

DRAFT FOR CONSULTATION

Land Transport (Road User) Amendment Rule 2011

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

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Rule

- 1 Title**
This rule is the Land Transport (Road User) Amendment Rule 2011.
- 2 Commencement**
This rule comes into force on [date] 2011.
- 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 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 Interpretation**
- (1) The definition of **parking** in clause 1.6 is amended by omitting “meters or vending”.
 - (2) The definition of **school bus** in clause 1.6 is revoked and the following definition substituted:
“**school bus**—
“(a) means a bus that is being used, whether or not for hire or reward,—
“(i) for transporting school children to or from school with or without their teachers; or
“(ii) principally for transporting school children to or from a school function; but
“(b) does not include a bus that—
“(i) is being used principally for transporting school children to or from a school function; and

“(ii) is carrying no more passengers than the seated capacity specified in the bus’s certificate of loading”.

- (3) Clause 1.6 is amended by inserting the following definitions in their appropriate alphabetical order:

“**school bus sign** means a sign required by clause 4.4(14) of Land Transport Rule: Traffic Control Devices 2004

“**specified school bus sign** means the sign specified as W17–1.3 in Schedule 1 of Land Transport Rule: Traffic Control Devices 2004 (symbolic children plus flashing lights)”.

7 Traffic signals in form of disc

Clause 3.2(1)(c) is amended by—

- (a) omitting “left” and substituting “right”; and
- (b) omitting “turn right” and substituting “turn left”.

8 Traffic signals in form of T or B

Clause 3.6 is amended by adding the following subclause:

- “(5) If the rider of a cycle, moped, or motorcycle is lawfully using a bus lane, this clause applies to the rider in the same way that it applies to the driver of a bus.”

9 Drivers’ signals

Clause 3.10(6A) is amended by omitting “is it” and substituting “it is”.

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

- (1) Clause 4.2(1) is revoked and the following subclause substituted:

“(1) This clause applies if both the vehicles moving in the direction in which a driver is travelling and the vehicles approaching from another direction—

- “(a) are not controlled by a stop sign or a give-way sign; or
- “(b) are controlled by a stop sign at or near an intersection; or
- “(c) are controlled by a give-way sign at or near an intersection.”

- (2) Clause 4.2(2A) is amended by—
- (a) omitting “left” and substituting “right”; and
 - (b) omitting “its right” and substituting “its left”.
- (3) Clause 4.2 is amended by adding the following subclauses:
- “(4) A driver on a terminating road who is approaching or crossing a T-intersection must give way to a vehicle on the continuing road, including a vehicle turning or about to turn right into the terminating road.
- “(5) In subclause (4),—
- “**continuing road** means a road that a terminating road intersects with and ends at
 - “**terminating road** means a road that intersects with 1 side of a continuing road and from which no road continues on the other side of the continuing road
 - “**T-intersection** means the intersection of a terminating road with a continuing road.”

11 Giving way when entering or exiting driveway

Clause 4.4 is amended by adding the following subclause:

- “(2) A driver exiting a driveway must give way to a vehicle on a roadway, including a vehicle turning or about to turn right into the driveway.”

12 Speed limits relating to school buses

Clause 5.6(1) is revoked and the following subclauses are substituted:

- “(1) A driver must comply with subclause (1A) when meeting or overtaking a school bus that—
- “(a) is displaying a school bus sign and that is stopped for the purpose of picking up or dropping off school children; or
 - “(b) is displaying a specified school bus sign on which the lights are flashing.
- “(1A) The driver must—
- “(a) drive with due care for the safety of the children; and
 - “(b) drive at a speed not exceeding 20 km per hour while passing any part of the school bus.”

- 13 Parking contrary to notice, traffic sign, or marking**
Clause 6.4(2) is amended by omitting “letter ‘P’ ” and substituting “symbol ‘P’ or ‘P\$’ ”.
- 14 Obstructing vehicle entrances and exits**
Clause 6.9(3) is amended by omitting “discharging or embarking” and substituting “picking up or dropping off”.
- 15 Exceptions under this Part**
Clause 6.20(3) is amended by omitting “taxi” and substituting “small passenger service vehicle”.
- 16 Exceptions to application of requirements relating to use of child restraints and seat belts**
- (1) Clause 7.11(2) is revoked and the following subclause substituted:
- “(2) A driver or passenger who is required to produce a certificate to an enforcement officer under subclause (1)—
- “(a) need only produce a certificate to an enforcement officer within 7 days after being required to do so; and
- “(b) must produce a certificate that is dated, and that was issued, within 2 years before the day on which it is produced to the enforcement officer.”
- (2) Clause 7.11(4) is amended by inserting “7.6,” after “Clauses”.
- 17 Use of optional lights**
Clause 8.4 is amended by adding the following subclause:
- “(3) The driver of a school bus displaying a specified school bus sign may operate the flashing lights on the sign only—
- “(a) while the school bus is stopped for the purpose of picking up or dropping off school children; and
- “(b) within 20 seconds before, and within 20 seconds after, the period for which the bus is stopped.”
- 18 Use of direction indicators as hazard warning**
Clause 8.6(c) is amended by omitting “taxi” and substituting “small passenger service vehicle”.

19 Pedestrian crossings

Clause 10.1(4) is revoked and the following subclause substituted:

- “(4) This clause does not apply to a pedestrian crossing—
- “(a) that is for the time being controlled by an enforcement officer; or
 - “(b) at which a school patrol is operating.”
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Schedule 1
Objective of rule

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The objective of this rule is to amend the principal rule in the following ways:

- (a) to change the definition of school bus to exclude certain buses being used for school functions so that those buses are not subject to the requirements that apply to a school bus:
- (b) to extend the provisions about B signals (which apply to a bus driver) to also apply to the rider of a cycle, moped, or motorcycle who is lawfully using a bus lane:
- (c) to require the driver of a vehicle turning right in certain situations to give way to oncoming vehicles turning left (reversing the current requirement):
- (d) to require the driver of a vehicle on a terminating road who is at a T-intersection to give way to a vehicle on the continuing road, including a vehicle turning right into the terminating road:
- (e) to require the driver of a vehicle exiting a driveway to give way to a vehicle on a roadway, including a vehicle turning right into the driveway:
- (f) to require that a school bus that is stopped to pick up or drop off school children must also be displaying a school bus sign in order for specified requirements to apply to a driver near the school bus:
- (g) to extend the requirements on a driver near a school bus to also apply when the bus is displaying a specified school bus sign on which the lights are flashing:
- (h) to restrict the driver of a school bus to using the flashing lights only while the school bus is stopped to pick up or drop off

school children and within 20 seconds before and 20 seconds after that:

- (i) to extend an exception to the prohibition on double-parking, and a right to use a hazard warning, to cover all small passenger service vehicles (not just taxis):
- (j) to require a medical certificate exempting a person from certain requirements for using a seat belt or child restraint to be no more than 2 years old:
- (k) to exclude requirements for using child restraints from applying to the driver of a bus:
- (l) to exclude certain provisions from applying to a pedestrian crossing while a school patrol is operating at the crossing:
- (m) to make certain other minor changes or corrections.

Schedule 2
Consultation carried out

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[*To come*].

Dated at Wellington this day of 2011.

Minister of Transport.

Explanatory note

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

This rule amends the Land Transport (Road User) Rule 2004 in the ways described in Schedule 1. It comes into force on [*date*] 2011.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*:

**Land Transport (Road User) Amendment
Rule 2011**

This rule is administered by the Ministry of Transport.
