



Road User Charges Amendment Act 2014

Public Act 2014 No 23
Date of assent 22 April 2014
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Road User Charges Amendment Act 2014.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Road User Charges Act 2012 (the **principal Act**).

4 Section 9 amended (RUC vehicle must have distance licence)

After section 9(4), insert:

“(4A) For the purposes of subsection (4), a person has a reasonable excuse if—

“(a) a RUC licence is displayed or carried on the RUC vehicle concerned; and

“(b) the RUC licence is not the correct licence for the vehicle’s RUC vehicle type and RUC weight; but

“(c) having regard to the RUC licence displayed or carried, sufficient payment has been made to cover the RUC charges that applied to the vehicle at the time of the offence.

“(4B) Subsection (4A) does not limit what constitutes a reasonable excuse for the purposes of subsection (4).”

5 Section 12 amended (RUC vehicles issued with permit must have distance licence for RUC vehicle type H or additional licence)

In section 12(5), after “additional licence,”, insert “or in accordance with an agreement under section 12A,”.

6 New section 12A inserted (Agreement to pay road user charges in relation to combination of vehicles)

After section 12, insert:

“12A Agreement to pay road user charges in relation to combination of vehicles

“(1) This section specifies the requirements for an agreement to pay road user charges for the purposes of section 12(5).

“(2) The requirements are that—

“(a) the agreement is between the owner or operator of the vehicles concerned and the RUC collector; and

“(b) the agreement relates to 2 or more vehicles (identified in the agreement by their registration numbers) combined to operate together temporarily; and

“(c) each vehicle concerned has a distance licence; and

“(d) any permit required under the Land Transport Act 1998 in relation to the combined operation of the vehicles has been issued; and

“(e) under the agreement, the owner or operator agrees that (to the extent that all relevant information is not included in the agreement) the owner or operator will provide the information to the RUC collector under section 53(2) as soon as practicable after the information becomes available.”

7 Section 19 amended (Display of RUC licence)

- (1) In the heading to section 19, after “**Display**”, insert “**or carriage**”.
- (2) In section 19(1), after “displayed”, insert “or carried”.
- (3) In section 19(2), after “displaying”, insert “or carrying”.

8 Section 32 amended (Surrender of RUC licence)

In section 32(3), replace “a licence has been surrendered under subsection (2)” with “being satisfied that subsection (1) applies in relation to a RUC licence”.

9 New section 38A inserted (Exemption of RUC vehicles not required to be registered)

After section 38, insert:

“38A Exemption of RUC vehicles not required to be registered

- “(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, specify the following RUC vehicles as vehicles in respect of which road user charges are not payable:
- “(a) all RUC vehicles that are exempt from registration under the Land Transport Act 1998; or
 - “(b) 1 or more classes of RUC vehicles that are exempt from registration under the Land Transport Act 1998.
- “(2) For the purposes of subsection (1), vehicles that are operated in circumstances in which no liability arises from their not being registered are to be treated as vehicles that are exempt from registration under the Land Transport Act 1998.”

10 Section 40 amended (Exemption relating to light RUC vehicle operated almost exclusively off-road)

- (1) Replace section 40(3)(a) with:

“(a) is, under regulations made under section 89(1), a light RUC vehicle for which an exemption may be granted; and”.
- (2) In section 40(6), replace “subsection (4)” with “subsection (5)”.
- (3) After section 40(6), insert:

- “(7) A person commits an offence who operates, or permits to be operated, a light RUC vehicle in breach of any condition of an exemption granted under this section in relation to the vehicle.
- “(8) A person who commits an offence against subsection (7) is liable on conviction,—
- “(a) in the case of an individual, to a fine not exceeding \$1,000;
- “(b) in the case of a body corporate, to a fine not exceeding \$5,000.”

11 Section 57 amended (Penalty for failure to pay after receipt of notice under section 55(5)(a))

- (1) In section 57(1)(a), after “road”, insert “user”.
- (2) After section 57(2), insert:
- “(3) However, subsection (2) does not apply if the person has entered into an instalment arrangement under section 61 and the RUC collector is satisfied that the person is meeting the person’s obligations under the arrangement.”

12 Section 79 replaced (Power to issue search warrant in respect of alleged offence)

Replace section 79 with:

“79 Power to issue search warrant in respect of alleged offence

- “(1) An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a search warrant in relation to a place, vehicle, or other thing if, on application made by a constable in the manner provided in subpart 3 of Part 4 of that Act, he or she is satisfied that there are reasonable grounds—
- “(a) to suspect that an offence has been, is being, or will be committed against this Act; and
- “(b) to believe that the search will find evidential material in respect of the offence in the place, vehicle, or other thing.
- “(2) The provisions of Part 4 of the Search and Surveillance Act 2012 apply.
- “(3) Despite subsection (2), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.”

13 Section 80 amended (Offence relating to disclosing information acquired during inspection or search)

- (1) In the heading to section 80, delete “or search”.
- (2) Replace section 80(1) with:
 - “(1) A person commits an offence if the person, except in the performance of the person’s duties, knowingly discloses any information acquired during an inspection of records or other information under section 66 or 67.”

14 Section 89 amended (Other regulations)

- (1) In section 89(g),—
 - (a) replace “display of” with “display or carriage of”; and
 - (b) replace “display requirements” with “display or carriage requirements”.
- (2) Replace section 89(l)(i) with:
 - “(i) that an exemption may be granted for any light RUC vehicle or for 1 or more classes of light RUC vehicles as specified in the regulations:”.

15 New sections 90A and 90B and cross-heading inserted

After section 90, insert:

“RUC collector specifying rates of road user charges

“90A RUC collector may, in certain cases, specify rate of road user charges

- “(1) This section applies if—
 - “(a) a vehicle is a RUC vehicle or combination vehicle; and
 - “(b) the vehicle or combination vehicle requires a licence; and
 - “(c) in the rates of road user charges specified in regulations under section 85, there is no rate that applies to the vehicle or combination vehicle.
- “(2) The RUC collector may, by notice in the *Gazette*, specify a RUC vehicle type and rate of road user charge payable in respect of the class of RUC vehicle that includes that vehicle.
- “(3) In specifying a rate of road user charge under subsection (2), the RUC collector must use the same methodology as used for

the rates of road user charges specified in regulations made under section 85.

- “(4) Section 85(4) and (5) applies to a rate of road user charge specified under this section as if the reference to regulations made under subsection (1) of that section were a reference to a notice in the *Gazette* under subsection (2) of this section.

“90B RUC collector to issue assessment for vehicles in respect of which rate specified under section 90A

- “(1) After specifying a rate of road user charge under section 90A, the RUC collector must issue to the owner or operator of the vehicle or combination vehicle concerned an assessment of the amount of road user charges payable (including GST payable in respect of those charges).
- “(2) The provisions of this Act apply, with any necessary modifications, to an assessment issued under this section as if it were an assessment issued under section 53(1).”

16 Search and Surveillance Act 2012 consequentially amended

- (1) This section amends the Search and Surveillance Act 2012.
- (2) In the Schedule, insert in its appropriate alphabetical order:

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| Road User Charges Act 2012 | 79 | Constable may obtain and execute a search warrant for evidence of offences against Road User Charges Act 2012 | All (except sections 118 and 119 apply to constables only) |
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Legislative history

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| 8 April 2014 | Divided from Land Transport and Road User Charges Legislation Amendment Bill (Bill 143–2) as Bill 143–3B |
| 17 April 2014 | Third reading |
| 22 April 2014 | Royal assent |

This Act is administered by the Ministry of Transport.
