

Land Transport Amendment Bill

Government Bill

Explanatory note

General policy statement

The overarching objective of the Land Transport Amendment Bill (the **Bill**) is to provide better regulation that maintains and improves the efficiency, effectiveness, and safety of the land transport system. The Bill has 6 components, which will—

- strengthen the legislation relating to alcohol interlocks:
- strengthen the framework for managing public transport fare evasion:
- create more effective deterrents to reduce the incidence of fleeing drivers:
- make changes to heavy vehicle regulation, to complement recent and proposed changes to the Land Transport (Vehicle Dimensions and Mass) Rule 2002 (the **VDAM Rule**):
- change the regulatory framework for small passenger services:
- make a range of minor amendments to ensure that the Land Transport Act 1998 (the **Act**) is clear and operating as intended.

Mandatory alcohol interlocks

The Bill proposes to improve road safety by reducing recidivist drink driving.

The Act contains a discretionary alcohol interlock sentence that the courts can impose on first-time offenders with high alcohol levels and offenders with repeat drink-drive convictions. However, the discretionary sentence is applied sparingly. The Bill makes alcohol interlocks mandatory for these offenders, with limited grounds for exception. Alcohol interlocks will also become mandatory for drink-drive offenders subject to alcohol assessment orders under section 65 of the Act.

The Bill also sets out how the mandatory alcohol interlock sentence applies when other offences with disqualification penalties have been committed. Changes for this purpose cover situations where the offender—

- is currently disqualified or suspended:
- is being sentenced concurrently for other offences:
- is serving an alcohol interlock sentence and is convicted of a subsequent drink-drive offence:
- is serving an alcohol interlock sentence and is convicted of a subsequent non-drink-drive offence.

Alcohol interlocks are a highly effective tool for reducing the incidence of recidivist drink-driving. International reviews of alcohol interlock programmes indicate that alcohol interlocks can reduce drink-drive reoffending by an average of 60% while the device is fitted. The amendments contained in the Bill are expected to result in greater use of alcohol interlocks by high-risk offenders and, in turn, improve road safety.

Managing fare evasion on public transport services

The Bill seeks to assist enforcement officers in dealing with cases of fare evasion, reduce risks of fare evasion (particularly on train services), and promote the efficiency of public transport operations.

Although there is an infringement offence relating to fare evasion in the Act, it is very difficult for enforcement officers (other than the Police) to get the information necessary to issue infringement notices. This is because there is currently no obligation on passengers to produce evidence that they have paid the fare or to provide their name and address details to an enforcement officer.

The Bill, if enacted, will therefore give enforcement officers new powers to require passengers to provide evidence that they have paid a fare and provide their contact details when a valid ticket is not produced, and to order a passenger to disembark from the public transport service. It will be an offence for a person to fail to comply with an enforcement officer's directions.

This approach is being taken to assist enforcement officers in dealing with most cases of fare evasion, and to make sure that the efficiency benefits of electronic ticketing are retained, while reducing the risk of fare evasion. The Police could be called in the more difficult cases involving non-compliant passengers, and would continue to attend more serious cases involving antisocial behaviour.

Increases to penalties for drivers who fail to stop for Police

Failing to stop for the Police is a serious offence as the actions of fleeing drivers often result in serious injury or death. The Bill seeks to—

- send a clear signal that failing to stop on a request or signal from an enforcement officer is a serious criminal act:
- deter drivers from fleeing the Police:
- reduce the number of repeat fleeing-driver offences.

The Bill proposes to increase the penalties for drivers who fail to stop for the Police. The disqualification penalties for failing to stop will scale up, based on whether an

offence is a driver's first, second, or third and subsequent offence of this kind. The Bill also proposes strengthening the powers of the courts to permanently confiscate vehicles involved in fleeing-driver incidents.

The mandatory driving disqualification period for a first-time conviction will increase from 3 months to 6 months if the failing to stop also involves speeding or driving in a dangerous manner, and from 3 months to 1 year for a second conviction. The mandatory disqualification period for a third and subsequent offence will increase from 1 to 2 years.

The Bill also proposes, under the Sentencing Act 2002, mandatory vehicle confiscation for second and subsequent convictions for failing to stop within a 4-year period, unless the confiscation would result in extreme or undue hardship.

The Bill proposes extending Police discretionary powers to seize and impound a motor vehicle to 28 days. This is in cases where the Police suspect, on reasonable grounds, that—

- the owner or person in lawful possession of a motor vehicle that has failed to stop for the Police knows the identity of the driver; and
- that person has failed or refused to provide that information, or has provided false or misleading information, in response to a Police request.

Updates to heavy vehicle regulation

The objectives of proposed updates to heavy vehicle regulation contained in the Bill are to—

- improve transport productivity:
- improve road safety and community well-being:
- improve compliance:
- optimise road network utilisation.

The Bill complements the recent and proposed changes to the VDAM Rule and corresponding regulations by making technical amendments to clarify existing provisions, address operational enforcement issues, and correct anomalies.

The Bill modernises enforcement provisions, including by updating penalties. The proposals will—

- amend provisions that empower the stopping of vehicles for inspection purposes (including weighing) to reduce the costs imposed on compliant operators and enable more efficient use of enforcement resources:
- amend the conditions under which a heavy vehicle can be redirected for more than 5 km in order to reach a suitable site for weighing:
- increase the maximum level of infringement fee that can be set for overloading offences from \$10,000 to \$15,000 to compensate for inflation and the removal of other penalties:

- provide more visible and adequate sanctions for breaches of prescribed limits on vehicle height, length, and width:
- empower the Police to order trucks to be offloaded where they are overloaded by either 10% or more than 2 tonnes, whichever is the lesser (instead of the existing blanket allowance of 10%).

The Bill also proposes changes to rationalise powers for local authorities to close roads to heavy traffic and updates provisions relating to rule and regulation making under the Act to include references to managing the impact of vehicles on infrastructure.

These amendments will—

- reduce the costs of enforcement activity for both the Police and compliant operators:
- help mitigate the risks associated with higher legal weight limits:
- help protect compliant operators against unfair competition from those who deliberately overload.

In some cases, the proposals could involve added compliance costs for some operators. However, these costs, which will fall largely on operators who fail to observe the law, are justified by the benefits stated above.

Future regulatory system for small passenger services

The regulatory system for small passenger services proposed by the Bill—

- responds to emerging technology and the introduction of new business models within the sector (developments in those areas are making the existing regulatory distinctions between different classes of passenger services problematic and obsolete):
- ensures that the sector operates in a competitive market:
- ensures that the regulatory system is fit for purpose to meet New Zealand's future needs and delivers maximum benefits for consumers.

Currently, under the Act and the Land Transport Rule: Operator Licensing 2007, there are separate categories and rules for taxis, private hire services, and shuttles. These regulatory distinctions apply varying levels of compliance burdens and restrictions across the types of operators.

The Bill simplifies the regulatory framework by creating a single class of small passenger service operators. The proposed single class will enable operators to compete on an even footing and to provide a range of services that respond to market signals, while providing the necessary fundamentals for safety.

Under the single class of small passenger services, the following provisions for safety will be retained for all (except for those sharing rides on a cost-sharing basis):

- drivers will continue to require a P endorsement and to display a driver identification card. A fit and proper person check, including a Police check, is undertaken before a P endorsement is granted:
- drivers must continue to operate within their work time limits:
- vehicles will continue to require a certificate of fitness:
- vehicles operating within the 18 main urban areas will require an in-vehicle recording camera, unless an exception or exemption applies.

The proposals in this Bill are to be part of a package that includes revised rules. The package will remove a number of the current regulatory requirements that impose costs on operators but no longer offer any significant benefits. Those include the following requirements:

- taxi vehicles must have mandatory signs (including information about fares, mandatory branding, and information supplied in Braille):
- taxi drivers must—
 - have an area knowledge certificate:
 - pass a full licence test every 5 years:
 - have completed the passenger endorsement course:
- taxi service operators must—
 - belong to an approved taxi organisation:
 - provide small passenger services 24 hours per day, 7 days a week:
 - hold a certificate of knowledge of law and practice:
 - monitor driver panic alarms in taxis from a fixed location 24 hours per day, 7 days a week.

As a consequence of these changes, the Bill also makes sure that provisions related to land transport rule making are fit for purpose. The Bill also updates the offences and penalties applicable to small passenger services.

Following a review of small passenger services in New Zealand, this approach was preferred because it will reduce the regulatory burden for a single class of licensed transport service operator, will provide New Zealand with an optimal regulatory system, and will best deliver the Government's objectives.

Operators will be able to compete on an even footing and offer a range of services that respond to market signals. The proposed system will deliver benefits through increased competition, more flexibility to accommodate new technologies, and will enable operators to make their own business decisions on a range of issues, while the system will provide the fundamental safety requirements.

Miscellaneous amendments

The Bill makes a range of minor amendments to clarify interpretations or the intent of the legislation, improve operations, remove inconsistencies, and make minor technical adjustments. The amendments involve—

- allowing a person or an animal to assist with vehicle inspections concerning dangerous goods as is the case for dangerous goods in relation to railway lines and rail vehicles, or premises used for loading and unloading dangerous goods:
- clarifying who is to be served with a parking infringement notice and that such a notice is deemed to have been served on every person liable under the Act:
- clarifying that notice of a suspension under the demerit points system can be created and served by either the New Zealand Transport Agency (the **Agency**) or the Police:
- simplifying the requirement to provide a summary of the procedure to transfer liability on a stationary vehicle infringement notice:
- allowing a stationary vehicle infringement notice to be served by providing it to the person who is apparently in charge of the vehicle at the time of service:
- closing a loophole so that a person whose driver licence is suspended by the Police is also suspended from obtaining a driver licence:
- correcting an error to allow vehicle seizure and impoundment warrants to be signed by Justices of the Peace or Registrars:
- making electronic forms of vehicle licensing lawful:
- allowing recovery of bank charges associated with payments by credit card:
- aligning the maximum fee for a breach of a bylaw provided for in the Act and in the Government Rounding Powers Act 1989 with infringement fees in provisions already in the Land Transport (Offences and Penalties) Regulations 1999:
- enabling automated enforcement of certain traffic signs:
- clarifying the powers of the Police to take certain actions, including forbidding driving and immobilising vehicles, in the interests of public safety:
- redefining moped to enable 3-wheeled mopeds to be registered for use on New Zealand's roads.

These proposed amendments help to ensure that the provisions of the Act are operating effectively and as intended. None of these proposed amendments imposes additional costs on businesses. They do not impair property rights, affect market competition or the incentives for business to innovate and invest, or override fundamental common law principles.

Departmental disclosure statement

The Ministry of Transport is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2016&no=173>

Regulatory impact statement

The Ministry of Transport and the New Zealand Police produced regulatory impact statements to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <http://www.transport.govt.nz/about/publications/ris-bccs/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 states when the Bill is to come into force. Most of the Bill is to commence on the day after Royal assent, but two subparts of *Part 1* are to commence by Order in Council, with default commencement dates if no Order in Council is made. Commencement by Order in Council is also required for the related transitional provisions provided for in *clause 96's* amendments to *new Schedule 1*, and *clause 97's* related consequential amendments made in *Schedules 2 and 3*.

Subpart 1 of Part 1, which concerns alcohol interlock sentences, needs to be commenced by Order in Council because it is necessary to put administrative processes in place before the Bill can be implemented effectively. The processes concern subsidy arrangements for lower-income people who are given alcohol interlock sentences.

Subpart 5 of Part 1 requires commencement by Order in Council in order to be synchronised with the commencement of delegated legislation (rules drafted by the Agency). Those rules will contain the detail of the new small passenger service regime and must be made before the Bill can be brought into force.

Part 1

Amendments to Land Transport Act 1998

Subpart 1—Alcohol interlock sentences

Alcohol interlock orders are currently provided for in the Act as a discretionary sentence under section 65A. However, under the Bill's amendments, they will become mandatory sentences for certain qualifying offences.

The new regime to be implemented by the Bill retains the same qualifying offences as the current section 65A (*see new section 65AB(1)* inserted by *clause 19*). Before an alcohol interlock is ordered, there must have been either 2 specified alcohol offences within the last 5 years or a high level of alcohol involved (800 micrograms of alcohol per litre of breath or higher, or 160 milligrams of alcohol per 100 millilitres of blood or higher).

The Bill provides that a mandatory alcohol interlock sentence replaces the mandatory licence disqualification that would otherwise apply (*see new section 65AC(1)*, which

is inserted by *clause 19*, and consequential amendments in *clauses 5 to 15 and 18* to sections 2, 33, 55A, 56, 57, 57AA, 57A, 58, 60, 61, 62, and 65).

A person who is subject to the new alcohol interlock sentence—

- is disqualified from driving for a period of at least 28 days: *new sections 65AC(2)(a) and 65AE*;
- may apply for an alcohol interlock licence, but the person—
 - is disqualified from driving until an application is made: *new sections 65AC(2)(c) and 65AF*; and
 - cannot hold any other sort of licence: *new section 65AC(2)(c)*;
- has the ability to drive but only if an alcohol interlock device is fitted to any vehicle driven: *new section 65AG*;
- may replace the alcohol interlock licence only with a zero alcohol licence once the interlock requirements are met: *new section 65AC(2)(d)*.

New section 65AE provides for a minimum 28-day period of disqualification before the person can apply for an alcohol interlock licence. A disqualification will be longer if the person is otherwise prevented from driving for a longer period because—

- the qualifying offence resulted in injury or death (in which case the person will be disqualified for the appropriate period: *new section 65AD*);
- the person is in prison;
- the person's licence is expired or suspended under section 90, 95, or 95A;
- the person is disqualified from driving because of another disqualification, for example, a disqualification under section 36(2)(b), 36AA(2)(b), 36A(2)(b) or (3)(b), 38(2)(b), or 39(2)(b).

The various requirements of the alcohol interlock licence are set out in *new section 65AG*. These are effectively the same as the current requirements, with a change that if a person has been required to attend an assessment centre under section 65 (or any other section) the person must attend as part of the alcohol interlock sentence. The licence applies for a minimum of 12 months. The final 6-month period of the licence must be free of any attempts to drive with alcohol on the breath, free of any qualifying offences, and free of any tampering or attempts to tamper with the alcohol interlock device. And the person must comply with any relevant regulations. The person may reduce that final 6-month period to 3 months if he or she has been assessed at an assessment centre as fit to hold a driver licence.

New section 65AH provides that other types of sentences applying to qualifying offences must be ordered regardless of the alcohol interlock sentence, although the court may take into account the cost of an interlock device when setting the amount of any fine.

There are exceptions to the general rule of a mandatory alcohol interlock sentence for a qualifying offence. *New section 65AB(2)* provides exceptions for—

- people with a medical condition that renders them incapable of providing a valid breath sample to activate the device:
- people who live more than 30 km away from an alcohol interlock service centre (or who live on an island without such a centre) and in a place that will not be serviced by an approved provider:
- people who have never held a New Zealand licence:
- people with revoked or suspended licences (except licences that are temporarily suspended under section 90, 95, or 95A):
- people who are not likely, during the term of any alcohol interlock sentence that would otherwise apply, to—
 - have lawful possession of a motor vehicle to the extent of being able to use it and fit it with an alcohol interlock device; or
 - have such possession of a motor vehicle that is technically able to be fitted with an alcohol interlock device.

New section 65AI provides that these excepted people are to be sentenced in the same way as currently, in other words, with any appropriate disqualification and with any other suitable sentence.

There is only one instance where a court may choose not to order an alcohol interlock sentence for an otherwise eligible person—for special reasons relating to the offence. This echoes section 81. Section 81 provides that a court need not order a disqualification if “for special reasons relating to the offence it thinks fit to order otherwise”. Similarly, *new section 65AC(3)* provides that a court need not order an alcohol interlock sentence if for special reasons relating to the qualifying offence the court thinks fit to order otherwise. In that situation, section 94 applies in the same way as it would apply if the alcohol interlock sentence were a disqualification. An alcohol interlock sentence may not otherwise be substituted by a community-based sentence.

New section 65AJ is about a person with an alcohol interlock licence who is convicted of a subsequent qualifying offence. In such a case, the court must replace the existing alcohol interlock sentence with a new alcohol interlock sentence. However, a replacement sentence may not be ordered if—

- the person now is eligible for an exception described in *new section 65AB(2)*; or
- special reasons relating to the qualifying offence mean the court thinks fit to not order the sentence under *new section 65AC(3)*.

The effect of disqualification ordered as part of a new alcohol interlock sentence will be, as with any other disqualification, that the person must surrender the person’s alcohol interlock licence under section 30(3).

New section 65AJ(3) provides that *new sections 65AC to 65AI* apply to the new alcohol interlock sentence as if a reference to a qualifying offence in those sections were a reference to the subsequent qualifying offence. This would mean, for example, that if the subsequent qualifying offence resulted in injury or death, the court would have to

disqualify the person from driving for an appropriate period and thus fulfil the mandatory disqualification obligation in section 61(3)(b), (3AA)(b), or (3A) or 62(2)(b). That period of disqualification would be the period of disqualification for the alcohol interlock sentence under *new section 65AE*, unless the person was imprisoned for a longer period or had a licence that was already disqualified or revoked or suspended for a longer period.

New section 65AK is about a person with an alcohol interlock licence who is convicted of a subsequent offence against the Act that is not a qualifying offence and that leads to a sentence of disqualification. Such a person does not forfeit the time already spent on the alcohol interlock licence.

The effect of the disqualification will be that the person must surrender his or her alcohol interlock licence under section 30(3) (as with any other licence if the driver is disqualified). When the disqualification has finished, *new section 65AK(2)* means that the person will be entitled to apply for a new alcohol interlock licence under section 30(5). And *new section 65AK(3) and (4)* means that the existing alcohol interlock sentence is not interrupted by the disqualification, because the time already spent on the previous alcohol interlock licence is able to be counted as time spent on the new alcohol interlock licence.

Clause 20 amends section 65B, which provides for zero alcohol licences, to address the Bill's changes. Other consequential amendments are made in *clauses 5, 6, 7, 16, 17, 18, 21 to 25, 27, and 28*.

Clause 26 replaces section 100A to reflect the changes made to alcohol interlock licences. *New section 100A* enables a person to apply to replace an alcohol interlock licence with a zero alcohol licence if the person has complied with the necessary requirements.

Clause 26 also inserts a *new section 100B*. *New section 100B* provides that a court may cancel an alcohol interlock sentence if satisfied that the person's personal circumstances have changed significantly. If so, the court must replace the sentence with the disqualification that would otherwise have applied and, at the end of the disqualification, authorise the person to apply for a zero alcohol licence. The court is given the ability to set the length of the disqualification after having regard to the time elapsed since the sentence was imposed and how compliant the person was with the requirements of any alcohol interlock licence. This new provision is extended to apply to people with alcohol interlock licences imposed before the Bill comes into force, in accordance with *clause 3* of the transitional schedule inserted into the Act by *clause 96*.

Subpart 2—Fare evasion

Clause 29 replaces section 79M.

Clause 30 inserts a *new section 128F* into the Act.

New section 128F creates powers of enforcement officers in relation to public transport service fares. An officer may request a person to provide evidence that the person

has paid a fare. If the person fails to provide evidence, the enforcement officer may request the person's identification, and may also request the person not to board, or to disembark, the public transport service.

Section 79M already provides that it is an infringement offence if a person fails to pay a public transport service or passenger service fare that he or she is liable to pay. The *new section 79M* creates a new infringement offence of failing to provide evidence of having paid a public transport service fare.

There is a defence to a charge of failing to pay a public transport service fare, or of failing to provide evidence of payment, if the person attempted to buy a ticket from a vending machine that was not working and there was no other available means to buy a ticket.

Two new offences are created. A person commits an offence if the person, having failed to provide evidence of having paid a public transport service fare,—

- fails to provide identification when asked by an enforcement officer; or
- disobeys an enforcement officer's request to get off (or not board) the relevant public transport.

Clause 31 inserts a new empowering provision in section 167 for regulations to specify the obligations of a person who is liable to pay a passenger service fare or a public transport service fare.

Subpart 3—Fleeing drivers

Clause 32 repeals section 36AB. That section currently provides that if a person commits an offence of driving unsafely, or of failing to stop and render assistance if an accident occurs, it is an aggravating factor to flee the Police.

Clause 33 amends section 52. The section is amended because part of it has been incorporated in *new section 52A* (inserted by *clause 34*). Section 52(6) is clarified so that there is an offence if a person, in response to any request for information by an enforcement officer under section 118, provides misleading information. (Section 52(6) already provides that it is an offence to fail or refuse to provide information or to provide false information.) The amendment also creates a new element to the offence—without reasonable excuse. This has the effect of providing a defence of reasonable excuse to the offence.

Clause 34 inserts a *new section 52A*. *New section 52A* expands on what is already provided for in the current section 52(1)(c). *New section 52A* provides that it is an offence if a person contravenes any element of section 114. (Current section 52(1)(c) is a general provision creating an offence when a person fails or refuses to comply with any lawful requirement, direction, notice, request, or prohibition by an enforcement officer.) The maximum penalty remains the same as a contravention of section 52(1)(c), namely, a fine not exceeding \$10,000. However, if a first offence is committed while exceeding the applicable speed limit or operating a motor vehicle otherwise dangerously, the court must order a disqualification from holding or obtaining a driver licence for 6 months. This contrasts with the current section 52(3), which only re-

quires a disqualification on a second conviction for such behaviour. The *new section 52A(4)* provides that a second offence of breaching section 114 requires a mandatory licence disqualification for a year. In relation to a third or subsequent offence, there is a mandatory licence disqualification for 2 years (in addition to the current penalty of imprisonment for up to 3 months).

Clause 35 amends section 96, which relates to an enforcement officer's ability to seize and impound a motor vehicle for 28 days. The amendments relate to the various ways in which a person could breach section 114 and also provide for a new impoundment ability if a vehicle owner, a person in lawful possession, or a hirer of the vehicle knows the identity of the fleeing driver but fails or refuses to provide information or provides false or misleading information.

Clause 36 amends section 102 to update references to the new provisions inserted by the Bill.

Clause 37 amends section 118 to extend the categories of people who must give an enforcement officer information about a fleeing driver to include a person in lawful possession of the vehicle and a hirer of the vehicle. Section 118(4) is amended to more closely reflect the words of section 114.

Clause 38 amends section 123. Again, this amendment is to reflect more closely the requirements of section 114.

Subpart 4—Heavy vehicles

Clause 39 amends section 2, which sets out the meaning of terms used in the Act. The main 2 changes are to reflect the changes in *subpart 4* that create an over-dimension infringement offence, and also to replace the definition of gross laden weight with the definition of gross vehicle mass. The other changes made in *clause 39* are consequential.

Clause 40 amends section 6 to make clear that a certificate of loading need only be displayed where this is required by rules.

Clause 41 replaces section 16. Currently, that section is about overloading only, but it is changed to create a new obligation not to operate a heavy motor vehicle or combination of vehicles that breach prescribed requirements in relation to dimensions.

Clause 42 replaces section 16A. Section 16A currently provides that a road controlling authority may, by a public notice, direct that any heavy traffic may not proceed in certain specified sections of a road or roads. The *new section 16A* adds some parameters to this direction ability, given that section 22AB allows bylaws to be made to achieve the same thing and regulation 10 of the Heavy Motor Vehicles Regulations 1974 also allows for the prohibition of heavy traffic on specified roads. The new parameters for the power in *new section 16A* are that there must be an urgent risk of either or both of the following:

- damage to a road:
- danger to the safety of road users.

And the road closure is to be a temporary one of no more than 6 months.

Clause 43 amends section 300 to replace the single use in the Act of the term Armed Forces with the term used elsewhere in the Act, namely the New Zealand Defence Force.

Clause 44 replaces section 43. Section 43 is currently concerned with the offence of overloading a heavy vehicle. The *new section 43* also provides that it is an offence for a heavy vehicle to breach prescribed requirements in relation to dimensions.

Clause 45 amends section 113A, which is about powers to inspect records. The amendment includes a power to inspect records kept under section 65 of the Road User Charges Act 2012. (That Act is also changed to allow those records to be inspected by an amendment made by *clause 94* in *Part 2* of the Bill.)

Clause 46 amends section 125, which relates to the stopping, inspection, and weighing of heavy vehicles and certain transport service vehicles.

Section 125 currently allows an enforcement officer to direct a heavy vehicle to a suitable weighing site up to 5 km away. The officer can also direct a vehicle to a weighing site up to 20 km away if the officer has good cause to suspect that the driver has detoured from the driver's normal route to avoid weighing. This latter power is replaced by *clause 46's* amendment. Instead, an officer can direct a heavy vehicle to a weighing site up to 10 km away if the site where the vehicle has been brought to a stop is unsuitable for weighing the vehicle because it is unsafe (to other road users or to the officer) or not level enough for accurate weighing.

The second change to section 125 is to allow for targeted stopping of heavy vehicles. Currently, a sign must display the words "ALL TRUCKS STOP". This means that all trucks must pull over, regardless of whether they are unladen or under legal limits. The amendment to section 125(4) allows a sign to be used by an enforcement officer to target specific vehicles (for example, by their registration number) or a group of vehicles (for example, milk tankers).

Clause 47 amends section 126. Section 126 is concerned with the ability of an enforcement officer to direct a heavy motor vehicle or transport service vehicle be stopped and unloaded if it is overweight. Currently, section 126 provides that vehicles overloaded by more than 10% must have their loads reduced. However, to reflect the increase of the average weight of heavy vehicles, the amendment changes this 10% limit to apply only to a vehicle with a capacity of up to 20 tonnes. For vehicles over 20 tonnes, the amount they can be overweight by is 2 000 kg. The amendment therefore allows the stopping and unloading of vehicles that are overweight by at least 10% or by 2 000 kg (whichever is the lesser).

Clause 48 amends section 147. It is a clarifying amendment, to provide that the use of the word "site" in this section does not include weigh-in-motion technology. That new technology, along with other new technology such as on-board weighing systems, is allowed to be certified under the *new section 147A*, inserted by *clause 49*. The certification may be used to assess whether to investigate a possible offence against the Act or an offence against the Road User Charges Act 2012 (or any regula-

tions made under those Acts). It may also be used to assess whether such an offence has been committed.

Clause 50 amends section 152, which concerns the power of the Minister to make ordinary rules. The amendment provides that rules may be made providing for the appropriate management of infrastructure. This is to reflect the purpose of the VDAM Rule, much of which is not directly safety-related but is concerned with the management of transport infrastructure and with limits on the mass and dimensions of vehicles to prevent damage to roads and bridges.

Clause 51 amends section 164. That section relates to matters that the Minister or Agency must have regard to when making or recommending rules. The change means that the rule-maker must have regard to the appropriate management of infrastructure, including the impact of vehicles on infrastructure and whether the costs of the use of the infrastructure are greater than the economic value generated by its use. If the costs are greater, that would mean that the use could be considered inefficient.

Clause 52 amends the section relating to exemptions from a requirement in a rule, which is section 166. The amendment adds another factor that must be considered if the exemption relates to a heavy vehicle. The new factor is to have regard to the potential impact on infrastructure of the exemption. This includes, for example, potential damage to the infrastructure and the cost of repairing it.

Clause 53 inserts a new exemption power into the Act. *New section 166A* is concerned with exemptions for the New Zealand Defence Force. This new power allows the Agency to exempt the New Zealand Defence Force from a specified requirement in a rule in relation to particular vehicles or groups or types of vehicles. This will be more efficient and cost less than the current exemption power, which requires each New Zealand Defence Force vehicle to receive an individual exemption.

Clause 54 amends section 167, which is concerned with regulations. The amendments reflect the other dimension-related changes elsewhere in *subpart 4*. Also, an amendment to section 167(1)(e)(iv) replaces the amount of an infringement fee in relation to an overloading or (after the changes in the Bill) over-dimension infringement offence from \$10,000 to \$15,000.

Subpart 5—Small passenger services

Clause 55 amends section 2. The main changes are—

- amending the definition of passenger service so that it includes the carriage of passengers on any road after a connection between a passenger and a small passenger service facilitated by a facilitator:
- inserting a new definition of facilitator meaning a person who facilitates a small passenger service:
- inserting a new definition of facilitate, which is defined in relation to a small passenger service as meaning to enable drivers and passengers to connect by electronic or any other means (but not including the mere provision of an answering or call centre service):

- defining small passenger service operator as meaning a person who carries on or facilitates a small passenger service. This is aimed at including within the Act the new business models that use a facilitator to connect a driver and passenger. The definition does not include any other person who is a driver or who otherwise assists in a small passenger service;
- changing the definition of transport service operator to reflect the changes to the definition of small passenger service operator.

Clause 55 also—

- amends the definition of transport service licence so that instead of there being passenger service licences under the Act, there will instead be large passenger service licences and small passenger service licences. Definitions of those terms are also inserted by *clause 55*:
- defines a small passenger service to mean a passenger service provided in—
 - a small passenger service vehicle, which is already defined in the Act as meaning a passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver); or
 - a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is provided by one of the passengers being carried: this is aimed at dial-a-driver services, so that they are small passenger services. (The vehicle itself is excluded from the definition of passenger service vehicles, which is appropriate as it will belong to one of the dial-a-driver’s customers.); or
 - a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is being used in a facilitated cost-sharing arrangement: this means that, while the vehicle may not be subject to the extra requirements, just as with a dial-a-driver vehicle, while the vehicle is being used in a cost-sharing arrangement that was facilitated by a facilitator, a small passenger service is being provided:
- inserts a new definition of facilitated cost-sharing arrangement, which means a small passenger service that is facilitated by a facilitator (whether or not the facilitator is paid) under which a passenger is carried in return for the driver’s costs being reimbursed. The definition would allow the costs to be reimbursed by the passenger directly, by the passenger via the facilitator, or even by the facilitator itself. The maximum costs that could be reimbursed are to be set by the Minister by notice in the *Gazette*.

The new definitions relating to operators that facilitate a small passenger service have been created in order to regulate new business models under which a third party facilitator connects passengers with drivers, but is not actually involved in the carrying of the passengers.

The new definition of facilitated cost-sharing arrangement refers to an arrangement where passenger and driver are effectively car-pooling and sharing costs. Currently, a car-pooling arrangement is not regulated by the Act. This will continue, although the

Bill's changes will mean that the facilitator of a facilitated cost-sharing arrangement will need to be licensed. This is in order to ensure that the cost-sharing arrangement is truly that, and that the driver was not being paid for driving or travelling time. If the driver was paid for the driver's driving or travelling time, that would mean that the driver is carrying passengers for hire or reward by means of a motor vehicle. Therefore, the driver would have to comply with requirements in the Act, regulations, and rules. (These include having a passenger endorsement, and requirements in relation to work time and keeping logbooks in Part 4B of the Act.) If that driver is driving for a facilitator who is not licensed, the driver himself or herself will need to be licensed under the Act. However, the Bill requires a facilitator who is facilitating a small passenger service to be licensed and, if the facilitator is licensed, the driver need not be licensed.

The *Gazette* notice setting the maximum costs that may be claimed under a facilitated cost-sharing arrangement is a disallowable instrument and a legislative instrument for the purposes of the Legislation Act 2012: *see* section 2(2) of the Act. This reflects its significant legislative effect. The effect is, by setting a maximum amount of a driver's costs that may be reimbursed, to help define a category of drivers of passengers who do not need a passenger endorsement or to comply with work time or logbook requirements. Drivers in this category will be treated under the law in the same way as other cost-sharing drivers who are not facilitated to connect with passengers (for example, those in a car-pool set up between neighbours or work colleagues). Therefore, as is currently the case, all cost-sharing drivers (whether or not facilitated to connect with passengers) are exempted from small passenger service requirements under the relevant land transport rule and, as noted, exempt from the work time and logbook requirements in Part 4B of the Act.

The other amendments to section 2 made by *clause 55* are consequential ones. These reflect the fact that the Act will no longer regulate taxis separately from other small passenger services.

Clause 56 makes consequential changes to section 22AB to reflect that taxis will no longer be separately regulated.

Clause 57 amends section 30A, which relates to requirements about transport service vehicles. The amendment to section 30A(2) ensures that a vehicle that may be inspected by the Agency is not any vehicle used in a transport service, but instead is a transport service vehicle used in a transport service. The obligation currently falls on holders of transport service licences, and this is continued, but a *new section 30A(2A)* imposes the same obligation on a driver of a small passenger service vehicle.

The amendments in *clause 57* also ensure that the obligations in section 30A(1) and (3) do not apply to a vehicle used in a small passenger service. The obligations will continue to apply for other transport services. *Clause 57* also amends section 30A by inserting a *new subsection (5)*, which provides that section 30A does not apply to the facilitator of a facilitated cost-sharing arrangement, to any vehicle used in such an arrangement, or to a vehicle designed or adapted to carry 12 or fewer persons (includ-

ing the driver) provided by one of the passengers being carried (ie, a customer's vehicle used in a dial-a-driver service).

Clause 58 repeals section 30B, which requires identification information to be provided in Braille in taxis.

Clause 59 amends section 30D to reflect the new definition of small passenger service. Its content, which provides for additional criteria for small passenger services and vehicle recovery services in relation to the fit and proper person test set out in subpart 2 of Part 4A of the Act, is otherwise unchanged.

Clause 60 amends section 30E in a similar vein, but this time to reflect the new definition of large passenger service.

The changes in the following clauses relate to subpart 3 of Part 4A of the Act, which is concerned with the licensing of transport services. The changes reflect the Bill's main effect, which is to regulate all small passenger services in the same way, regardless of whether they are a taxi or not. Thus, the Bill creates a similar regime for all small passenger services. The only exception is, as already mentioned in relation to the changes to section 2 definitions, that drivers participating in cost-sharing arrangements will continue to be unregulated, as at present, but facilitators facilitating those arrangements will now be regulated. This will ensure that such arrangements truly are cost-sharing arrangements as between driver and passenger, and that the driver is not in fact driving for hire or reward. If the driver is driving for hire or reward, then the driver will need to meet the same regulatory requirements as other small passenger services.

Clause 61 replaces section 30J. The replacement is to reflect the fact that there will no longer be passenger service licences, but rather large passenger service licences and small passenger service licences. The other change is to reflect the new regulation of facilitators of small passenger services. Section 30J will prohibit unlicensed transport service operators from carrying on or, in relation to small passenger service operators, facilitating transport services.

Clause 62 amends section 30L, which is concerned with the granting of transport service licences. The changes—

- clarify that the person who needs to be fit and proper is the person who is to have or is likely to have control of the transport service. Currently, section 30L(1)(b) also extends the requirement to be fit and proper to a person with “involvement in the operation of the transport service”. However, the amendment ensures the focus is only on managers or controllers of a transport service;
- require applicants, except for small passenger service licence applicants, to comply with all relevant requirements of the Act, the regulations, and the rules.

New section 30L(1A) states that the Agency may grant a small passenger service licence only if the Agency is satisfied that a person who is to have control of the small passenger service in New Zealand lives in New Zealand.

Clause 63 amends the heading to section 30M to reflect the fact that that section is only about goods services licences.

Clause 64 replaces sections 30P to 30R. These sections are currently concerned with the regulation and approval of taxi organisations. However, as mentioned, taxis will not be separately regulated under the Bill. *New section 30P* requires a transport service driver, when driving a vehicle being used in transport service, to have the relevant transport service licence, or be driving on behalf of the holder of the relevant transport service licence, or, in relation to a driver in a small passenger service, to have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence. These obligations are matched by a new offence, *new section 79AB*, inserted by *clause 73*. *New section 79AB* makes it an offence to drive a vehicle being used in a transport service if there is no relevant transport service licence held by the driver, by the transport service operator on whose behalf the driver is driving, or by the facilitator who facilitated the driver to connect with passengers. The maximum penalty on conviction for such an offence is a fine not exceeding \$10,000.

New section 30Q, inserted by *clause 64*, requires a facilitator of a facilitated cost-sharing arrangement to keep records of payments to the driver, records of payments made by passengers to the facilitator, and a record of the distance travelled on each trip. These records will reveal whether the arrangement is in fact a cost-sharing arrangement as between the driver and the passenger. The records must be available for immediate inspection on demand at any reasonable time by the Agency and must be kept for 12 months.

Clause 65 amends section 30S, which is about when the Agency may revoke a transport service licence. The amendment clarifies that the fit and proper test is to apply to the managers and controllers of a transport service. In addition, the amendment enables revocation if a driver is not a fit and proper person. (The rules require a driver to be fit and proper in order to receive a passenger endorsement.)

New section 30S(1)(a), inserted by *clause 65*, means that drivers who are facilitated to connect with passengers under a facilitated cost-sharing arrangement need not meet the fit and proper person test. This is the same as the current law, which does not regulate car-pooling arrangements that cover only the driver's costs.

Clause 66 makes a consequential amendment to section 30T.

Clause 67 amends section 30U, which is concerned with suspending transport licences. Two additional grounds for suspension are added to the only current ground (which is not holding any required certificates). The 2 new grounds for suspension are—

- if the holder of a small passenger service licence or any person who has control of the service does not comply with the applicable requirements in Part 4A, Part 4B, the regulations, or the rules; and
- in relation to a small passenger service licence, if no person with control of the service in New Zealand lives in New Zealand.

Clause 68 consequentially amends the interpretation section relating to adverse decisions made by the Agency in subpart 5 of Part 4A of the Act.

Clause 69 amends section 30Z, which relates to the application of Part 4B of the Act. Part 4B is concerned with work time and logbooks. Currently, Part 4B does not apply in respect of any rail service vehicle. The change made by *clause 69* means that the Part also does not apply to a facilitated cost-sharing arrangement. (This is to retain the status quo, as there are no requirements to keep to certain hours or maintain logbooks for drivers in cost-sharing arrangements).

Clause 70 amends section 30ZD, which is concerned with the records that must be kept. The amendments extend those to whom the requirement applies to include a facilitator who facilitates a driver to connect with passengers. The records that must be kept are amended to include not just wage records but also records of payments to the driver, and not just employment records for the driver but also contractual records relating to the driver. This is in order to cater for all types of working arrangements for drivers.

Clause 71 amends section 30ZH, which is about logbooks, in the same way as section 30ZD is amended.

Clause 72 amends the offence provision providing that it is an offence to carry on a transport service without a licence. The amendment addresses the changes made in the Bill relating to small passenger service operators so as to capture the facilitators of such arrangements. This offence mirrors the new requirement in the amendment to section 30L that a person who facilitates a small passenger service must be licensed. And so *new section 79A(1)* makes it an offence to be unlicensed.

Clause 73 inserts *new section 79AB*, which is described above in relation to the description of *new section 30P*.

Clause 74 amends section 79C. That section makes it an offence if the holder of a transport service licence fails to present a transport service vehicle for inspection when required to do so by the Agency. The amendment creates a new offence for any driver of a small passenger service vehicle if the driver fails to present the vehicle for inspection when required. *Clauses 75, 76, and 77* make consequential amendments to the Act as a result of the Bill's amendments.

Clause 78 amends section 158, which empowers rules about licensing and standards for transport service operators and transport services. These amendments reflect the Bill's changes to remove separate regulation for taxis.

Clause 79 amends section 199A. Section 199A is concerned with a register of transport service licences. Again, the amendments reflect the Bill's removal of specific taxi-related requirements.

Subpart 6—Miscellaneous amendments

Clause 80 amends section 2. There are 2 substantive amendments. The first replaces the definition of moped to include a 3-wheeled moped in the new definition. The second amends the definition of moving vehicle offence to include failures to comply

with directions given by a traffic sign that is a variable traffic or lane control sign. The effect is that illuminated road control signs or variable message signs may in future give directions, and approved vehicle surveillance equipment may enable automated enforcement of those directions. Section 2 is also amended to delete a redundant definition of parking warden.

Clause 81 amends section 22AB to enable breaches of bylaws to be punished with fines of up to \$1,000 (rather than the current \$500).

Clause 82 amends section 90 to eliminate doubt as to whether the Police can serve a notice of suspension before an offender has received written notice of suspension from the Agency. The amendment makes it clear that either the Police or the Agency may create or serve the notice.

Clause 82(3) amends section 90(3) and (5) to remove an erroneous reference.

Clause 83 amends section 95. Section 95 relates to a mandatory suspension of a driver licence by an enforcement officer where the enforcement officer believes on reasonable grounds that the person has driven with excess breath or blood alcohol, failed or refused to undergo a blood test, or driven at excessive speed. The amendment corrects subsection (2)(b) so that not only is a driver licence suspended for 28 days but also the person is suspended from obtaining (including by renewing) a licence for that period. Currently, the suspension would have no effect on an unlicensed driver. Another amendment extends the provision to require the surrendering of any driver licence, to cater for people who do not have a licence on them to surrender when they are suspended by an enforcement officer.

Clause 84 amends section 119(5) to correct an out-of-date reference mistakenly not corrected as part of the reform by the Search and Surveillance Act 2012. That Act updated references to a Judge issuing a warrant with references to a warrant being issued by an issuing officer.

Clause 85 amends section 121. Section 121 allows the Police to forbid drivers to drive and to immobilise vehicles by removing the key. This may be done if an enforcement officer believes on reasonable grounds that the person in charge of the vehicle is incapable of having proper control of it, does not complete a compulsory impairment test satisfactorily or refuses such a test, or is not complying with work time or rest time requirements and the actions are necessary in the interests of that person, any other person, or the public. The amendment corrects section 121(1)(a)(i) so that the person's physical or mental condition is relevant only as to whether or not the person is capable of having proper control of the vehicle.

Clause 86 amends section 129, which is concerned with the powers of enforcement officers and dangerous goods enforcement officers to direct a vehicle to stop to allow an inspection if there is good cause to suspect that a rule about carrying dangerous goods has been broken. The amendments enable an officer to take a person or an animal to assist with an inspection. There is already such a power for dangerous goods enforcement officers when inspecting railway lines (section 130(5)) and inspecting the premises at which dangerous goods are loaded or unloaded (section 131(4)). Sec-

tion 129 is also amended to mirror other provisions in sections 130 and 131, namely the ability for officers to give reasonable and necessary directions about the loading or unloading of the vehicle or about packing or unpacking any thing to ensure safety in relation to dangerous goods: *new subsection (2A)*. Section 129 is also amended to mirror sections 130 and 131, which require an officer to produce evidence of their appointment and identity.

Clause 87 consequentially amends section 132 as a result of the amendments to section 129.

Clause 88 amends section 139, which sets out how an infringement notice may be served. Methods include attaching a notice to the vehicle to which the notice relates. An amendment to section 139(2) provides that it is sufficient to deliver the notice, or a copy of it, personally to the person who appears to be in charge of the vehicle to which the notice relates. Section 139(3) is also amended to provide that, if a notice is attached to a vehicle or served on such a person, that is sufficient service on every person liable in respect of the alleged offence.

Clause 89 amends section 140, which is concerned with the contents of infringement and reminder notices. The amendment provides that an infringement notice about a stationary vehicle offence needs to include an outline of the process under section 133A for transferring liability in relation to the alleged offence (section 133A allows a person a defence if he or she was not lawfully entitled to possession of the vehicle, or another person was unlawfully in charge of the vehicle).

Clause 90 amends section 168(4), which provides further details of what regulations under section 167(1)(j) may do. Section 167(1)(j) provides that regulations may specify the matters for which fees or charges are to be paid under the Act or any other enactment concerning land transport. *New section 168(4)(aa)* provides that regulations may prescribe fees and charges or may provide for their fixing (including a means by which they may be calculated and ascertained, or a rate for doing so). This means that the regulations could, for example, set a fee as an exact dollar amount, or they could prescribe the fee as a specific percentage of another amount, or the regulations could indicate the rate, such as an hourly rate, for a fee. *New section 168(4)(ab)* provides that regulations may allow a person to whom fees are payable to impose reasonable charges in connection with the administration of any payment. This would mean, for example, that such a person could impose a reasonable charge in connection with a method of payment such as paying by credit card. A reasonable charge, for example, could be passing on a bank fee for using a credit card. The bank fee would have to be reasonable.

Clause 94(3) in *Part 2* of the Bill provides for mirror amendments to the Road User Charges Act 2012. These same changes are made because if there were no specific fee-setting provisions in that Act, sections 167 and 168 of the Land Transport Act 1998 would enable road user charges fees. It is desirable that both general land transport fees and road user charges fees can be set or provided for in the same flexible manner.

Clause 91 amends section 242. This section relates to the registration and licensing of motor vehicles. Currently, the Act does not allow for licences to be displayed in an electronic form. In contrast, section 18 of the Road User Charges Act 2012 does allow for road user charges licences to be electronic. The amendment to section 242 removes the requirement that a motor vehicle licence needs to be affixed to the vehicle. Instead, licence display may be prescribed by regulations, and the regulations may allow for electronic display.

Clause 92 amends section 269 to enable regulations to prescribe the form of licences, which may include an electronic form.

Part 2

Related and consequential amendments

Clause 93 amends section 109 of the Government Roading Powers Act 1989. This amendment is to the same effect as the amendment in *subpart 6 of Part 1*, in *clause 81*, to section 22AB of the Land Transport Act 1998. Both provisions provide that a bylaw may prescribe fines of up to the amended amount of \$1,000 (rather than \$500) for breaching the bylaw.

Clause 94 amends the Road User Charges Act 2012. Section 88 of the Road User Charges Act 2012 is amended to the same effect as the amendment, in *clause 90*, to section 168 of the Land Transport Act 1998.

Clause 95 amends the Sentencing Act 2002 as part of the fleeing driver changes made in *Part 1*. Section 128 is amended to update references to provisions changed by the Bill. Section 129 is amended so that a subsequent offence of failing to stop or remain stopped under the Land Transport Act 1998 committed within 4 years of an offence specified in section 129(1)(a) must lead to a confiscation of the vehicle concerned under the Sentencing Act 2002 (unless extreme hardship to the offender or undue hardship to any other person would result).

Clause 96(1) inserts *new Schedule 1* into the Act. *New Schedule 1* will provide for transitional arrangements for the Bill's amendments in *subpart 1 of Part 1* (alcohol interlock sentences) and *subpart 5 of Part 1* (small passenger services). These transitional arrangements will be inserted into the *new Schedule 1* by *clause 96(2) and (3)* and will come into force as part of a package with each relevant subpart (in accordance with *clause 2*).

Clause 96(2) will amend *new Schedule 1* (as inserted by *clause 96(1)*) by inserting *new clauses 2 to 5*, which provide for transitional arrangements relating to alcohol interlock sentences.

Clause 2 of new Schedule 1 provides that pre-existing alcohol interlock orders, licences, and applications for alcohol interlock licences are unaffected by *subpart 1 of Part 1*. This means that any person who currently has an alcohol interlock licence is unaffected by the Bill. Similarly, any application that is underway for such a licence, and any period of disqualification required by a pre-existing alcohol interlock order, is unaffected. Finally, if a person subject to an alcohol interlock order does not apply for

an interlock licence, they are to be treated as a person with a licence of no effect. (This contrasts with the Bill, which provides that such a person is to be treated as disqualified.)

However, there are 2 exceptions to the rule that persons with a pre-existing alcohol interlock order are unaffected by the Bill.

Under *clause 3 of new Schedule 1*, a person subject to an alcohol interlock order made before the Bill comes into force may apply for it to be cancelled under *new section 100B*. This would mean, for example, that a person who is subject to an order but cannot afford to apply for a licence could apply for relief.

The other exception relates to a person with an alcohol interlock licence issued before the Bill comes into force who commits a subsequent offence. *Clause 4 of new Schedule 1* provides that any subsequent offences would be dealt with under the Bill's *new sections 65AJ and 65AK*.

Clause 5 of new Schedule 1 provides that existing zero alcohol licences and applications for zero alcohol licences are unaffected by the Bill.

Clause 96(3) will amend *new Schedule 1* (as inserted by *clause 96(1)*) by inserting *new clauses 6 to 9*, which provide for transitional arrangements relating to small passenger services.

Clause 6 of new Schedule 1 provides a transitional arrangement for small passenger service operators who are facilitating a small passenger service before the Bill comes into force. Those operators must obtain a licence before 28 days have passed after the Bill comes into force. If those operators have no person with control of the small passenger service in New Zealand living in New Zealand, they must rectify that.

Clause 7 of new Schedule 1 provides that the Bill, until 28 days after its commencement, does not apply to a driver of a vehicle being used in a small passenger service who has been facilitated to connect with passengers by a facilitator. Once that time has passed, when driving such a vehicle, the driver must either have a small passenger service licence, drive on behalf of the holder of a small passenger service licence, or have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence.

Clause 8 of new Schedule 1 allows existing taxi stands and transit lanes to apply to all small passenger service vehicles until they are changed by the relevant road controlling authority.

Clause 9 of new Schedule 1 clarifies that existing passenger service licences and applications are unaffected by the Bill.

Clause 97 makes the consequential amendments to other enactments that are set out in *Schedules 2 and 3*.

Hon Simon Bridges

Land Transport Amendment Bill

Government Bill

Contents

	Page
1 Title	6
2 Commencement	6
Part 1	
Amendments to Land Transport Act 1998	
3 Principal Act	7
4 New section 2A inserted (Transitional, savings, and related provisions)	7
2A Transitional, savings, and related provisions	7
Subpart 1—Alcohol interlock sentences	
5 Section 2 amended (Interpretation)	7
6 Section 33 amended (Contravention of section 5(2) or (3))	7
7 Section 55A amended (Offences concerning alcohol interlock devices)	8
8 Section 56 amended (Contravention of specified breath or blood-alcohol limit)	8
9 Section 57 amended (Contravention of specified breath or blood-alcohol limit by person younger than 20)	8
10 Section 57AA amended (Contravention of specified breath or blood alcohol limit by holder of alcohol interlock licence or zero alcohol licence)	8
11 Section 57A amended (Driving while impaired and with blood that contains evidence of use of qualifying drug)	9
12 Section 58 amended (Contravention of section 12)	9
13 Section 60 amended (Failure or refusal to permit blood specimen to be taken or to undergo compulsory impairment test)	9

Land Transport Amendment Bill

14	Section 61 amended (Person in charge of motor vehicle causing injury or death)	10
15	Section 62 amended (Causing injury or death in circumstances to which section 61 does not apply)	10
16	Section 63 amended (Further penalty in certain cases where person driving vehicle used in transport service)	10
17	Cross-heading above section 65 replaced	10
<i>Mandatory disqualification and assessment for repeat offences</i>		
18	Section 65 amended (Mandatory penalties for repeat offences involving use of alcohol or drugs)	10
19	Section 65A replaced (Alcohol interlock requirements for repeat offences or certain first time offences involving use of alcohol)	11
<i>Mandatory alcohol interlock sentence for repeat offences and certain first offences</i>		
65AB	Qualifying offences	11
65AC	Alcohol interlock sentence	12
65AD	Injury or death	12
65AE	Period of disqualification	12
65AF	Alcohol interlock sentence disqualifies person from driving except under alcohol interlock licence	13
65AG	Alcohol interlock licence requirements	13
65AH	Court may take alcohol interlock sentence into account	14
65AI	Exceptions: persons who are not to be given alcohol interlock sentence	14
65AJ	Effect of subsequent qualifying offences on alcohol interlock licence	14
65AK	Effect of other subsequent offences on alcohol interlock licence	14
<i>Mandatory zero alcohol requirements for repeat offences</i>		
20	Section 65B amended (Mandatory zero alcohol requirements for repeat offences involving use of alcohol)	15
21	Section 81 amended (Provisions relating to mandatory disqualification)	15
22	Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)	16
23	Section 94 amended (Substitution of community-based sentences)	16
24	Section 99 amended (Court may reduce disqualification)	16
25	Section 100 amended (Agency to remove certain disqualifications)	16
26	Section 100A replaced (Agency to remove alcohol interlock requirements)	16
100A	Agency may replace alcohol interlock licence with zero alcohol licence	16

Land Transport Amendment Bill

	100B	Court may cancel alcohol interlock sentence	16
27		Section 103 amended (Persons who may apply to court for limited licence)	17
28		Section 108 replaced (Appeal against Agency's refusal to remove disqualification)	17
	108	Appeal against Agency's refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence	17
Subpart 2—Fare evasion			
29		Section 79M replaced (Penalties for failure to pay passenger service fares)	17
	79M	Penalties for failure to pay service fares, etc	18
30		New section 128F inserted (Powers of enforcement officers in relation to public transport service fares)	18
	128F	Powers of enforcement officers in relation to public transport service fares	18
31		Section 167 amended (Regulations)	19
Subpart 3—Fleeing drivers			
32		Section 36AB repealed (Contravention of sections 7 and 114)	19
33		Section 52 amended (Contravening notices, requirements, etc, given or imposed by enforcement officers)	19
34		New section 52A inserted (Contravention of section 114)	19
	52A	Contravention of section 114	19
35		Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)	20
36		Section 102 amended (Appeal to Police against impoundment of vehicle)	21
37		Section 118 amended (Owner or hirer or licence holder to give information as to identity of driver or passenger)	21
38		Section 123 amended (Enforcement officer may seize and impound vehicle for up to 7 days where serious accident or hit and run offence or for failure to stop)	22
Subpart 4—Heavy vehicles			
39		Section 2 amended (Interpretation)	22
40		Section 6 amended (Vehicles to be safe and operated in compliance with rules)	23
41		Section 16 replaced (Heavy motor vehicles not to be overloaded)	23
	16	Heavy motor vehicles not to be overloaded or in breach of dimension requirements	23
42		Section 16A replaced (Restriction of heavy traffic on roads)	23
	16A	Temporary restriction of heavy traffic on roads	23
43		Section 30O amended (Term of transport service licence)	24
44		Section 43 replaced (Overloading offences)	24

Land Transport Amendment Bill

43	Overloading and over-dimension offences	24
45	Section 113A amended (Power to inspect records)	24
46	Section 125 amended (Stopping, inspection, and weighing of heavy vehicles and certain transport service vehicles)	24
47	Section 126 amended (Off-loading of overweight vehicle)	25
48	Section 147 amended (Evidence of accuracy of weighing devices and sites)	25
49	New section 147A inserted (Certification of accuracy of alternative weighing technology)	25
	147A Certification of accuracy of alternative weighing technology	25
50	Section 152 amended (Power of Minister to make ordinary rules)	26
51	Section 164 amended (Matters to have regard to when making or recommending rules)	26
52	Section 166 amended (Agency may grant exemptions)	26
53	New section 166A inserted (Agency may grant exemptions to New Zealand Defence Force)	26
	166A Agency may grant exemptions to New Zealand Defence Force	26
54	Section 167 amended (Regulations)	26
	Subpart 5—Small passenger services	
55	Section 2 amended (Interpretation)	27
56	Section 22AB amended (Road controlling authorities may make certain bylaws)	28
57	Section 30A amended (Requirements for vehicles)	28
58	Section 30B repealed (Provision of identification information in Braille)	29
59	Section 30D amended (Additional criteria for small passenger service vehicles and vehicle recovery service)	29
60	Section 30E amended (Additional criteria for large passenger service vehicles)	29
61	Section 30J replaced (Transport service operators may not carry on certain transport services unless licensed to do so)	29
	30J Transport service operators must be licensed	29
62	Section 30L amended (Grant of licence)	30
63	Section 30M amended (Conditions of transport service licences)	30
64	Sections 30P to 30R replaced	30
	30P Driver must have or drive under transport service licence	30
	30Q Records to be kept by facilitator of facilitated cost-sharing arrangement	30
65	Section 30S amended (When Agency may revoke transport service licence)	31
66	Section 30T amended (Procedure Agency must follow before revoking transport service licence)	31

Land Transport Amendment Bill

67	Section 30U amended (Suspension of transport service licence)	31
68	Section 30V amended (Interpretation)	31
69	Section 30Z replaced (Application of Part)	32
	30Z Application of Part	32
70	Section 30ZD amended (Records must be kept)	32
71	Section 30ZH amended (Duties regarding logbooks)	33
72	Section 79A amended (Offence to carry on transport service without licence)	33
73	New section 79AB inserted (Offence to drive vehicle used in transport service without licence)	33
	79AB Offence to drive vehicle used in transport service without licence	33
74	Section 79C amended (Failure to present vehicle for inspection)	33
75	Section 79H amended (Contravention of section 128A)	34
76	Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)	34
77	Section 128A amended (Enforcement officer's powers in respect of non-complying small passenger service vehicles)	34
78	Section 158 amended (Rules concerning licensing, standard-setting, etc)	34
79	Section 199A amended (Register of transport service licences)	34
	Subpart 6—Miscellaneous amendments	
80	Section 2 amended (Interpretation)	34
81	Section 22AB amended (Road controlling authorities may make certain bylaws)	35
82	Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)	35
83	Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)	35
84	Section 119 amended (Powers of entry)	35
85	Section 121 amended (Enforcement officer may immobilise vehicle, etc, in specified circumstances)	35
86	Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules)	36
87	Section 132 amended (Inspection powers concerning dangerous goods)	36
88	Section 139 amended (Issue of infringement notice)	36
89	Section 140 amended (Contents of infringement and reminder notices)	36
90	Section 168 amended (Regulations relating to fees and charges for land transport)	37
91	Section 242 amended (Motor vehicles must be registered and licensed)	37
92	Section 269 amended (Regulations)	37

Part 2		
Related and consequential amendments		
<i>Amendment to Government Roothing Powers Act 1989</i>		
93	Amendment to Government Roothing Powers Act 1989	38
<i>Amendment to Road User Charges Act 2012</i>		
94	Amendment to Road User Charges Act 2012	38
<i>Amendments to Sentencing Act 2002</i>		
95	Amendments to Sentencing Act 2002	38
<i>Transitional, savings, and related provisions</i>		
96	New Schedule 1 inserted and amended	39
<i>Consequential amendments to enactments</i>		
97	Consequential amendments to enactments	41
Schedule 1		
New Schedule 1 inserted		
Schedule 2		
Consequential amendments to Acts		
Schedule 3		
Consequential amendments to other enactments		

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transport Amendment Act **2016**.

2 Commencement

Commencement of amendments relating to alcohol interlock sentences 5

(1) **Subpart 1 of Part 1 and sections 96(2) and 97(1) and (4)** come into force—

(a) on **1 April 2018**; or

(b) on an earlier date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes. 10

Commencement of amendments relating to small passenger vehicles

(2) **Subpart 5 of Part 1 and sections 96(3) and 97(3) and (8)** come into force—

(a) on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes; and 15

- (b) to the extent not previously brought into force under **paragraph (a)**, on **1 July 2017**.

Commencement of the rest of this Act

- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1 Amendments to Land Transport Act 1998

3 Principal Act

This Part amends the Land Transport Act 1998 (the **principal Act**).

4 New section 2A inserted (Transitional, savings, and related provisions) 10

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

Subpart 1—Alcohol interlock sentences 15

5 Section 2 amended (Interpretation)

- (1) In section 2(1), definition of **alcohol interlock device**, paragraph (c), replace “section 65A” with “**sections 65AB to 65AK**”.
- (2) In section 2(1), definition of **alcohol interlock licence**, replace “section 65A(2)” with “**section 65AC**”. 20
- (3) In section 2(1), definition of **zero alcohol licence**, paragraph (a), replace “made under section 65B(2)” with “referred to in section 65B(1)”.
- (4) In section 2(1), insert in their appropriate alphabetical order:

alcohol interlock sentence has the meaning given in **section 65AC**

qualifying offence is an offence described in **section 65AB(1)** 25

6 Section 33 amended (Contravention of section 5(2) or (3))

After section 33(1), insert:

- (1A) Subsection (1) does not apply in relation to—

- (a) an application for an alcohol interlock licence made in accordance with an alcohol interlock sentence; or 30
- (b) an application for a zero alcohol licence made in accordance with section 65B.

- 7 Section 55A amended (Offences concerning alcohol interlock devices)**
- (1) In section 55A(1), replace “order made by a court under section 65A(2)” with “alcohol interlock sentence”.
- (2) In section 55A(2), and (3), replace “order made under section 65A(2)” with “alcohol interlock sentence”. 5
- 8 Section 56 amended (Contravention of specified breath or blood-alcohol limit)**
- (1) After section 56(3), insert:
- (3A) Subsection (3)(b) does not apply if— 10
- (a) an order is made under section 65; or
- (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (2) Replace section 56(4A) with:
- (4A) Subsection (4)(b) does not apply if— 15
- (a) an order is made under section 65; or
- (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (3) Replace section 56(6) with:
- (6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 9 Section 57 amended (Contravention of specified breath or blood-alcohol limit by person younger than 20)** 20
- Replace section 57(4) with:
- (4) Subsection (3)(b) does not apply if— 25
- (a) an order is made under section 65; or
- (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 10 Section 57AA amended (Contravention of specified breath or blood alcohol limit by holder of alcohol interlock licence or zero alcohol licence)** 30
- (1) After section 57AA(3), insert:
- (3A) Subsection (3)(b) does not apply if— 35
- (a) an order is made under section 65; or
- (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (2) Replace section 57AA(7) with:
- (7) Subsection (6)(b) does not apply if—

- (a) an order is made under section 65; or
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (8) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 5
- 11 Section 57A amended (Driving while impaired and with blood that contains evidence of use of qualifying drug)**
- Replace section 57A(6) with:
- (6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 10
- 12 Section 58 amended (Contravention of section 12)**
- (1) After section 58(2), insert:
- (2A) Subsection (2)(b) does not apply if—
- (a) an order is made under section 65; or 15
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (2) Replace section 58(3A) with:
- (3A) Subsection (3)(b) does not apply if—
- (a) an order is made under section 65; or
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**. 20
- (3) Replace section 58(5) with:
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 13 Section 60 amended (Failure or refusal to permit blood specimen to be taken or to undergo compulsory impairment test)** 25
- (1) After section 60(2), insert:
- (2A) Subsection (2)(b) does not apply if—
- (a) an order is made under section 65; or
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**. 30
- (2) Replace section 60(3A) with:
- (3A) Subsection (3)(b) does not apply if—
- (a) an order is made under section 65; or
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (3) Replace section 60(5) with: 35

- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 14 Section 61 amended (Person in charge of motor vehicle causing injury or death)** 5
- (1) After section 61(3B), insert:
- (3BA) If an alcohol interlock sentence is ordered under **section 65AC(1)** for an offence described in subsection (1) or (2), the mandatory disqualification referred to in subsection (3)(b), (3AA)(b), or (3A) (whichever applies) is the period of disqualification under that alcohol interlock sentence. 10
- (2) Replace section 61(4) with:
- (4) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 15 Section 62 amended (Causing injury or death in circumstances to which section 61 does not apply)** 15
- Replace section 62(3) with:
- (3) Subsection (2)(b) does not apply if an order is made under section 65.
- (4) If an alcohol interlock sentence is ordered under **section 65AC(1)** for an offence described in subsection (1)(a), the mandatory disqualification referred to in subsection (2)(b) is the period of disqualification under that alcohol interlock sentence. 20
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 25
- 16 Section 63 amended (Further penalty in certain cases where person driving vehicle used in transport service)**
- In section 63(3), replace “(which relates to community-based sentences)” with “(which allows a court to substitute disqualification with a community-based sentence)”. 30
- 17 Cross-heading above section 65 replaced**
- Replace the cross-heading above section 65 with:
- Mandatory disqualification and assessment for repeat offences*
- 18 Section 65 amended (Mandatory penalties for repeat offences involving use of alcohol or drugs)** 35
- (1) Replace the heading to section 65 with “**Mandatory disqualification and assessment for repeat offences**”.

- (2) After section 65(3), insert:
- (3A) The mandatory disqualification referred to in subsection (2) is replaced by any alcohol interlock sentence ordered under **section 65AC(1)**.
- (3) After section 65(4), insert:
- (4A) The mandatory disqualification referred to in subsection (4) is replaced by any alcohol interlock sentence ordered under **section 65AC(1)**. 5

19 Section 65A replaced (Alcohol interlock requirements for repeat offences or certain first time offences involving use of alcohol)

Replace section 65A with:

Mandatory alcohol interlock sentence for repeat offences and certain first offences 10

65AB Qualifying offences

- (1) **Section 65AC** applies if a court convicts a person of an offence involving the use of alcohol against any of sections 56(1), 56(2), 57(1), 57(2), 57AA, 58(1)(a), 60(1)(a) to (c), 61(1), 61(2), and 62(1)(a) and either— 15
- (a) the person convicted has previously been convicted of such an offence committed within 5 years of the date of the commission of the offence being dealt with by the court (whether or not section 65(2) or (4) also applies); or
- (b) the offence for which the person is convicted involves either or both of the following: 20
- (i) the proportion of alcohol in the person's breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, is or exceeds 800 micrograms of alcohol per litre of breath: 25
- (ii) the proportion of alcohol in the person's blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, is or exceeds 160 milligrams of alcohol per 100 millilitres of blood.
- (2) However, **section 65AI** applies instead of **section 65AC** if a person described in **subsection (1)**— 30
- (a) has a medical condition (as certified by an appropriately qualified medical practitioner) that renders him or her incapable of providing a valid breath sample to activate an alcohol interlock device; or
- (b) usually lives at a place that will not be serviced by an approved provider and is— 35
- (i) more than 30 km from the nearest alcohol interlock service centre; or

<ul style="list-style-type: none"> (ii) on an island without an alcohol interlock service centre; or (c) has never held a New Zealand licence; or (d) holds a licence that has been revoked or is suspended (except one that is suspended under section 90, 95, or 95A); or (e) is not likely, during the term of any alcohol interlock sentence that would otherwise apply, to— <ul style="list-style-type: none"> (i) have lawful possession of a motor vehicle to the extent of being able to use it and fit it with an alcohol interlock device; or (ii) have the type of possession described in subparagraph (i) of a motor vehicle that is technically able to be fitted with an alcohol interlock device. 	<p>5</p> <p>10</p>	
65AC Alcohol interlock sentence		
<ul style="list-style-type: none"> (1) If this section applies, the court must order an alcohol interlock sentence. (2) An alcohol interlock sentence— <ul style="list-style-type: none"> (a) disqualifies the person from holding or obtaining a driver licence for the period required by section 65AE; and (b) authorises the person to apply for an alcohol interlock licence at the end of that period; and (c) disqualifies the person from holding or obtaining any licence except an alcohol interlock licence; and (d) authorises the person, after complying with the alcohol interlock licence requirements, to apply to replace the alcohol interlock licence with a zero alcohol licence. (3) Subsection (1) applies unless for special reasons relating to the qualifying offence the court thinks fit to order otherwise and, if so,— <ul style="list-style-type: none"> (a) section 94 may apply (and a reference to disqualification in section 94 must be treated as if it referred to an alcohol interlock sentence); but (b) an alcohol interlock sentence may not otherwise be substituted by a community-based sentence. 	<p>15</p> <p>20</p> <p>25</p>	
65AD Injury or death		
<p>If a qualifying offence resulted in injury or death, the court must disqualify the person from holding or obtaining a driver licence for the period of disqualification that is appropriate under section 61(3)(b), (3AA)(b), or (3A) or 62(2)(b).</p>		
65AE Period of disqualification		
<p>The period of disqualification for an alcohol interlock sentence is the greatest of the following periods:</p> <ul style="list-style-type: none"> (a) 28 days; and 		<p>35</p>

- (b) any period when the person's licence is expired or suspended under section 90, 95, or 95A; and
- (c) any period when the person is in prison (because of the qualifying offence or otherwise); and
- (d) any period when the person is disqualified from holding or obtaining a driver licence, whether—
 - (i) under **section 65AD**; or
 - (ii) because of an existing disqualification; or
 - (iii) because the person, at the same time as the person is sentenced to the alcohol interlock sentence, is disqualified from holding or obtaining a driver licence for any other offence under this Act or under section 124 of the Sentencing Act 2002.

65AF Alcohol interlock sentence disqualifies person from driving except under alcohol interlock licence

A person who is subject to an alcohol interlock sentence and who does not apply for an alcohol interlock licence is disqualified from holding or obtaining a driver licence.

65AG Alcohol interlock licence requirements

- (1) An alcohol interlock licence replaces any licence held by a person.
- (2) An alcohol interlock licence requires a person holding it to drive only a motor vehicle or vehicles to which an alcohol interlock device is fitted.
- (3) A person may apply under **section 100A** to replace an alcohol interlock licence with a zero alcohol licence if—
 - (a) every motor vehicle the person has driven for 12 months (or more) had an alcohol interlock device fitted and operating; and
 - (b) in relation to a person who is required to attend an assessment centre under section 65 (or any other section), the person has attended and been assessed as being a fit person to hold a driver licence; and
 - (c) during the previous 6 months, the person—
 - (i) has not attempted to drive while the person's breath contained a proportion of alcohol above the level to which the device is set; and
 - (ii) has not committed a qualifying offence or an offence under section 55A; and
 - (iii) has complied with any relevant regulations made under this Act.
- (4) The 6-month period referred to in **subsection (3)(c)** may be reduced to 3 months if the person has been assessed at an assessment centre (whether the at-

tendance was voluntary or ordered by a court) as a fit person to hold a driver licence.

65AH Court may take alcohol interlock sentence into account

- (1) A court must order any fine, imprisonment, assessment, or community-based sentence that is appropriate for the qualifying offence regardless of the requirement to impose an alcohol interlock sentence. 5
- (2) However, the court may take into account the cost of an alcohol interlock sentence when setting the amount of any fine.

65AI Exceptions: persons who are not to be given alcohol interlock sentence

If this section applies because an exception described in **section 65AB(2)** applies to the person, a court must— 10

- (a) order any disqualification that is appropriate under the provision relating to the qualifying offence; and
- (b) order any fine, imprisonment, assessment, or community-based sentence that is appropriate for the qualifying offence; and 15
- (c) if a disqualification is ordered, authorise the person to apply for a zero alcohol licence at the end of the period of disqualification.

65AJ Effect of subsequent qualifying offences on alcohol interlock licence

- (1) This section applies to a person with an alcohol interlock licence who is convicted of a subsequent qualifying offence. 20
- (2) The court must replace the alcohol interlock sentence with a new alcohol interlock sentence under **section 65AC** unless—
 - (a) **section 65AC(3)** applies; or
 - (b) an exception described in **section 65AB(2)** now applies to the person (in which case, **section 65AI** applies). 25
- (3) **Sections 65AC to 65AI** apply to the new alcohol interlock sentence as if a reference to a qualifying offence in those sections were a reference to the subsequent qualifying offence.

65AK Effect of other subsequent offences on alcohol interlock licence

- (1) This section applies to a person with an alcohol interlock licence— 30
 - (a) who is convicted of a subsequent offence against this Act that is not a qualifying offence; and
 - (b) who is disqualified from holding or obtaining a driver licence for that subsequent offence.
- (2) In order to continue the existing alcohol interlock sentence, the court must authorise the person to apply for a new alcohol interlock licence at the end of the disqualification. 35

- (3) **Sections 65AG, 65AJ, and this section** continue to apply to the new alcohol interlock licence as if the existing alcohol interlock sentence had not been interrupted by the disqualification.
- (4) When the person applies under **section 100A(1)** in relation to any new alcohol interlock licence, the Agency must accept any compliance with the requirements of **section 65AG** in relation to the person’s previous alcohol interlock licence as compliance with the requirements of **section 65AG** in relation to the person’s new alcohol interlock licence. 5
- Mandatory zero alcohol requirements for repeat offences*
- 20 Section 65B amended (Mandatory zero alcohol requirements for repeat offences involving use of alcohol)** 10
- (1) In the heading to section 65B, replace “**involving use of alcohol**” with “**and certain first offences**”.
- (2) Replace section 65B(1) and (2) with:
- (1) This section applies if a court has authorised a person to apply for a zero alcohol licence under any of the following sections: 15
- (a) **section 65AC(2)(d)**;
- (b) **section 65AI(c)**;
- (c) **section 100B(2)(b)**.
- (2) A zero alcohol licence has effect for a period of 3 years from the date the licence is issued. 20
- (3) In section 65B(3), replace “authorised under subsection (2)” with “authorised under a section referred to in **subsection (1)**”.
- (4) In section 65B(3)(b), replace “order made under section 65A(2)(b)” with “alcohol interlock sentence”. 25
- (5) Replace section 65B(4) with:
- (4) A person who has been authorised to apply for a zero alcohol licence and who does not apply for a zero alcohol licence is disqualified from holding or obtaining a driver licence.
- 21 Section 81 amended (Provisions relating to mandatory disqualification)** 30
- (1) Replace the heading to section 81 with “**Mandatory disqualification: court’s discretion if special reasons relating to offence**”.
- (2) In section 81(3), replace “(which relates to community-based sentences)” with “(which allows a court to substitute disqualification with a community-based sentence)”. 35

- 22 Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)**
- (1) In section 87(1)(b), replace “under section 65A(2)(b)(i)” with “under **section 65AC**”.
- (2) Replace section 87(1)(c) with: 5
- (c) an order authorising the person to apply for a zero alcohol licence under **section 65AC(2)(d), 65A1(c), or 100B(2)(b)**:
- 23 Section 94 amended (Substitution of community-based sentences)**
- After section 94(4)(a), insert:
- (aa) an alcohol interlock sentence has been ordered under **section 65AC(1)**; 10
or
- 24 Section 99 amended (Court may reduce disqualification)**
- In section 99(7), after “person who is subject to”, insert “an alcohol interlock sentence or to”.
- 25 Section 100 amended (Agency to remove certain disqualifications)** 15
- After section 100(3), insert:
- (4) If the Agency decides not to remove the disqualification under subsection (1), the Agency must refer the applicant to the right of appeal under **section 108**.
- 26 Section 100A replaced (Agency to remove alcohol interlock requirements)**
- Replace section 100A with: 20
- 100A Agency may replace alcohol interlock licence with zero alcohol licence**
- (1) If satisfied that the holder of an alcohol interlock licence (the **applicant**) is a fit person to hold a driver licence and has complied with **section 65AG**, the Agency must—
- (a) authorise the removal of the interlock device from every motor vehicle or vehicle the person drives; and 25
- (b) replace the applicant’s alcohol interlock licence with a zero alcohol licence.
- (2) If the Agency acts under **subsection (1)**, every order made under **section 65AC(1)** that applies to the applicant must be treated as having expired. 30
- (3) If the Agency does not act under **subsection (1)**, the Agency must refer the applicant to the right of appeal under **section 108(1)**.
- 100B Court may cancel alcohol interlock sentence**
- (1) The court may cancel an alcohol interlock sentence if satisfied that the person’s personal circumstances have changed significantly. 35

- (2) If the court cancels an alcohol interlock sentence, the court must—
- (a) order any disqualification under the provision relating to the qualifying offence that would have applied under **section 65AI** if an exception described in **section 65AB(2)** had applied to the person; and
 - (b) authorise the person to apply for a zero alcohol licence at the end of the period of disqualification. 5
- (3) The court may set the length of the disqualification imposed under **subsection (2)(a)** after having regard to—
- (a) the length of time that has elapsed since the alcohol interlock sentence was imposed; and 10
 - (b) the person’s compliance with **section 65AG**.

27 Section 103 amended (Persons who may apply to court for limited licence)

Replace section 103(2)(e) with:

- (e) a person who—
- (i) is subject to an alcohol interlock sentence under **section 65AC**; 15
 - or
 - (ii) would have been subject to an alcohol interlock sentence but an exception described in **section 65AB(2)** applied:

28 Section 108 replaced (Appeal against Agency’s refusal to remove disqualification) 20

Replace section 108 with:

108 Appeal against Agency’s refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence

- (1) A person may appeal to a District Court against the refusal of the Agency to—
- (a) remove a disqualification under section 100; or 25
 - (b) replace an alcohol interlock licence with a zero alcohol licence under **section 100A**.
- (2) In determining the appeal, the court may—
- (a) direct the Agency to remove a disqualification or replace an alcohol interlock licence with a zero alcohol licence; or 30
 - (b) dismiss the appeal.

Subpart 2—Fare evasion

29 Section 79M replaced (Penalties for failure to pay passenger service fares)

Replace section 79M with:

79M Penalties for failure to pay service fares, etc

- (1) A person who fails to pay a passenger service fare that he or she is liable to pay commits an infringement offence.
- (2) A person commits an infringement offence if, in relation to a public transport service fare that the person is liable to pay, the person— 5
- (a) fails to pay the fare; or
- (b) fails to provide (in response to an enforcement officer's request made in accordance with **section 128F(1)**) evidence of having paid the fare.
- (3) A person commits an offence if, in relation to a public transport service fare that the person is liable to pay, the person— 10
- (a) fails to provide (in response to an enforcement officer's request made in accordance with **section 128F(2)(a)**) the identifying particulars referred to in that section; or
- (b) boards, or fails or refuses to disembark, the public transport service in contravention of an enforcement officer's request made in accordance with **section 128F(2)(b)**. 15
- (4) It is a defence to an offence under **subsection (1) or (2)(a) or (b)** if a person attempted to buy a ticket from a ticket vending machine and at that time—
- (a) the ticket vending machine was not working; and
- (b) there was no other available means to buy a ticket. 20
- (5) The maximum penalty on conviction for an offence under **subsection (1) or (2)(a) or (b)** is a fine not exceeding \$500.
- (6) The maximum penalty on conviction for an offence under **subsection (3)(a) or (b)** is a fine not exceeding \$1,000.
- (7) For the purposes of this section, **public transport service** has the same meaning as in section 5 of the Land Transport Management Act 2003. 25

30 New section 128F inserted (Powers of enforcement officers in relation to public transport service fares)

After section 128E, insert:

128F Powers of enforcement officers in relation to public transport service fares 30

- (1) An enforcement officer may request a person to provide evidence that the person has paid a public transport service fare that the person is liable to pay.
- (2) If a person fails to provide evidence of payment after a request is made under **subsection (1)**, the enforcement officer may— 35
- (a) request the person's full name, full address, telephone number, and date of birth; and
- (b) request the person not to board, or to disembark, the public transport service concerned.

31 Section 167 amended (Regulations)

After section 167(1)(ib), insert:

- (ic) specifying the obligations of a person who is liable to pay a passenger service fare or a public transport service fare:

Subpart 3—Fleeing drivers 5

32 Section 36AB repealed (Contravention of sections 7 and 114)

Repeal section 36AB.

33 Section 52 amended (Contravening notices, requirements, etc, given or imposed by enforcement officers)

- (1) Repeal section 52(1)(aa), (3), (4), and (5). 10
- (2) In section 52(1)(c), after “dangerous goods enforcement officer”, insert “(except for any described in **section 52A**)”.
- (3) Replace section 52(6) with:
- (6) A person commits an offence if the person, in response to any request for information by an enforcement officer under section 118 and without reasonable excuse,— 15
- (a) fails or refuses to provide information; or
- (b) provides false or misleading information.

34 New section 52A inserted (Contravention of section 114)

After section 52, insert: 20

52A Contravention of section 114

- (1) A person commits an offence if the person—
- (a) is the driver of a vehicle that fails to stop— 25
- (i) as soon as practicable when signalled or requested to stop under section 114(1); or
- (ii) when required to stop under section 114(2); or
- (b) is the driver of a vehicle that is stopped and fails to remain stopped in accordance with section 114(2A) or (3)(a); or
- (c) fails or refuses to provide information or provides false or misleading information in response to a demand for information made by an enforcement officer under section 114(3)(b). 30
- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$10,000.
- (3) If a person is convicted of a first offence against **subsection (1)(a) or (b)** and committed the offence while exceeding the applicable speed limit or operating 35

- a motor vehicle in an otherwise dangerous manner, a court must order the person to be disqualified from holding or obtaining a driver licence for 6 months.
- (4) If a person is convicted of a second offence against **subsection (1)**, a court must order the person to be disqualified from holding or obtaining a driver licence for 1 year. 5
- (5) If a person is convicted for a third or subsequent offence against **subsection (1)**,—
- (a) the maximum penalty is imprisonment for a term not exceeding 3 months; and
- (b) the court must order the person to be disqualified from holding or obtaining a driver licence for 2 years. 10
- (6) A disqualification ordered under **subsection (3), (4), or (5)** is cumulative on, and not concurrent with, any other disqualification that a court may order in respect of the facts that gave rise to the person's conviction for an offence described in **subsection (1)**. 15
- (7) **Subsection (6)** does not apply to offending that occurs after the facts that gave rise to the person's conviction for an offence described in **subsection (1)**.
- 35 Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)** 20
- (1) Replace section 96(1AB) with:
- (1AB) An enforcement officer may seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer—
- (a) believes on reasonable grounds that a person driving the vehicle has failed to stop (or remain stopped) as signalled, requested, or required under section 114; or 25
- (b) suspects on reasonable grounds that the owner, person in lawful possession, or hirer of the vehicle—
- (i) knows the identity of or is the driver of the vehicle who failed to stop or remain stopped as signalled, requested, or required under section 114; and 30
- (ii) has failed or refused to provide information, or has provided false or misleading information, in response to any request for information by an enforcement officer under section 118(4).
- (2) Replace section 96(6)(a) with: 35
- (a) the Police have decided finally that any of the following proceedings will not be taken (or if proceedings have been taken and the person is acquitted):

- (i) proceedings against a person who drove the vehicle in circumstances referred to in subsection (1):
- (ii) proceedings against a person who operated the vehicle in circumstances referred to in subsection (1AA) or (1A):
- (iii) proceedings against a person who failed to stop or remain stopped in the circumstances referred to in **subsection (1AB)(a)**: 5
- (iv) proceedings against a person who failed or refused to provide information, or who provided false or misleading information, in the circumstances referred to in **subsection (1AB)(b)(ii)**; and
- 36 Section 102 amended (Appeal to Police against impoundment of vehicle) 10**
- (1) In section 102(1), replace “owner whose motor vehicle” with “owner or person in lawful possession of a motor vehicle whose vehicle”.
- (2) In section 102(1)(f),—
- (a) replace “(1AB)” with “**(1AB)(a)**”; and
- (b) replace “or 114(1) or (2)” with “or 114(1), (2), (2A), or (3)(a)”. 15
- (3) In section 102(1)(g),—
- (a) replace “(1AB)” with “**(1AB)(a)**”; and
- (b) replace “or 114(1) or (2)” with “or 114(1), (2), (2A), or (3)(a)”.
- (4) After section 102(1)(g), insert:
- (ga) if **section 96(1AB)(b)** applies, the owner or person in lawful possession of the vehicle did not know, and could not reasonably be expected to know, the identity of the driver; or 20
- 37 Section 118 amended (Owner or hirer or licence holder to give information as to identity of driver or passenger)**
- (1) Replace the heading to section 118 with “**Requirement to give information as to identity of driver or passenger**”. 25
- (2) In section 118(1), (2), and (3), after “owner”, insert “, person in lawful possession,”.
- (3) In section 118(4),—
- (a) replace “vehicle has been used to flee a Police pursuit” with “vehicle failed to stop or remain stopped in contravention of section 114”; and 30
- (b) after “owner”, insert “, person in lawful possession, or hirer” in each place.
- (4) In section 118(5), after “owner”, insert “, person in lawful possession, or hirer”.

38 Section 123 amended (Enforcement officer may seize and impound vehicle for up to 7 days where serious accident or hit and run offence or for failure to stop)

- (1) In the heading to section 123, replace “**where serious accident or hit and run offence or for failure to stop**” with “**in relation to certain offences**”. 5
- (2) Replace section 123(1)(b) with:
- (b) a driver has failed to stop (or remain stopped) as signalled, requested, or required under section 114.

Subpart 4—Heavy vehicles

39 Section 2 amended (Interpretation) 10

- (1) In section 2(1), definition of **goods service**, paragraphs (a) and (b), replace “gross laden weight” with “gross vehicle mass”.
- (2) In section 2(1), repeal the definition of **gross laden weight**.
- (3) In section 2(1), insert in its appropriate alphabetical order:

gross vehicle mass means the maximum safe operating mass for a vehicle (including the mass of any accessories, crew, passengers, or load) that is derived from the design, capabilities, and capacities of the vehicle’s construction, systems, and components, and that— 15

- (a) is determined by— 20
- (i) the Agency; or
- (ii) the manufacturer of the vehicle; or
- (iii) if the vehicle is modified after manufacture, a certifier approved by the Agency; and

(b) may be recorded on the register of motor vehicles as a weight in kilograms 25

- (4) In section 2(1), definition of **heavy motor vehicle**, replace “gross laden weight” with “gross vehicle mass”.
- (5) In section 2(1), definition of **infringement offence**, paragraph (b), after “overloading”, insert “or over-dimension”.
- (6) In section 2(1), definition of **light rental service vehicle**, replace “gross laden weight” with “gross vehicle mass”. 30
- (7) In section 2(1), insert in its appropriate alphabetical order:
- over-dimension offence** means an offence against any enactment that is specified as an over-dimension offence by the regulations
- (8) In section 2(1), definition of **rental service**, paragraph (b), replace “gross laden weight” with “gross vehicle mass”. 35

40 Section 6 amended (Vehicles to be safe and operated in compliance with rules)

After section 6(4), insert:

- (5) A certificate of loading must be displayed on the vehicle to which it applies if required by the rules. 5

41 Section 16 replaced (Heavy motor vehicles not to be overloaded)

Replace section 16 with:

16 Heavy motor vehicles not to be overloaded or in breach of dimension requirements

- (1) A person operating a heavy motor vehicle or combination of vehicles must not operate the vehicle or combination of vehicles in breach of the prescribed maximum gross mass limits for motor vehicles or prescribed maximum axle limits for axles or groups of axles of motor vehicles. 10
- (2) A person must not operate a heavy motor vehicle or combination of vehicles if the vehicle or combination of vehicles exceeds the gross vehicle mass for that vehicle or vehicles. 15
- (3) A person must not operate a heavy motor vehicle or combination of vehicles if the vehicle or combination of vehicles breaches prescribed requirements in relation to dimensions.

42 Section 16A replaced (Restriction of heavy traffic on roads) 20

Replace section 16A with:

16A Temporary restriction of heavy traffic on roads

- (1) This section applies if a road controlling authority decides on reasonable grounds that there is an urgent risk of either or both of the following: 25
- (a) damage to a road;
- (b) danger to the safety of road users.
- (2) The road controlling authority may, for a specified period of no more than 6 months, by a road closure sign, direct that any heavy traffic, or any specified kind of heavy traffic, may not proceed between any 2 places by way of any specified road or roads. 30
- (3) A sign referred to in **subsection (2)** must be displayed in at least 1 prominent position on every road to which the sign applies.
- (4) A person commits an offence, and is liable on conviction to a fine not exceeding \$1,000, if the person contravenes the requirements of any sign described in **subsection (2)** unless the person proves that there was no other way reasonably available for the traffic concerned to proceed. 35

43 Section 300 amended (Term of transport service licence)

In section 300(4)(a), replace “Armed Forces” with “New Zealand Defence Force”.

44 Section 43 replaced (Overloading offences)

Replace section 43 with:

5

43 Overloading and over-dimension offences

- (1) A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles breaches the applicable prescribed maximum gross mass limits for motor vehicles or prescribed maximum mass limits for axles or groups of axles of motor vehicles. 10
- (2) Separate offences are committed in respect of every axle, every group of axles, and the total number of axles of a heavy motor vehicle or combination of vehicles if the mass on that axle or those axles exceeds the relevant prescribed maximum gross mass limit or prescribed maximum mass limit.
- (3) A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles breaches the prescribed requirements in relation to dimensions. 15
- (4) A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles exceeds the gross vehicle mass for that vehicle or vehicles. 20
- (5) If a person commits an infringement offence against this section, the person must pay the penalty prescribed by the regulations.

45 Section 113A amended (Power to inspect records)

In section 113A(1), after “(but not limited to)”, insert “records kept under section 65 of the Road User Charges Act 2012,”.

25

46 Section 125 amended (Stopping, inspection, and weighing of heavy vehicles and certain transport service vehicles)

- (1) Replace section 125(3)(b) with:

- (b) more than 10 km, if the site where the vehicle has been brought to a stop is unsuitable for weighing the vehicle because— 30
 - (i) doing so may pose a safety risk to other road users or to the enforcement officer; or
 - (ii) the site is not level enough for accurate weighing.

- (2) In section 125(4) replace “by a sign displaying the words “ALL TRUCKS STOP”” with “by a sign specifying that that particular vehicle or vehicles of that vehicle’s class must stop”. 35

- 47 Section 126 amended (Off-loading of overweight vehicle)**
- (1) In section 126, replace “weight” with “mass” in each place.
 - (2) In section 126(1)(b), replace “exceeds by 10% or more” with “exceeds by at least 10% or by 2 000 kg (whichever is the lesser)”.
 - (3) In section 126(4)(b), replace “exceeds by 10% or more” with “exceeds by at least 10% or by 2 000 kg (whichever is the lesser)”. 5
- 48 Section 147 amended (Evidence of accuracy of weighing devices and sites)**
- (1) Repeal section 147(3).
 - (2) After section 147(7), insert:
 - (8) In this section, **site** does not include weigh-in-motion technology. 10
- 49 New section 147A inserted (Certification of accuracy of alternative weighing technology)**
- After section 147, insert:
- 147A Certification of accuracy of alternative weighing technology**
- (1) Alternative weighing technology may be certified as having been tested and found to be accurate if, on a specified date, it was tested and found to be accurate by— 15
 - (a) an Inspector of Weights and Measures; or
 - (b) an accredited person (within the meaning of the Weights and Measures Act 1987); or 20
 - (c) an employee of a laboratory for the time being approved for the purpose by the Science Minister by notice in the *Gazette*; or
 - (d) any other person who is approved for the purpose by the Minister by notice in the *Gazette*.
 - (2) A certificate issued under **subsection (1)** sufficiently identifies the alternative weighing technology to which it refers if it contains the serial number of the technology or if it refers to the location of the technology. 25
 - (3) For the purposes of this section, **alternative weighing technology** means technology that—
 - (a) is capable of measuring the mass of a vehicle or the mass on each axle of a vehicle; and 30
 - (b) is not described in section 147(4).
 - (4) If alternative weighing technology has been certified under **subsection (1)** on a date not more than 12 months earlier than the date of the use of the technology, the technology— 35

	(a) may be used to assess whether to investigate a possible offence against this Act or an offence against the Road User Charges Act 2012 (or any regulations made under those Acts); or	
	(b) may be used to assess whether such an offence has been committed.	
50	Section 152 amended (Power of Minister to make ordinary rules)	5
	After section 152(b), insert:	
	(ba) providing for the appropriate management of infrastructure:	
51	Section 164 amended (Matters to have regard to when making or recommending rules)	
	After section 164(2)(d), insert:	10
	(da) the appropriate management of infrastructure, including (but not limited to)—	
	(i) the impact of vehicles on infrastructure; and	
	(ii) whether the costs of the use of the infrastructure are greater than the economic value generated by its use:	15
52	Section 166 amended (Agency may grant exemptions)	
	After section 166(2), insert:	
	(2A) In addition to the factors that must be considered under subsection (2), if the exemption relates to a heavy vehicle, the Agency must have regard to the potential impact on infrastructure (including, for example, potential damage to infrastructure such as roads and the cost of repairing the infrastructure).	20
53	New section 166A inserted (Agency may grant exemptions to New Zealand Defence Force)	
	After section 166, insert:	
	166A Agency may grant exemptions to New Zealand Defence Force	25
	(1) The Agency may, if the Agency considers it appropriate and upon such conditions as the Agency considers appropriate, exempt the New Zealand Defence Force from a specified requirement in a rule made under this Part in relation to a vehicle or a group of vehicles or a type of vehicle belonging to the Defence Force.	30
	(2) Section 166(2) to (4) applies to an exemption made under this section in the same way as section 166(2) to (4) applies to an exemption made under section 166(1).	
54	Section 167 amended (Regulations)	
	(1) In section 167(1)(e)(iv),—	35
	(a) after “overloading”, insert “or over-dimension”; and	

- (b) replace “\$10,000” with “\$15,000”.
- (2) In section 167(1)(f), after “overloading”, insert “or over-dimension”.

Subpart 5—Small passenger services

55 Section 2 amended (Interpretation)

- (1) In section 2(1), repeal the definition of **approved taxi organisation**. 5
- (2) In section 2(1), definition of **control**,—
 - (a) delete “or a proposed or approved taxi organisation”; and
 - (b) delete “or taxi organisation” in each place; and
 - (c) delete “or organisation”.
- (3) In section 2(1), definition of **passenger service**, after paragraph (b)(ii), insert: 10
 - (iia) after a connection between a passenger and a small passenger service facilitated by a facilitator; or
- (4) In section 2(1), repeal the definitions of **passenger service licence**, **taxi**, and **taxi service**.
- (5) In section 2(1), replace the definition of **transport service licence** with: 15

transport service licence means any of the following licences granted or deemed to be granted under subpart 3 of Part 4A:

 - (a) a goods service licence:
 - (b) a large passenger service licence:
 - (c) a rental service licence: 20
 - (d) a small passenger service licence:
 - (e) a vehicle recovery service licence
- (6) In section 2(1), replace the definition of **transport service operator** with:

transport service operator—

 - (a) means a person who carries on a transport service; and 25
 - (b) includes, in relation to a small passenger service, a facilitator; but
 - (c) does not include any other person who is a driver in the transport service or who otherwise assists in the transport service
- (7) In section 2(1), insert in their appropriate alphabetical order:

facilitate, in relation to a small passenger service,— 30

 - (a) means to enable drivers and passengers to connect by electronic or any other means (for example, by telephone, Internet site, application, or software); but
 - (b) does not include the mere provision of an answering or call centre service 35

facilitated cost-sharing arrangement means a small passenger service that is facilitated by a facilitator (whether or not the facilitator is paid) under which a passenger is carried in return for the driver’s costs being reimbursed, which costs—

- (a) may include actual costs up to a maximum amount per kilometre set by the Minister by notice in the *Gazette* (for example, the costs of fuel and reasonable vehicle wear and tear); but 5
- (b) may not include—
 - (i) payment for the driver’s driving or travelling time; or
 - (ii) any infringement fee incurred in the course of the journey; or 10
 - (iii) registration and licensing costs for the driver or the driver’s vehicle

facilitator means a person who facilitates a small passenger service

large passenger service means a passenger service provided in a large passenger service vehicle 15

large passenger service licence means a licence granted or deemed to be granted under subpart 3 of Part 4A that authorises its holder to carry on a large passenger service

small passenger service means a passenger service provided in—

- (a) a small passenger service vehicle; or 20
- (b) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is provided by one of the passengers being carried; or
- (c) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is being used in a facilitated cost-sharing arrangement

small passenger service licence means a licence granted or deemed to be granted under subpart 3 of Part 4A that authorises its holder to carry on or facilitate a small passenger service 25

small passenger service operator

- (a) means a person who carries on a small passenger service; and
- (b) includes a facilitator; but 30
- (c) does not include any other person who is a driver in the small passenger service or who otherwise assists in the small passenger service

56 Section 22AB amended (Road controlling authorities may make certain bylaws)

In section 22AB(1)(r), delete “, taxis,”. 35

57 Section 30A amended (Requirements for vehicles)

- (1) In section 30A(1)(a) and (b), delete “connection with”.

- (2) In section 30A(2), replace “vehicle that is used in the service” with “transport service vehicle used in the service”.
- (3) After section 30A(2), insert:
- (2A) The driver of a small passenger service vehicle must, whenever required to do so by the Agency, present the vehicle for inspection. 5
- (4) Replace section 30A(4) with:
- (4) Nothing in subsection (1) or (3) applies to a vehicle used in a small passenger service.
- (5) Nothing in this section applies to— 10
- (a) the facilitator of a facilitated cost-sharing arrangement; or
 - (b) a vehicle used in a facilitated cost-sharing arrangement; or
 - (c) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried.
- 58 Section 30B repealed (Provision of identification information in Braille)**
- Repeal section 30B. 15
- 59 Section 30D amended (Additional criteria for small passenger service vehicles and vehicle recovery service)**
- (1) In the heading to section 30D, delete “vehicles”.
- (2) In section 30D, replace “passenger service involving the use of small passenger service vehicles” with “small passenger service”. 20
- 60 Section 30E amended (Additional criteria for large passenger service vehicles)**
- (1) In the heading to section 30E, delete “vehicles”.
- (2) In section 30E, replace “passenger service involving the use of large passenger service vehicles” with “large passenger service”. 25
- 61 Section 30J replaced (Transport service operators may not carry on certain transport services unless licensed to do so)**
- Replace section 30J with:
- 30J Transport service operators must be licensed**
- A transport service operator may not carry on (or, in relation to a small passenger service operator, facilitate) any of the following transport services unless licensed to do so: 30
- (a) a goods service:
 - (b) a large passenger service:
 - (c) a rental service: 35

- (d) a small passenger service;
- (e) a vehicle recovery service.

62 Section 30L amended (Grant of licence)

(1) Replace section 30L(1) with:

- (1) After considering an application for a transport service licence, the Agency may grant the licence only if the Agency is satisfied that—
- (a) the applicant is a fit and proper person to hold a transport service licence; and
 - (b) any person who is to have, or is likely to have, control of the transport service is a fit and proper person to have such control; and
 - (c) the applicant or any person who is to have control of the transport service is the holder of the appropriate certificate (if any) required by the regulations or the rules; and
 - (d) except in relation to a small passenger service licence, all relevant requirements of this Act, the regulations, and the rules have been complied with.
- (1A) The Agency may grant a small passenger service licence only if the Agency is satisfied that a person who is to have control of the small passenger service in New Zealand lives in New Zealand.
- (2) In section 30L(2), replace “operate, control, or have an involvement in, a transport service” with “control a transport service”.

63 Section 30M amended (Conditions of transport service licences)

In the heading to section 30M, replace “**transport service licences**” with “**goods service licence**”.

64 Sections 30P to 30R replaced

Replace sections 30P to 30R with:

30P Driver must have or drive under transport service licence

A transport service driver must, when using a vehicle in a transport service,—

- (a) have the relevant transport service licence; or
- (b) drive on behalf of the holder of the relevant transport service licence; or
- (c) have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence.

30Q Records to be kept by facilitator of facilitated cost-sharing arrangement

- (1) A facilitator of a facilitated cost-sharing arrangement must keep—
- (a) all records of payments to the driver; and
 - (b) all records of payments made by passengers to the facilitator; and

- (c) a record of the distance travelled on each trip.
- (2) The person who keeps the records required under **subsection (1)** must—
- (a) keep each record for 12 months from the date it is made; and
- (b) make all records referred to in **subsection (1)** in the possession or control of that person available for immediate inspection on demand at any reasonable time by the Agency. 5
- (3) A person employed by the Agency to whom records are made available for inspection under **subsection (2)(b)** is entitled to make copies of those records.
- 65 Section 30S amended (When Agency may revoke transport service licence)**
- (1) Replace section 30S(1)(b) with: 10
- (b) any person who has control of the transport service is not a fit and proper person to have control of the service; or
- (c) any driver is not a fit and proper person.
- (2) After section 30S(1), insert:
- (1A) **Subsection (1)(c)** does not apply in relation to drivers who are facilitated to connect with passengers under a facilitated cost-sharing arrangement. 15
- 66 Section 30T amended (Procedure Agency must follow before revoking transport service licence)**
- In section 30T, replace “this section” with “section 30S”.
- 67 Section 30U amended (Suspension of transport service licence)** 20
- Replace section 30U(1) and (2) with:
- (1) The Agency may suspend a licence if—
- (a) the holder of a transport service licence, or any person who has control of the service, does not hold a certificate required by the regulations or the rules; or 25
- (b) the holder of a small passenger service licence, or any person who has control of the service, does not comply with the applicable requirements in this Part, Part 4B, the regulations, or the rules; or
- (c) in relation to a small passenger service licence, no person with control of the service in New Zealand lives in New Zealand. 30
- (2) A suspension ceases immediately when the Agency receives notice that **subsection (1)(a), (b), or (c)** no longer applies.
- 68 Section 30V amended (Interpretation)**
- (1) In section 30V, replace the definition of **adverse decision** with: 35
- adverse decision** means any decision of the Agency—
- (a) that a person is not a fit and proper person under subpart 2; or

- (b) to refuse to grant a transport service licence under section 30L; or
 (c) to grant a licence on conditions under section 30M; or
 (d) to revoke a transport service licence under section 30S; or
 (e) to suspend a transport service licence under section 30U; or
 (f) to disqualify— 5
 (i) a transport service driver under section 87A; or
 (ii) a transport service licence holder or person in control of a transport service under section 87B
- (2) In section 30V, definition of **affected licence holder**, delete “or is or will be involved”. 10
- 69 Section 30Z replaced (Application of Part)**
 Replace section 30Z with:
- 30Z Application of Part**
 Nothing in this Part applies in relation to—
 (a) a facilitated cost-sharing arrangement; or 15
 (b) any rail service vehicle.
- 70 Section 30ZD amended (Records must be kept)**
 (1) Replace section 30ZD(1) with:
 (1AA) **Subsection (1)** applies to—
 (a) a person who employs a person to drive a vehicle referred to in section 30ZB; and 20
 (b) a self-employed driver who drives a vehicle referred to in section 30ZB; and
 (c) a facilitator who facilitates a driver who drives a vehicle referred to in section 30ZB to connect with passengers. 25
- (1) A person to whom this section applies must keep all—
 (a) time records, records of payments to the driver, and employment or contractual records relating to the driver; and
 (b) accommodation records and receipts for the driver that are relevant to the driver’s transport service or transport service vehicle; and 30
 (c) fuel records and receipts for the relevant transport service vehicles.
- (2) Replace section 30ZD(2)(b) with:
 (b) make all relevant records referred to in **subsection (1)** in the possession or control of that person available for immediate inspection on demand at any reasonable time by an enforcement officer. 35

71 Section 30ZH amended (Duties regarding logbooks)

- (1) In section 30ZH(1)(b),—
- (a) after “an employee”, insert “, or who is driving on behalf of a transport service operator, or who is facilitated to connect with passengers by a small passenger service operator,”; and 5
 - (b) after “driver’s employer”, insert “or transport service operator”; and
 - (c) after “the employer”, insert “or transport service operator”.
- (2) In section 30ZH(4), replace “wage records, and other related employment records” with “records of payments to the driver, and employment or contractual records relating to the driver”. 10

72 Section 79A amended (Offence to carry on transport service without licence)

- (1) Replace section 79A(1) with:
- (1) A person commits an offence if the person carries on (or, in relation to a small passenger service operator, facilitates) any transport service without the appropriate current licence. 15
- (2) In section 79A(3), replace “vehicle” with “transport service vehicle”.

73 New section 79AB inserted (Offence to drive vehicle used in transport service without licence)

After section 79A, insert: 20

79AB Offence to drive vehicle used in transport service without licence

- (1) A transport service driver commits an offence if the driver uses a vehicle in a transport service and there is no relevant transport service licence held by any of the following: 25
- (a) the driver:
 - (b) a transport service operator on whose behalf the driver is driving:
 - (c) a facilitator who facilitated the driver to connect with passengers of the service.
- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$10,000. 30

74 Section 79C amended (Failure to present vehicle for inspection)

Replace section 79C(1) with:

- (1) A transport service licence holder commits an offence if the holder fails to present a transport service vehicle used in the service for inspection when required to do so by the Agency. 35

- (1A) A driver of a small passenger service vehicle commits an offence if the driver fails to present the vehicle for inspection when required to do so by the Agency.
- 75 Section 79H amended (Contravention of section 128A)**
In section 79H(1), replace “a passenger service licence” with “a small passenger service licence”. 5
- 76 Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)**
In section 87B, delete “or involved in”.
- 77 Section 128A amended (Enforcement officer’s powers in respect of non-complying small passenger service vehicles)** 10
In section 128A, delete “section 30B or”.
- 78 Section 158 amended (Rules concerning licensing, standard-setting, etc)**
- (1) In section 158(b)(vi)(C), replace “the fixing and advertising of fares” with “requirements relating to fares”. 15
- (2) In section 158(b)(vii), delete “and approved taxi organisations”.
- (3) In section 158(b)(viic), delete “and approved taxi organisations”.
- (4) In section 158(b)(viii), delete “area knowledge certificates or”.
- (5) In section 158(b)(ix), delete “area knowledge certificates or”.
- (6) Repeal section 158(b)(xi). 20
- 79 Section 199A amended (Register of transport service licences)**
- (1) Repeal section 199A(3).
- (2) Replace section 199A(4)(b) with:
- (b) is, without the consent of the holder of the transport service licence named in the application, entitled only to the information stored in the register in respect of the licence holder that is specified in subsection (2)(a) and (g) to (l). 25

Subpart 6—Miscellaneous amendments

- 80 Section 2 amended (Interpretation)**
- (1) In section 2(1), replace the definition of **moped** with: 30
- moped** means a motor vehicle (other than a power-assisted pedal cycle) that has—
- (a) 2 or 3 wheels; and
- (b) a maximum speed not exceeding 50 kilometres per hour; and

- (c) either—
- (i) an engine cylinder capacity not exceeding 50 cc; or
 - (ii) a power source other than a piston engine
- (2) In section 2(1), definition of **moving vehicle offence**, paragraph (b), after “traffic signal”, insert “or a traffic sign that is a variable traffic or lane control sign”. 5
- (3) In section 2(1), repeal the second definition of **parking warden**.
- 81 Section 22AB amended (Road controlling authorities may make certain bylaws)**
- In section 22AB(1)(b), replace “\$500” with “\$1,000”.
- 82 Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)** 10
- (1) After section 90(1), insert:
- (1A) An enforcement officer may also give a notice described in subsection (1) in the circumstances described in that subsection (whether or not the person has received a notice from the Agency). 15
- (2) In section 90(2), replace “served” with “served, including at the roadside,”.
- (3) In section 90(3) and (5), delete “or, if longer than 3 months, the period calculated under section 90A”.
- 83 Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)** 20
- (1) In section 95(2)(b), replace “his or her driver licence is suspended for 28 days” with “he or she is suspended from holding or obtaining a driver licence for 28 days”.
- (2) In section 95(2)(c), replace “his or her driver licence” with “any driver licence he or she has”. 25
- 84 Section 119 amended (Powers of entry)**
- In section 119(5), replace “Judge” with “issuing officer”.
- 85 Section 121 amended (Enforcement officer may immobilise vehicle, etc, in specified circumstances)**
- Replace section 121(1)(a)(i) with: 30
- (i) a person who is for the time being in charge of a motor vehicle,—
 - (A) because of his or her physical or mental condition (however arising), is incapable of having proper control of the vehicle; or
 - (B) has not completed a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained to 35

give the test, when required to do so by an enforcement officer under section 71A; or

- (C) has failed or refused to undergo a compulsory impairment test when required to do so under section 71A; or

86 Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules) 5

After section 129(2), insert:

- (2A) An enforcement officer or a dangerous goods enforcement officer may give such reasonable directions as are necessary in relation to the loading or unloading of the vehicle or the packing or unpacking of any thing to ensure compliance with the rules or otherwise to ensure safety in relation to the transportation of dangerous goods. 10
- (2B) Every enforcement officer or dangerous goods enforcement officer exercising any of the powers conferred under this section must, at the time of exercising that power, and thereafter on request, produce— 15
- (a) evidence of that person’s appointment as an officer; and
- (b) evidence of that person’s identity.
- (2C) An enforcement officer or a dangerous goods enforcement officer may, if authorised (either generally or specifically) in writing for the purpose by the Agency or the Commissioner, take a person or an animal to assist the officer with an inspection, and a person assisting the officer has the powers conferred on an officer by this section. 20

87 Section 132 amended (Inspection powers concerning dangerous goods) 25

In section 132, replace “section 130(5) or section” with “**section 129(2C)**, 130(5), or”.

88 Section 139 amended (Issue of infringement notice)

- (1) After section 139(2)(b), insert:
- (ba) by delivering it, or a copy of it, personally to the person who appears to be in charge of the vehicle to which the notice relates; or
- (2) In section 139(2)(c), replace “him or her at his or her” with “the person who appears to have committed the infringement offence at the person’s”. 30
- (3) Replace section 139(3)(a) with:
- (a) is attached to a vehicle under subsection (2)(a) or personally delivered under **subsection (2)(ba)** must be treated as having been served on every person liable in respect of the alleged offence when it is attached to the vehicle or personally delivered: 35

89 Section 140 amended (Contents of infringement and reminder notices)

After section 140(1)(h), insert:

- (ha) in the case of an alleged infringement offence that is a stationary vehicle offence, an outline of the process under section 133A for transferring liability in relation to the alleged offence; and
- 90 Section 168 amended (Regulations relating to fees and charges for land transport)** 5
- After section 168(4)(a), insert:
- (aa) prescribe fees and charges payable, or provide for their fixing (including a means by which they may be calculated and ascertained, or a rate at which they may be calculated or ascertained):
- (ab) provide for the imposition by the person to whom the fees are payable of reasonable charges in connection with the administration of any payment: 10
- 91 Section 242 amended (Motor vehicles must be registered and licensed)**
- Replace section 242(1)(b) with:
- (b) has affixed to it and displayed in the manner prescribed by regulations made under this Part the registration plates issued for it; and 15
- (c) has displayed in the manner prescribed by regulations made under this Part a current licence issued for it and appropriate for its use under section 244.
- 92 Section 269 amended (Regulations)** 20
- (1) Replace section 269(1)(a)(iii) with:
- (iii) the manufacture, issuing, cancellation, refusal to issue, or surrender of registration plates:
- (iiia) the manufacture or production (including electronic production), issuing, cancellation, refusal to issue, or surrender of licences: 25
- (2) Replace section 269(1)(h) with:
- (h) prescribing, or authorising the Registrar to prescribe, in relation to registration plates,—
- (i) the form, colour, and material of registration plates; and
- (ii) the size, shape, and character of the numbers, letters, messages, symbols, distinguishing marks, or slogans to be shown on registration plates; and 30
- (iii) the means to make registration plates easily visible; and
- (iv) the number of registration plates to be displayed and the position and manner in which they are to be displayed; and 35
- (v) the eligibility requirements for registration plates; and
- (vi) the duration of registration plates:

- (ha) prescribing, or authorising the Registrar to prescribe, in relation to licences,—
- (i) the form (including electronic form), colour, and material and design of licences; and
 - (ii) the size, shape, and character of the numbers, letters, messages, symbols, distinguishing marks, or slogans to be shown on licences; and
 - (iii) the means to make licences easily visible or electronically accessible; and
 - (iv) the number of licences to be displayed and the position and manner (which may include electronic manner) in which licences are to be displayed; and
 - (v) the eligibility requirements for licences and licence labels; and
 - (vi) the duration of licences:

Part 2

Related and consequential amendments

Amendment to Government Roothing Powers Act 1989

93 Amendment to Government Roothing Powers Act 1989

- (1) This section amends the Government Roothing Powers Act 1989.
- (2) In section 109(1), replace “\$500” with “\$1,000”.

Amendment to Road User Charges Act 2012

94 Amendment to Road User Charges Act 2012

- (1) This section amends the Road User Charges Act 2012.
- (2) In section 88(4), before paragraph (a), insert:
 - (aaa) provide for the fixing of fees (including a means by which they may be calculated and ascertained, or a rate at which they may be calculated or ascertained):
 - (aab) provide for the imposition by the person to whom the fees are payable of reasonable charges in connection with the administration of any payment.

Amendments to Sentencing Act 2002

95 Amendments to Sentencing Act 2002

- (1) This section amends the Sentencing Act 2002.

- (2) In section 128(1)(b), replace “52(1)(aa), 52(1)(c) (but only in relation to failing to stop in accordance with section 114(2) or failing to give particulars in accordance with section 114(3)),” with “**52(6), 52A(1)**,”.
- (3) In the heading to section 129, replace “**second**” with “**subsequent**”.
- (4) In section 129(1)(a), after “39(1),” insert “**52(6), 52A(1)**,”. 5
- (5) In section 129(1)(b), replace “further offence (the **second offence**)” with “subsequent offence”.
- (6) In section 129(2), replace “second” with “subsequent”.
- (7) In section 129(3), replace “second” with “subsequent”.

Transitional, savings, and related provisions 10

96 New Schedule 1 inserted and amended

- (1) Insert the **Schedule 1** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act.
- (2) In **Schedule 1** (as inserted by **subsection (1)**), insert in their appropriate numerical order: 15

Alcohol interlock sentences

2 Pre-existing alcohol interlock orders, licences, and applications for alcohol interlock licences unaffected by subpart 1 of Part 1 of amendment Act

Except as provided in **clauses 3 and 4**, **subpart 1 of Part 1 of the amendment Act** does not affect an alcohol interlock order made under section 65A(2) before that subpart came into force, and does not affect— 20

- (a) the existing licensed status of a person who was issued with an alcohol interlock licence before that subpart came into force; or
- (b) any application for an alcohol interlock licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force; or 25
- (c) the period of disqualification required by section 65A(2)(a); or
- (d) the requirement in section 65A(4) that a person who is subject to an order under section 65A(2) and who does not apply for an interlock licence is to be treated as a person with a licence of no effect. 30

3 Pre-existing alcohol interlock order

A person subject to an alcohol interlock order made under section 65A(2) before **subpart 1 of Part 1 of the amendment Act** came into force may apply for the order to be cancelled under **section 100B** as if the order were an alcohol interlock sentence ordered under that subpart. 35

4	Effect of subsequent offence on pre-existing alcohol interlock licence	
(1)	This clause applies to a person who has an alcohol interlock licence that was issued before subpart 1 of Part 1 of the amendment Act came into force and who commits a subsequent offence after that subpart came into force.	
(2)	Sections 65AJ and 65AK apply to the person as if the person had an alcohol interlock licence issued under section 65AC .	5
5	Existing zero alcohol licences and applications for zero alcohol licences unaffected by subpart 1 of Part 1 of amendment Act	
	Subpart 1 of Part 1 of the amendment Act does not affect a zero alcohol licence order that was made under section 65B(2) before that subpart came into force, and does not affect—	10
(a)	the existing licensed status of a person who was issued with a zero alcohol licence before that subpart came into force; or	
(b)	any application for a zero alcohol licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force.	15
(3)	In Schedule 1 (as inserted by subsection (1)), insert in their appropriate numerical order:	
	<i>Small passenger services</i>	
6	Transitional arrangement for small passenger service operator	20
(1)	Before the close of the 28th day after the commencement of this clause, sections 30J(d) and 30U(1)(c) do not apply to a small passenger service operator who is facilitating a small passenger service.	
(2)	A small passenger service operator must, before the close of the 28th day after the commencement of this clause, do the following:	25
(a)	in relation to an operator that is not licensed, apply for and be granted a small passenger service licence:	
(b)	in relation to an operator that is already licensed, but that has no person with control of the small passenger service in New Zealand living in New Zealand,—	30
(i)	arrange for there to be a person with control of the service in New Zealand who lives in New Zealand; and	
(ii)	in the manner required by the Agency, notify the Agency of the following:	
(A)	that there is a person with control of the service in New Zealand who lives in New Zealand; and	35
(B)	any address information required under the rules in relation to that person.	

7	Transitional arrangement for driver using vehicle in small passenger service	
(1)	Before the close of the 28th day after the commencement of this clause, sections 30P(c) and 79AB(1)(c) do not apply to a driver using a vehicle in a small passenger service who has been facilitated to connect with passengers by a facilitator.	5
(2)	Before the close of the 28th day after the commencement of this clause, a driver using a vehicle in a small passenger service must—	
	(a) have a small passenger service licence; or	
	(b) drive on behalf of the holder of a small passenger service licence; or	10
	(c) have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence.	
8	Transitional arrangement for taxi stands and transit lanes	
	Taxi stands and transit lanes applying to certain small passenger service vehicles before the commencement of this clause apply to all small passenger service vehicles until the relevant road controlling authority changes the taxi stand or transit lane.	15
9	Existing passenger service licences and applications unaffected by subpart 5 of Part 1 of amendment Act	
	Subpart 5 of Part 1 of the amendment Act does not affect—	20
	(a) the existing licensed status of a person who was granted a passenger service licence before that subpart came into force; or	
	(b) any application for a passenger service licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force.	25

Consequential amendments to enactments

97	Consequential amendments to enactments	
(1)	Amend the Acts specified in Part 1 of Schedule 2 as set out in that Part (being consequential amendments relating to alcohol interlock sentences).	
(2)	Amend the Act specified in Part 2 of Schedule 2 as set out in that Part (being consequential amendments relating to heavy vehicles).	30
(3)	Amend the Acts specified in Part 3 of Schedule 2 as set out in that Part (being consequential amendments relating to small passenger services).	
(4)	Amend the enactments specified in Part 1 of Schedule 3 as set out in that Part (being consequential amendments relating to alcohol interlock sentences).	35
(5)	Amend the enactment specified in Part 2 of Schedule 3 as set out in that Part (being a consequential amendment relating to fare evasion).	

- (6) Amend the enactment specified in **Part 3 of Schedule 3** as set out in that Part (being a consequential amendment relating to fleeing drivers).
- (7) Amend the enactments specified in **Part 4 of Schedule 3** as set out in that Part (being consequential amendments relating to heavy vehicles).
- (8) Amend the enactments specified in **Part 5 of Schedule 3** as set out in that Part (being consequential amendments relating to small passenger services). 5

Schedule 1
New Schedule 1 inserted

s 96(1)

Schedule 1
Transitional, savings, and related provisions

5

s 2A

Part 1
Provisions relating to Land Transport Amendment Act 2016

1 Interpretation

In this Part, **amendment Act** means the Land Transport Amendment Act **2016**. 10

Schedule 2

Consequential amendments to Acts

s 97(1)–(3)

Part 1

Alcohol interlock sentences

5

Criminal Procedure Act 2011 (2011 No 81)

Replace section 358(1)(ga) with:

- (ga) must, if the offence is a qualifying offence as described in **section 65AB(1)** of the Land Transport Act 1998, impose an alcohol interlock sentence:

10

Repeal section 358(1)(gb).

In section 358(gc), replace “if that offence is an offence to which section 65B(1)” with “if **section 65AI**”.**Criminal Records (Clean Slate) Act 2004 (2004 No 36)**

Replace section 7(1)(g) with:

- (g) no order has ever been made about him or her under section 65 of the Land Transport Act 1998 or under section 30A of the Transport Act 1962.

15

Sentencing Act 2002 (2002 No 9)

Replace section 126(ja) with:

- (ja) **section 65AC** (court must impose alcohol interlock sentence):

20

Replace section 129(4) with:

- (4) Despite subsection (3), the court must not make an order under that subsection if—
- (a) it will result in extreme hardship to the offender or undue hardship to any other person; or
- (b) an interlock is or is to be fitted to the motor vehicle.

25

Part 2

Heavy vehicles

Road User Charges Act 2012 (2012 No 1)

30

In section 5(1), definition of **gross vehicle mass**, replace “Part 2 of the VDAM Rule 2002” with “section 2(1) of the Land Transport Act 1998”.

Replace section 65(3) with:

Road User Charges Act 2012 (2012 No 1)—*continued*

- (3) Records required to be kept under subsection (2)—
- (a) may be used as evidence in a prosecution relating to compliance with requirements in relation to heavy vehicles or heavy traffic in the Land Transport Act 1998 or in regulations or rules made under that Act; but
 - (b) may not be used as evidence in a prosecution for a work time or logbook offence under the Land Transport Act 1998, except as provided for under Part 4B of the Land Transport Act 1998.

Part 3**Small passenger services****Income Tax Act 2007 (2007 No 97)** 10

In section EE 29(3)(c), replace “taxi” with “small passenger service vehicle”.

In section YA 1, definition of **car**, paragraph (b)(iii), replace “taxi” with “small passenger service vehicle”.

In section YA 1, insert in its appropriate alphabetical order,—

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998. 15

In section YA 1, repeal the definition of **taxi**.

Land Transport Management Act 2003 (2003 No 118)

In section 5(1), repeal the definition of **taxi service**.

Replace section 119(1)(b) with: 20

- (b) provide any financial assistance to any operator or user of any other passenger service in a small passenger service vehicle.

In section 120(1)(a)(vii), replace “taxi services or shuttle services” with “passenger services in small passenger service vehicles”.

Local Government Act 1974 (1974 No 66) 25

In section 339(1), replace “taxi passengers” with “small passenger service vehicle passengers”.

Smoke-free Environments Act 1990 (1990 No 108)

In section 2(1),—

- (a) repeal the definition of **operating taxi**; and 30
- (b) repeal the definition of **passenger service vehicle** and **small passenger service vehicle**.

Replace section 9(1) to (3) with:

- (1) This section applies to the following (**passenger service vehicles**):

Smoke-free Environments Act 1990 (1990 No 108)—*continued*

- (a) a large passenger service vehicle while it is carrying passengers:
- (b) a small passenger service vehicle at all times except when it is returning from carrying a passenger at the end of a shift:
- (c) a vehicle being used in a small passenger service.
- (2) The operator of a passenger service vehicle must not permit any person to smoke in the vehicle. 5
- (3) No person may smoke in a passenger service vehicle.
- (4) In this section,—
- large passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998 10
- small passenger service** has the same meaning as in section 2(1) of the Land Transport Act 1998
- small passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.
- In section 17(4), replace “subsection (1) or subsection (1A) of section 9” with “**section 9(2)**”. 15

Terrorism Suppression Act 2002 (2002 No 34)

In section 4(1), definition of **public transportation system**, replace “taxis” with “small passenger vehicles”.

In section 4(1), definition of **State or government facility**, replace “taxi” with “small passenger vehicle”. 20

Schedule 3

Consequential amendments to other enactments

s 97(4)–(8)

Part 1

Alcohol interlock sentences

5

Land Transport (Alcohol Interlock) Regulations 2012 (SR 2012/202)

In regulation 4(1), definition of **driver**, paragraph (a), replace “an order made under section 65A(2)(b)(i)” with “an alcohol interlock sentence”.

After regulation 5(2)(b)(ix), insert:

(x) is serving a prison sentence; or

10

Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93)

In regulation 7(1), replace “section 65A(2)” with “**section 65AC**”.

In regulation 7(2), replace “section 65B(2)” with “**section 65AC(2)(d), 65A1(c), or 100B(2)(b)**”.

15

Part 2

Fare evasion

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 1, replace the item relating to section 79M of the Land Transport Act 1998 with:

20

79M(1) or (2)(a)	Failing to pay passenger service fare or public transport service fare	—	—	150	—
79M(2)(b)	Failing to provide evidence of having paid public transport service fare (in response to enforcement officer’s request made in accordance with section 128F(1))	—	—	150	—

Part 3

Fleeing drivers

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 2, revoke the first 2 items relating to section 52(1)(c) of the Land Transport Act 1998.

25

Part 4

Heavy vehicles

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

- In Schedule 1A, table 1, replace “weight” with “mass” in each place.
- In Schedule 1A, table 2, replace “weights” with “mass” in each place. 5
- In Schedule 1A, table 2, replace “weight” with “mass”.
- In Schedule 1A, replace the heading to clause 1 with “**Mass on individual axles**”.
- In Schedule 1A, clause 1, replace “weight” with “mass” in each place.
- In Schedule 1A, replace the heading to clause 2 with “**Sum of axle mass on 2 or more consecutive axles**”. 10
- In Schedule 1A, clause 2, replace “total” with “sum” in each place.
- In Schedule 1A, clause 2, replace “weights” with “mass” in each place.
- In Schedule 1A, heading to clause 3, replace “**weight**” with “**mass**”.
- In Schedule 1A, clause 3, replace “weight” with “mass”.
- In Schedule 1A, clause 3, replace “total of axle weights” with “total axle mass”. 15
- In Schedule 1A, heading to clause 4, replace “**weight**” with “**mass**”.
- In Schedule 1A, clause 4, replace “weight” with “mass”.
- In Schedule 1A, clause 4, replace “weights” with “mass”.
- In Schedule 1A, revoke clause 5(1).
- In Schedule 1A, clause 5(2), replace “weight” with “mass”. 20
- In Schedule 1A, clause 5(2), replace “weights” with “mass”.
- In Schedule 1A, clause 5(2)(a), replace “legal maximum weight” with “maximum prescribed mass”.
- In Schedule 1A, clause 5(2)(b), replace “any weight” with “any mass”.
- In Schedule 1A, clause 5(2)(b), replace “legal maximum weight” with “maximum prescribed mass”. 25
- In Schedule 1A, clause 5(2)(c), replace “any weight” with “any mass”.
- In Schedule 1A, clause 5(2)(c), replace “legal maximum weight” with “maximum prescribed mass”.
- In Schedule 1A, clause 5(2)(d), replace “any weight” with “any mass”. 30
- In Schedule 1A, clause 5(2)(d), replace “legal maximum weight” with “maximum prescribed mass”.
- In Schedule 1B, Part 3, table 1, replace “weight” with “mass” in each place.
- In Schedule 1B, Part 3, table 2, replace “weights” with “mass” in each place.
- In Schedule 1B, Part 3, table 2, replace “weight” with “mass”. 35

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

In Schedule 1B, Part 3, replace the heading to clause 1 with “**Mass on individual axles**”.

In Schedule 1B, Part 3, clause 1, replace “weight” with “mass” in each place.

In Schedule 1B, Part 3, replace the heading to clause 2 with “**Sum of axle mass on 2 or more consecutive axles**”.

5

In Schedule 1B, Part 3, clause 2, replace “total of the weights” with “sum of the mass” in each place.

In Schedule 1B, Part 3, heading to clause 3, replace “**weight**” with “**mass**”.

In Schedule 1B, Part 3, clause 3, replace “weight” with “mass”.

In Schedule 1B, Part 3, clause 3, replace “total of axle weights” with “total axle mass”.

10

In Schedule 1B, Part 3, heading to clause 4, replace “**weight**” with “**mass**”.

In Schedule 1B, Part 3, clause 4, replace “weight” with “mass”.

In Schedule 1B, Part 3, clause 4, replace “weights” with “mass”.

In Schedule 1B, Part 3, revoke clause 5(1).

15

In Schedule 1B, Part 3, clause 5(2), replace “weight” with “mass”.

In Schedule 1B, Part 3, clause 5(2), replace “weights” with “mass”.

In Schedule 1B, Part 3, clause 5(2)(a), replace “legal maximum weight” with “maximum prescribed mass”.

In Schedule 1B, Part 3, clause 5(2)(b), replace “any weight” with “any mass”.

20

In Schedule 1B, Part 3, clause 5(2)(b), replace “legal maximum weight” with “maximum prescribed mass”.

In Schedule 1B, Part 3, clause 5(2)(c), replace “any weight” with “any mass”.

In Schedule 1B, Part 3, clause 5(2)(c), replace “legal maximum weight” with “maximum prescribed mass”.

25

In Schedule 1B, Part 3, clause 5(2)(d), replace “any weight” with “any mass”.

In Schedule 1B, Part 3, clause 5(2)(d), replace “legal maximum weight” with “maximum prescribed mass”.

Land Transport Rule: Heavy-vehicle Brakes 2006

In Part 2, replace the definition of **gross vehicle mass** with:

30

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Heavy Vehicles 2004

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Operator Licensing 2007

In Part 2, definition of **goods service**, paragraphs (a) and (b), replace “gross laden weight” with “gross vehicle mass”.

In Part 2, revoke the definition of **gross laden weight**.

In Part 2, replace the definition of **gross vehicle mass** with:

5

gross vehicle mass has the same meaning as in the Land Transport Act 1998

In Part 2, definition of **rental service**, paragraph (b), replace “gross laden weight” with “gross vehicle mass”.

Land Transport Rule: Vehicle Dimensions and Mass 2002

In Part 2, replace the definition of **gross vehicle mass** with:

10

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Vehicle Standards Compliance 2002

In Part 2, definition of **all-terrain vehicle**, paragraph (d), replace “gross laden weight” with “gross vehicle mass”.

In Part 2, revoke the definition of **gross laden weight**.

15

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Part 5**Small passenger vehicles****Accident Compensation (Ancillary Services) Regulations 2002 (SR 2002/13)**

20

In regulation 11(1), replace “, hire car, non-scheduled shuttle, or non-scheduled water taxi” with “or other non-scheduled passenger service”.

Jury Rules 1990 (SR 1990/226)

In rule 28(4), replace “taxi” with “small passenger service vehicle” in each place.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)

25

In rule 2(1), revoke the definition of **large passenger service vehicle**.

In rule 2(1), revoke the definition of **passenger service**.

In rule 2(1), revoke the definition of **small passenger service vehicle**.

In rule 26(2)(h), after “chauffeur”, insert “; or”.

After rule 26(2)(h), insert:

30

(i) when the motor vehicle is being used in a facilitated cost-sharing arrangement.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—*continued*

In rule 27(1)(d), before “the person”, insert “in the case of a person who drives or intends to drive a large passenger service vehicle,”.

Land Transport (Road User) Rule 2004 (SR 2004/427)

In rule 7.11(3)(c), replace “taxi” with “small passenger vehicle”.

Witnesses and Interpreters Fees Regulations 1974 (SR 1974/124)

5

In the Schedule, clause 8(b), replace “taxi” with “small passenger service vehicle”.