

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're convicted of a third or subsequent offence, you'll be disqualified from driving for more than one year and either fined up to \$6000 or imprisoned for up to 2 years.

If you cause injury or death when driving carelessly while under the influence of alcohol or drugs, you'll 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 qualifying drug, you will be disqualified and either fined up to \$20,000 or imprisoned for up to 10 years.

For more information go to www.nzta.govt.nz/alcohol-and-drug-limits

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'll 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 go to www.nzta.govt.nz/offences-penalties

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 and drug-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 6 months.

For a full list of demerit points, go to www.nzta.govt.nz/demerits

Demerit points remain active on your licence record for a period of 2 years from the date of the offence. However, if the court disqualifies you for a period of 6 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 2-year period, your licence will be suspended for a period of 3 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 NZ Transport Agency Waka Kotahi (NZTA), the police or an authorised agent of NZTA.

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

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 3 times. For more information, go to www.nzta.govt.nz/roadside-licence-suspension

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 more information go to www.nzta.govt.nz/roadside-vehicle-impoundment

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, NZTA or an authorised agent of NZTA.

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.

At the end of your suspension or disqualification, you'll be unlicensed and not entitled to drive until you've reinstated your licence. See *Reinstating your licence*.

Indefinite disqualifications

If you're convicted by the courts (under section 65 of the Land Transport Act 1998) for repeat driving offences involving drugs or alcohol, you'll 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: Get assessed by an approved drug and alcohol assessment centre

To find your nearest approved drug and alcohol assessment centre, go to www.nzta.govt.nz/assessment-centres

If you have a letter from NZTA 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 NZTA.

NZTA will then assess the report. We'll need to be satisfied that you're managing your drug and/or alcohol problems and are fit to hold a licence again. If you've served the minimum disqualification period of one year and one day, and are fit to hold a licence again, we'll send you a letter confirming this and telling you how to reinstate your driver licence.

Step 2: Apply for your licence to be reinstated and sit and pass the driver licence tests

After NZTA has ended your indefinite disqualification, you will be unlicensed and not entitled to drive until you've reinstated your licence. See *Reinstating your licence*.

Alcohol interlock disqualifications

If you're convicted by the courts (under section 65AC of the Land Transport Act 1998) for certain driving offences involving alcohol, you'll receive an alcohol interlock disqualification. After your disqualification has ended, you must not drive until you've got an alcohol interlock licence. Then, you may only drive vehicles fitted with an approved alcohol interlock device. For more information go to www.nzta.govt.nz/alcohol-interlock

Zero alcohol licence

If you've been given a zero alcohol sentence by the courts, you'll need to get a zero alcohol licence before you can drive again. You'll need to complete any disqualifications the courts have given you before you can apply. You'll remain disqualified and not entitled to drive until you've got your zero alcohol licence.

If you were disqualified less than 12 months, it costs \$37.30 to get a zero alcohol licence. If you were disqualified for 12 months or more, you'll also need to sit tests and pay test fees to get your zero alcohol licence. For more information go to www.nzta.govt.nz/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'll need to hold your zero alcohol licence for 3 years. Any period that your zero alcohol licence isn't current (for example, when you're disqualified) isn't included when calculating the 3-year period.

Once you've completed the 3-year period, your zero alcohol licence will expire. You'll be unlicensed and not entitled to drive until you've reinstated your licence.

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'll be unlicensed. You're not entitled to drive until you've applied at a driver licensing agent and had your licence reinstated. Any licence card you had 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'll need to:

- complete an *Application for reissue of driver licence* form (DL7), available at www.nzta.govt.nz/form-DL7
- provide acceptable evidence of identity - this can be:
 - your New Zealand photo driver licence (which must be current or expired up to 2 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 application fee:
 - if you were disqualified 12 months or less the application fee is **\$48.00**
 - if you were disqualified for more than 12 months the application fee is **\$100.10**

If you were disqualified for more than 12 months, you'll need to pass the appropriate tests to get back the driver licence classes you held previously. See *Disqualifications over one year*.

If you were indefinitely disqualified after convictions for repeat driving offences involving drugs or alcohol, you'll be required to prove you've dealt with your drug or alcohol problem before reinstating your licence. See *Indefinite disqualifications* 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 could be impounded.

Medical certificates

A medical certificate is usually required if you're 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're under 75 years of age, you may not have to present a medical certificate if you've already presented one within the last 5 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 over one year

Car licence tests (class 1)

You'll have to pass a theory test and a practical test for a car.

Your application fee includes 2 theory tests and 2 practical tests. If you need to sit 3 tests or more, you'll pay a fee for each test.

Test type	Test fee for each test from 3rd attempt
Theory test	\$54.60
Full practical test	\$71.90

Learner or restricted tests and test fees are different

If you have a learner licence, you only have to pass a theory test. The application fee includes 2 theory tests.

If you have a restricted licence, you have to pass a theory test and a restricted licence practical test. The application fee includes 2 theory tests and 2 restricted practical tests.

If you need to sit 3 tests or more, you'll pay a fee for each test.

Test type	Test fee for each test from 3rd attempt
Theory test	\$54.60
Restricted practical test	\$102.80

Changing or rebooking a test for a car licence

If you need to change or cancel your test, please do it as far in advance as possible. Then another person can book the test slot.

When you change or cancel your test, you may need to pay a fee.

If you change or cancel your test within 2 full working days of the day of your test, this counts as one of your included tests.

Theory tests

If it's your:	and you change or cancel it:	then you'll pay:
1st test	anytime	\$16.40
2nd test	more than 2 full working days <i>before</i> the date of your test	\$16.40
	within 2 full working days of your test	\$54.60
3rd test or more	more than 2 full working days <i>before</i> the date of your test	\$16.40
	within 2 full working days of your test	\$54.60

Practical tests

If it's your:	and you change or cancel it:	and you do it:	then you'll pay:
1st test	anytime	online	nothing
		at an agent	\$16.40
2nd test	more than 2 full working days <i>before</i> the date of your test	online	nothing
		at an agent	\$16.40
3rd test or more	more than 2 full working days <i>before</i> the date of your test	online or at an agent	\$102.80 (restricted) or \$71.90 (full)
		online	nothing
		at an agent	\$16.40
3rd test or more	within 2 full working days of your test	online or at an agent	\$102.80 (restricted) or \$71.90 (full)

For example, if your **first** test is booked on Monday, and you cancel it on the Friday beforehand, this counts as your first test. When you rebook your test, this will be your **second** test.



If you cancel the test, you won't have to pay anything at the time. You'll pay the fee above when you rebook the test.

Heavy vehicle tests (class 2-5)

If you had a heavy vehicle licence (classes 2-5), you only sit a theory and a practical test for the highest class. For example, for a class 5 licence you just sit a theory and practical test for class 5.

It's free to change, cancel or rebook your test. Please do it as far in advance as possible so someone else can book the test time.

You can complete an approved course instead of passing a practical test.

Motorcycle tests (class 6)

You'll have to pass a theory and practical test for a motorcycle.

It's free to change, cancel or rebook your motorcycle test. Please do it as far in advance as possible so someone else can book the test time.

If you also want to get your car licence back, you'll need to sit both sets of tests.

Supervisor condition or learner licence

If you've passed a theory test but still have to sit a practical test, you'll get a licence with a supervisor condition. The supervisor condition will remain until you've passed your practical test.

This means you must only drive when you have a supervisor in the front seat next to you. A supervisor is a person who:

- holds a current full New Zealand driver licence for the class of vehicle, and
- does not have a supervisor condition on their New Zealand licence, and
- has held their full New Zealand driver licence for at least 2 years OR has held an equivalent overseas driver licence for at least 2 years.

If you're getting a motorcycle licence back, you'll get a motorcycle learner licence instead of a supervisor condition. You'll need to follow the motorcycle learner conditions until you've passed your practical test.

- You must only ride a LAMS-approved motorcycle - for more information go to www.nzta.govt.nz/LAMS
- You must not carry passengers on the motorcycle or in a sidecar
- You must not ride between the hours of 10pm and 5am
- You must not tow another vehicle.

Not reinstating your 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're 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.

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'd generally be served a DLSO suspension by a bailiff or by the police at the roadside.

You'll 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 go to <http://www.justice.govt.nz>

Once you've been served with a DLSO your licence is suspended for an indefinite period and you're not entitled to hold or get 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.

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

If you have a DLSO suspension and you're stopped by the police at the side of the road, you're 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 can't get a limited licence if you're subject to a driver licence stop order, are indefinitely disqualified or have an alcohol interlock licence.

A lawyer can help you apply for a court order authorising you to get a limited licence. They'll get the documents ready and present them to the court. If the court order is granted, then you must get a limited licence from NZTA before you can drive. For more information go to www.nzta.govt.nz/limited-licence

Learner and restricted licences

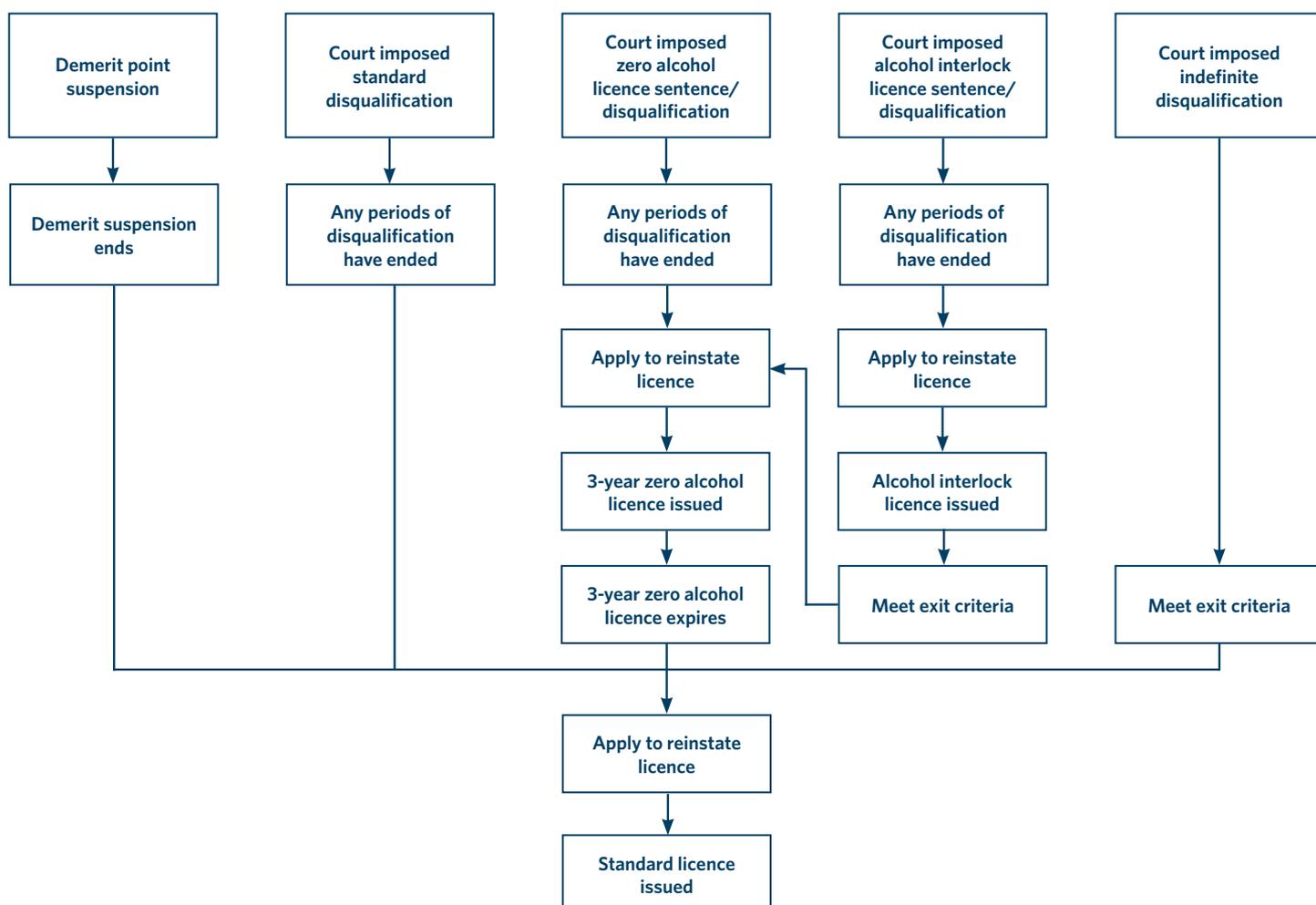
Any period of disqualification or suspension is not included in any qualifying time required before you can move to the next stage of your driver licence. This includes any DLSO suspension.

Overseas driver licences

If you were suspended or disqualified from driving and you only hold an overseas driver licence, you're not allowed to drive again in New Zealand until you've got a New Zealand driver licence.

You cannot apply for a New Zealand licence until your suspension or disqualification period has ended. For more information go to www.nzta.govt.nz/overseas-conversion

Overview of disqualification/suspension and reinstatement process



This factsheet is a general guide only. It doesn't replace legal advice, and your exact requirements will depend on current legislation.

Make sure you have the most up-to-date version of this factsheet by checking www.nzta.govt.nz/factsheets



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