

## **Land Transport Rule: Vehicle Standards Compliance 2002 (Modified Cabs) Class Exemption Notice 2021.**

Pursuant to section 168D of the Land Transport Act 1998, the Director of Land Transport, after being satisfied of the matters set out in section 163D(3) of that Act, gives the following notice.

### **1 Title**

This notice is the **Land Transport Rule: Vehicle Standards Compliance 2002 (Modified Cabs) Class Exemption Notice 2021.**

### **2 Commencement**

This notice comes into force on 6 October 2021.

### **3 Expiry**

This notice expires at the close of 30 September 2026.

### **4 Application**

This notice applies to any heavy motor vehicle that-

- (a) underwent a modification to the structure of its cab on or before 31 October 2018; and
- (b) has not had a heavy vehicle specialist certification (LT400) issued for that modification; and
- (c) complies with all legal requirements applicable to that vehicle, except to the extent specified in paragraph (b).

### **5 Interpretation**

- (1) In this notice-

**Act** means the Land Transport Act 1998

**Rule** means the Land Transport Rule: Vehicle Standards Compliance 2002

- (2) Any term or expression that is defined in the Act or Rule and used, but not defined, in this notice has the same meaning as in the Act or Rule.

### **6 Class exemption**

- (1) A heavy motor vehicle in the class described in clause 4 is exempted from clauses 7.4(1)(b) and (d) of the Rule to the extent that a vehicle inspector may certify such a

vehicle for operation in service without needing to determine on reasonable grounds that-

- (a) the modified cab of the vehicle is within safe tolerance of its state when manufactured; or
  - (b) the vehicle has undergone heavy vehicle specialist inspection and certification of the modified cab only.
- (2) Nothing in subclause (1) affects the application of all other general and specific legal requirements applicable to the vehicle, including the requirement in clause 7.4(1)(b) of the Rule that a vehicle, including any modified cab, must be designed and constructed using components and materials that are fit for their purpose.

Signed at Wellington on 4 October 2021



Kane Patena

Director of Land Transport

### **Explanatory Note**

*This note is not part of the notice. This note indicates the notice's general effect and the reasons for it being given.*

This notice comes into force on 6 October 2021. It expires at the close of 30 September 2026 and may be amended, replaced, or revoked in accordance with section 168E(2) of the Act.

#### *General effect of the class exemption*

The notice grants a temporary class exemption with the effect of allowing heavy motor vehicles which have undergone a cab modification prior to November 2018 to continue to obtain a Certificate of Fitness without needing heavy vehicle specialist certification (known as an LT400) for the cab modification only.

In deciding to grant this exemption the Director of Land Transport has considered the matters set out in section 168D(3) of the Act. The Director is satisfied that the exemption is appropriate considering the Agency's objective, the need to maintain or improve land transport safety, and other relevant and appropriate matters.

#### *Reasons for giving the class exemption*

The requirements for inspection and certification of heavy motor vehicles with modified cabs are complex and have not been reviewed for some years. In consultation with heavy vehicle specialist engineers, certifiers, and other interested persons, the Director of Land Transport has determined that the current requirements should be reviewed.

While the Director of Land Transport is undertaking a review, some heavy motor vehicles are prevented from obtaining further Certificates of Fitness.

It is possible that the review will include the development and implementation of a new regulatory regime for the modification, inspection, and certification of vehicle cabs. Any such regulatory regime may include a new Code of Practice and/or changes to Land Transport Rules.

For the avoidance of doubt, any new regulatory regime may include requirements for vehicles covered by this class exemption to be further modified and/or certified.