

[AS REPORTED FROM THE COMMUNICATIONS AND ROAD SAFETY
COMMITTEE]

House of Representatives, 5 May 1987.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 10 June 1987.

Words struck out are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[This Bill was formerly Part II of the Transport (Law Reform) Bill.]

Hon. Richard Prebble

TRANSPORT (VEHICLE AND DRIVER REGISTRATION AND LICENSING) AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Transport (Vehicle and Driver Registration and Licensing) Act 1986

BE IT ENACTED by the Parliament of New Zealand as follows:

No. 91—3B

Price \$1.50

incl. GST \$1.65

2 *Transport (Vehicle and Driver Registration and Licensing)
Amendment*

1. Short Title and commencement—(1) This Act may be cited as the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1987, and shall be read together with and deemed part of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (hereinafter referred to as the principal Act). 5

(2) This Act shall come into force on the 1st day of August 1987.

New

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by omitting the definition of the term “traffic officer”, and substituting the following definition: 10

“Traffic officer” means a traffic officer appointed or deemed to be appointed under section 6 of the Transport Act 1962.”

3. Applications for trade plates—Section 30 (1) (a) of the principal Act is hereby amended by inserting, after the words “Motor Vehicle Dealers Act 1975”, the words “or who is otherwise lawfully entitled to be a dealer in motor vehicles”. 15

Struck Out

34. Penalty for unlicensed drivers—Section 37 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections: 20

“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 and to disqualification from holding or obtaining a driver’s licence for such period (if any) as the Court thinks fit who, never having held a driver’s licence of any class at anytime, acts in contravention of subsection (1) of this section. 25

“(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 and to disqualification from holding or obtaining a driver’s licence for such period (if any) as the Court thinks fit who,— 30

“(a) Being the holder of a driver’s licence authorising the person to drive a motor vehicle of a class other than that being driven by the person on a road, acts in contravention of subsection (1) of this section; or 35

Struck Out

5 “(b) Being the holder of an expired or revoked licence, acts in contravention of subsection (1) of this section in respect of a vehicle that the holder was authorised to drive under the expired or revoked licence.”

New

4. Unlicensed persons not to drive motor vehicles—
The principal Act is hereby amended by repealing sections 37 and 38, and substituting the following section:

10 “37. (1) No person shall drive a motor vehicle on any road, unless that person is the holder of a driver’s licence for the time being in force which authorises that person to drive a motor vehicle of that class on a road and that person is driving in accordance with the conditions of the licence.

15 “(2) For the purposes of **subsection (1)** of this section the expression ‘conditions of the licence’ does not include conditions of a licence imposed by regulations made under **section 48A** of this Act where those regulations provide for the extension of those conditions in the event of a breach.

20 “(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 and to disqualification from holding or obtaining a driver’s licence for such period (if any) as the Court thinks fit who, never having held a driver’s licence of any class at any time, acts in
25 contravention of **subsection (1)** of this section.

“ (4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 and to disqualification from holding or obtaining a driver’s licence for such period (if any) as the Court thinks fit who,—

30 “(a) Being the holder of a driver’s licence authorising the person to drive a motor vehicle of a class other than that being driven by the person on a road, acts in contravention of **subsection (1)** of this section; or

35 “(b) Being the holder of an expired or revoked licence, acts in contravention of **subsection (1)** of this section in respect of a vehicle that the holder was authorised to drive under the expired or revoked licence.”

New

5. Inspection of drivers' licences—Section 41 (2) of the principal Act is hereby amended by inserting, before the words “The driver shall be deemed” the words “Except where regulations made under this Act require the driver to produce a licence immediately for inspection whenever required to do so by a constable or traffic officer,”. 5

6. Medical reports on licence holders—The principal Act is hereby amended by inserting, after section 45, the following section: 10

“45A. (1) In any case where a registered medical practitioner or registered optometrist in attendance on a licence holder considers—

“(a) That the mental or physical condition of the licence holder is such that in the interests of public safety the licence holder should not be permitted to drive motor vehicles or motor vehicles of a specified class; and 15

“(b) That the licence holder is likely to drive a motor vehicle,— 20

the registered medical practitioner or registered optometrist shall give written notice to the Secretary of the opinion referred to in paragraph (a) of this subsection and the grounds on which it is based.

“(2) Any registered medical practitioner or registered optometrist who gives any notice under subsection (1) of this section in good faith shall not be liable to any civil or professional liability because of any disclosure of personal medical information in that notice. 25

New

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“(3) Nothing in section 32 or section 33 of the Evidence Amendment Act (No. 2) 1980 shall apply in respect of any notice given under this section.”

7. Professional driving instructors—Section 47 of the principal Act is hereby amended by adding, as subsection (2), the following subsection: 35

“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who acts in contravention of this section.”

8. Regulations relating to professional driving instructors—(1) Section 48 (1) of the principal Act is hereby amended by repealing paragraph (t), and substituting the following paragraph:

“(t) Providing for the issue and renewal by the Secretary of certificates of approval to persons engaged for financial gain in teaching motor-vehicle driving, and prescribing the conditions (including conditions as to the character of applicants for or holders of such certificates and the examination and testing of such applicants) upon or subject to which those certificates may be issued, held, renewed, suspended, or revoked; and providing for a right of appeal to a District Court Judge against any decision of the Secretary refusing to issue or renew such a certificate or revoking such a certificate.”

(2) Section 48 (2) of the principal Act is hereby amended by adding the following paragraph:

“(c) Approve courses to be completed by applicants for certificates of approval as driving instructors and renewal of those certificates for the purposes of regulations made pursuant to this Act.”

9. Regulations relating to graduated licensing system—

(1) The principal Act is hereby amended by inserting, after section 48, the following section:

“48A. (1) Without limiting the power to make regulations conferred by section 48 of this Act, the Governor-General may, by Order in Council, make regulations providing for a system of licensing of persons learning to drive and classes of persons with limited driving experience, or under specified ages, or both.

“(2) Without limiting the generality of the power conferred by subsection (1) of this section, regulations made under this section may—

“(a) Prescribe conditions relating to the driving of vehicles by persons learning to drive and holders of licences with limited driving experience or who have not attained specified ages, including—

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Amendment

“(i) A requirement that, notwithstanding section 41 (2) of this Act, the holder must produce the licence on demand whenever it is relied upon as authority for driving a vehicle:

“(ii) Conditions relating to vehicle power, hours of driving, supervision, carriage of passengers, or otherwise: 5

“(b) Impose conditions on persons supervising the persons referred to in paragraph (a) of this subsection and provide that for the purposes of this or any other specified enactment the person supervising the driver shall be deemed also to be the driver or to be in charge of the vehicle: 10

“(c) Provide for variation of any condition where other conditions are met or specified courses are completed: 15

Struck Out

“(d) Confer power on specified classes of officers of the Department to extend the duration of specified conditions in specified circumstances, whether or not those circumstances constitute an offence: 20

New

“(d) Confer power on Chief Traffic Officers who are officers of the Department to extend, for a period not exceeding 6 months in any one instance, the duration of specified conditions in specified circumstances, whether or not those circumstances concern the commission of an offence: 25

“(e) Confer power on specified classes of officers of the Department to grant full or partial exemptions from any conditions or impose different and less onerous conditions in particular cases where the full application of the conditions would affect the employment or potential employment of any person or cause undue hardship to any person.” 30 35

(2) Section 48 (l) (n) of the principal Act is hereby repealed.

10. Jurisdiction of Justices of the Peace—The principal Act is hereby amended by inserting, after section 50, the following section:

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Amendment

“50A. A District Court presided over by 2 or more Justices shall have jurisdiction in respect of any offence against this Act or any regulations made under this Act.”