

This factsheet explains when your licence can be suspended, the impact on your eligibility to drive and what you need to do when the suspension has ended.

If you're caught committing a serious driving offence, the police can suspend your licence for 28 days. This will be effective immediately.

This is called **roadside licence suspension**, but it can happen anywhere:

- at the roadside after you're pulled over for speeding
- at a police station or wherever the police find you after they receive confirmation that your blood-alcohol level significantly exceeded the legal limit (see below)
- wherever you are if you refused to undergo a blood test.

Roadside licence suspension is an instant and severe penalty for driving in a way that puts the lives of other road users at risk.

When is roadside suspension used?



Roadside licence suspension is used only when serious traffic offences have been committed. Your licence will be suspended immediately for 28 days if you:

- have relevant convictions* in the last four years and are caught drink-driving with a breath-alcohol concentration exceeding 400 micrograms per litre of breath
- have relevant convictions* in the last four years and are caught drink-driving with a blood-alcohol concentration exceeding 80 milligrams of alcohol per 100 millilitres of blood
- do not have relevant convictions* and are caught drink-driving with a breath-alcohol concentration exceeding 650 micrograms of alcohol per litre of breath
- do not have relevant convictions* and are caught drink-driving with a blood-alcohol concentration exceeding 130 milligrams of alcohol per 100 millilitres of blood
- fail or refuse to supply a blood sample to be tested for excess blood alcohol
- are caught speeding at more than 40km/h above a permanent speed limit (does not apply to speed camera offences)
- are caught speeding at more than 50km/h above any other speed limit (does not apply to speed camera offences).

* Relevant convictions are convictions for an offence against any of the following sections of the Land Transport Act 1998:

- Section 56(1) - driving or attempting to drive with a breath alcohol concentration exceeding 400 micrograms per litre of breath.
- Section 56(2) - driving or attempting to drive with a blood-alcohol concentration exceeding 80 milligrams of alcohol per 100 millilitres of blood.
- Section 58(1) - driving or attempting to drive while under the influence of drink or a drug or both to such extent as being incapable of having proper control of the vehicle.
- Section 60(1) - failing or refusing to permit a blood specimen to be taken, or failing or refusing to undergo a compulsory impairment test (ie test for drug use).
- Section 61(1) - causing injury or death, while in charge of a motor vehicle with a breath alcohol concentration exceeding 400 micrograms per litre of breath or a blood-alcohol concentration exceeding 80 milligrams of alcohol per 100 millilitres of blood.
- Section 61(2) - causing injury or death, while in charge of a motor vehicle while under the influence of drink or a drug or both to such extent as being incapable of having proper control of the vehicle; or a blood test shows use of a qualifying drug.

Why have roadside licence suspension?

We're serious about removing dangerous drivers from our roads. Roadside licence suspension:

- imposes a penalty that is swift, severe and certain
- deters drivers from offending.

Each year:

- around 8000 drivers are convicted of drink-driving offences involving alcohol levels significantly above the legal limit
- around 1800 drivers are caught driving significantly above the speed limit
- 1600 drivers refuse to provide a blood sample.

What happens if my licence is suspended?

You're given a suspension notice by the police, saying that the 28-day suspension of your licence takes effect immediately. You won't be able to drive home.

The police officer will take your licence from you. You will have to surrender it immediately.

What happens after the 28-day suspension period has expired?

If the police handed your licence over to the NZ Transport Agency, your licence will be returned to you (unless the 28 day period has been extended by the district court, or your licence has expired, or you were disqualified from driving or suspended for any other reason during the 28-day suspension period).

If the police didn't hand your licence to the Transport Agency, you'll have to apply for a replacement (it costs \$38.20 and you'll need to show evidence of your identity).

Appeal process

If you receive a 28 day suspension notice from the police, you can appeal to the Transport Agency against the suspension. The only grounds for appeal are that:

- you were not the driver of the vehicle at the time of the offence, or
- the police officer did not have reasonable grounds to believe the offence was committed, or
- the police officer did not give you a notice that complied with the prescribed requirements.

An appeal on the grounds that roadside licence suspension will cause undue hardship will not be considered.

Step 1: Obtain a *Statutory declaration to support appeal against 28-day suspension* form (DL21), available from any regional office of the Transport Agency, our contact centre (0800 822 422), or you can download the form from our website at www.nzta.govt.nz/resources/factsheets/62/docs/dl21.pdf

Step 2: Complete the **Statutory declaration** and attach any supporting documentation, including a copy of the suspension notice.

Step 3: Have the completed **Statutory declaration** witnessed by a Justice of the Peace, solicitor, authorised employee of the Transport Agency or any other person authorised to take a statutory declaration.

Step 4: Send your completed and witnessed **Statutory declaration** and supporting documentation to: Team Leader Business Administration, NZ Transport Agency, Private Bag 11777, Palmerston North 4442.

If your appeal is successful, your licence will be sent back to you. If your appeal is unsuccessful, you can make a further appeal to a district court.

Extension of 28-day suspension period

The district court can extend the original 28-day suspension period up to three times. Any appeal against an extension of the original 28-day suspension must be made to the high court.

If my licence is suspended, do I still need to go to court?

Yes, if the offence you committed is serious enough to warrant a court appearance. As well as your licence being suspended for 28 days, the court may impose licence disqualification and either a fine or prison.

What happens if I'm acquitted in court after my licence has been suspended?

If you're acquitted, your 28-day suspension ends immediately. If the police handed your licence over to the Transport Agency, your licence will be returned to you (providing it is still current). If the police didn't hand your licence to the Transport Agency, you'll have to apply for a replacement.

Where you can find out more

- Email us: info@nzta.govt.nz.
- Call contact centre: 0800 822 422.
- Write to us: NZ Transport Agency, Private Bag 11777, Palmerston North 4442.

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

- Call our contact centre: 0800 822 422.
- Visit our website: www.nzta.govt.nz.
- Email us: info@nzta.govt.nz.
- Write to us: NZ Transport Agency, Private Bag 11777, Palmerston North 4442.