

DRAFT FOR CONSULTATION

Land Transport (Driver Licensing) Amendment Rule (No 2) 2019

Pursuant to sections 152, 154, 158, and 159 of the Land Transport Act 1998, the Associate Minister of Transport makes the following ordinary rule 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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Rule

1 Title

This rule is the Land Transport (Driver Licensing) Amendment Rule (No 2) 2019.

2 Commencement

This rule comes into force on **[date to be determined]**.

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 2 amended (Interpretation)**

(1) In clause 2(1), replace the definition of **agricultural motor vehicle** with:

agricultural motor vehicle means a vehicle that is designed, constructed, or adapted for agricultural purposes but does not include any vehicle that is—

- (a) of a class specified in Table A of Part 2 of the Land Transport Rule: Vehicle Standards Compliance 2002; and
- (b) designed or constructed for general road use

(2) In clause 2(1), revoke the definitions of **agricultural tractor** and **agricultural trailer**.

7 **Clause 5 amended (Application)**

(1) Revoke clause 5(2)(a).

(2) Replace clause 5(2)(b) and (c) with:

- (b) the requirements in clause 19 that an applicant for a Class 4 licence who is under 25 years of age must hold, and have held for at least 6 months, a full Class 2 licence:
- (c) the requirements in clause 19 that an applicant for a Class 5 licence who is under 25 years of age must hold, and have held for at least 6 months, a full Class 4 licence:

8 **Clause 7 amended (Classes of licences)**

(1) In clause 7(2), delete “, and any other vehicle authorised in accordance with subclauses (3) to (6), in accordance with the conditions imposed by or under this rule”.

(2) Replace clause 7(3) to (6) with:

(3) The holder of a Class 2 licence is also authorised to drive a vehicle to which Class 4 relates if supervised in accordance with clause 7A(1).

(4) The holder of a Class 4 licence is also authorised to drive a vehicle to which Class 5 relates if supervised in accordance with clause 7A(2).

9 **New clause 7A inserted (Driver supervision)**

After clause 7, insert:

7A Driver supervision

- (1) The holder of a Class 2 licence who drives a vehicle to which Class 4 relates must be supervised by a person who—
 - (a) holds either a Class 4 licence or a Class 5 licence that is not subject to a condition imposed under clause 67, 67A, 86, or 89; and
 - (b) has, for a total period of not less than 2 years, held either a Class 4 licence or a Class 5 licence or an equivalent licence issued by another licensing jurisdiction; and
 - (c) during the driving, is seated in the front passenger seat or, if there is no front passenger seat available, is seated as close as is practicable to the driver; and
 - (d) during the driving, is in charge of the vehicle.
- (2) The holder of a Class 4 licence who drives a vehicle to which Class 5 relates must be supervised by a person who—
 - (a) holds a Class 5 licence that is not subject to a condition imposed under clause 67, 67A, 86, or 89; and
 - (b) has, for a total period of not less than 2 years, held either a Class 5 licence or an equivalent licence issued by another licensing jurisdiction; and
 - (c) during the driving, is seated in the front passenger seat or, if there is no front passenger seat available, is seated as close as is practicable to the driver; and
 - (d) during the driving, is in charge of the vehicle.

10 Clause 12 amended (Images on driver licences and driver identification cards)

Replace clause 12(2)(a) with:

- (a) renew or reinstate a driver licence; or
- (ab) obtain an additional licence class; or
- (ac) obtain or renew an endorsement; or

11 Clause 13 amended (Eyesight test)

- (1) Replace the heading to clause 13 with “**Eyesight test or statement**”.
- (2) Replace clause 13(a) to (d) with:
 - (a) to obtain a Class 1L or 6L driver licence; or
 - (b) to obtain or renew a Class 2L, 2, 4, or 5 driver licence; or
 - (c) to obtain any driver licence under clause 89 (conversion of overseas licence); or
 - (d) for the reinstatement of a driver licence—

- (i) under clause 85A(4); or
- (ii) under any other provision if the Agency requires an eyesight test; or
- (e) to obtain or renew an endorsement; or
- (f) for the reinstatement of an endorsement under clause 85A(6) or (7) if the Agency requires an eyesight test under clause 85A(3); or
- (g) for the first renewal of a Class 1 or 6 driver licence, or the first reinstatement of any driver licence, on or after the applicant's 45th birthday; or
- (h) for any renewal or reinstatement of a driver licence as a result of which the expiry date of the licence so renewed or reinstated would be a date after the applicant's 75th birthday.

(3) In clause 13, Insert as subclause (2):

- (2) An applicant for a driver licence or an endorsement, or for the renewal or reinstatement of one, who is not required under subclause (1) to pass an eyesight test must sign a statement that their eyesight is fit for driving.

12 Clause 14 amended (Fees)

In clause 14, delete “or any application under Part 4A”.

13 Clause 15 amended (Obtaining learner licence)

- (1) In the table to clause 15, revoke the items related to Class 3L, Class 4L, and Class 5L.
- (2) In the table to clause 15, item related to Class 6L, paragraph (c), after “produces”, insert “a”.

14 Clause 19 amended (Obtaining full licence)

In clause 19, replace the table with:

Class of licence	Requirements to be satisfied by applicant
Class 1	<ul style="list-style-type: none">(a) holds a Class 1R licence; and(b) if under 25 years of age,—<ul style="list-style-type: none">(i) is 18 years of age or over on the date of application and has held a Class 1R licence for at least 18 months; or(ii) is 17 years and 6 months of age or over on the date of application and has held a Class 1R licence for at least 12 months, if the person provides a certificate showing successful completion by the person of an approved course of a type specified in clause 93(a); and(c) if 25 years of age or over, has held a Class 1R licence,—<ul style="list-style-type: none">(i) if the applicant provides a certificate showing successful completion by the person of an approved course of a type specified in clause 93(a), for at least 3 months; or(ii) in any other case, for at least 6 months; and(d) passes the full licence test under clause 48; and

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Class of licence	Requirements to be satisfied by applicant
Class 2	(e) if 75 years of age or over, or if renewing a licence under clause 67(5)(a), produces a medical certificate in accordance with clause 44
	(a) holds a Class 2L licence; and
	(b) either—
	(i) provides a certificate showing successful completion by the person of a course approved under clause 93(c) for a Class 2 licence; or
	(ii) passes the full licence test under clause 48; and
Class 4	(c) produces a medical certificate in accordance with clause 44
	(a) holds a Class 2 licence; and
	(b) if under 25 years of age, has held the Class 2 licence for at least 6 months; and
	(c) either—
	(i) provides a certificate showing successful completion by the person of a course approved under clause 93(j) for a Class 4 licence; or
	(ii) passes the full licence test under clause 48; and
Class 5	(d) produces a medical certificate in accordance with clause 44
	(a) holds a Class 4 licence; and
	(b) if under 25 years of age, has held the Class 4 licence for at least 6 months; and
	(c) passes the theory test referred to in clause 45(1); and
	(d) either—
	(i) provides a certificate showing successful completion by the person of a course approved under clause 93(k) for a Class 5 licence; or
	(ii) passes the full licence test under clause 48; and
Class 6	(e) produces a medical certificate in accordance with clause 44
	(a) holds a Class 6R licence; and
	(b) either—
	(i) is 18 years of age or over on the date of application, has held a Class 6R licence for at least 18 months, and passes the full licence test under clause 48; or
	(ii) is 17 years and 6 months of age or over on the date of application, has held a Class 6R licence for at least 12 months, and provides a certificate showing successful completion by the person of a course approved under clause 93(k); and
	(c) if 75 years of age or over or if renewing a licence under clause 67(5)(a), produces a medical certificate in accordance with clause 44

15 Part 4A revoked

Revoke Part 4A.

16 Clauses 28 and 29 and cross-heading revoked

Revoke clauses 28 and 29 and the cross-heading above clause 28.

17 Clause 38 amended (Eyesight testing)

- (1) In clause 38(1), replace “for a driver licence or an endorsement, or for the renewal of a driver licence or an endorsement,” with “who is required to pass an eyesight test (*see* clause 13(1))”.
- (2) In clause 38(2)(a), replace “who applies to obtain a Class 1 or Class 6 driver licence, or a dangerous goods or special-type vehicle endorsement” with “who applies to obtain a driver licence of Class 1L, 1R, 1, 6L, 6R, or 6 or a dangerous goods endorsement”.
- (3) In clause 38(2)(b), replace “who applies to obtain a Class 1 or Class 6 driver licence, or a dangerous goods or special type vehicle endorsement” with “who applies to obtain a driver licence of Class 1L, 1R, 1, 6L, 6R, or 6 or a dangerous goods endorsement”.
- (4) In clause 38(2)(c), replace “driver licence of classes 2 to 5” with “driver licence of Class 2L, 2, 4, or 5”.

18 Clause 45 amended (Theory tests required)

- (1) In clause 45(1)(a), replace “3L, 5L” with “5”.
- (2) Revoke clause 45(1)(1A).

19 Clause 48 amended (Practical skills tests required)

- (1) In clause 48(3), delete “3,”.
- (2) Replace clause 48(4) with:
- (4) Except as provided in subclause (5) or clause 53, the applicant must take the test in a vehicle—
 - (a) to which the class of licence sought relates in accordance with Schedule 3; but
 - (b) that the applicant does not already have a licence to drive.

20 Clause 49A revoked (Transitional provision for applicants 80 years and over applying for driver licence)

Revoke clause 49A.

21 Clause 61 amended (Period of validity of endorsement)

Revoke clause 61(4).

22 Clause 67 amended (Renewal of driver licence)

In clause 67(2)(b), delete “3,”.

23 Clause 67A amended (Reinstatement of driver licence with respect to those who have been disqualified for more than 12 months after end of disqualification)

- (1) In clause 67A(2)(e), delete “3,”.

- (2) Replace clause 67A(2)(f) with:
- (f) in the case of an applicant for a Class 1 licence, the person passes—
 - (i) the appropriate theory test under clause 45; and
 - (ii) the appropriate practical driving test in accordance with clauses 48 and 51; and
 - (fa) in the case of an applicant for a licence of Class 2L, 2, 4, or 5, the person passes—
 - (i) both—
 - (A) the appropriate theory test under clause 45 for the highest class of driver licence the person is applying to reinstate; and
 - (B) the appropriate practical driving test in accordance with clauses 48 and 51 for the highest class of driver licence the person is applying to reinstate; or
 - (ii) a course approved under clause 93 (if any); and
- (3) Replace clause 67A(3) with:
- (3) If a person to whom subclause (2)(f) or (fa) applies passes the appropriate theory test there referred to, the person’s driver licence may be reinstated subject to the condition specified in clause 16(1)(a).

24 Clause 71 revoked (Renewal of special-type endorsement)

Revoke clause 71.

25 Clause 85A amended (Reinstatement of surrendered driver licence or endorsement)

Revoke clause 85A(5).

26 Clause 93 amended (Agency may approve courses)

- (1) In clause 93(b)(iv), delete “; or”.
- (2) Revoke clause 93(b)(v) to (viii).
- (3) Replace clause 93(c) with:
- (c) courses that serve as an alternative to passing the Class 2 practical driving test and that—
 - (i) teach a person holding a Class 2L licence the driving knowledge and skills for a Class 2 licence; and
 - (ii) assess the person’s driving competency, knowledge, and skills:
- (4) Revoke clause 93(h).
- (5) Replace clause 93(j) and (k) with:

- (j) courses that serve as an alternative to passing the Class 4 practical driving test and that—
 - (i) teach a person holding a Class 2 licence the driving knowledge and skills for a Class 4 licence; and
 - (ii) assess the person’s driving competency, knowledge, and skills:
- (k) courses that serve as an alternative to passing the Class 5 practical driving test and that—
 - (i) teach a person holding a Class 4 licence the driving knowledge and skills for a Class 5 licence; and
 - (ii) assess the person’s driving competency, knowledge, and skills.

27 Clause 94 amended (Requirements for approval of course)

- (1) In clause 94(5), replace “clause 93(b)(v) to (viii), (c), (d), (e), or (h) must be designed so that a person who has completed the course will have demonstrated the experience” with “clause 93(c), (d), (e), (j), or (k) must be designed so that a person who has completed the course will have demonstrated the competency”.
- (2) In clause 94(7), delete “under the accelerated licensing process set out in Part 4A”.

28 Clause 100 amended (Requirements for approval as course provider)

After clause 100(a), insert:

- (aa) be a fit and proper person to serve as a course provider; and

29 Clause 101 amended (Application for approval as course provider)

In clause 101, insert as subclause (2):

- (2) The Agency may request information relevant to an application from—
 - (a) the applicant;
 - (b) any employer or previous employer of the applicant;
 - (c) any other state agency that has authorised the applicant to provide training;
 - (d) any department of State;
 - (e) the police;
 - (f) any other person that the Agency reasonably considers may have such information.

30 New clause 101A inserted (Fit and proper person assessment)

After clause 101, insert:

101A Fit and proper person assessment

- (1) An assessment of whether a person is a fit and proper person to serve as a course provider is conducted to serve the public interest, including the public interest in—
 - (a) the integrity of the driver licensing regime and the quality of courses provided as part of that regime; and
 - (b) public safety.
- (2) In assessing whether a person is a fit and proper person to serve, or to continue to serve, as a course provider, the Agency may have regard, and give such weight as the Agency considers appropriate, to any of the following matters:
 - (a) the person’s criminal history, if any;
 - (b) any other conduct by the person involving dishonesty or untrustworthiness;
 - (c) the person’s transport-related offences, including infringement offences, if any;
 - (d) the person’s conduct in any courses or training provided;
 - (e) any evaluations given or complaints made in relation to any course or training that the person provided or was involved in providing;
 - (f) any persistent failure to pay fines incurred by the person in respect of transport-related offences;
 - (g) any failure by the person to comply with a condition imposed under clause 102(2) or amended or imposed under clause 102A;
 - (h) any other matter that the Agency considers is appropriate in the public interest.
- (3) If the Agency, in making an assessment, proposes to take into account any information that is, or may be, prejudicial to an applicant, the Agency must disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it.
- (4) Nothing in subclause (3) requires the Agency to disclose any information if such disclosure would be likely to endanger the safety of any person.
- (5) If the Agency does not disclose information in accordance with subclause (4), the Agency must inform the applicant—
 - (a) of the fact of non-disclosure; and
 - (b) that the applicant may seek a review of the non-disclosure by the Privacy Commissioner under the Privacy Act 1993 or by an Ombudsman under the Official Information Act 1982.

31 Clause 102 amended (Approval as course provider)

In clause 102(1), replace “will meet” with “meets”.

32 New clause 102A inserted (Amendment or imposition of conditions)

After clause 102, insert:

102A Amendment or Imposition of conditions

The Agency may, at any time, amend any conditions imposed under clause 102(2) or impose any additional conditions.

33 Clause 103 amended (Agency may revoke or suspend approval of course provider)

(1) After clause 103(1)(b), insert:

(ba) the course provider fails to comply with any condition imposed under clause 102(2) or amended or imposed under clause 102A; or

(2) Replace clause 103(1)(c) with:

(c) the course provider does not meet the requirements described in clause 100.

(3) Insert after clause 103(1):

(1A) A suspension may be for a specified period or until specified conditions are met.

(4) In clause 103(2)(a), replace “exceptional circumstances where public safety is at immediate risk” with “the circumstances set out in subclause (3)”.

(5) In clause 103(2)(b), after “suspension” insert “and disclose any information that would otherwise be required to be disclosed under clause 101A(3) or (5)”.

(6) After clause 103(2), insert:

(3) The circumstances referred to in subclause (2) are that—

(a) the Agency considers that—

(i) the course provider concerned is not a fit and proper person to serve as a course provider; and

(ii) the interests of public safety, or the need to ensure that the public is protected from serious or organised criminal activity, requires immediate suspension of the approval; or

(b) the course provider—or if the course provider is an organisation, any individual who is a manager or officer of the course provider or has a significant role in the providing of courses—has been charged with any offence that is of such a nature that the Agency considers that the interests of public safety, or the need to protect the public against serious or organised criminal activity, requires that a person convicted of committing such an offence not be a course provider.

(4) If the Agency revokes or suspends the approval of course provider in the circumstances described in subclause (3), clause 101A(3) applies with the following modifications:

- (a) any prejudicial information must be disclosed together with the information referred to in subclause (2)(b); and
- (b) the right of appeal referred to in subclause (2)(c) serves as the opportunity to refute or comment.

34 Schedules 2A and 3 replaced

Replace Schedules 2A and 3 with the Schedules 2A and 3 set out in Schedule 3 of this rule.

35 Schedule 4 amended

In Schedule 4, revoke the items related to endorsements with identifying letters F, R, T, and W.

**Schedule 1
Objective of the rule**

cl 4

Content to come.

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

cl 5

Content to come.

Schedule 3
Schedules 2A and 3 replaced

cl 35

Schedule 2A
Transitional, savings, and related provisions

cl 5A

Part 1
Provision relating to Land Transport (Driver Licensing)
Amendment Rule 2014

1 Transitional provision in relation to existing licences of Class 1L, Class 1R, Class 6L, or Class 6R

This rule, as amended by the Land Transport (Driver Licensing) Amendment Rule 2014, applies to a licence of Class 1L, Class 1R, Class 6L, or Class 6R that was issued before the date on which the Land Transport (Driver Licensing) Amendment Rule 2014 came into force, except that—

- (a) nothing in clause 60 (as amended by the Land Transport (Driver Licensing) Amendment Rule 2014) has the effect of changing the expiry date as expressed on the licence; and
- (b) clause 67(1A)(a)(i) and (2B) does not apply in respect of the first renewal of the licence to occur after the date on which the Land Transport (Driver Licensing) Amendment Rule 2014 came into force; and
- (c) for the purpose of any reinstatement of any such licence under clauses 67A, 67B, or 67C,—
 - (i) clause 67A(8) must be read as if it requires that the person comply with clause 67 if the licence has expired or will expire within the following 12 months; and
 - (ii) clause 67B(5) must be read as if it requires that the person comply with clause 67 if the licence has expired or will expire within the following 12 months; and
 - (iii) clause 67C(5) must be read as if it requires that the person comply with clause 67 if the licence has expired or will expire within the following 12 months.

Part 2**Provision relating to Land Transport (Driver Licensing)
Amendment Rule (No 2) 2019****2 Transitional provision in relation to certain licenses and endorsements**

- (1) A person who holds the class of licence described in the first column of the table to this subclause immediately before the Land Transport (Driver Licensing) Amendment Rule (No 2) 2019 (the **amendment rule**) comes into force is deemed to hold the class of licence in the corresponding row of the second column of the table to this subclause once the amendment rule has come into force.

Licence or endorsement before coming into force	Licence or endorsement after coming into force
Class 3L	Class 2
Class 3	Class 5
Class 4L	Class 2
Class 5L	Class 4

- (2) Any of the following endorsements is cancelled on the coming into force of the amendment rule, and any indication of such an endorsement on a driver's licence has no further legal effect:
- (a) a forklift endorsement for use with special-type vehicles that are forklifts (identifying letter F):
 - (b) a roller endorsement for use with special-type vehicles that run on rollers (identifying letter R):
 - (c) a tracks endorsement for use with special-type vehicles that run on self-laying tracks (identifying letter T):
 - (d) a wheels endorsement for use with special-type vehicles that run on wheels and are not forklifts (identifying letter W).

Schedule 3**Classes of driver licence**

cl 7

Licence class(es)	Motor vehicle to which licence relates
Class 1L	<ul style="list-style-type: none"> (a) a motor vehicle (including a tractor but excluding a motorcycle) that has a gross laden weight of not more than 4 500 kg, or a combination vehicle that has a gross combined weight of not more than 4 500 kg (b) a motorised mobile home, self-propelled caravan, or tradesperson's vehicle that has a gross laden weight of not more than 6 000 kg, provided its on-road weight does not exceed 4 500 kg
Class 1R	<ul style="list-style-type: none"> (a) a motor vehicle that may be driven on a Class 1L licence (b) a tractor that has a gross laden weight of not more than 18 000 kg, if driven at a speed not exceeding 40 kph

Licence class(es)	Motor vehicle to which licence relates
Class 1	(c) a combination vehicle (consisting of a tractor and trailer) that has a gross combined weight of not more than 25 000 kg, if driven at a speed not exceeding 40 kph
	(a) a motor vehicle that may be driven on a Class 1L or Class 1R licence
	(b) a rigid vehicle with a gross laden weight of not more than 6 000 kg
	(c) a special-type vehicle that is a forklift or runs on rollers or self-laying tracks and has a gross laden weight of not more than 18 000 kg
	(d) a special-type vehicle that runs on wheels and has a gross laden weight of—
	(i) not more than 6 000 kg; or (ii) more than 6 000 kg but not more than 18 000 kg, if driven at a speed not exceeding 40 kph
Class 2L	(e) a tractor with a gross laden weight of not more than 6 000 kg
	(f) a combination vehicle that has a gross combined weight of not more than 6 000 kg
	(a) a motor vehicle that may be driven on a Class 1L, Class 1R, or Class 1 licence
	(b) a rigid vehicle with a gross laden weight of more than 6 000 kg but not more than 18 000 kg
	(c) a rigid vehicle with a gross laden weight of more than 18 000 kg that has not more than 2 axles
	(d) a tractor with a gross laden weight of not more than 18 000 kg
Class 2	(e) a combination vehicle consisting of a rigid vehicle (with a gross laden weight of not more than 18 000 kg) towing a light trailer
	(f) any other combination vehicle that has a gross combined weight of not more than 12 000 kg
	(a) a motor vehicle that may be driven on a Class 1L, Class 1R, Class 1, or Class 2L licence
	(b) a special-type vehicle that is a forklift or runs on rollers or self-laying tracks and has a gross laden weight of more than 18 000 kg
	(c) a special-type vehicle that runs on wheels and has a gross laden weight of—
	(i) not more than 18 000 kg; or (ii) more than 18 000 kg, if driven at a speed not exceeding 40 kph
Class 4	(a) a motor vehicle that may be driven on a Class 1L, Class 1R, Class 1, Class 2L, or Class 2 licence
	(b) a rigid vehicle (including a tractor) that has a gross laden weight of more than 18 000 kg
	(c) a special-type vehicle that runs on wheels and has a gross laden weight of more than 18 000 kg
	(d) a combination vehicle consisting of a rigid vehicle (with a gross laden weight of more than 18 000 kg) towing a light trailer
Class 5	(a) a motor vehicle that may be driven on a Class 1L, Class 1R, Class 1, Class 2L, Class 2, or Class 4 licence
	(b) a combination vehicle with a gross combined weight of more than 12 000 kg
Class 6L, Class 6R, and Class 6	(a) a motorcycle, moped, or all-terrain vehicle

Dated at Wellington this day of 2019.

Associate Minister of Transport.

Explanatory note

This note is not part of the amendment rule, but is intended to indicate its general effect.

This amendment rule, which comes into force on **[date to be determined]**, amends the Land Transport (Driver Licensing) Rule 1999. It simplifies the classes of driver licence by eliminating classes 3L, 3, 4L, and 5L and eliminating licence endorsements F, R, T, and W. As a result of the elimination of these classes of licence, it adapts the provisions relating to the operation under supervision of vehicles of a higher licence class, including—

- permitting holders of a class 2 licence, under supervision, to operate a class 4 vehicle:
- permitting holders of a class 4 licence, under supervision, to operate a class 5 vehicle.

It reduces or eliminates some of the minimum periods of licence holding, thereby permitting quicker progression to higher classes of licence.

It reduces the number of cases where an eyesight test is mandatory, requiring instead, in certain cases, a signed statement that the applicant's eyesight is fit for driving.

With regard to the approval of course providers, the amendment rule adds a requirement that a course provider be a fit and proper person to serve as a course provider and makes related amendments.

The amendment rule also permits the New Zealand Transport Agency to modify conditions originally imposed at the approval of persons as driver-licence-related course providers or to impose new conditions at any time.

The amendment rule also simplifies the categories of vehicles that holders of licences of various classes are authorised to drive.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These rules are administered by the Ministry of Transport.