

DRAFT FOR CONSULTATION

Land Transport (Driver Licensing) (COVID-19— Temporary Extension of Deemed Licences) Amendment Rule 2020

This ordinary rule is made by the Associate Minister of Transport under sections 152 and 154(i) of the Land Transport Act 1998, after—

- (a) having complied with the requirements of section 161(2) of that Act; and
- (b) having had regard to the criteria specified in section 164(2) of that Act.

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Rules

1 Title

This rule is the Land Transport (Driver Licensing) (COVID-19—Temporary Extension of Deemed Licences) Amendment Rule 2020.

2 Commencement

This rule comes into force on [16 December 2020].

3 Principal rule

This rule amends the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**).

4 Objective of rule

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

5 Consultation

A statement of the extent of the 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 Clause 88 amended (Recognition of overseas driver licence or permit)

After clause 88(4), insert:

- (5) If this subclause applies to a person, that person may drive under the New Zealand driver licence that they were deemed by subclause (1) to hold on their arrival in New Zealand during the temporary extended period specified in subclause (7).
- (6) Subclause (5) applies—
 - (a) to any person who—
 - (i) arrived in New Zealand after 1 January 2019 and before [16 December 2020] and has remained continuously in New Zealand since the date of their arrival; and
 - (ii) on arrival was deemed by subclause (1) to hold a New Zealand driver licence; and
 - (iii) holds a temporary entry class visa (as defined in section 4 of the Immigration Act 2009); but
 - (b) only if none of the situations specified in subclause (3)(b) to (d) occurred after the person's arrival in New Zealand and before [16 December 2020].
- (7) The temporary extended period begins on [16 December 2020] and ends on the earliest of the following dates:
 - (a) the date that is 24 months after the date of the person's arrival in New Zealand;
 - (b) the date on which a situation specified in subclause (3)(b) to (d) occurs;
 - (c) 31 December 2021.
- (8) Subclause (5) overrides subclause (3)(a).
- (9) This subclause and subclauses (5) to (8) are revoked on 31 December 2021.

7 Clause 88A amended (Recognition of overseas agricultural motor vehicle licence or permit)

After clause 88A(5), insert:

- (6) If this subclause applies to a person, that person may drive under the New Zealand class 1 driver licence that they were deemed by subclause (2) to hold on their arrival in New Zealand during the temporary extended period specified in subclause (8).
- (7) Subclause (6) applies—
 - (a) to any person who—
 - (i) arrived in New Zealand after 1 January 2019 and before [16 December 2020] and has remained continuously in New Zealand since the date of their arrival; and
 - (ii) on arrival was deemed by subclause (2) to hold a New Zealand class 1 driver licence; and
 - (iii) holds a temporary entry class visa (as defined in section 4 of the Immigration Act 2009); but
 - (b) only if none of the situations specified in subclause (4)(b) to (d) occurred after the person's arrival in New Zealand and before [16 December 2020].
- (8) The temporary extended period begins on [16 December 2020] and ends on the earliest of the following dates:
 - (a) the date that is 24 months after the date of the person's arrival in New Zealand;
 - (b) the date on which a situation specified in subclause (4)(b) to (d) occurs;
 - (c) 31 December 2021.
- (9) Subclause (6) overrides subclause (4)(a).
- (10) This subclause and subclauses (6) to (9) are revoked on 31 December 2021.

Schedule 1
Objective of rule

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This Land Transport (Driver Licensing) (COVID-19—Temporary Extension of Deemed Licences) Amendment Rule 2020 (the **amendment rule**) amends the Land Transport (Driver Licensing) Rule 1999.

Due to the effective closure of international borders as a result of COVID-19, there are a number of short-term visitors (seasonal agricultural workers, people visiting family members) who came to New Zealand in 2019 and who would ordinarily have gone home, but are now reaching the point where they need to convert to a New Zealand driver licence in order to continue driving legally on New Zealand roads.

**Land Transport (Driver Licensing) (COVID-19—
Temporary Extension of Deemed Licences) Amendment
Rule 2020**

Schedule 2

The objective of this amendment rule is to allow overseas visitors who are in New Zealand on a temporary visa to drive in New Zealand on their overseas licences for a temporary extended period, without needing to convert their overseas licence to a New Zealand licence. The temporary extended period is up to a maximum of 24 months after arrival, and does not extend beyond 31 December 2021.

**Schedule 2
Consultation**

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[To come]

Dated at Wellington this day of 2020.

Associate Minister of Transport.

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 [16 December 2020], amends the Land Transport (Driver Licensing) Rule 1999 to implement the objective described in *Schedule 1*.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

This rule is administered by the Ministry of Transport.