

Driving offences and penalties

disqualifications and suspensions

This factsheet outlines some of the traffic enforcement measures used to help make our roads safer. It explains demerit points, licence suspensions, disqualifications, and how to reinstate your licence after your suspension or disqualification ends.

Alcohol and drug affected driving

Alcohol and drug affected driving are serious offences and carry tough penalties, especially for repeat offenders. If you are convicted of a third or subsequent offence, you will be disqualified from driving for more than one year and either fined up to \$6000 or imprisoned for up to two years.

If you cause injury or death when driving carelessly while under the influence of alcohol or drugs, you will be disqualified and either fined up to \$10,000 or sentenced to prison. Where a breath or blood test shows you were over the legal limit or shows evidence of the use of a controlled drug, you will be disqualified and either fined up to \$20,000 or imprisoned for up to five years.

Speeding

Speeding fines increase progressively from \$30 for speeds less than 10km/h over the limit, to \$630 for speeds up to 50km/h over the limit. In addition to a fine, you will also incur demerit points. See the Demerit points section for more information.

If your speed is more than 40km/h above the speed limit you can get a 28-day licence suspension, and at more than 50km/h over the limit you can also be charged with careless, dangerous or reckless driving.

Other offences

Infringement fees range from \$12 for parking offences to \$10,000 for overloading offences. The infringement fee for not wearing a seat belt is \$150.

Court imposed maximum fines for general driving offences range from \$2000 for driving an unsafe vehicle, to up to \$20,000 for reckless or dangerous driving causing injury or death to another person, or for failing to stop after a crash where someone is killed.

For more information, see our website:
www.nzta.govt.nz/licence/offences-penalties/index.html.

Demerit points

Demerit points are given for all speeding infringements (except those recorded by speed camera), some traffic offences and for breaching licence conditions, eg a learner driver unaccompanied by a supervisor or a restricted driver carrying unauthorised passengers.

Demerit points also apply to some alcohol-related infringements and offences, for example, points can also be allocated in conjunction with a court disqualification where the court chooses to disqualify a person for less than six months. For a full list of demerit points, go to www.nzta.govt.nz/licence/offences-penalties/demerit.html.

Demerit points remain active on your licence record for a period of two years from the date of the offence. However, if the court disqualifies you for a period of six months or more, any active demerit points recorded on your licence record at the time will be cancelled and will no longer contribute to your active demerit point total.

If you accumulate 100 or more active demerit points within any two-year period, your licence will be suspended for a period of three months and you will not be entitled to drive. The suspension period begins as soon as the demerit suspension notice is served on you by the Transport Agency, the police or an authorised agent of the Transport Agency.

At the end of your demerit suspension, you'll be unlicensed and not entitled to drive until you've reinstated your licence. See the Reinstating your licence section for more information.

28-day roadside licence suspension

If you're caught committing a serious driving offence that puts the lives of other road users at risk, the police can suspend your licence, on the spot, for 28 days. This is called roadside licence suspension, but can happen anywhere.

The police can apply to the court to extend the original 28-day suspension for a further 28 days, up to three times. For more information, see Factsheet 62 *Suspension of your licence at the roadside*.

28-day roadside vehicle impoundment

Your vehicle will be impounded if you're caught driving under certain specific circumstances. At the end of the 28-day impoundment period, you'll have to pay the towing and storage fees before getting the vehicle back. For further information, see Factsheet 63 *Impoundment of your vehicle at the roadside*.

Disqualifications and suspensions

If your licence has been suspended or you've been disqualified from driving by the courts, you're not entitled to hold your licence and must surrender it to the court, the police, the Transport Agency or an authorised agent of the Transport Agency. If you're caught driving while disqualified or suspended, the vehicle you're driving will be seized and impounded for 28 days. It doesn't matter whether it's your vehicle or not.

For more information see Factsheet 63 *Impoundment of your vehicle at the roadside*.

At the end of your suspension or disqualification, you'll be unlicensed and not entitled to drive until you have reinstated your licence. See the Reinstating your licence section for more information.

Indefinite disqualifications

If you are convicted by the courts (under section 65 of the Land Transport Act 1998 or section 30A of the Transport Act 1962) for repeat driving offences involving drugs or alcohol, you will be indefinitely disqualified. You'll have to prove you've dealt with your drug or alcohol problem before you can apply to have your indefinite disqualification ended.

Step 1: Go to an approved drug and alcohol assessment centre

To find your nearest approved drug and alcohol assessment centre, go to www.nzta.govt.nz/licence/photo/docs/moh-assessment-centres.pdf or contact the Transport Agency on 0800 822 422 or info@nzta.govt.nz. If you received a letter from the Transport Agency about getting your licence back, take it with you to the assessment centre.

After assessing you, the assessment centre will prepare a report on how well you're managing your drug or alcohol problem. The assessment centre will send a copy of that report to the Transport Agency.

Step 2: Apply to have your indefinite disqualification ended

Write to Medical Section, NZ Transport Agency, Private Bag 11777, Palmerston North 4442. Say in the letter that you're asking for your indefinite disqualification to end. The Transport Agency will look at your letter and the assessment centre's report, along with any other information that might be relevant.

If you have served the minimum disqualification period of one year and one day, and the Transport Agency is satisfied that you're managing your drug and/or alcohol problems and that you are fit to hold a licence again, you'll be sent a letter confirming this, and telling you how to reinstate your driver licence.

Step 3: Apply for your licence to be reinstated and sit and pass the driver licence tests

After the Transport Agency has ended your indefinite disqualification, you will be unlicensed and not entitled to drive until you have reinstated your licence. See the Reinstating your licence section for more information.

Alcohol interlock disqualifications

If you are convicted by the courts (under section 65AC of the Land Transport Act 1998) for certain driving offences involving alcohol, you will receive an alcohol interlock disqualification. After your disqualification has ended, you must not drive until you have obtained an alcohol interlock licence. Then, you may only drive vehicles fitted with an approved alcohol interlock device. Read Factsheet 58 *Alcohol interlocks* if you've been given an alcohol interlock disqualification.

Zero alcohol licence

You will be issued a zero alcohol licence if you have been given a zero alcohol sentence by the courts. The zero alcohol licence will be issued when you apply to reinstate your licence.

See the Reinstating your licence section for more information. You will need to complete any fixed period of disqualification the courts have given you before you can apply for a zero alcohol licence. You will remain disqualified and not entitled to drive until you have been issued with your zero alcohol licence.

If you have a zero alcohol licence you must maintain a zero alcohol limit at all times when driving. This means that if you have any alcohol in your system you're not allowed to drive.

You can replace or reinstate your zero alcohol licence, or get an additional licence class or endorsement. However you cannot renew your zero alcohol licence as it can only be held for a period of three years.

You will need to hold your zero alcohol licence for three years. Any period that your zero alcohol licence is not current (eg disqualified, suspended, revoked or reinstate) is not included when calculating the three-year period.

Once the three-year period has been completed, your zero alcohol licence will expire. You will be unlicensed and not entitled to drive until you have reinstated your licence. See the Reinstating your licence section for more information.

Zero alcohol licences are also issued to participants in the alcohol interlock programme. For more information see Factsheet 58 *Alcohol interlocks*.

Reinstating your licence

At the end of a disqualification or suspension (other than 28-day roadside suspensions) or when your zero alcohol licence expires you will be unlicensed and are not entitled to drive until you have applied at a driver licensing agent to have your licence reinstated and a new licence has been issued. Any licence card held by you at the time of your suspension or disqualification will have been permanently cancelled.

You can apply to have your licence reinstated at any driver licensing agent. You will need to:

- complete an *Application for reissue of driver licence* form (DL7)
- provide acceptable evidence of identity - this can be:
 - your New Zealand photo driver licence (which must be current or expired up to two years), or
 - other acceptable forms of evidence of identity (see Factsheet 20 *Identification for driver licensing* for further information and a full list of acceptable identity documents)
- prove your eyesight meets the required standard
- provide a medical certificate if required
- have your image and signature captured
- pay the reinstatement fee of \$66.40.

If you were disqualified for more than 12 months, you will also need to pass the appropriate tests (and pay the test fees) to regain the licence class(es) you held previously. See the Disqualifications exceeding one year section for more information.

If you were indefinitely disqualified after convictions for repeat driving offences involving drugs or alcohol, you will be required to prove you've dealt with your drug or alcohol problem before reinstating your licence. See the Indefinite disqualifications section for more information.

If you drive after your suspension or disqualification has ended, but before your licence has been reinstated, you could be fined and forbidden to drive. If you then continue to drive without reinstating your licence, you could be charged with driving while forbidden and the vehicle impounded. For more information see Factsheet 63 *Impoundment of your vehicle at the roadside*.

Medical certificates

A medical certificate is usually required if you are reinstating a Class 2, 3, 4 or 5 licence, if you have a medical condition which affects your driving or if you are 75 years of age or over.

However, if you are under 75 years of age, you may not have to present a medical certificate if you have already presented one within the last five years, and you sign a declaration.

Medical certificates must:

- be the original
- be from a New Zealand-registered health practitioner - this could be your usual doctor (GP), a registered nurse or nurse practitioner, or a specialist if appropriate
- be no more than 60 days old
- state that you are safe to drive, or set out the conditions under which you can drive.

Disqualifications exceeding one year

If you were disqualified from driving for a continuous period of more than one year, you will also have to pass tests to requalify your licence classes when you apply to reinstate your licence. If you had a car licence (Class 1) or motorcycle licence (Class 6), you'll have to pass the appropriate theory and practical tests (and pay the appropriate fees) to requalify your licence. If you had both a car and a motorcycle licence, and you want both again, you'll have to pass theory and practical tests for each of them.

If you had a heavy vehicle licence (classes 2-5), you only sit theory and practical tests (and pay the appropriate fees) for the highest class to regain all the lower licence classes previously held. For example, the holder of a Class 5 licence won't have to sit the tests for classes 1-4, just the theory and practical tests for Class 5. You can choose to complete an approved course instead of passing a practical test.

If you have successfully completed a theory test but have still to sit a practical test, you will be issued with a licence with a supervisor condition. The supervisor condition will remain until you have passed your practical test.

Driver licence stop order (DLSO)

If you have outstanding traffic related fines or reparation, the Ministry of Justice (MoJ) may impose a driver licence stop order and suspend your driver licence. You will need to contact the MoJ to pay the fines or to make an arrangement to pay before the DLSO can be ended. The MoJ can be contacted at 0800 4 FINES (0800 434 637) or visit their website, <http://www.justice.govt.nz>.

Once you have been served with a DLSO your licence is suspended for an indefinite period and you are not entitled to hold or obtain a driver licence. This means that you cannot drive using your New Zealand licence (including a limited licence) or any overseas licence you may have until the DLSO has been ended and your licence record is shown as current on the Driver

Licence Register.

The Transport Agency cannot end or remove a DLSO; this can only be done by the MoJ.

If you have a DLSO suspension and you are stopped by the police at the side of the road, you are subject to the same penalties that would apply if you were suspended or disqualified for any other reason.

Limited licences

If the disqualification or suspension will cause extreme hardship to you or undue hardship to another person, you might be able to get a limited licence.

You cannot get a limited licence if you are subject to a driver licence stop order, are indefinitely disqualified or have an alcohol interlock licence.

A lawyer can assist you to apply for a court order authorising you to obtain a limited licence. They'll get the documents ready and present them to the court. If the court order is granted, then you must obtain a limited licence from the Transport Agency before you can drive. For more information see Factsheet 50 *Limited licences*.

Learner and restricted licences

Any period of disqualification or suspension is not included in any qualifying time required before you can move to the next stage of your driver licence. This includes any DLSO suspension.

Commonly asked questions

What is a supervisor condition?

If you have met the theory test requirements but you are required to pass the practical test and have not yet done so, you will have a supervisor condition on your licence.

A supervisor is a person who:

- holds a current full New Zealand driver licence for the class of vehicle, and
- has held their full New Zealand driver licence (or an equivalent overseas driver licence) for at least two years, and
- does not have a supervisor condition on their New Zealand licence.

Once you have successfully completed your practical test you will be issued with a new licence without the supervisor condition.

What if I have a motorcycle licence?

If you are requalifying a restricted or full motorcycle licence you do not need to have a supervisor. You will be issued with a learner motorcycle licence and will need to comply with the learner conditions until you pass your practical test and are issued with your restricted or full licence.

That means you:

- must ride a LAMS-approved motorcycle (for more information on LAMS approved motorcycles see Factsheet

- must not carry passengers on the motorcycle or in a sidecar
- must not ride between the hours of 10pm and 5am
- must not tow another vehicle.

What if I only hold an overseas driver licence?

If you were suspended or disqualified from driving and you only hold an overseas driver licence, you are not allowed to drive again in New Zealand until you have obtained a New Zealand driver licence.

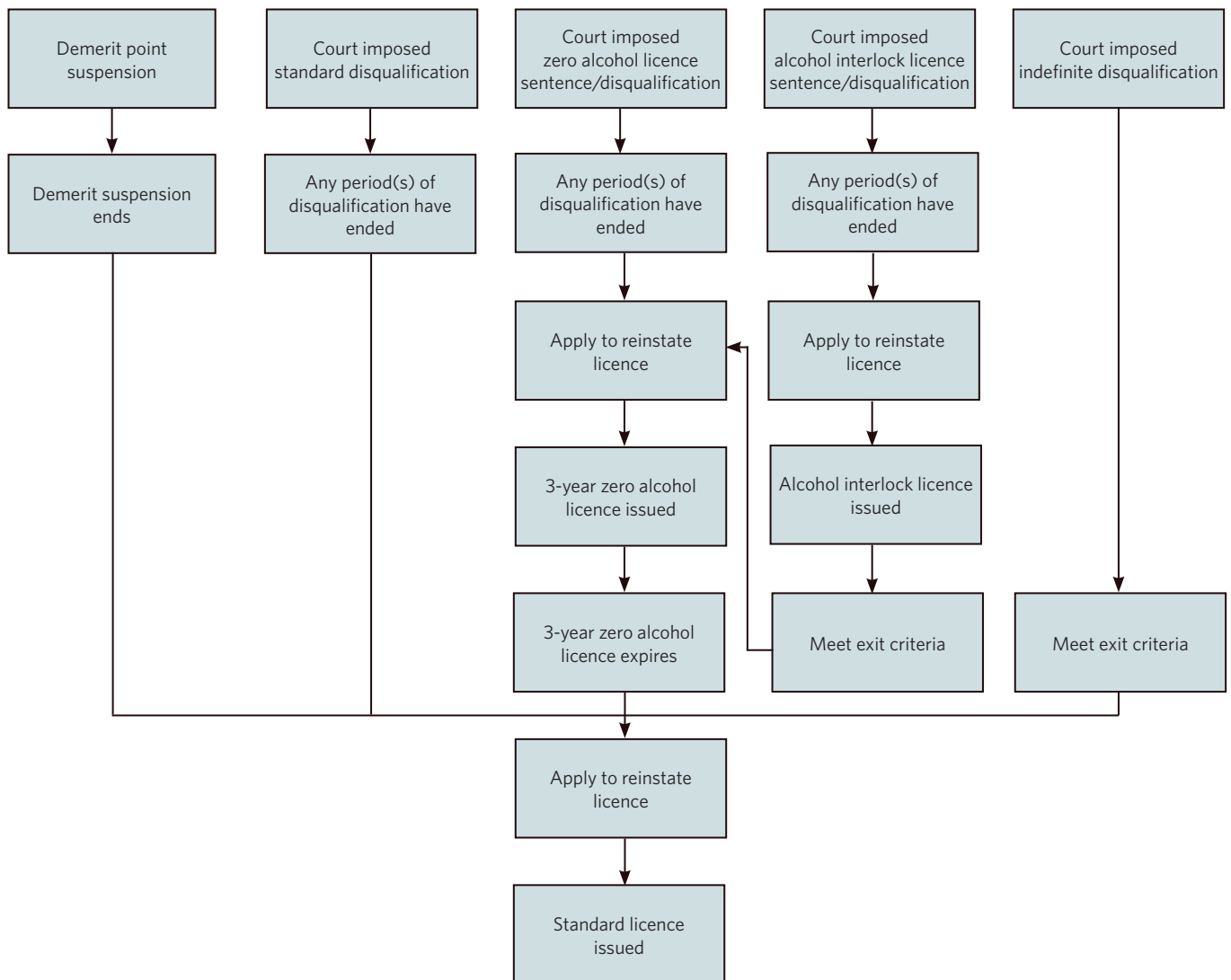
You cannot apply for a New Zealand licence until your suspension or disqualification period has ended. For more information, see Factsheet 72 *Overseas driver licences: converting to a New Zealand licence*.

What if I don't want to apply for my licence?

If you don't want to apply for your indefinite disqualification to end, or apply for an alcohol interlock licence or zero alcohol licence, or you don't want to reinstate or sit your driver licence tests, **don't drive**.

If you're caught driving while any disqualification or suspension is still in place, or while you are unlicensed, you could be fined or even imprisoned. The vehicle you're driving could be seized and impounded for 28 days. It doesn't matter whether it's your vehicle or not.

Overview of disqualification/suspension and reinstatement process



The information in this factsheet is a general guide only. It is not the source of the law and should not be used in place of authoritative legal documents. Some factsheets are updated frequently and print versions can quickly become out of date. If the currency of the information you are reading is important, check the factsheet index on our website (www.nzta.govt.nz/factsheets) or call us on 0800 822 422.

Contact details

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