



Land Transport (Road User) Amendment Rule 2019

Pursuant to sections 152, 153, 157, and 159 of the Land Transport Act 1998, the Associate Minister of Transport makes the following ordinary rule,—

- (a) after having complied with the requirements of section 161(2) of that Act; and
- (b) after having had regard to the criteria specified in section 164(2) of that Act.

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Rule

1 Title

This rule is the Land Transport (Road User) Amendment Rule 2019.

2 Commencement

This rule comes into force on 1 June 2019.

3 Principal rule

This rule amends the Land Transport (Road User) Rule 2004 (the **principal rule**).

4 Objective

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

5 Consultation

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

6 Clause 1.6 amended (Interpretation)

- (1) In clause 1.6, insert in their appropriate alphabetical order:

heavy vehicle lane means a lane reserved for the use of heavy vehicles by a marking or sign installed—

- (a) at the start of the lane; and
- (b) at each point at which the lane resumes after an intersection

manually controlled stop sign—

- (a) means a stop sign controlled by a person who—
 - (i) is at the location where the stop sign is displayed; and
 - (ii) has direct line of sight of traffic approaching the stop sign; and
- (b) includes a hand-held stop sign

static roll threshold document of compliance means the document referred to in paragraph 3.18(1)(b) of Land Transport Rule: Vehicle Dimensions and Mass 2016

- (2) In clause 1.6, definition of **controlled intersection**, replace “hand-held” with “manually controlled”.
- (3) In clause 1.6, definition of **headlamp**, replace paragraph (b)(ii) with:
- (ii) sufficiently brilliant to be visible in normal atmospheric conditions for a distance of at least 200 m when it is switched on.
- (4) In clause 1.6, replace the definition of **static roll threshold** with:

static roll threshold has the same meaning as the term Static Roll Threshold (SRT) in Part 2 of Land Transport Rule: Vehicle Dimensions and Mass 2016

- (5) In clause 1.6, revoke the definition of **static roll threshold compliance certificate**.
- (6) In clause 1.6, definition of **turn**, replace “centre line” with “centre line, or has another traffic control device installed”.
- (7) In clause 1.6, definition of **turn**, replace paragraph (b) with:
 - (b) a vehicle following the centre line markings, or the indications of another traffic control device, must not be regarded as having turned even though an intersection occurs at a point where the centre line markings indicate, or the other traffic control device indicates, that the road is curved
- (8) In clause 1.6, definition of **uncontrolled intersection**, replace “hand-held” with “manually controlled”.

7 New clause 3.1A inserted (Traffic signs prohibiting turning manoeuvres)

After clause 3.1, insert:

3.1A Traffic signs prohibiting turning manoeuvres

A driver must not make a turn, or enter into a road or part of a road, if a traffic sign prohibits that turning manoeuvre or entry into that road or part of a road.

8 Clause 3.6 amended (Traffic signals in form of T or B)

In clause 3.6(1), (2), and (4), replace “facing”, with “that is travelling in a special vehicle lane and is facing”.

9 Clause 3.8 amended (Hand-held stop signs)

- (1) In the heading to clause 3.8, replace “**Hand-held**” with “**Manually controlled**”.
- (2) In clause 3.8(1) and (2), replace “hand-held” with “manually controlled”.
- (3) In clause 3.8(2)(b), replace “holding” with “controlling”.

10 Clause 4.2 amended (Giving way where vehicles are controlled by same type of sign or in absence of signs)

In clause 4.2(5), definition of **continuing road**,—

- (a) paragraph (a), replace “marked centre line” with “marked centre line, or other traffic control device,”; and
- (b) paragraph (b), replace “if no centre line is marked through a T-intersection,” with “if no centre line is marked and no other traffic control device indicates the normal flow of traffic through a T-intersection,”.

- 11 Clause 5.1 amended (Drivers must not exceed speed limits)**
In clause 5.1(1), replace “holiday” with “seasonal”.
- 12 Clause 6.4 amended (Parking contrary to notice, traffic sign, or marking)**
After clause 6.4(1A), insert:
- (1B) Without limiting subclause (1), a driver or person in charge of a vehicle must not stop, stand, or park the vehicle in any parking area reserved for the charging of electric vehicles unless the vehicle is an electric vehicle.
- 13 Clause 7.11 amended (Exceptions to application of requirements relating to use of child restraints and seat belts)**
In clause 7.11(1), replace “registered medical practitioner” with “health practitioner”.
- 14 Clause 7.14 amended (Certificate of exemption)**
In clause 7.14(1), replace “registered medical practitioner” with “health practitioner”.
- 15 Clause 8.5 amended (Use of beacons)**
In clause 8.5(1)(e) and (2)(b), replace “Land Transport Rule 41001: Vehicle Dimensions and Mass 2002” with “Land Transport Rule: Vehicle Dimensions and Mass 2016”.
- 16 Clause 8.10 amended (Requirements for motor vehicles complying with static roll threshold)**
- (1) In clause 8.10(1), replace “Land Transport Rule 41001: Vehicle Dimensions and Mass 2002” with “Land Transport Rule: Vehicle Dimensions and Mass 2016”.
- (2) In clause 8.10(1)(b) and (2), replace “static roll threshold compliance certificate” with “static roll threshold document of compliance”.

Schedule 1

Objective of rule

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This Land Transport (Road User) Amendment Rule 2019 (the **amendment rule**) amends the Land Transport (Road User) Rule 2004 (the **principal rule**). The principal rule establishes the rules under which traffic operates on roads.

The objective of the amendment rule is to—

- amend the definition of headlamp, as it applies to cycles, to align with an amendment made in 2016 to the equivalent definition in Land Transport Rule: Vehicle Lighting 2004 (the amendment increases the distance at which a cycle headlamp must be visible when it is switched on from 100 m to 200 m):

- insert a new definition of a heavy vehicle lane:
- update cross-references and definitions to align with Land Transport Rule: Vehicle Dimensions and Mass 2016 (which replaced an earlier version of that rule in 2016):
- amend references to registered medical practitioners to instead refer to health practitioners:
- amend the definitions of turn and continuing road to reflect the fact that the normal flow of traffic on a road may be indicated by traffic control devices (such as islands, edge lines, and directional or warning signs) as well as by marked centre lines:
- clarify that “B” and “T” traffic signals apply only to vehicles that are using the special lane that faces the signal:
- replace references to “hand-held” stop signs, with references to “manually controlled” stop signs.
- prohibit turning manoeuvres that are in breach of prohibitions and restrictions imposed by bylaws and notified by appropriate signage:
- change references to a “holiday” speed limit to references to a “seasonal” speed limit to align with similar proposed changes to Land Transport Rule: Setting of Speed Limits 2017:
- include a specific prohibition on parking a vehicle that is not an electric vehicle in a parking area reserved for charging electric vehicles, so as to facilitate the creation of a specific penalty for breaching the prohibition in the Land Transport (Offences and Penalties) Regulations 1999:

Schedule 2

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

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For the purposes of consultation, amendments proposed to the Land Transport (Road User) Rule 2004 (the **principal rule**) and 14 other Land Transport Rules were combined into a single draft rule, the Land Transport Rule: Regulatory Stewardship (Omnibus) Amendment 2018 (the **Omnibus Amendment Rule**).

The New Zealand Transport Agency (the **Agency**) sent details of the amendment proposals by letter or email to approximately 2,544 groups and individuals who had registered an interest in the rules to be amended. The Omnibus Amendment Rule was made available through the Agency’s contact centre and, together with questions and answers, was also available on the Agency’s Internet site. The availability of the amendment proposals for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin. It was also notified in the *Gazette* on 23 July 2018.

The Agency received 41 submissions on the Omnibus Amendment Rule, of which 22 commented on the proposed amendments to the principal rule.

The submissions received were taken into account in finalising this amendment rule, following which it was submitted to the Associate Minister of Transport for signing.

Dated at Wellington this 10th day of April 2019.

Hon Julie Anne Genter,
Associate Minister of Transport.

Explanatory note

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

This rule, which comes into force on 1 June 2019, amends the Land Transport (Road User) Rule 2004 (the **principal rule**) to implement the objective described in *Schedule 1*.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 18 April 2019.

This rule is administered by the Ministry of Transport.