



Land Transport (Driver Licensing) Amendment Rule 2013

Pursuant to sections 152, 154, and 158 of the Land Transport Act 1998, and after having had regard to the criteria specified in section 164(2) of that Act, the Associate Minister of Transport makes the following ordinary rule.

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Rule

1 Title

This rule is the Land Transport (Driver Licensing) Amendment Rule 2013.

2 Commencement

This rule comes into force on 1 June 2013.

3 Principal rule

This rule amends the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**).

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 Clause 2 amended (Interpretation)

(1) In clause 2(1), insert in their appropriate alphabetical order:

“**agricultural motor vehicle**—

“(a) means a vehicle that is designed, constructed, or adapted for agricultural purposes; and

“(b) includes—

“(i) an agricultural tractor; and

“(ii) an agricultural trailer; but

“(c) does not include any vehicle that is—

“(i) of a class specified in Table A of Part 2 of the Land Transport Rule: Vehicle Standards Compliance 2002; and

“(ii) designed or constructed for general road use

“**agricultural purpose**—

“(a) includes—

“(i) land cultivation:

“(ii) growing and harvesting crops (including horticulture and viticulture):

- “(iii) rearing livestock:
 - “(iv) any land management operation undertaken in connection with—
 - “(A) the operation or management of a farm; or
 - “(B) a purpose described in subparagraphs (i) to (iii); but
 - “(b) does not include forestry, or any land management operation not referred to in paragraph (a)(iv)
 - “**agricultural tractor** means a vehicle that is designed and constructed principally for the purposes of—
 - “(a) towing an agricultural trailer; or
 - “(b) drawing, or powering, an implement ordinarily used for an agricultural purpose
 - “**agricultural trailer**—
 - “(a) means a trailer that is used principally for agricultural purposes; and
 - “(b) includes a wheeled agricultural implement, the wheels of which are in contact with the road when the implement is being towed; but
 - “(c) does not include—
 - “(i) a trailer that is—
 - “(A) designed principally for the carriage of goods; and
 - “(B) operated at a speed exceeding 40 kph; or
 - “(ii) a logging trailer”.
- (2) In clause 2(1), definition of **all-terrain vehicle**, delete “special-purpose”.

7 Clause 28 replaced (When special-type vehicle endorsement required)

Replace clause 28 with:

“28 When special-type vehicle endorsement required

A person who drives a special-type vehicle on a road must hold the appropriate special-type vehicle endorsement as specified in Schedule 4, unless the person holds a class 2 licence and the vehicle—

- “(a) is also an agricultural motor vehicle; and
- “(b) has a gross laden weight of less than 18 000 kg; and
- “(c) is driven at a speed not exceeding 40 kph.”

8 New clause 88A inserted (Recognition of overseas agricultural motor vehicle licence or permit)

After clause 88, insert:

“88A Recognition of overseas agricultural motor vehicle licence or permit

“(1) Subclause (2) applies—

“(a) to a person who is entitled to drive an agricultural motor vehicle or vehicles (but no other vehicles) under a valid and current driver licence or permit issued overseas to the person; and

“(b) where there is no New Zealand equivalent to that class or type of licence or permit.

“(2) A person, on arrival in New Zealand, is deemed to hold a New Zealand class 1 driver licence that entitles the person to drive an agricultural motor vehicle or vehicles equivalent to the vehicle or vehicles referred to in subclause (1)(a) (but no other vehicles) in New Zealand.

“(3) However, subclause (2) does not apply unless—

“(a) the overseas driver licence or permit is written in English; or

“(b) the person who holds the overseas driver licence or permit also carries an accurate English translation of the licence or permit.

“(4) A person who is deemed by subclause (2) to hold a New Zealand class 1 driver licence may continue to drive under that deemed driver licence until the first of the following situations occurs:

“(a) the person has remained in New Zealand for a continuous period of 12 months:

“(b) the document that enabled the person to be deemed to hold a New Zealand class 1 driver licence under subclause (2) expires, is suspended, or is revoked:

“(c) an order is made disqualifying the person from holding or obtaining a driver licence or permit, either in New Zealand or in the jurisdiction that granted the overseas driver licence or permit:

“(d) the person obtains or renews a New Zealand driver licence that entitles the person to drive an agricultural motor vehicle or vehicles referred to in subclause (1)(a).

- “(5) To avoid doubt, nothing in this clause entitles a person—
- “(a) to drive a vehicle other than an agricultural motor vehicle; or
 - “(b) to apply for, or be issued with, a New Zealand driver licence.”

9 Schedule 3 amended

- (1) In Schedule 3, after the item relating to licence classes 1L and 1R, insert:

Class 1R an agricultural tractor that has a gross laden weight of not more than 18 000 kg, or a combination vehicle (consisting of an agricultural tractor and agricultural trailer) that has a gross combined weight of not more than 25 000 kg, if driven (in either case) at a speed not exceeding 40 kph

- (2) In Schedule 3, item relating to licence class 1,—

- (a) replace paragraph (b)(ii) with:
 - (ii) more than 6 000 kg but not more than 18 000 kg, if driven at a speed not exceeding—
 - (A) 40 kph, in the case of a special-type vehicle that is an agricultural motor vehicle; or
 - (B) 30 kph, in the case of any other special-type vehicle
- (b) replace paragraphs (d) and (e) with:
 - (d) a tractor (other than an agricultural tractor) with a gross laden weight of more than 6 000 kg but not more than 18 000 kg, if driven at a speed not exceeding 30 kph
 - (e) a combination vehicle, consisting of a tractor (other than an agricultural tractor) towing a trailer, with a gross combined weight of not more than 25 000 kg, if it is being used in non-agricultural land management operations and is driven at a speed not exceeding 30 kph

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- (ea) an agricultural tractor with a gross laden weight of more than 6 000 kg but not more than 18 000 kg, or a combination vehicle (consisting of an agricultural tractor and agricultural trailer) with a gross combined weight of not more than 25 000 kg, if (in either case) driven at a speed not exceeding 40 kph
- (eb) an agricultural tractor with a gross laden weight of more than 6 000 kg but not more than 18 000 kg, or a combination vehicle (consisting of an agricultural tractor and agricultural trailer) with a gross combined weight of not more than 25 000 kg, if (in either case) the driver holds a special-type vehicle endorsement
- (c) paragraph (g), replace “paragraph (d)” with “paragraph (e), (ea), or (eb)”.
- (3) In Schedule 3, item relating to licence class 2, after paragraph (c), insert:
- (d) a special-type vehicle that is an agricultural motor vehicle that runs on wheels and has a gross laden weight of more than 6 000 kg but not more than 18 000 kg, if driven (whether or not the driver holds a special-type vehicle endorsement) at a speed not exceeding 40 kph
- (4) In Schedule 3, replace the item relating to licence classes 3 and 3L with:
- Classes 3 and 3L a combination vehicle that has a gross combined weight of more than 12 000 kg but not more than 25 000 kg
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Schedule 1

Objective of rule

cl 4

The objective of this amendment rule, and of the amendments to 7 other Land Transport Rules, is to ensure that legislation that affects the primary production sector is fit for purpose and does not impose unnecessary costs or restrictions, including on the ability of the sector to manage critical operations where time or weather is a limiting factor.

The objective of this rule is to amend the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**) in the following ways:

- (a) to increase the maximum speed limit for class 1 licensed drivers of agricultural vehicles from 30 kph to 40 kph:
- (b) to permit drivers with a class 1 (car) restricted licence to operate agricultural tractors up to 18 000 kg (25 000 kg in combination with an agricultural trailer) at a speed not exceeding 40 kph:
- (c) to allow the wider use of the special-type vehicle endorsement on the class 1 (car) licence. Holders of this endorsement will be permitted to operate certain vehicles that currently require a class 2 (heavy vehicle) licence:
- (d) to enable the holder of an overseas agricultural vehicle licence to drive an equivalent agricultural vehicle permitted to be driven on a New Zealand class 1 (car) licence for up to 12 months.

Schedule 2

cl 5

Consultation carried out under section 161(2) of Act

For the purposes of consultation, proposed amendments to the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**) and other Land Transport Rules applying to vehicles used for agricultural purposes were combined into a single rule, the Land Transport Rule: Agricultural Vehicles Amendment 2012 (the **Omnibus Rule**). The rule amendment proposals arose out of a review of agricultural transport legislation in 2012 involving government agencies, key transport and agriculture industry stakeholders, and the public.

On 19 October 2012, the New Zealand Transport Agency (the **NZTA**) sent details of the amendment proposals by letter or email to approximately 2 300 groups and individuals who had registered an interest in the rules to be amended. The Omnibus Rule was made available through the NZTA's contact centre and, together with questions and answers, was also available on the NZTA's Internet site. The availability of the amendment proposals for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*.

The NZTA received 29 submissions on the Omnibus Rule, of which 21 commented on the proposed amendments to the principal rule.

Following consultation, the provisions in the Omnibus Rule were split into separate amendment rules, including this rule. The submissions that were received were taken into account in finalising this rule before it was submitted to the Associate Minister of Transport for signing.

Dated at Wellington this 28th day of March 2013.

Michael Woodhouse,
Associate Minister of Transport.

Explanatory note

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

This rule, which comes into force on 1 June 2013, amends the Land Transport (Driver Licensing) Rule 1999 in the ways described in *Schedule 1*. In summary, the changes enable class 1 licence holders to drive a wider range of agricultural vehicles, increase the speed limits at which certain agricultural vehicles may be driven, and deem holders of overseas agricultural vehicle licences to hold a New Zealand class 1 licence.

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This rule is administered by the Ministry of Transport.
