



**LAND TRANSPORT (OFFENCES AND PENALTIES)
REGULATIONS 1999**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 31st day of March 1999

Present:

THE RIGHT HON W F BIRCH PRESIDING IN COUNCIL

PURSUANT to section 167 of the Land Transport Act 1998, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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 - 2. Interpretation
 - 3. Summary offences and penalties
 - 4. Infringement offences
 - 5. Defences
 - 6. Demerit points
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REGULATIONS

- 1. Title and commencement**—(1) These regulations may be cited as the Land Transport (Offences and Penalties) Regulations 1999.
(2) These regulations come into force on 3 May 1999.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Land Transport Act 1998:

“Land Transport Rules” or “rules” means the ordinary rules made under Part 11 of the Act or required to be treated as having been made under that Act:

“Provision” means a provision of the Land Transport Rules.

(2) Every reference in these regulations to any provision includes every provision for the time being in force amending or made in substitution for that provision.

(3) The brief descriptions given in the second column of Schedule 1 are intended only to be an indication of the content of the provisions they describe, and are not intended to be used in the interpretation of the provisions.

(4) Abbreviations or terms used in the second column of Schedule 1 have the meanings given to those abbreviations or terms in the Land Transport Rules.

3. Summary offences and penalties—(1) A breach of a provision specified in the first column of Schedule 1 is an offence against the Act.

(2) A person who commits an offence referred to in subclause (1) is liable on summary conviction,—

(a) In the case of an individual, to a fine not exceeding the amount specified in relation to that offence in the third column of Schedule 1:

(b) In the case of a body corporate, to a fine not exceeding the amount specified in relation to that offence in the fourth column of Schedule 1.

4. Infringement offences—(1) A breach of a provision specified in the first column of Schedule 1 for which an infringement fee is specified in Schedule 1 is an infringement offence against the Act.

(2) The infringement fee for an offence referred to in subclause (1) is,—

(a) In the case of an individual, the infringement fee specified in relation to that offence in the fifth column of Schedule 1:

(b) In the case of a body corporate, the infringement fee specified in relation to that offence in the sixth column of Schedule 1.

(3) An offence against section 51 of the Act is an infringement offence against the Act for which the infringement fee is \$400.

5. Defences—It is a defence to a prosecution for an offence involving a breach of a provision of Land Transport Rule: Dangerous Goods 1999 that imposes requirements concerning the carrying of dangerous goods by rail or road if the defendant proves that—

(a) The defendant was—

(i) The loader, driver, or operator of a motor vehicle or rail service vehicle carrying a load in respect of which it is alleged the offence was committed; or

(ii) The employer of a loader of a motor vehicle or rail service vehicle carrying a load in respect of which it is alleged the offence was committed; and

- (b) The defendant did not know and could not be reasonably expected to have known that the load carried by the vehicle included dangerous goods.

6. Demerit points—(1) The number of demerit points to be recorded by the Director in respect of any person convicted of an offence described in Schedule 2 that was committed on or after 3 May 1999 is the number of demerit points shown in relation to the offence.

(2) Despite subclause (1), no demerit points may be recorded in respect of any offence for which the defendant is disqualified from holding or obtaining a driver licence for a period of 6 months or more.

7. Suspension of driver licences—A notice telling a person that his or her driver licence is suspended for 28 days that is to be given to a person under section 95 of the Act must be in the form set out in Schedule 3 or a form to the same effect.

8. Impoundment of motor vehicles—A notice acknowledging the seizure and impoundment of a motor vehicle that is to be given to the driver and registered owner of the vehicle, and to the storage provider under section 96 of the Act, must be in the form set out in Schedule 4 or a form to the same effect.

9. Revocations and savings—(1) The following regulations are revoked:

- (a) The Transport (Demerit Points) Regulations 1993 (S.R. 1993/6):
- (b) The Land Transport (Offences) Regulations 1996 (S.R. 1996/339):
- (c) The Land Transport (Offences) Amendment Regulations 1997 (S.R. 1997/343):
- (d) The Transport (Demerit Points) Amendment Regulations 1999 (S.R. 1999/14):
- (e) The Land Transport (Offences) Amendment Regulations 1999 (S.R. 1999/30).

(2) Nothing in regulations 3, 4, or 6 apply in respect of an offence committed before the commencement of these regulations, and every such offence must be dealt with as if these regulations had not been made.

SCHEDULES

SCHEDULE 1

OFFENCE PROVISIONS AND PENALTIES

Regs. 3, 4

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
<i>Door Retention Systems 1997 (32001):</i>					
Section 4.1	Operators' responsibilities	500	500	-	-
Section 4.2	Repairers' responsibilities	500	500	-	-
Section 4.3	Modifiers' responsibilities	500	500	-	-
Section 4.4	Responsibilities of certifiers	500	500	-	-
Section 4.5	Responsibilities of manufacturers, importers, and retailers	500	500	-	-
<i>Interior Impact 1997 (32002):</i>					
Section 4.1	Operators' responsibilities	500	500	-	-
Section 4.2	Repairers' responsibilities	500	500	-	-
Section 4.3	Modifiers' responsibilities	500	500	-	-
Section 4.4	Responsibilities of certifiers	500	500	-	-
Section 4.5	Responsibilities of manufacturers, importers, and retailers	500	500	-	-

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
<i>Steering Systems 1997</i> (32003):					
Section 4.1	Operators' responsibilities	500	500	-	-
Section 4.2	Repairers' responsibilities	500	500	-	-
Section 4.3	Modifiers' responsibilities	500	500	-	-
Section 4.4	Responsibilities of certifiers	500	500	-	-
Section 4.5	Responsibilities of manufacturers, importers, and retailers	500	500	-	-
<i>Frontal Impact 1997</i> (32006):					
Section 4.1	Operators' responsibilities	500	500	-	-
Section 4.2	Repairers' responsibilities	500	500	-	-
Section 4.3	Modifiers' responsibilities	500	500	-	-
Section 4.4	Responsibilities of certifiers	500	500	-	-
Section 4.5	Responsibilities of manufacturers, importers, and retailers	500	500	-	-

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
<i>External Projections 1997 (32008):</i>					
Section 4.1	Operators' responsibilities	500	500	-	-
Section 4.2	Repairers' responsibilities	500	500	-	-
Section 4.3	Modifiers' responsibilities	500	500	-	-
Section 4.4	Responsibilities of certifiers	500	500	-	-
Section 4.5	Responsibilities of manufacturers, importers, and retailers	500	500	-	-
<i>Head Restraints 1997 (32010):</i>					
Section 4.1	Operators' responsibilities	500	500	-	-
Section 4.2	Repairers' responsibilities	500	500	-	-
Section 4.3	Modifiers' responsibilities	500	500	-	-
Section 4.4	Responsibilities of certifiers	500	500	-	-
Section 4.5	Responsibilities of manufacturers, importers, and retailers	500	500	-	-

SCHEDULE 1—*continued*
 OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
<i>Glazing 1996 (32012):</i>					
Section 4.1	Operators' responsibilities	500	500	-	-
Section 4.2	Repairers' responsibilities	500	500	-	-
Section 4.3	Responsibilities of certifiers	500	500	-	-
<i>Vehicle Repair 1998 (34001):</i>					
Section 3.1	Repairers' responsibilities	500	500	-	-
<i>Vehicle Standards Compliance 1998 (35001):</i>					
Section 10.1	Responsibilities of owners and operators	500	500	-	-
Section 10.2	Responsibilities of certifiers	500	500	-	-
Section 10.3	Responsibilities of manufacturers and importers	500	500	-	-

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
<i>Dangerous Goods 1999</i> <i>(45001):</i>					
Section 10.1 (1)	Person or organisation involved in activity related to transport of dangerous goods must undertake activity safely and in compliance with Dangerous Goods rule	2,500	10,000	500	1,000
Section 10.1 (2)	Person or organisation not specified in sections 10.2 to 10.6 but involved in activity relating to transport of dangerous goods must comply with relevant requirements of Dangerous Goods rule	2,500	10,000	500	1,000
Section 10.1 (3) (a)	Person or organisation transporting dangerous goods must comply with requirements in section 2 relating to dangerous goods in limited quantities, consumer commodities, small packages, routine diagnostic specimens and low risk biological products	2,500	10,000	500	1,000

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.1 (3) (b)	Person or organisation transporting dangerous goods must comply with requirements in section 2 relating to dangerous goods transported for use as tools-of-trade, for agricultural use, or for a commercial purpose, but not transported for hire or direct reward	2,500	10,000	250	750
Section 10.1 (3) (c)	Person or organisation transporting dangerous goods must comply with requirements in section 2 relating to dangerous goods transported for domestic or recreational purposes, but not transported for hire or direct reward	2,500	10,000	150	500
Section 10.1 (4)	Person or organisation transporting dangerous goods must not continue to transport those goods if the packaging they are contained in is leaking	7,500	37,500	1,500	7,500

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.1 (5)	Person or organisation not transporting dangerous goods must not display labels, placards, or markings that identify or may be mistaken for labels, placards, or markings that identify dangerous goods	2,500	10,000	150	500
Section 10.2 (a)	Consignor of dangerous goods for transport must ensure that dangerous goods are properly packaged	5,000	25,000	1,000	5,000
Section 10.2 (b) (i)	Consignor of dangerous goods for transport must ensure that packages of dangerous goods display labels and marks to identify the goods as dangerous goods	10,000	50,000	2,000	10,000
Section 10.2 (b) (ii)	Consignor of dangerous goods for transport must ensure that packages of dangerous goods display the correct labels and marks	5,000	25,000	1,000	5,000
Section 10.2 (c) (i)	Consignor of dangerous goods for transport must ensure that required dangerous goods documentation is provided	10,000	50,000	2,000	10,000

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.2 (c) (ii)	Consignor of dangerous goods for transport must ensure that required dangerous goods documentation contains the correct information	5,000	25,000	1,000	5,000
Section 10.2 (d)	Consignor of dangerous goods for transport must ensure that required emergency response information is supplied	5,000	25,000	1,000	5,000
Section 10.2 (e)	Consignor of dangerous goods for transport must ensure dangerous goods documentation is passed to the next person responsible for the transport or handling of the dangerous goods	7,500	37,500	1,500	7,500
Section 10.3 (a)	Person who loads vehicle or freight container used to transport dangerous goods must ensure condition of packaging, labelling, and marking is checked for obvious defects	2,500	10,000	250	750

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.3 (b)	Person who loads vehicle or freight container used to transport dangerous goods must ensure that required load plan, or container, or vehicle packing certificate is prepared	5,000	25,000	1,000	5,000
Section 10.3 (c)	Person who loads vehicle or freight container used to transport dangerous goods must ensure compliance with any special loading instructions in dangerous goods documentation	5,000	25,000	1,000	5,000
Section 10.3 (d)	Person who loads vehicle or freight container used to transport dangerous goods must ensure mixed loads are segregated as required	5,000	25,000	1,000	5,000
Section 10.3 (e)	Person who loads vehicle or freight container used to transport dangerous goods must ensure that vehicle or freight container is placarded as required	5,000	25,000	1,000	5,000

SCHEDULE 1—*continued*
 OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.3 (f)	Person who loads vehicle or freight container used to transport dangerous goods must ensure the vehicle is securely loaded	3,500	15,000	750	2,500
Section 10.3 (g)	Person who loads vehicle or freight container used to transport dangerous goods must have undergone specific training on the transport of dangerous goods	2,500	10,000	500	1,000
Section 10.3 (h)	Person who loads vehicle or freight container used to transport dangerous goods must ensure dangerous goods documentation is passed to the next person responsible for the transport or handling of the dangerous goods	7,500	37,500	1,500	7,500
Section 10.4 (a) (i)	Driver or operator of road vehicle transporting dangerous goods must ensure the vehicle or load is placarded to indicate that it contains dangerous goods	7,500	37,500	1,500	7,500

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.4 (a) (ii)	Driver or operator of road vehicle transporting dangerous goods must ensure placards are affixed in the correct position on the vehicle or load	3,500	15,000	750	2,500
Section 10.4 (a) (iii)	Driver or operator of road vehicle transporting dangerous goods must ensure the correct placards are displayed for the classes or divisions of goods located on the vehicle	5,000	25,000	1,000	5,000
Section 10.4 (b) (i)	Driver or operator of road vehicle transporting dangerous goods must ensure vehicle is not parked for more than 18 hours unless it is in depot	2,500	10,000	500	1,000
Section 10.4 (b) (ii)	Driver or operator of road vehicle transporting dangerous goods must ensure vehicle is securely loaded	3,500	15,000	750	2,500
Section 10.4 (b) (iii)	Driver or operator of road vehicle transporting dangerous goods must ensure required emergency response information is carried	2,500	10,000	500	1,000

SCHEDULE 1—*continued*
 OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.4 (b) (iv)	Driver or operator of road vehicle transporting dangerous goods must ensure vehicle stops at railway level crossings as required	2,500	10,000	500	1,000
Section 10.4 (c)	Driver or operator of road vehicle transporting dangerous goods must have undergone specific training on the transport of dangerous goods	2,500	10,000	500	1,000
Section 10.4 (e) (i)	Driver or operator of road vehicle transporting dangerous goods must ensure dangerous goods documentation is carried	2,500	10,000	750	1,500
Section 10.4 (e) (ii)	Driver or operator of road vehicle transporting dangerous goods must ensure dangerous goods documentation is secured in dangerous goods holder in accordance with section 5	2,500	10,000	750	1,500

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.4 (e) (iii)	Driver or operator of road vehicle transporting dangerous goods must ensure dangerous goods documentation is made available to dangerous goods enforcement officer or emergency services personnel if required	2,500	10,000	750	1,500
Section 10.4 (e) (iv)	Driver or operator of road vehicle transporting dangerous goods must ensure dangerous goods documentation is passed to the next person responsible for the handling or the transport of the dangerous goods	7,500	37,500	1,500	7,500
Section 10.4 (f)	Driver or operator of road vehicle transporting dangerous goods must ensure Schedule of Quantities is amended to record collection or delivery of dangerous goods	2,500	10,000	250	750

SCHEDULE 1—*continued*
 OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.4 (g)	Driver or operator of road vehicle transporting dangerous goods to ensure load plan is amended to record collection or delivery of dangerous goods and other goods from which dangerous goods are to be segregated	2,500	10,000	250	750
Section 10.5 (a)	Driver or operator of rail service vehicle must have undergone specific training on the transport of dangerous goods	2,500	10,000	500	1,000
Section 10.5 (b) (i)	Driver or operator of rail service vehicle must ensure dangerous goods documentation is carried	2,500	10,000	750	1,500
Section 10.5 (b) (ii)	Driver or operator of rail service vehicle transporting dangerous goods must ensure dangerous goods documentation is secured in dangerous goods holder in accordance with section 5	2,500	10,000	750	1,500

SCHEDULE 1—*continued*
OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
Section 10.5 (b) (iii)	Driver or operator of rail service vehicle must ensure dangerous goods documentation is made available to dangerous goods enforcement officer or emergency services personnel if required	2,500	10,000	750	1,500
Section 10.5 (b) (iv)	Driver or operator of rail service vehicle must ensure dangerous goods documentation is passed to the next person responsible for the transport or handling of the dangerous goods	7,500	37,500	1,500	7,500
Section 10.6	Person or organisation employing person to carry out activity related to transport of dangerous goods must ensure employee complies with the Dangerous Goods rule	5,000	25,000	1,000	5,000

SCHEDULE 1—*continued*
 OFFENCE PROVISIONS AND PENALTIES—*continued*

Provision	Brief Description	Maximum Penalty on Summary Conviction for Individual \$	Maximum Penalty on Summary Conviction for Body Corporate \$	Infringement Fee for Individual \$	Infringement Fee for Body Corporate \$
<i>Driver Licensing 1999</i> <i>(91001):</i>					
Clause 37 (2)	Person must surrender driver identification card as and when required under the Driver Licensing rule	500	-	-	-
Clause 105	Person must not deface, alter, or tamper with the characteristics of, or features of, or information displayed on, a driver licence or driver identification card	500	-	-	-

Reg. 6

SCHEDULE 2
SCALE OF DEMERIT POINTS
PART 1
OFFENCES OTHER THAN SPEEDING OFFENCES

Enactment	Section or Regulation	General Description of Offence	Number of Demerit Points
1. The Land Transport Act 1998	31 (1) (b)	Drives a motor vehicle contrary to the conditions of his or her driver licence	25
	37 (1)	Careless or inconsiderate use of motor vehicle	35
	52 (1) (c)	Failure to stop on request or signal of an enforcement officer, or on being followed by motor vehicle displaying flashing blue, or blue and red, lights or sounding a siren, as required by section 114 of the Land Transport Act 1998	35
	52 (1) (c)	Failure to remain stopped for an enforcement officer, as required under section 114 of the Land Transport Act 1998	35
	52 (1) (c)	Driving or attempting to drive when forbidden by an enforcement officer under section 121 of the Land Transport Act 1998	35
	57 (1) or (2)	Person younger than 20 driving or attempting to drive with excessive breath-alcohol or	35

SCHEDULE 2—*continued*SCALE OF DEMERIT POINTS—*continued*PART 1—*continued*

Enactment	Section or Regulation	General Description of Offence	Number of Demerit Points
2. The Traffic Regulations 1976	59 (1)	blood-alcohol concentration Failure or refusal— (a) To wait for the result of a breath screening test or an evidential breath test	50
		(b) To accompany an enforcement officer when so required	50
		(c) To remain for evidential breath test or blood test	50
	4 (1)	Failure to keep vehicle as close as practicable to left side of roadway	20
	8 (3)	Passing or attempting to pass where insufficient clear road visible	35
	8 (6)	Passing or attempting to pass where no-passing line marked	35
	9 (1) (b)	Proceeding before way is clear at stop sign	20
	9 (2), (3), or (4)	Failure to observe give-way rules	20
	12	Failure to observe duties at pedestrian crossing	35
	13	Failure to stop and remain stopped for school patrol sign	35
22 (1)	Driving in a lane at such a speed as to be unable to stop in the length of lane visible	20	

SCHEDULE 2—*continued*SCALE OF DEMERIT POINTS—*continued*PART 1—*continued*

Enactment	Section or Regulation	General Description of Offence	Number of Demerit Points
	22 (2)	Driving at such a speed as to be unable to stop in half the clear distance ahead	20
	22 (3)	Driving a motor vehicle behind another vehicle and being unable to stop short of the vehicle ahead	20

PART 2

SPEEDING OFFENCES

	Speeding Offences	Number of Demerit Points
1.	Speeding offence in which the speed limit fixed is exceeded by not more than 10 km/h	10
2.	Speeding offence in which the speed limit fixed is exceeded by more than 10 km/h but not more than 20 km/h	20
3.	Speeding offence in which the speed limit fixed is exceeded by more than 20 km/h but not more than 30 km/h	35
4.	Speeding offence in which the speed limit fixed is exceeded by more than 30 km/h but not more than 35 km/h	40
5.	Speeding offence in which the speed limit fixed is exceeded by more than 35 km/h	50

SCHEDULE 3

Reg. 7

NOTICE OF MANDATORY SUSPENSION OF DRIVER LICENCE

Notice No.:

(Issued under section 95 of the Land Transport Act 1998 ("the Act"))

PART 1

Driver's name: (First names) (Family name)

Address:
.....
.....

DOB: / / Occupation: Dlic. No.:

Time: Date: / /

Street: Location:

YOUR DRIVER LICENCE IS SUSPENDED FOR 28 DAYS EFFECTIVE IMMEDIATELY

1. This action has been taken because I believe on reasonable grounds that:

(Tick appropriate box)

- (a) You have undergone an evidential breath test under the Act and your breath alcohol concentration was found to exceed 800 micrograms of alcohol per litre of breath; or
- (b) You have undergone a blood test under the Act and your blood alcohol concentration was found to exceed 160 milligrams of alcohol per 100 millilitres of blood; or
- (c) You failed or refused to undergo a blood test after having been required or requested to do so under section 72 or section 73 of the Act; or
- (d) You drove a motor vehicle on a road at a speed exceeding the applicable speed limit by more than 50 km/h (which speed was detected by a means other than approved vehicle surveillance equipment).

2. You are required to immediately surrender your driver licence to me. It will be forwarded to the Land Transport Safety Authority.

3. If you drive while your driver licence is suspended, you commit an offence which, if it is your first or second offence against section 32 (1) of the Act, carries a maximum penalty of imprisonment for a term not exceeding 3 months or a fine not exceeding \$4,500 and, in general, a minimum period of disqualification from holding or obtaining a driver licence for 6 months. If the offence is your third or subsequent offence against section 32 (1) of the Act (or a corresponding provision under certain earlier enactments), it carries a maximum period of imprisonment for a term not exceeding 2 years or a fine not exceeding \$6,000 and, in general, a minimum period of disqualification from holding or obtaining a driver licence for 12 months. In addition, if you are stopped by an enforcement officer, the vehicle you are driving at the time will be impounded for 28 days.

Enforcement officer I.D.: Station:

An outline of your rights of appeal under sections 101 and 109 of the Act is printed on the reverse of this page.

SCHEDULE 3—*continued*NOTICE OF MANDATORY SUSPENSION OF DRIVER LICENCE—*continued*

PART 2

**OUTLINE OF YOUR RIGHTS OF APPEAL AGAINST THE
MANDATORY SUSPENSION OF YOUR DRIVER LICENCE****WHAT ARE MY APPEAL RIGHTS?**

1. In the first instance you may appeal to the Director of the Land Transport Safety Authority (LTSA) and, if that appeal is unsuccessful, to the District Court. These appeal rights are set out in full in sections 101 and 109 of the Act.

WHAT ARE THE GROUNDS FOR APPEAL?

2. The grounds for appeal are that—
 - (a) The person whose driver licence was suspended was not the driver of the vehicle at the time of the act or omission that gave rise to the suspension; or
 - (b) The enforcement officer who suspended your driver licence did not believe on reasonable grounds that—
 - (i) You had undergone an evidential breath test under the Act and your breath-alcohol concentration was found to exceed 800 micrograms of alcohol per litre of breath; or
 - (ii) You had undergone a blood test under the Act and your blood-alcohol concentration was found to exceed 160 milligrams of alcohol per 100 millilitres of blood; or
 - (iii) You failed or refused to undergo a blood test after having been required or requested to do so under section 72 of section 73 of the Act; or
 - (iv) You drove a motor vehicle on a road at a speed exceeding the applicable speed limit by more than 50 km an hour (which speed was detected by a means other than approved vehicle surveillance equipment); or
 - (c) The enforcement officer who suspended your driver licence did not give you a notice that complied with section 95 (2) of the Act.

HOW DO I LODGE AN APPEAL?

3. If you believe you have grounds for appealing against the suspension of your driver licence, you should contact the LTSA by either calling the LTSA help desk on free-phone [*Here specify the applicable telephone number*] (in which case the appeal documents will be posted to you), or by obtaining the appeal documents from an LTSA Regional office. The appeal must be in writing and set out in a statutory declaration. It must clearly state the grounds for the appeal. The declaration must be taken in front of someone entitled to take statutory declarations.

WHO WILL DETERMINE MY APPEAL?

4. The initial appeal against the 28 day suspension of your driver licence will be determined by an employee of the LTSA.

**IS THERE A TIME LIMIT WITHIN WHICH AN APPEAL MUST
BE DETERMINED?**

5. The employee of the LTSA who determines your appeal has 5 working days after an appeal has been lodged to either allow the appeal and remove the suspension or dismiss the appeal. You will be advised of the outcome of your appeal.

SCHEDULE 3—*continued*NOTICE OF MANDATORY SUSPENSION OF DRIVER LICENCE—*continued***RESULTS OF APPEAL TO LTSA**

6. The employee of the LTSA who determines your appeal will either allow the appeal or dismiss it. He or she may refuse to consider your appeal if satisfied that the appeal is frivolous or vexatious, or that you have provided insufficient information. If your appeal is not dismissed on these grounds, the person considering your appeal will allow it if satisfied that 1 of the grounds listed in paragraph 2 above is established. If he or she is not satisfied that one of the grounds listed in paragraph 2 is established, the appeal will be dismissed.

APPEAL TO DISTRICT COURT

7. If your appeal is dismissed, you may appeal to the District Court where a District Court Judge will decide whether or not your appeal should be allowed. An appeal to a District Court must be made not later than 28 days after the date on which you were notified of the decision appealed against, or within such further period as the Court may allow. Requirements about the way in which the appeal is to be made and determined are specified in section 111 of the Act. The District Court must determine the appeal only on the grounds specified in the Act.

RETURN OF LICENCE

8. If your appeal is allowed, or if before the suspension of your drivers licence ceases to have effect the Police finally decide not to take proceedings against you, or if proceedings have been taken and you are acquitted, the suspension will immediately cease to have effect. In these circumstances your licence will be returned to you at your last known place of residence or business or postal address, or held at the office of the LTSA nominated by you in the statutory declaration that must accompany your appeal.
9. If paragraph 8 does not apply you should contact a licensing agent appointed by the Director after the expiry of the period of suspension of your driver licence.

WHERE CAN I GET FURTHER INFORMATION?

10. You can obtain further information by contacting LTSA either by calling the help desk free-phone [*Here insert the applicable phone number*], or at one of their regional offices listed below.

Land Transport Safety Authority Regional Offices:

Auckland [*Here insert the postal address of the Regional Office*]

Hamilton [*Here insert the postal address of the Regional Office*]

Napier [*Here insert the postal address of the Regional Office*]

Palmerston North [*Here insert the postal address of the Regional Office*]

Wellington [*Here insert the postal address of the Regional Office*]

Christchurch [*Here insert the postal address of the Regional Office*]

Dunedin [*Here insert the postal address of the Regional Office*]

Reg. 8

SCHEDULE 4

VEHICLE SEIZURE AND IMPOUNDMENT NOTICE

Notice No.:

(Issued under section 96 of the Land Transport Act 1998 ("the Act"))

PART 1

Driver's name: (First names) (Family name)

Address:

.....

.....

DOB:/..../.... Occupation: Dlic. No.:

Owner's name:

Address:

.....

.....

Time: Date:/..../....

Street: Location:

ADVICE TO DRIVER

I am required to seize and impound, or seize and authorise the impoundment of, the motor vehicle described below for 28 days because I believe, on reasonable grounds, that you drove the vehicle on a road while—

(Tick appropriate box)

- (a) You were disqualified from holding or obtaining a driver licence authorising you to drive that vehicle; or
(b) Your driver licence was for the time being suspended or was revoked; or
(c) You did not hold a driver licence and you were previously forbidden to drive on/..../.... because you were unlicensed or your driver licence had expired.

THE VEHICLE DRIVEN BY YOU

Reg. No. or V.I.N.: Make: Year:

IS SEIZED AND IMPOUNDED FOR 28 DAYS.

It is to be impounded at:

Enforcement officer I.D.: Station:

An outline of rights (including an outline of the rights of appeal given to the owner of an impounded vehicle under sections 102 and 110 of the Act) is printed on the reverse of this page.

SCHEDULE 4—*continued*VEHICLE SEIZURE AND IMPOUNDMENT NOTICE—*continued*

PART 2

**OUTLINE OF RIGHTS RELATING TO THE IMPOUNDMENT OF
THE VEHICLE REFERRED TO IN THIS NOTICE****WHAT ABOUT PERSONAL PROPERTY IN THE VEHICLE?**

1. Any personal property (other than property attached to or used in connection with the operation of the vehicle) will be released on request to any person who produces satisfactory evidence that he or she was lawfully entitled to possession of the vehicle or personal property immediately before the vehicle was moved. If the vehicle was carrying goods at the time of seizure and impoundment, they will be released to any person acting on behalf of the owner of the goods if the person produces satisfactory evidence of the owner's consent to the release.

WILL MY TRAILER BE IMPOUNDED?

2. Trailers and any other vehicle without motive power that is being towed by or is attached to a motor vehicle at the time of seizure and impoundment will not be seized or impounded.

WHAT ARE MY APPEAL RIGHTS?

3. If you are the owner of the motor vehicle which has been seized and impounded, you may appeal against the seizure and impoundment of the vehicle. In the first instance you may appeal to the Police and, if that appeal is unsuccessful, to the District Court. These appeal rights are set out in full in sections 102 and 110 of the Act.

WHAT ARE THE GROUNDS FOR APPEAL?

4. The grounds for appeal are that—
 - (a) The impounded vehicle was a stolen or converted vehicle at the time of the seizure and impoundment; or
 - (b) The enforcement officer who seized the vehicle did not believe on reasonable grounds that at the time of driving the vehicle on a road—
 - (i) The driver was disqualified from holding or obtaining a driver licence authorising the driver to drive that vehicle; or
 - (ii) The driver's driver licence was suspended or was revoked; or
 - (iii) The driver did not hold a driver licence and was previously forbidden to drive because he or she was an unlicensed driver or his or her driver licence had expired; or
 - (c) The enforcement officer who seized the vehicle did not comply with the notice requirements set out in section 96 (2) of the Act; or
 - (d) The owner did not know and could not reasonably have been expected to know that the driver was not permitted to drive; or
 - (e) The owner took all reasonable steps to prevent the driver from driving the vehicle; or
 - (f) The driver drove the vehicle in a serious medical emergency (including carrying a person who was about to give birth to a child).

SCHEDULE 4—*continued*VEHICLE SEIZURE AND IMPOUNDMENT NOTICE—*continued***HOW DO I LODGE AN APPEAL?**

5. If you believe you have grounds for appealing against the impoundment of the vehicle, you should go to the Police Station nearest to where the vehicle was impounded and pick up a copy of the appeal documents. The appeal must be in writing and set out in a statutory declaration. It must clearly state the grounds for the appeal. The declaration must be taken in front of someone entitled to take statutory declarations.

WHO WILL DETERMINE YOUR APPEAL?

6. The initial appeal against the impoundment of a vehicle will be determined by an enforcement officer.

IS THERE A TIME LIMIT WITHIN WHICH AN APPEAL MUST BE DETERMINED?

7. The officer who determines your appeal must do so as soon as reasonably practicable and not later than 2 working days after the day of lodgement in the case of an appeal lodged on the ground that the impounded vehicle was a stolen or converted vehicle at the time of seizure and impoundment, and not later than 5 working days after the day of lodgement in any other case.

RESULTS OF APPEAL TO POLICE

8. The officer who determines your appeal will either allow the appeal or dismiss it. He or she may refuse to consider your appeal if satisfied that the appeal is frivolous or vexatious, or that you have provided insufficient information. If your appeal is not dismissed on these grounds, the officer who considers it will allow it if satisfied that one of the grounds listed in paragraph 4 above is established. If he or she is not satisfied that one of the grounds listed in paragraph 4 is established, the appeal will be dismissed.

APPEAL TO DISTRICT COURT

9. If your appeal is dismissed, you may appeal to the District Court where a District Court Judge will decide whether or not your appeal should be allowed. An appeal to a District Court must be made not later than 28 days after the date on which you were notified of the decision appealed against, or within such further period as the Court may allow. Requirements about the way in which the appeal is to be made and determined are specified in section 111 of the Act. The District Court must determine the appeal only on the grounds specified in the Act.

TOWAGE AND STORAGE FEES

10. The fees for towage and storage are set out in regulations. You can obtain a copy of the fees from your nearest Police Station.

HOW DO I GO ABOUT PAYING THE FEES?

11. If you are liable to pay fees for towage or storage, the law, in general, requires you to pay the fees in full or enter into an arrangement with the storage provider to pay the outstanding fees over time. You can

SCHEDULE 4—*continued*VEHICLE SEIZURE AND IMPOUNDMENT NOTICE—*continued*

arrange to pay some or all of the fees during the period of the impoundment.

RELEASE OF VEHICLE

12. The storage provider must release the impounded vehicle to the owner or a person authorised by the owner if your appeal is successful. The storage provider must release the impounded vehicle to the owner if the Police finally decide not to take proceedings against the person who drove the vehicle, or if proceedings have been taken and the person is acquitted. The Act specifies other circumstances in which an impounded vehicle may be released before the close of the 28-day impoundment period. The storage provider must release the impounded vehicle to the registered owner of the vehicle, or a person authorised by the registered owner, on or after the close of the 28-day impoundment period if the owner or authorised person—
- (a) Shows proof of identity and either proof of ownership of the vehicle or the owner's copy of this notice; and
 - (b) Pays the towage and storage fees and charges or enters into an arrangement with the storage provider to pay those fees and charges. (Note that a registered owner may enter into an arrangement only with the agreement of the person with whom the arrangement is entered into.)

VEHICLE MAY BE SOLD BY STORAGE PROVIDER

13. The storage provider may apply to an enforcement officer authorised by the Commissioner of Police for approval to dispose of the impounded vehicle if—
- (a) 28 days have elapsed since the close of the impoundment period; and
 - (b) The vehicle owner or a person authorised by the owner has not claimed the vehicle and has not paid the towage and storage fees and charges or entered into an arrangement to pay those fees and charges; and
 - (c) No other person has established to the satisfaction of the authorised officer that the person is entitled to possession of the vehicle.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 3 May 1999, prescribe the breaches of the Land Transport Rules that are summary offences and the breaches of those rules that are infringement offences, and prescribe the fines and infringement fees in respect of those offences.

The regulations also prescribe a defence to a prosecution for an offence involving a breach of Land Transport Rule: Dangerous Goods 1999.

Schedule 1 lists the provisions of the rules the breach of which constitutes an offence. A breach of any such provision constitutes a summary offence and any charge may be commenced by laying an information under the Summary Proceedings Act 1957. The maximum fine that may be imposed is set out in the third and fourth columns of *Schedule 1*. The highest fine is \$10,000 for an individual and \$50,000 for a body corporate.

Schedule 1 also sets out those breaches of the rules that are infringement offences. If a person is alleged to have committed an infringement offence that person may either be proceeded against summarily for the alleged offence (by laying an information or where appropriate by filing a notice of prosecution) or be served with an infringement notice. The infringement fee is set out in the fifth and sixth columns of *Schedule 1*. The highest fee is \$2,000 for an individual and \$10,000 for a body corporate.

Schedule 2 prescribes the number of demerit points to be recorded by the Director of the Land Transport Safety Authority in respect of any person convicted of an offence described in *Schedule 2* that was committed on or after 3 May 1999. The highest number of demerit points that may be imposed for any offence is 50.

Schedule 3 prescribes the form of notice to be given to a person whose driver licence is suspended for 28 days under section 95 of the Land Transport Act 1998.

Schedule 4 prescribes the form of notice to be given to the driver and registered owner of a vehicle impounded under section 96 of the Land Transport Act 1998 and to the storage provider of the vehicle.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered in the Ministry of Transport.