

**Reprint
as at 1 April 2021**



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

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 6th day of August 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 167(1)(ia), (ib), and (n) of the Land Transport Act 1998, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Transport.

Regulations

1 Title

These regulations are the Land Transport (Alcohol Interlock) Regulations 2012.

2 Commencement

These regulations come into force on 10 September 2012.

3 Interpretation

(1) In these regulations,—

device means an alcohol interlock device

lease agreement means an agreement made under regulation 4(2)(a)

section means a section of the Land Transport Act 1998

vehicle means a motor vehicle.

(2) In these regulations,—

(a) a reference to a vehicle that a person drives includes every vehicle that the person drives; and

(b) a reference to a device includes every device for every vehicle that the person drives.

4 Installation and removal of alcohol interlock devices

(1) In this regulation,—

driver means—

(a) a person who applies for a licence under the authority of an alcohol interlock sentence; or

(b) a person to whom an alcohol interlock licence has been issued

provider means an approved provider.

Installation

(2) A driver must—

(a) make an agreement with a provider to lease from the provider a device for the vehicle that the driver drives; and

(b) ensure that the provider gives the driver a written or electronic statement that the device was in good working order when it was installed.

(3) A driver who wants a device removed from a vehicle that the driver drove to be installed in a vehicle that the driver drives must ensure that the device's provider—

(a) installs it; and

- (b) gives the driver a written or electronic statement that the device was in good working order when it was installed.

Removal

- (4) A driver who wants a device removed from a vehicle that the driver drove for the purpose of installing the device in a vehicle that the driver drives must ensure that the device's provider removes it.

Regulation 4(1) **driver** paragraph (a): amended, on 1 July 2018, by section 110(4) of the Land Transport Amendment Act 2017 (2017 No 34).

5 Circumstances in which Director of Land Transport may authorise removal of alcohol interlock devices

- (1) In this regulation,—

Director means the Director of Land Transport appointed under section 104A of the Land Transport Management Act 2003

driver means a person to whom an alcohol interlock licence has been issued

vehicle means a vehicle that a driver drives in which a device is installed.

- (2) The Director may authorise the removal of a device from a vehicle if the Director is satisfied that—

- (a) the vehicle—

- (i) has been written off; or
- (ii) has been impounded under the Land Transport Act 1998; or
- (iii) has been confiscated under the Sentencing Act 2002; or
- (iv) has been seized under any other enactment or rule of law; or

- (b) the driver—

- (i) has died; or
- (ii) has not complied with the lease agreement; or
- (iii) is incapable of driving; or
- (iv) is disqualified from driving under the Land Transport Act 1998 or the Sentencing Act 2002; or
- (v) has had his or her alcohol interlock licence suspended, revoked, or cancelled; or
- (vi) has sold the vehicle; or
- (vii) intends to sell the vehicle; or
- (viii) has left the country; or
- (ix) intends to leave the country; or
- (x) is serving a prison sentence; or

- (c) the driver is not the owner of the vehicle and the owner no longer agrees to the device being installed in the vehicle.

Regulation 5 heading: amended, on 1 April 2021, by section 175(2) of the Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48).

Regulation 5(1) **Director**: inserted, on 1 April 2021, by section 175(2) of the Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48).

Regulation 5(2): amended, on 1 April 2021, by section 175(2) of the Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48).

Regulation 5(2)(b)(x): inserted, on 1 July 2018, by section 110(4) of the Land Transport Amendment Act 2017 (2017 No 34).

6 Removal of alcohol interlock requirements

- (1) In this regulation,—
applicant means the person referred to in section 100A(1)
vehicle means a vehicle that an applicant drives.
- (2) For the purposes of section 100A(1)(a)(ii) and (b), the requirements imposed by these regulations are that—
 - (a) the applicant has complied with the lease agreement; and
 - (b) the applicant has not—
 - (i) tampered with the device; or
 - (ii) tried to circumvent the device; or
 - (iii) failed a test administered by the device; or
 - (iv) failed at least twice to take a retest administered by the device; or
 - (v) failed at least twice to present the vehicle for a scheduled inspection by the approved provider who installed the device in the vehicle.

Michael Webster,
for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Land Transport (Alcohol Interlock) Regulations 2012 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48): section 175(2)

Land Transport Amendment Act 2017 (2017 No 34): section 110(4)