Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2007

Preamble

At Wellington this 3rd day of September 2007

Pursuant to section 167 of the Land Transport Act 1998, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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1 Title

These regulations are the Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2007.

2 Commencement

These regulations come into force on 1 October 2007.

3 Principal regulations amended

These regulations amend the Land Transport (Offences and Penalties) Regulations 1999.

4 Interpretation

Regulation 2(1) is amended by revoking the definition of **provision** and substituting the following definition:

"**provision** means—

"(a) a provision of the Land Transport Rules; or

"(b) a section of the Act."

5 Impoundment of motor vehicles

The heading to regulation 8 is amended by adding "**under section 96 of Act**".

6 New regulation 8A inserted

The following regulation is inserted after regulation 8:

"**8A Impoundment of motor vehicles under section 96A of Act**

A notice acknowledging the seizure and impoundment of a motor vehicle that is to be given to the driver and registered owner of the vehicle, and to the storage provider under section 96A of the Act, must be in the form set out in Schedule 5 or a form to the same effect."

7 Schedule 1 amended

(1) Schedule 1 is amended by inserting the heading and items set out in Part 1 of Schedule 1 of these regulations above the heading "*Dangerous Goods 2005 (45001/1):*".

(2) The item relating to 4.2(2) under the heading of "*Land Transport (Road User) Rule 2004 (61001):*" in Schedule 1 is amended by omitting "Driver of left-turning vehicle fails to

give way to vehicle not turning, and approaching right turning vehicle" and substituting "Driver of vehicle changing lanes or turning fails to give way to vehicle not changing lanes or turning".

(3) Schedule 1 is amended by inserting the following item after the item relating to 4.2(2) under the heading of "*Land Transport (Road User) Rule 2004 (61001):*":

4.2(2A)	Driver of left-turning vehicle fails to give way to an approaching right-turning vehicle	1,000	—	150	—	

(4) Schedule 1 is amended by inserting the heading and items set out in Part 2 of Schedule 1 of these regulations above the heading "*Passenger Service Vehicles 1999 (31001):*".

(5) Schedule 1 is amended by adding the items set out in Part 3 of Schedule 1 of these regulations.

8 Schedule 2 amended

(1) The item relating to the Land Transport Act 1998 in Part 1 of Schedule 2 is amended by adding the following:

79R	Person produces logbook with 1-5 omissions	10
79R	Person produces logbook with 6-10 omissions	20
79R	Person produces logbook with 11 or more omissions	30
79R	Person fails to produce logbook	35

(2) The item relating to rule 4.2(2) of the Land Transport (Road User) Rule 2004 (61001) in Part 1 of Schedule 2 is amended by omitting "Driver of left-turning vehicle fails to give way to vehicle approaching or crossing from right" and substituting

"Driver of vehicle changing lanes or turning fails to give way to vehicle not changing lanes or turning".

(3) The item relating to the Land Transport (Road User) Rule 2004 (61001) in Part 1 of Schedule 2 is amended by inserting the following item after the item relating to rule 4.2(2):

2.2(2A)	Driver of left-turning vehicle fails to give way to an approaching right-turning vehicle	20

(4) Part 1 of Schedule 2 is amended by adding the items set out in Schedule 2 of these regulations.

9 New Schedule 5 added

The Schedule 5 set out in Schedule 3 of these regulations is added.

Schedule 1

r 7(1), (4), (5)

Amendments to Schedule 1

1

Heading and items inserted above heading "Dangerous Goods 2005 (45001/1):"

Provision	Brief description	Maximum penalty on summary for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
Land Transport Act 1998:					

1—*continued*

79R	Person produces logbook with 1-5 omissions	–	–	150	–
79R	Person produces logbook with 6-10 omissions	–	–	300	–
79R	Person produces logbook with 11 or more omissions	–	–	500	–
79R	Person fails to produce log-book	–	–	500	–

2

Heading and items inserted above heading "Passenger Service Vehicles 1999 (31001):"

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)

Operator Licensing 2007 (81001):

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
2.3	Holder of transport service licence must notify the Director of specified changes, and within specified time	1,000	5,000	200	1,000
2.4(1)	Owner of vehicle used under transport service licence must obtain from user of vehicle a certificate of responsibility before vehicle is used in the service	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
2.4(3)	Holder of transport service licence must notify the Director of specified changes, and within specified time	1,000	5,000	200	1,000
2.4(4)	Owner of vehicle obtaining certificate of responsibility must retain it for prescribed period and produce it on demand	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
2.5(3)	Licensee must return recovered original licence or other document for which a duplicate has been issued	1,000	5,000	200	1,000
2.6	Licensee must return amended, revoked, or surrendered licence within 7 days of a request by the Director	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3,2(1)	Person must not drive a small passenger service vehicle unless holding and displaying a current driver identification card	2,000	10,000	400	2,000
3.2(7)	Holder of a passenger service licence operating a small passenger service vehicle, and every driver of the vehicle, must ensure driver's identification card is compliant and	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	is displayed in the vehicle				
3.3(3)	Driver of small passenger service vehicle must state correct scale or basis of fare	2,000	10,000	400	2,000
3.3(4)	Driver of small passenger service vehicle must, at end of hire, demand no more than exact fare and other charges, less any prepayment	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.3(5)	Driver of small passenger service vehicle must, on request by a hirer, issue an itemised receipt that indicates specified particulars	2,000	10,000	400	2,000
3.3(6)	Driver of small passenger service must on request carry certain luggage and take care of luggage carried	1000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.3(8)	Driver of small passenger service vehicle must check vehicle for left property immediately after each hire	1,000	5,000	200	1,000
3.3(9)	Driver of small passenger service vehicle must notify office immediately of any left property and deliver it to police within 24 hours	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.3(10)	Driver of small passenger service vehicle must not place or carry in vehicle any offensive substance	1,000	5,000	200	1,000
3.3(11)	Driver of small passenger service vehicle not immediately for hire must not park so as to impede a vehicle that is available for hire	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.3(12)	Driver of small passenger service vehicle must not stop on a road longer than necessary to load or unload passengers or luggage or for other lawful purpose	1,000	5,000	200	1,000
3.3(15)	Driver of small passenger service vehicle must be clean and behave in orderly and civil manner	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.3(16)	Driver of small passenger service vehicle at designated stand must remain in attendance of vehicle	1,000	5,000	200	1,000
3.3(17)	Driver of small passenger service vehicle must not carry more than prescribed number of passengers	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.4	Holder of a passenger service licence must not allow vehicle to be used with prohibited advertising	1,000	5,000	200	1,000
3.5(1)	Holder of a passenger service licence operating a small passenger service vehicle must ensure complaints register is maintained	4,000	20,000	750	3,750
3.5(2)	Complaints register must be maintained in respect of specified information	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.5(4)	Entries in complaints register must be retained in register for 2 years	2,000	10,000	400	2,000
3.5(5)	Complaints register must be available for inspection by enforcement officer	2,000	10,000	400	2,000
3.5(6)	Complaints register must record specified information	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.5(7)	Original written complaints must be retained as part of complaints register	2,000	10,000	400	2,000
4.2(1)	Holder of passenger service licence operating a taxi must ensure specified information is displayed on inside and outside of vehicle	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
4.2(2)	Holder of passenger service licence operating a taxi service must ensure that every taxi used under the licence displays transport service licence number in specified manner on outside of taxi	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
4.2(5)	Name of approved taxi organisation and unique fleet number must be positioned in prescribed position inside vehicle	2,000	10,000	400	2,000
4.2(6)	Specified information must be positioned in prescribed position on outside of vehicle	2,000	10,000	400	2,000
4.2(8)	Holder of a passenger service licence operating a taxi service and driver must ensure	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	that prescribed information is provided in Braille				

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
4.3(1) & (2)	Holder of passenger service licence must ensure every taxi used under the licence has approved roof sign	2,000	10,000	400	2,000

2—*continued*

4.3(3)	Driver of taxi available for hire at night must ensure roof sign is illuminated	2,000	10,000	400	2,000
4.4(1)(a)	Taxi driver cruising for hire must drive at a speed that does not impede traffic	1,000	5,000	200	1,000
4.4(1)(b)	Taxi driver cruising for hire must display a for hire sign	1,000	5,000	200	1,000
4.4(2)	Taxi driver, while available for hire, must, with certain exceptions, accept any offered hire and passenger up to the prescribed maximum	1,000	5,000	200	1,000

2—*continued*

4.4(3)	Taxi driver may allow only the hirer and persons permitted by the hirer to ride in the vehicle	1,000	5,000	200	1,000
4.4(4)	Taxi driver must not pick up or set down a passenger if traffic hazard created or traffic flow impeded	2,000	10,000	400	2,000
4.4(5)	Taxi driver must not accept a hire within 20 metres of a designated stand except in specified circumstances	1,000	5,000	200	1,000
4.4(6)	Taxi driver must inform hirer when a change of tariff setting is made on a multiple tariff meter	1,000	5,000	200	1,000

2—*continued*

4.5(1)	Taxi not available for hire must not take up position at a designated stand	1,000	5,000	200	1,000
4.5(2)	Taxi driver must take up first vacant position at a designated stand	1,000	5,000	200	1,000
4.5(3)	Taxi must immediately move to position on stand vacated by vehicle in front	1,000	5,000	200	1,000
4.5(4)	Taxi driver must accept first hire offered unless lawful reason to refuse	2,000	10,000	400	2,000
4.6(2)	Taxi driver wishing to undertake multiple hire must first request existing hirer to share	1,000	5,000	200	1,000

2—*continued*

4.6(3)	Taxi driver must not include prospective hirer or other person if existing hirer objects	2,000	10,000	400	2,000
4.6(5)	Taxi driver undertaking a multiple hire must not charge each hirer more than the metered fare otherwise payable	4,000	20,000	750	3,750
4.7(1) & (2)	Holder of a passenger service licence operating a taxi must ensure compliant schedule of fares, charges, and multiple hire discounts is displayed on outside of taxi	2,000	10,000	400	2,000

2—*continued*

4.7(3)	Fare schedule must be clearly displayed on outside front passenger door	2,000	10,000	400	2,000
4.7(4)	Person must not drive taxi if fare schedule not displayed	2,000	10,000	400	2,000
4.8(1)	Holder of a passenger service licence operating a taxi must display a schedule of fares, charges, and multiple hire discounts containing specified information in prescribed manner	1,000	5,000	200	1,000
4.8(4)	Person must not drive taxi hired or available for hire if schedule not displayed	2,000	10,000	400	2,000

2—*continued*

4.9(2)	Person must not display fares, charges, or multiple hire discounts not registered with the Director	2,000	10,000	400	2,000
4.10(1)	Taxi driver must not charge a fare that exceeds fare stated in registered fare schedule	4,000	20,000	750	3,750
4.11(1)	A meter must not be used until tested, sealed and certificated by the Director or authorised person	4,000	20,000	750	3,750
4.11(3)	Taxi driver must carry taxi meter certificate in vehicle and produce it on demand	2,000	10,000	400	2,000

2—*continued*

4.11(4)	Taxi driver or operator of taxi service must not operate taxi, or allow taxi to be operated, unless taxi fitted with compliant meter in good working order	2,000	10,000	400	2,000
4.11(5)	Taxi driver must operate meter in prescribed manner	2,000	10,000	400	2,000
4.11(6)	Taxi driver must not use meter with intent to deceive, or operate vehicle if meter has been tampered with	10,000	50,000	–	–

2—*continued*

4.11(7)(a)	Holder of a passenger service licence operating a taxi service must maintain meter in good working order and have it regularly tested, sealed, and certificated	4,000	20,000	750	3,750
4.11(7)(b)	Holder of a passenger service licence operating a taxi service must ensure driver ceases to ply for hire if meter is out of order or its seal is broken, and ensure meter is repaired, tested, sealed, and certificated	4,000	20,000	750	3,750

2—*continued*

4.11(7)(b)	Holder of a passenger service licence operating a taxi service must ensure meter is retested, sealed and certificated in prescribed circumstances before carrying passengers for hire	4,000	20,000	750	3,750
4.11(8)	Holder of a passenger service licence operating a taxi service must ensure vehicle is not available for hire if meter found to be not registering or registering incorrectly, until meter repaired, sealed, and certificated	4,000	20,000	750	3,750

2—*continued*

4.12	Taxi driver must use most advantageous route to hirer's destination, unless hirer requests otherwise	2,000	20,000	400	2,000
4.13(2)	Person must not cause or permit taxi driver to accept a hire in specified area unless driver holds area knowledge certificate for that area	2,000	10,000	400	2,000
Provision	**Brief description**	**Maximum penalty on summary conviction for individual ($)**	**Maximum penalty on summary conviction for body corporate ($)**	**Infringement fee for individual ($)**	**Infringement fee for body corporate ($)**
4.13(6)	Taxi driver in Auckland or Wellington must hold all applicable area	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	knowledge certificates				
4.13(9)	Taxi driver must not accept a hire in specified area unless driver holds area knowledge certificate for that area	2,000	10,000	400	2,000
4.13(15)	Taxi driver must take an English language test or complete a course if required to do so by the Director	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
4.13(17)	Area knowledge certificate must not be issued unless applicant has passed approved test	4,000	20,000	750	3,750
5.1(3)	A shuttle must not be fitted with a roof sign	2,000	10,000	400	2,000
5.1(4)	A shuttle must not use taxi meter to determine fares	2,000	10,000	400	2,000
5.1(5)	A shuttle must not cruise for hire	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.1(6)	A shuttle must be available for shared use of unassociated passengers	2,000	10,000	400	2,000
5.2(1)	Holder of passenger service licence operating a shuttle service must ensure specified information is displayed on inside and outside of vehicle	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.2(2)	Holder of passenger service licence operating a shuttle service must ensure transport service licence number is displayed in specified manner on outside of shuttle	2,000	10,000	400	2,000
5.2(4)	Specified information must be displayed inside vehicle in prescribed position	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.2(5)	Specified information must be positioned in prescribed positions on outside of vehicle	2,000	10,000	400	2,000
5.3	Shuttle driver, while available for hire, must accept any hire for shared use and the hirer as a passenger	2,000	10,000	400	2,000
5.4(1)	Shuttle service must be operated to or from a registered starting or end point	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.4(3)	Holder of passenger service licence operating a shuttle service must register service and general area of operation with the Director before commencing service	2,000	10,000	400	2,000
5.4(5)	Shuttle driver must carry copy of Director's registration of acknowledgement, and produce it on demand	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.4(6)	Shuttle passenger must be uplifted or set down at registered transit point	2,000	10,000	400	2,000
5.5(1)	Shuttle driver must only charge fare registered with the Director or agreed with passenger	2,000	10,000	400	2,000
5.5(2)	Holder of passenger service licence operating a shuttle service must ensure detailed fare schedule is carried in shuttle	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.5(4)	Shuttle driver must produce detailed fare schedule to passenger upon request	2,000	10,000	400	2,000
5.5(7)	Person must not drive shuttle available for hire unless notice containing specified information is displayed inside or outside shuttle and driver carries detailed fare schedule	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.6(1)	Shuttle driver available for hire must take up position at a designated shuttle stand or area designated for small passenger service vehicles (except areas designated for taxis only)	1,000	5,000	200	1,000
5.6(2)	Shuttle driver must take up first vacant position at a stand	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
5.6(3)	Shuttle driver must immediately move to position on stand vacated by vehicle in front	1,000	5,000	200	1,000
5.7(1)	Shuttle service must not be commenced until fare schedule registered with and acknowledged by the Director	2,000	10,000	400	2,000
5.7(3)	Shuttle driver must not charge a fare that exceeds fare stated in registered fare schedule	4,000	20,000	750	3,750

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
6.1(2)	Private hire vehicle must not cruise for hire	2,000	10,000	400	2,000
6.1(3)	Private hire vehicle must not be fitted with a roof sign	2,000	10,000	400	2,000
6.1(4)	Private hire vehicle must be prebooked	2,000	10,000	400	2,000
6.1(5)	Driver of private hire vehicle must not use taxi meter to determine fares	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
6.1(6)	Driver of private hire vehicle must charge only a set fare or an hourly rate agreed with passenger when booking	2,000	10,000	400	2,000
6.1(7)	Private hire service operator must register details of nature of service and area of operation with Director before commencing service	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
6.2	Driver of private hire vehicle must carry specified information and a copy of the Director's acknowledgement of registration in vehicle and produce them on demand	2,000	10,000	400	2,000
6.3(1)	Driver of private hire vehicle must not take up position at a stand designated for small passenger service vehicles (not being for taxis or shuttles	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	only) unless waiting for prebooked passenger				
7.1(2)	Operator of passenger service using small passenger service vehicle not operated in taxi, shuttle or private hire service must register service with, and seek approval of, the Director	2,000	10,000	400	2,000
7.1(4)	Driver of small passenger service vehicle not operated in taxi, shuttle or private hire	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	service must carry a copy of Director's approval and produce it on demand				

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
7.3	Driver of small passenger service vehicle not operated in taxi, shuttle, or private hire service must be clean	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	and behave in orderly and civil manner while operating vehicle				
8.3(2)	At least one person in control of approved taxi organisation must hold certificate of knowledge of law and practice	10,000	20,000	2,000	3,750
8.4(1)	Approved taxi organisation must submit proposed amendment to approved operating rules to Director for approval	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.4(3)	Approved taxi organisation must ensure members and drivers comply with approved operating rules	10,000	10,000	2,000	2,000
8.5(1)(a)	Approved taxi organisation must ensure each member operating a taxi service holds a passenger service licence	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(b)	Approved taxi organisation must ensure members' services are available to public for specified period or in specified manner	10,000	10,000	2,000	2,000
8.5(1)(c)	Approved taxi organisation must ensure that, as soon as signage approved, telephone numbers are advertised in White Pages	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(d)	Approved taxi organisation must assign unique fleet numbers to members' vehicles	10,000	10,000	2,000	2,000
8.5(1)(e)	Approved taxi organisation must maintain a member and driver register containing prescribed information	10,000	10,000	2,000	2,000
8.5(1)(f)	Approved taxi organisation must maintain a complaints register and comply with specified requirements	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(g)	Approved taxi organisation must ensure members and drivers hold appropriate area knowledge certificates	10,000	10,000	2,000	2,000
8.5(1)(h)	Approved taxi organisation must ensure members and drivers maintain adequate knowledge of current operating area, and have appropriate ability to speak English	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(i)	Approved taxi organisation must ensure each driver holds a current driver licence, P endorsement, and driver identification card	10,000	10,000	2,000	2,000
8.5(1)(j)	Approved taxi organisation must notify the Director of change in person in control within 14 days	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(k)	Approved taxi organisation must notify the Director of change in business address or telephone number within 14 days	10,000	10,000	2,000	2,000
8.5(1)(l)	Approved taxi organisation must report promptly to the Director details of driver whose employment is terminated for improper behaviour	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(m)	Approved taxi organisation must report promptly to the Director serious complaints and follow-up action	10,000	10,000	2,000	2,000
8.5(1)(n)	Approved taxi organisation must provide to the Director all information relevant to serious complaints	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(o)	Approved taxi organisation must record log-on and log-off times of drivers and retain records for specified period	10,000	10,000	2,000	2,000
8.5(1)(p)	Approved taxi organisation must make member and driver register available for inspection on demand	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(q)	Approved taxi organisation must ensure members display only signage currently approved by the Director, and display the fare schedule and telephone number for that signage	10,000	10,000	2,000	2,000
8.5(1)(r)	Approved taxi organisation must ensure members discontinue use of replaced signage	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
8.5(1)(s)	Approved taxi organisation must ensure changes to approved signage, or additional signage, are approved by the Director	10,000	10,000	2,000	2,000
8.6(1)	Approved taxi organisation must register fare, charge, and multiple hire discount schedules with the Director	10,000	10,000	2,000	2,000
8.7(1)	Approved taxi organisation must notify the Director of changes to its operating areas	10,000	10,000	2,000	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
9.1(1)	Holder of rental service licence must keep register of vehicles and hirers containing prescribed information	2,000	10,000	400	2,000
9.1(2)	Holder of rental service licence must produce register for inspection	2.000	10.000	400	2,000
9.2(1)	Holder of rental service licence and hirer of vehicle must enter into written rental agreement	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
9.2(2)	Rental agreement must include prescribed terms	2,000	10,000	400	2,000
9.2(3)	Holder of rental service licence must ensure hirer receives copy of rental agreement	2,000	10,000	400	2,000
9.2(4)	Holder of rental service licence must explain provisions of rental agreement if requested by hirer	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
9.2(5)	Holder of rental service licence must ensure hirer or driver holds current valid licence appropriate for vehicle	2,000	10,000	400	2,000
9.3(2)	Hirer of vehicle must ensure copy of rental agreement is kept in vehicle and produced on demand for inspection	1,000	5,000	200	1,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
9.4(1)	Holder of rental service licence must offer vehicle insurance before agreeing to hire	1,000	5,000	200	1,000
9.5(3)	Holder of rental service licence must not charge infringement fee to hirer's credit card unless rental agreement contains specified notices	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
9.5(5) & 9.5(6)	Holder of rental service licence must provide specified documents and information to hirer before debiting hirer's credit card for infringement fee	2,000	10,000	400	2,000
9.5(8)	Holder of rental service licence must keep copies of documents for specified period	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
9.5(9)	Holder of rental service must remit infringment fee to enforcement authority as soon as practicable	2,000	10,000	400	2,000
10.1(1)	Holder of vehicle recovery service licence must ensure prescribed information is clearly displayed in approved form on and in vehicle	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.1(2)	Holder of vehicle recovery service licence must ensure specified information is displayed on outside of vehicle	2,000	10,000	400	2,000
10.1(4)	Specified information must be positioned in prescribed position on outside of vehicle	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.3(1)	Driver of vehicle recovery service vehicle must wear a readily visible driver identification card	2,000	10,000	400	2,000
10.4	Driver of vehicle recovery service vehicle must behave in orderly and civil manner	2,000	10,000	400	2,000
10.5(1)	Driver of vehicle recovery service vehicle must ensure passengers do not behave threateningly or improperly	4,000	20,000	750	3.750

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.6(1)	Driver of vehicle recovery service vehicle must comply with directions of specified officers	2,000	10,000	400	2,000
10.6(2)	Driver of vehicle recovery service vehicle must ensure removal of passengers if directed by specified officers	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.7	Holder of vehicle recovery service licence must not allow vehicle to be used with prohibited advertising	1,000	5,000	200	1,000
10.8(1)	Holder of vehicle recovery service licence and vehicle driver must not allow animal to be transported	4,000	20,000	750	3,750

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.9(1)	Tow authority must be completed, carried, and produced on demand if vehicle being towed	2.000	10,000	400	2,000
10.9(2)	Tow authority must be in approved form and contain prescribed information	2,000	10,000	400	2,000
10.10(1)	Person may not move vehicle using a vehicle recovery service vehicle unless tow authority signed by specified person	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.11	Driver of vehicle recovery service vehicle must tow a vehicle to destination without unreasonable delay or deviation	2,000	10,000	400	2,000
10.12	Holder of vehicle recovery service licence and vehicle driver must prevent loss or damage to towed vehicle	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.13(1)	Holder of vehicle recovery service licence must maintain chronological register of all tow authorities for each vehicle operated	2,000	10,000	400	2,000
10.13(3)	Tow authority register must be made available for inspection	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
10.14(1)	Holder of vehicle recovery service licence operating a vehicle recovery service vehicle must ensure complaints register is maintained and specified requirements are complied with	4,000	20,000	750	3,750

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
11.1(1)	Holder of goods service licence operating a goods service vehicle must ensure specified information is displayed on outside of front doors of vehicle	2,000	10,000	400	2,000
11.2(1)	Holder of passenger service licence operating a large passenger service vehicle must ensure specified information is displayed	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	on outside of vehicle				
11.2(6)	Holder of passenger service licence operating a large passenger service vehicle must ensure complaints register is maintained and specified requirements are complied with	4,000	20,000	750	3,750
11.3(1)	Driver of a dial-a-driver service must carry and produce on demand specified information	2,000	10,000	400	2,000

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
11.3(2)	Driver of a dial-a-driver service must hold, and wear, a readily visible current driver identification card	2,000	10,000	400	2,000
11.3(7)	Holder of passenger service licence operating a dial-a-driver service must ensure driver's identification card is compliant and is worn by driver	2,000	10,000	400	2,000
11.3(8)	Holder of passenger service licence operating a	4,000	20,000	750	3,750

2—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	dial-a-driver service must ensure complaints register is maintained and specified requirements are complied with				

3

Items added to Schedule 1

Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body	Infringement fee for individual ($)	Infringement fee for body corporate ($)

3—*continued*

		vidual ($)	corporate ($)		
11.8(1)	Removal, erasure, or alteration of VIN, chassis number, or engine number	1,000	1,000	200	200
11.8(3)	Affixing of VIN not assigned to vehicle	1,000	1,000	200	200
11.8(4)	Selling vehicle required to have VIN without VIN or with VIN removed, erased, or altered	1,000	1,000	200	200
Work Time and Logbooks 2007 (62001)					
1.3(2)	Driver must carry exemption document and produce without delay on demand by enforcement officer.	1,000	5,000	200	1,000

3—*continued*

2.1(4)	Taxi driver must not drive during rest break	2,000	10,000	400	2,000
2.1(4)	Taxi driver must not display sign indicating taxi is available for hire during rest break	1,000	5,000	200	1,000

Provision	**Brief description**	**Maximum penalty on summary conviction for individual ($)**	**Maximum penalty on summary conviction for body corporate ($)**	**Infringement fee for individual ($)**	**Infringement fee for body corporate ($)**
2.2(16)	Employer of essential service driver to record details of variation	1,000	5,000	200	1,000

3—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
2.2(17)	Record in 2.2(16) to be retained for 12 months and produced to an enforcement officer on demand	1,000	5,000	200	1,000
2.4(2)(c)	Commanding officer or other person in command of driver must carry a copy of work time hours variation	1,000	5,000	200	1,000

3—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
2.5(7)	Requirement to carry approved work time hours variation and produce it to an enforcement officer on demand	1,000	5,000	200	1,000
2.5(8)	Driver working with work time hours variation must observe limits and conditions	2,000	10,000	400	2,000

3—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
3.4(7)	Requirement to produce approved alternative record to an enforcement officer on demand	2,000	10,000	500	2,000
4.2(1)	Requirement to offer proof that exemption applies	1,000	5,000	200	1,000
4.5(2)	Vehicle recovery service vehicles (requirement to complete and retain tow authorities)	2,000	10,000	500	2,000

3—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
4.5(6)	Requirement to carry and produce copy of routes and times allocation to an enforcement officer on demand	1,000	5,000	200	1,000
4.7(4)	Requirement to carry and produce exemption notice to an enforcement officer on demand	1,000	5,000	200	1,000

3—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
6.6(2)	Requirement on holder of alternative fatigue management system to maintain and retain records	5,000	25,000	1,000	5,000
6.6(4)	Drivers and contractors to comply with requirements of alternative fatigue management scheme approval	2,000	10,000	400	2,000

3—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
6.6(5)	Employed drivers and contractors to comply with operating limits and countermeasures of alternative fatigue management scheme	2,000	10,000	400	2,000
6.6(6)	Drivers and contractors to keep records of alternative fatigue management scheme	2,000	10,000	400	2,000
8.1(2)	Failure to comply with existing exemptions from logbook	2,000	10,000	400	2,000

3—*continued*

Provision	Brief description	Maximum penalty on summary conviction for individual ($)	Maximum penalty on summary conviction for body corporate ($)	Infringement fee for individual ($)	Infringement fee for body corporate ($)
	use or driving hours				

Schedule 2
Amendments to Schedule 2

r 8(4)

Enactment	Section or regulation	General description of offence	Number of demerit points
3 Land Transport Rule: Work Time and Logbooks 2007 (62001)	3.4(7)	Requirement to produce approved alternative record to an enforcement officer on demand	35

Enactment	Section or regulation	General description of offence	Number of demerit points
	4.5(2)	Vehicle recovery service vehicles (requirement to complete and retain tow authorities)	35
	6.6(6)	Requirement on driver or contractor working within an alternative fatigue management scheme to keep records	35

Schedule 3 r 9
New Schedule 5 added

Schedule 5 r 8A
Form of vehicle seizure and impoundment notice

Form

Vehicle seizure and impoundment notice

Schedule 5—*continued*
Form—*continued*

Section 96A, Land Transport Act 1998

Notice No:

Driver's full name:

Address:

Date of birth:

Occupation:

Driver licence No:

Transport Service Operator's name:

Address:

Time of seizure:

Date:

Street:

Location:

Time of offence:

Date:

Advice to driver or operator

I am required to seize and impound, or seize and authorise the impoundment of, the motor vehicle described below for 28 days because I believe, on reasonable grounds, that you drove the vehicle on a road while—

[*Tick appropriate box*]

☐ the transport service operator was disqualified from holding or obtaining a transport service licence; or

☐ the transport service operator's transport service licence was for the time being suspended or was revoked; or

☐ the transport service operator did not hold a transport service licence and had previously been forbidden to operate a transport service.

Schedule 5—*continued*
Form—*continued*

The vehicle driven or operated by you is seized and impounded for 28 days.

Registration No or VIN:

Make:

Year:

It is to be impounded at:

Enforcement officer ID:

Station:

An outline of rights (including an outline of the rights of appeal given to the owner of an impounded vehicle under sections 102 and 110 of the Act) is printed on the reverse of this page.

Outline of rights relating to impoundment of vehicle referred to in this notice

What about personal property in the vehicle?

Any personal property (other than property attached to or used in connection with the operation of the vehicle) will be released on request to any person who produces satisfactory evidence that he or she was lawfully entitled to possession of the vehicle or personal property immediately before the vehicle was moved. If the vehicle was carrying goods at the time of seizure and impoundment, they will be released to any person acting on behalf of the owner of the goods if the person produces satisfactory evidence of the owner's consent to the release.

Will my trailer be impounded?

Trailers and any other vehicle without motive power that is being towed by or is attached to a motor vehicle at the time of seizure and impoundment will not be seized or impounded.

What are my appeal rights?

If you are the owner of the motor vehicle that has been seized and impounded, you may appeal against the seizure and impoundment of the vehicle. In the first instance, you may appeal to the police and, if that appeal is unsuccessful, to the District Court. These appeal rights are set out in full in sections 102 and 110 of the Act.

Schedule 5—*continued*
Form—*continued*

What are the grounds for appeal?

The grounds for appeal are that—

(a) the impounded vehicle was a stolen or converted vehicle at the time of the seizure and impoundment; or

(b) the enforcement officer who seized the vehicle did not believe on reasonable grounds that at the time of driving or operating the vehicle on a road—

  (i) the transport service operator was disqualified from holding or obtaining a transport service licence; or

  (ii) the transport service operator's transport service licence was suspended or was revoked; or

  (iii) the transport service operator did not hold a transport service licence and had previously been forbidden to operate a transport service; or

(c) the enforcement officer who seized the vehicle did not comply with the notice requirements set out in section 96A(2) of the Act; or

(d) the transport service operator took all reasonable steps to prevent the driver from driving the vehicle; or

(e) the driver drove the vehicle in a serious medical emergency (including carrying a person who was about to give birth to a child).

How do I lodge an appeal?

If you believe you have grounds for appealing against the impoundment of the vehicle, you should go to the Police Station nearest to where the vehicle was impounded and pick up a copy of the appeal documents. The appeal must be in writing and set out in a statutory declaration. It must clearly state the grounds for the appeal. The declaration must be taken in front of someone entitled to take statutory declarations.

Who will determine your appeal?

The initial appeal against the impoundment of a vehicle will be determined by an enforcement officer.

Is there a time limit within which an appeal must be determined?

The officer who determines your appeal must do so as soon as is reasonably practicable and not later than 2 working days after the day of lodgement in the case of an appeal lodged on the ground that the impounded vehicle was a stolen or converted vehicle at the time of seizure and impoundment, and not later than 5 working days after the day of lodgement in any other case.

Schedule 5—*continued*
Form—*continued*

Results of appeal to police

The officer who determines your appeal will either allow the appeal or dismiss it. He or she may refuse to consider your appeal if satisfied that the appeal is frivolous or vexatious, or that you have provided insufficient information. If your appeal is not dismissed on these grounds, the officer who considers it will allow it if satisfied that one of the grounds listed in paragraph 4 above is established. If he or she is not satisfied that one of the grounds listed in paragraph 4 is established, the appeal will be dismissed.

Appeal to District Court

If your appeal is dismissed, you may appeal to the District Court where a District Court Judge will decide whether or not your appeal should be allowed. An appeal to a District Court must be made not later than 28 days after the date on which you were notified of the decision appealed against, or within such further period as the Court may allow. Requirements about the way in which the appeal is to be made and determined are specified in section 111 of the Act. The District Court must determine the appeal only on the grounds specified in the Act.

Towage and storage fees

The fees for towage and storage are set out in regulations. You can obtain a copy of the fees from your nearest police station.

How do I go about paying the fees?

If you are liable to pay fees for towage or storage, the law, in general, requires you to pay the fees in full or enter into an arrangement with the storage provider to pay the outstanding fees over time. You can arrange to pay some or all of the fees during the period of the impoundment.

Schedule 5—*continued*
Form—*continued*

Release of vehicle

The storage provider must release the impounded vehicle to the owner or a person authorised by the owner if your appeal is successful. The storage provider must release the impounded vehicle to the owner if the police finally decide not to take proceedings against the person who drove the vehicle or operated the vehicle, or if proceedings have been taken and the person is acquitted. The Act specifies other circumstances in which an impounded vehicle may be released before the close of the 28-day impoundment period. The storage provider must release the impounded vehicle to the registered owner of the vehicle, or a person authorised by the registered owner, on or after the close of the 28-day impoundment period if the owner or authorised person—

(a) shows proof of identity and either proof of ownership of the vehicle or the owner's copy of this notice; and

(b) pays the towage and storage fees and charges or enters into an arrangement with the storage provider to pay those fees and charges. (Note that a registered owner may enter into an arrangement only with the agreement of the person with whom the arrangement is entered into.)

Vehicle may be sold by storage provider

The storage provider may apply to an enforcement officer authorised by the Commissioner of Police for approval to dispose of the impounded vehicle if—

(a) 10 days have elapsed since the close of the impoundment period; and

(b) the vehicle owner or a person authorised by the owner has not claimed the vehicle and has not paid the towage and storage fees and charges or entered into an arrangement to pay those fees and charges; and

(c) no other person has established to the satisfaction of the authorised officer that the person is entitled to possession of the vehicle.

Rebecca Kitteridge,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 October 2007, amend the Land Transport (Offences and Penalties) Regulations 1999. The amendments set out the penalties for certain offences under the Land Transport Rule: Operator Licensing 2007 (81001) and the Land Transport Rule: Work Time and Logbooks 2007 (62001). The

amendments also prescribe the form of the notice for vehicle seizure and impoundment under section 96A of the Land Transport Act 1998.

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