



Land Transport (Road User) Amendment Rule 2007

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, the Minister for Transport Safety makes the following ordinary rule.

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

Rules

- 1 **Title**
This rule is the Land Transport (Road User) Amendment Rule 2007.

- 2 **Commencement**
This rule comes into force on 1 October 2007.

3 Principal rule amended

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

4 Objective

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

5 Consultation

A statement of the extent of 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 Interpretation

- (1) Clause 1.6 is amended by inserting the following definition in its appropriate alphabetical order:

“**service brake** means a brake for intermittent use that is designed for the purpose of slowing down and stopping a vehicle”.

- (2) Clause 1.6 is amended by revoking the definition of **stop lamp** and substituting the following definition:

“**stop lamp** means a lamp that is designed to operate when the service brake is activated”.

7 Giving way where vehicles are controlled by same type of sign or in absence of signs

- (1) Clause 4.2(1) is amended by omitting “a driver is approaching or entering an intersection on a roadway where”.
- (2) Clause 4.2(1)(a) is amended by omitting “the driver” and substituting “a driver”.
- (3) Clause 4.2(1)(a) is amended by omitting “at or near the intersection”.
- (4) Clause 4.2(1)(b) is amended by omitting “the driver” and substituting “a driver”.
- (5) Clause 4.2(1)(b) is amended by omitting “the intersection” and substituting “an intersection”.
- (6) Clause 4.2(1)(c) is amended by omitting “the driver” and substituting “a driver”.

- (7) Clause 4.2(1)(c) is amended by omitting “the intersection” and substituting “an intersection”.
- (8) Clause 4.2 is amended by revoking subclause (2) and substituting the following subclauses:
- “(2) A driver changing lanes or about to change lanes, or turning or about to turn, must give way to any vehicle not changing lanes, or not making a turn.
- “(2A) A driver turning or about to turn to his or her left must give way to any vehicle approaching from the opposite direction and lawfully turning or about to turn to its right.”
- 8 Use of beacons**
Clause 8.5(2) is amended by omitting “dipped beam”.
- 9 Use of motor vehicle lights on parked or standing vehicles**
Clause 8.7(3) is amended by inserting “during the hours of darkness” after “purpose”.

Schedule 1 Objective of rule

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The objective of this rule is to amend the principal rule by—

- (a) amending the definition of **stop lamp** to remove reference to the lamp operating when the brake pedal is depressed, given that not all motor vehicles have brakes (for example, trailers); and
- (b) inserting the definition of service brake to clarify its meaning in the principal rule; and
- (c) applying clause 4.2, which specifies the requirements for giving way where vehicles are controlled by the same type of sign or, in the absence of signs, to locations other than intersections (for example, when making a U-turn or a left turn or a right turn); and

- (d) omitting the words “dipped beam” from clause 8.5(2), so as to reinstate the previous, gazetted approval, which exempted alternately flashing headlamps on emergency vehicles (when attending an emergency) from having to operate on dipped-beam; and
 - (e) clarifying that clause 8.7(3), governing the use of park lights or dipped headlamps by a driver whose vehicle is standing or has stopped on a road for a temporary purpose, applies only during the hours of darkness.
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Schedule 2
Consultation carried out under section 161(2) of
Land Transport Act 1998

- 1 Consultation on this rule began on 28 June 2006 with the release of the draft of Land Transport Rule: Omnibus Amendment 2006 (the **draft Omnibus Amendment Rule**) for public comment. The draft Omnibus Amendment Rule contained proposed minor amendments to 11 Land Transport Rules, including the Land Transport (Road User) Rule 2004 (the **Road User Rule**).
- 2 A letter outlining the proposed amendments was sent to approximately 2 200 organisations and individuals who had expressed an interest, or would be likely to be interested, in the rules to be amended. The availability of the draft was publicised in the 5 metropolitan and selected regional daily newspapers, the *Gazette*, and Te Karere National News. The draft Omnibus Amendment Rule and associated information were made available on Land Transport New Zealand's web site. Fifty submissions were received on the draft, of which 26 commented on the proposed amendments to the Road User Rule.
- 3 Following consultation, the provisions in the draft Omnibus Amendment Rule were divided into separate amendment rules, including this Rule. Issues identified in submissions were taken into account in redrafting the Road User Amendment Rule before it was submitted to the Minister for Transport Safety for signature.

Dated at Wellington this 21st day of August 2007.

Harry Duynhoven,
Minister for Transport Safety.

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 October 2007, amends the Land Transport (Road User) Rule 2004 by replacing the definition of **stop lamp**, inserting the definition of **service brake**, and clarifying aspects of clauses 4.2, 8.5, and 8.7.

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

Date of notification in *Gazette*: 30 August 2007.

This rule is administered by the Ministry of Transport.
