



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

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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 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.

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ANALYSIS

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Land Transport (Requirements for Storage and Towage of 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:

“Approved storage provider” means a storage provider with whom the Commissioner or an authorised officer has entered into an arrangement:

“Approved vehicle recovery service operator” means a vehicle recovery service operator with whom the Commissioner or an authorised officer has entered into an arrangement:

“Arrangement” means an arrangement entered into under section 97 of the Act for the purpose of providing for the towing or storage of vehicles seized and impounded under section 96 or section 122 of the Act:

“Authorised officer” means an officer authorised by the Commissioner to enter into an arrangement:

“Employee” means an employee of an approved storage provider or an approved vehicle recovery service operator:

“Impounded vehicle” means any motor vehicle seized and impounded under section 96 or section 122 of the Act:

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

“Storage premises” means the place or places where impounded vehicles, and any property in or on those vehicles at the time of seizure, that are in the care of an approved storage provider are stored.

**3. Arrangements**—Every arrangement must include the conditions, requirements, and other provisions specified in regulations 4 to 12.

**4. Only certain persons may act**—(1) A person may act as an approved vehicle recovery service operator only if the person is the holder of a vehicle recovery service licence.

(2) A person may act as an approved storage provider only if the person is—

(a) The holder of a vehicle recovery service licence; or

(b) Approved by the Commissioner or an authorised officer as a fit and proper person to act in that capacity.

(3) An employee who is likely, in the course of his or her duties, to have contact with members of the public or access to impounded vehicles may carry out those duties only if the employee is—

(a) The holder of a Class N driver licence issued under the Transport (Drivers Licensing) Regulations 1987; or

(b) The holder of a Type V (vehicle recovery) endorsement issued under rules made under the Act; or

(c) Approved by the Commissioner or an authorised officer as a fit and proper person to act in that capacity.

**5. Criteria for fit and proper person test**—In determining whether or not a person is a fit and proper person for the purposes of regulation 4, the Commissioner or an authorised officer may have regard, and may give such relative weight as he or she thinks fit, to the following matters:

(a) Whether the person is the holder of a transport service licence:

(b) The person’s relevant criminal history (if any):

- (c) Any offending by the person in respect of transport related offences (including any infringement offences):
- (d) Any complaints made in relation to any transport service provided or operated by the person or in which the person is involved, particularly complaints made by users of the service:
- (e) Any history of persistent failure to pay fines incurred by the person in respect of transport related offences:
- (f) Any other matter that the Commissioner or authorised officer considers reasonable to take into account in the public interest.

**6. Security**—(1) An approved storage provider must ensure that impounded vehicles, and personal property in or on them at the time of seizure, that are in the care of the provider are stored in secure storage premises that are inspected from time to time in the course of each day.

(2) An approved storage provider must provide such other measures as, in the opinion of the Commissioner or any authorised officer, are necessary in order to provide an adequate level of security for impounded vehicles and personal property carried in or on them at the time of seizure that are in the care of the provider.

**7. Access to storage premises**—An approved storage provider must ensure that—

- (a) Members of the police and approved vehicle recovery service operators can gain access to storage premises at any time; and
- (b) Members of the public can gain access to storage premises—
  - (i) Between the hours of 8 am and 6 pm on every day other than a Saturday, Sunday, or public holiday:
  - (ii) Between the hours of 9 am and 1 pm on every Saturday that is not a public holiday.

**8. Insurance**—An approved storage provider must ensure that adequate insurance cover is provided for any loss of or from, or damage to, an impounded vehicle or any property in or on the vehicle at the time of seizure that occurs while the vehicle or property is in the care of the provider.

**9. Proper care**—All reasonable steps must be taken to prevent loss of or from, or damage to, an impounded vehicle or any property in or on the vehicle at the time of seizure, by the following persons:

- (a) The approved storage provider in whose care the impounded vehicle or property is:
- (b) The approved vehicle recovery service operator who undertakes the towage of the impounded vehicle:
- (c) Every employee who has access to the impounded vehicle or property.

**10. Standards of appearance and behaviour**—Every approved storage provider, approved vehicle recovery service operator, and employee must conduct itself, himself, or herself in an orderly, clean, and civil manner in dealings with members of the public in connection with impounded vehicles.

**11. Identification of employees**—(1) Every employee must identify himself or herself by name on request by any member of the public with whom the employee has dealings in connection with an impounded vehicle.

(2) An employee may, for the purposes of subclause (1), wear a name tag or other form of identification that includes the employee's name while carrying out his or her duties.

**12. Payment arrangements**—(1) While a vehicle is impounded, an approved storage provider must accept any payment offered on account of any fees and charges owing for the storage of that vehicle.

(2) For the purposes of section 98 (1) (b) of the Act, an approved storage provider must provide the registered owner of an impounded vehicle who is unable to pay in full the fees or charges owing in respect of that vehicle with the opportunity to make payments by instalment unless the provider considers that the provider would suffer unreasonable prejudice to the provider's financial position as a consequence, having regard to the amount owed and the owner's ability to pay and the need of the storage provider to make a reasonable profit.

**13. Fees payable for fit and proper person test**—(1) The fee payable to the Commissioner, or an authorised officer by a person who is required to be approved as a fit and proper person under regulation 4 (2) (b), is \$28.20.

(2) The fee payable to the Commissioner or an authorised officer by an employer in respect of each employee who is required to be approved as a fit and proper person under regulation 4 (3) (c) is \$28.20.

(3) The Commissioner or an authorised officer may waive the fee required to be paid by subclause (1) or subclause (2), or provide for a rebate of that fee, if the Commissioner or officer is satisfied that there are special circumstances applicable to the particular case.

**14. Fees to be inclusive of GST**—The fees prescribed by or assessed under regulation 13 are inclusive of goods and services tax.

MARIE SHROFF,  
Clerk of the Executive Council.

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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, impose conditions, requirements, and other provisions that must be included in every arrangement entered into under section 97 of the Land Transport Act 1998 between the police and storage providers and vehicle recovery service operators relating to the towing and storage of impounded vehicles. The regulations, in general terms, specify standards or qualifications that must be met for a person to act as an approved storage provider, or an approved vehicle recovery service operator or as an employee of such provider or operator. The regulations also include requirements concerning:

- The security of storage premises:
- Access to storage premises by the police, approved vehicle recovery service operators, and the public:

- Insurance to be held by approved storage providers:
- The proper care of impounded vehicles and property:
- Standards of appearance and behaviour of approved storage providers or approved vehicle recovery service operators and their employees:
- The identification of employees:
- The payment of fees and charges by owners of impounded vehicles:
- The payment of fees in respect of persons required to be approved as fit and proper persons, and the waiver or rebate of such fees.

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