



Land Transport (Driver Licensing) Amendment Rule 2008

Pursuant to the Land Transport Act 1998, the Minister for Transport Safety makes the following ordinary rule.

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Rules

- 1 Title**
This rule is the Land Transport (Driver Licensing) Amendment Rule 2008.
- 2 Commencement**
- (1) This rule (except clauses 13 to 16 and Schedule 3) comes into force on 16 June 2008.
 - (2) Clauses 13 to 16 and Schedule 3 come into force on 1 September 2008.
- 3 Principal rule amended**
This rule amends the Land Transport (Driver Licensing) Rule 1999.
- 4 Objective of rule**
A statement of the objective of this rule is set out in Schedule 1.
- 5 Consultation**
A statement of the extent of the consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.
- 6 Application**
- (1) Clause 5(3) is amended by omitting “Clause 16(1)(b) does” and substituting “Clause 16(1)(b), (c)(i), and (d)(i) do”.
 - (2) Clause 5(4) is amended by omitting “Clause 16(1)(b) does” and substituting “Clause 16(1)(b), (c)(i), and (d)(i) do”.

7 Conditions of learner licence

- (1) Clause 16(1)(c)(ii) is amended by adding “; and”.
- (2) Clause 16(1)(c) is amended by adding the following subparagraph:
 - “(iii) must not carry another person on the moped or in a sidecar attached to the moped.”

8 Conditions of restricted licence

Clause 18(1) is amended by revoking paragraph (b) and substituting the following paragraph:

- “(b) in the case of a Class 6R licence, the holder must not—
- “(i) drive between the hours of 10 pm and 5 am; or
 - “(ii) drive a motorcycle that has a total piston displacement exceeding 250 cm³; or
 - “(iii) carry another person on a moped or motorcycle or in a sidecar attached to a moped or motorcycle.”

9 When passenger endorsement required

Clause 26(3) is amended by revoking the definition of **security officer** and substituting the following definition:

“**security officer** means a person appointed or engaged under section 17 of the Corrections Act 2004.”

10 Practical driving test not to be completed using certain vehicles

Clause 50 is amended by inserting “tractor,” after “all-terrain vehicle,”.

11 Reinstatement of driver licence after end of disqualification

Clause 67A(5) is amended by omitting “16(1)(b) and (c)” and substituting “16(1)(c) and (d)”.

12 Recognition of overseas driver licence or permit

Clause 88(1A) is amended by omitting “Subclause (1)” and substituting “Subclause (1)(a)”.

13 Obtaining New Zealand driver licence

- (1) Clause 89(2)(b) is amended by inserting “unless clause 89A(3) applies,” before “pass”.
- (2) Clause 89(2)(c) is amended by omitting “89A(1)(b)” and substituting “89A(4)”.
- (3) Clause 89(3)(b) is amended by inserting “clause 89A(3) applies to that person or” before “he or she”.
- (4) Clause 89(3)(c) is amended by omitting “89A(1)(b)” and substituting “89A(4)”.

14 New clause 89A substituted

Clause 89A is revoked and the following clause substituted:

“89A Requirements not applying to overseas drivers

- “(1) This clause applies to a person who applies for a New Zealand driver licence under clause 89.
- “(2) A person to whom this clause applies is not required to comply with the minimum time requirements prescribed in the tables to clauses 15, 17, and 19.
- “(3) A person to whom this clause applies is not required to sit the appropriate theory test required by clause 89(2)(b) if—
 - “(a) the appropriate theory test is in respect of a Class 1 or Class 6 licence; and
 - “(b) that person has held a valid overseas driver licence or permit issued in a country specified in Schedule 7A.
- “(4) A person to whom this clause applies is not required to sit the appropriate practical driving test required by clause 89(2)(c) if that person has, for at least 2 years, held a valid overseas driver licence or permit issued in a country specified in Schedule 8.”

15 New Schedule 7A inserted

The principal rule is amended by inserting the Schedule 7A set out in Schedule 3 of this rule after Schedule 7.

16 Schedule 8 heading amended

The Schedule 8 heading is amended by omitting “cl 89A(1)(b)” and substituting “cl 89A(4)”.

Schedule 1

Objective of rule

cl 4

The objective of this rule is to amend the principal rule by—

- (a) correcting cross-references to clause 16 in clauses 5(3) and (4) and 67A(5); and
 - (b) aligning the restrictions on the carrying of other persons so that the restrictions that apply to moped riders with a Class 1L licence are the same as the restrictions that apply to moped riders with a Class 6L licence; and
 - (c) stating expressly (rather than applying by reference) the restrictions on the holder of a Class 6R licence driving a moped or motorcycle; and
 - (d) making a consequential change to the definition of security officer resulting from the repeal of the Penal Institutions Act 1954 and its replacement by the Corrections Act 2004; and
 - (e) clarifying that practical driving tests and course assessments are not allowed to be carried out on tractors, because that type of vehicle is not usually driven by the holder of a Class 1, 2, or 4 licence; and
 - (f) clarifying, for the purposes of recognising an overseas driver licence or permit, that the requirement to have an approved English translation applies only to the use of an overseas licence that is not in English (and not to an International Driving Permit); and
 - (g) removing the requirement, for an overseas licence holder who is already exempted from a practical driving test, to undertake a theory test when converting to a Class 1 (light four-wheeled vehicles) or Class 6 (motorcycle) licence so as to align New Zealand with the practice in Australia and make it easier for New Zealand to negotiate licence-recognition arrangements with other countries.
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Schedule 2

cl 5

**Consultation carried out under section
161(2) of Land Transport Act 1998**

- 1 Consultation on this rule began on 3 August 2007 with the release of the draft Land Transport Rule: Omnibus Amendment 2007 (the **draft Omnibus Amendment Rule**) for public comment. The draft Omnibus Amendment Rule contained proposed amendments to 10 Land Transport Rules, including the Land Transport (Driver Licensing) Rule 1999 (the **Driver Licensing Rule**).
 - 2 Letters and emails outlining the proposed amendments were sent to approximately 2 500 organisations and individuals who had expressed an interest in the rules to be amended. The availability of the draft Omnibus Amendment Rule was publicised in the 5 metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*. The draft and associated information were made available through Land Transport New Zealand's Help Desk and on its Internet site. Thirty-five submissions were received on the draft, of which 14 commented on the proposed amendments to the Driver Licensing Rule.
 - 3 Following consultation, the provisions in the draft Omnibus Amendment Rule were divided into 10 separate amendment rules, including this rule. Issues identified in submissions were taken into account in redrafting the Driver Licensing Amendment Rule before it was submitted to Cabinet for approval, and to the Minister for Transport Safety for signature.
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Schedule 3

cl 15

New Schedule 7A inserted**Schedule 7A**

cl 89A(3)

**Countries from which holders of driver
licence or permit not required to sit
theory test for Class 1 or 6 licence**

Australia

Austria

Belgium

Canada

Denmark

Finland

France

Germany

Greece

Ireland

Italy

Luxembourg

Norway

Portugal

South Africa

Spain

Sweden

Switzerland

The Netherlands

United Kingdom

United States of America

Dated at Wellington this 8th day of May 2008.

Harry Duynhoven,
Minister for Transport Safety.

Explanatory note

This note is not part of the rule, but is intended to indicate its general effect.

This rule amends the Land Transport (Driver Licensing) Rule 1999. This rule (except for *clauses 13 to 16* and *Schedule 3*) comes into force on 16 June 2008. The amendments in *clauses 13 to 16* and *Schedule 3* come into force on 1 September 2008.

The amendments—

- correct cross-references to clause 16 in clauses 5(3) and (4) and 67A(5); and
- align the restrictions on the carrying of other persons so that the restrictions that apply to moped riders with a Class 1L licence are the same as the restrictions that apply to moped riders with a Class 6L licence; and
- state expressly the restrictions on the holder of a Class 6R licence driving a moped or motorcycle; and
- make a consequential change to the definition of security officer resulting from the repeal of the Penal Institutions Act 1954 and its replacement by the Corrections Act 2004; and
- clarify that practical driving tests and course assessments are not allowed to be carried out on tractors, because that type of vehicle is not usually driven by the holder of a Class 1, 2, or 4 licence; and
- clarify that the requirement to have an approved English translation applies only to the use of an overseas licence that is not in English (and not to an International Driving Permit); and
- remove the requirement, for an overseas licence holder who is already exempted from a practical driving test, to undertake a theory test when converting to a Class 1 (light four-wheeled vehicles) or Class 6 (motorcycle) licence so as to align New

Zealand with the practice in Australia and make it easier for New Zealand to negotiate licence-recognition arrangements with other countries.

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