 121, the following heading and clause:

"*Transitional provision relating to renewal of P, I, O, and V endorsement*

"**122 P, I, O, and V endorsements may be re-issued for 12 months**

"(1) A person who, on 4 October 1999, holds a current P, I, O or V licence endorsement that was issued for 5 years may surrender the person's endorsement to the Director and apply for a new endorsement of the type surrendered.

"(2) If the applicant complies with clauses 9 to 11 and 14, the Director must issue the endorsement for 12 months beginning on its date of issue."

29 New Schedule 3 substituted

The principal rule is amended by revoking Schedule 3, and substituting the Schedule 3 set out in Schedule 3 of this rule.

Schedule 1

Cl 3

Objective of rule

This rule amends the Land Transport (Driver Licensing) Rule 1999, which sets out the requirements for obtaining and renewing driver licences and endorsements, and requirements relating to the provision of services for driver licensing.

The objective of the rule is to smooth the transition to the new driver licensing regime by addressing issues that have arisen during implementation.

In summary, the rule—

- •• allows more documents to be used as primary identification for obtaining a driver licence allows more documents to be used as primary identification for obtaining a driver licence
- •• reduces the annual vetting requirement for bus drivers to 1 vetting every 5 years
- •• allows licence endorsements to lapse for up to 5 years, instead of 1 year, before a person must qualify again.

A companion measure gives holders of licence endorsements the option of paying for their endorsement annually or once every 5 years,

and provides that multiple endorsement holders now have to pay only 1 fee, rather than a fee for each endorsement. These changes are contained in the Land Transport (Driver Licensing and Driver Testing Fees) Amendment Regulations 1999.

The rule also—

- clarifies requirements for the transition to the new classes of driver licence
- removes the restriction on the Director of Land Transport Safety's power to grant exemptions
- allows for the approval of alternative testing sites
- allows the Director to approve the use of specified vehicles for practical driving tests and course approvals.

Schedule 2

Cl 4

Consultation carried out under section 161(2) of the Act

The changes in this rule result largely from addressing concerns with the new driver licensing regime and the Land Transport Safety Authority's (LTSA) experience in implementing the new system. Following the commencement of the Land Transport (Driver Licensing) Rule 1999, concerns were raised by the land transport industry about the cost of the new Passenger (P) endorsement for bus drivers, in particular, the cost to those in rural areas, who do not always drive on a full-time basis. As a result, the costs imposed by the new driver licensing system on the drivers of all small passenger service vehicles and other endorsement holders were reviewed, including multiple endorsement holders. The resulting changes in the rule and associated regulations reflect the Government's concern that no group of commercial drivers should be disadvantaged in complying with the requirements of the new system.

As a result of experience in operating the new driver licensing system and working with industry groups on transitional issues such as those relating to commercial drivers, the LTSA also identified further improvements to the transitional provisions that would allow the Director to recognise previous qualifications and experience.

Consultation on the rule began formally on 6 July 1999 when the LTSA released the public consultation (yellow) draft of the rule and sent a copy to around 500 groups and individuals. The draft rule was also made available on the LTSA's website on the Internet and was sent to libraries and transport organisations overseas. The LTSA publicised the availability of the rule in 15 metropolitan and regional newspapers, the *Gazette*, and Te Maori News. Meetings were held with interested groups to discuss the proposals as well as additional issues raised throughout the consultation process. The LTSA received 58 written submissions as a result of public consultation on the draft rule.

Schedule 3

Cl 29

New Schedule 3 substituted in principal rule

Schedule 3

Cl 7

Classes of driver licence

Licence class	Motor vehicle to which licence relates
Class 1, 1L, and 1R	Any motor vehicle (including any tractor) or combination vehicle, that is not a motor cycle that has a gross laden weight or gross combined weight of 4500 kg or less, or, for a special-type vehicle that is a forklift, has a gross laden weight of 15000 kg or less
Class 2 and 2L	Any rigid vehicle (including any tractor) with a gross laden weight of more than 4500 kg but less than 15001 kg, or any combination vehicle that has a gross combined weight of 12000 kg or less, or any combination vehicle consisting of a rigid vehicle of 15001 kg or less towing a light trailer, or any rigid vehicle with a gross laden weight of more than 15000 kg with no more than 2 axles

Schedule 3—*continued*

Class 3 and 3L	Any combination vehicle with a gross combined weight of more than 12000 kg but less than 25001 kg
Class 4 and 4L	Any rigid vehicle (including any tractor) with a gross laden weight of more than 15000 kg, or combination vehicle consisting of a rigid vehicle of more than 15000 kg towing a light trailer
Class 5 and 5L	Any combination vehicle with a gross combined weight of more than 25000 kg
Class 6, 6L, and 6R	Any motorcycle, moped, or all-terrain vehicle

Dated at Auckland this 30th day of August 1999.

MD WILLIAMSON,

Minister of Transport.

Explanatory Note

This note is not part of the rule, but is intended to indicate its general effect.

This rule, which comes into force on 4 October 1999, is an ordinary rule made under the Land Transport Act 1998 and amends the Land Transport (Driver Licensing) Rule 1999.

The objective of the rule is set out in Schedule *1*.

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