Land Transport (Driver Licensing) Amendment Rule (No 2) 2013

Pursuant to sections 152, 154, and 158 of the Land Transport Act 1998, and after having had regard to the criteria specified in section 164(2) of that Act, the Associate Minister of Transport makes the following ordinary rule.

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Rule

1 Title

This rule is the Land Transport (Driver Licensing) Amendment Rule (No 2) 2013.

2 Commencement

This rule comes into force on 1 July 2013.

3 Principal rule

This rule amends the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**).

4 Objective

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

5 Consultation

A statement of the extent of the consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Clause 2 amended (Interpretation)

In clause 2(1), insert in its appropriate alphabetical order:

"**country** includes a State, territory, province, or other part of a country".

7 Clause 89A amended (Requirements not applying to overseas drivers)

Replace clause 89A(4) with:

"(4) A person to whom this clause applies is not required to sit the appropriate practical driving test required by clause 89(2)(c) if—

"(a) that person has, for at least 2 years, held a valid overseas driver licence or permit issued in a country specified in Part 1 of Schedule 8; or

"(b) that person has, for at least 2 years, held a valid overseas driver licence or permit issued in a country specified in Part 2 of Schedule 8 and that person's application is for a Class 1 or Class 6 driver licence."

8 Schedule 7A amended

In Schedule 7A, insert in their appropriate alphabetical order:

"Hong Kong Special Administrative Region of the People's Republic of China

"Republic of Korea".

9 Schedule 8 amended

(1) In Schedule 8, after the schedule heading, insert:

Part 1

"Holders may apply for any equivalent class of driver licence".

(2) In Schedule 8, after the item relating to United States of America, insert:

Part 2

"Holders may apply for equivalent Class 1 or Class 6 driver licence only

"Hong Kong Special Administrative Region of the People's Republic of China

"Republic of Korea".

10 Transitional provision for applicants holding licences issued in Hong Kong or Republic of Korea

(1) This clause applies to a person—

(a) who is the holder of a valid driver licence or permit issued in the Hong Kong Special Administrative Region of the People's Republic of China or in the Republic of Korea; and

(b) who, before the commencement of this clause, applied under clause 89 of the principal rule for a Class 1 or Class 6 driver licence, but had not passed all of the appropriate tests.

(2) If, before the commencement of this clause, a person to whom this clause applies—

(a) passed the appropriate theory test under clause 45 of the principal rule and had not sat the appropriate practical driving test, that person is not required to sit the practical driving test:

(b) failed the appropriate theory test under clause 45 of the principal rule and had not sat the appropriate practical driving test, that person must pass that theory test but is not required to sit the appropriate practical driving test:

(c) failed the appropriate practical driving test, that person must pass that practical driving test.

Schedule 1 cl 4
Objective of rule

The objective of this amendment rule is to recognise driver licences issued by the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong) and the Republic of Korea for the purposes of converting to an equivalent New Zealand driver licence without the holders having to undertake the theory and practical driving tests required under the New Zealand Graduated Driver Licensing System.

The amendment rule amends the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**) by—

(a) inserting a definition of country that includes a part of a country:

(b) providing for holders of driver licences or permits issued by Hong Kong and the Republic of Korea to convert to a New Zealand Class 1 (car) or Class 6 (motorcycle) licence without being required to sit a theory or practical driving test:

(c) including transitional requirements for holders of Hong Kong or Republic of Korea driver licences who applied for a Class 1 or Class 6 licence before 1 July 2013 but had not passed all of the required driver licensing tests.

Schedule 2 cl 5
Consultation carried out under section 161(2) of Act

The New Zealand Transport Agency (the **Agency**) consulted on the draft of this proposed amendment to the Land Transport (Driver Licensing) Rule 1999. The proposed amendment was notified to about

125 interested groups and individuals and was made available on the Agency's website on 20 February 2013. A notice of the rule amendment proposal was also published in the *Gazette*.

The Agency received 4 submissions on the draft amendment rule. The submissions were taken into account in finalising this rule before it was submitted to the Associate Minister of Transport for signing.

Dated at Wellington this 30th day of April 2013.

Michael Woodhouse,
Associate 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 1 July 2013, amends the Land Transport (Driver Licensing) Rule 1999 in the ways described in *Schedule 1*. In summary, the changes permit a person who has, for at least 2 years, held a valid car or motorcycle licence issued by the Hong Kong Special Administrative Region of the People's Republic of China (Hong Kong) or the Republic of Korea to convert the licence to the equivalent New Zealand driver licence without having to undertake the theory and practical driving tests.

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