



**LAND TRANSPORT (STORAGE AND TOWAGE FEES FOR
IMPOUNDED VEHICLES) REGULATIONS 1999**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 29th day of March 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to sections 97, 167, and 168 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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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999.

(2) These regulations come into force on 3 May 1999.

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

“The Act” means the Land Transport Act 1998;

“Commissioner” means the Commissioner of Police;

“Public holiday” means a day specified as a holiday in section 7A (2) of the Holidays Act 1981.

3. Towage fees for impounded vehicles—(1) The owner of a motor vehicle that is seized and impounded under section 96 or section 122 of the Act is liable to pay the following towage fee to the vehicle recovery service operator or storage provider:

(a) If the motor vehicle has a gross weight of not more than 3500 kilograms,—

(i) A fee not exceeding \$47.00, if the towage takes place between the hours of 7 am and 6 pm on any day other than a Saturday, Sunday, or public holiday; or

(ii) A fee not exceeding \$60.00, if the towage takes place at any other time; or

(b) If the motor vehicle has a gross weight of more than 3500 kilograms,—

(i) A fee not exceeding \$100.00, if the towage takes place between the hours of 7 am and 6 pm on any day other than a Saturday, Sunday, or public holiday; or

(ii) A fee not exceeding \$150.00, if the towage takes place at any other time.

(2) Despite subclause (1), the owner of a motor vehicle that is seized and impounded under section 96 or section 122 of the Act is liable to pay to the vehicle recovery service operator or storage provider a fee not exceeding \$3.00 for each additional kilometre or part of a kilometre that the vehicle is towed in excess of 10 kilometres.

(3) Despite subclauses (1) and (2), the owner of a motor vehicle, in respect of which a direction for immediate release is issued under section 102 (3) or section 110 (3) of the Act as a consequence of the establishment of the ground of appeal specified in section 102 (1) (b) of the Act, is not liable to pay any towage fee.

4. Storage fees for impounded vehicles—(1) The owner of a motor vehicle that is seized and impounded under section 96 or section 122 of the Act is liable to pay the following storage fee to the vehicle recovery service operator or storage provider:

(a) In the case of a vehicle with a gross weight of not more than 3500 kilograms, a fee not exceeding \$12.00 per day; or

(b) In the case of a vehicle with a gross weight of more than 3500 kilograms, a fee not exceeding \$28.00 per day.

(2) Despite subclause (1), no storage fee is payable by the owner of a motor vehicle seized and impounded under section 96 of the Act for storage of the vehicle during the first 3 days of its storage.

(3) Despite subclause (1), the owner of a motor vehicle, in respect of which a direction for immediate release is issued under section 102 (3) or section 110 (3) of the Act as a consequence of the establishment of 1 of the grounds of appeal specified in section 102 (1) (a) or section 102 (1) (b) of the Act, is not liable to pay any storage fee.

5. Penalty for late payments—(1) If the registered owner, or a person authorised by the registered owner, of an impounded vehicle enters into an arrangement under section 98 (1) (b) of the Act to make payments for fees owing for towage and storage by instalment, a penalty may be

imposed for the late payment of any instalment by the person with whom the arrangement has been entered.

(2) The amount of any penalty imposed under subclause (1) must not exceed a rate calculated at 11% per annum on the amount of the instalment that is overdue.

6. Fees to be inclusive of GST—The fees fixed or assessed under these regulations are inclusive of goods and services tax.

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, fix the maximum rates of storage and towage fees that owners of motor vehicles seized and impounded under section 96 or section 122 of the Land Transport Act 1998 may be required to pay to the vehicle service recovery operator or storage provider in order to secure the release of the vehicle.

The regulations also create certain exemptions from the requirement to pay storage and towage fees. An owner of an impounded motor vehicle seized and impounded under section 96 is not liable for either storage or towage fees if it is established on appeal that the enforcement officer who seized and impounded the vehicle did not have the reasonable grounds of belief required by section 96, or did not comply with the notice requirements of that section. An owner of an impounded motor vehicle seized and impounded under section 96 is not liable for storage fees if it is established on appeal that the vehicle was a stolen or converted vehicle at the time it was seized and impounded.

The regulations also authorise the imposition of a penalty for late payment of fees, if an arrangement has been entered into for the payment of fees by instalment.

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.