



Land Transport (Road User) Amendment Rule 2011

Pursuant to sections 152, 153, and 157 of the Land Transport Act 1998, the Minister of Transport makes the following ordinary rule.

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Schedule 2
Consultation carried out

8

Rule**1 Title**

This rule is the Land Transport (Road User) Amendment Rule 2011.

2 Commencement

- (1) Clauses 7, 10, and 11 come into force at 5 am on 25 March 2012.
- (2) The rest of this rule comes into force on 1 October 2011.

3 Principal rule amended

This rule amends the Land Transport (Road User) Rule 2004.

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 Interpretation

- (1) The definition of **parking** in clause 1.6 is amended by omitting “meters or vending”.
- (2) The definition of **school bus** in clause 1.6 is revoked and the following definition substituted:
“**school bus**—
“(a) means a bus that is being used, whether or not for hire or reward,—
 “(i) for transporting school children to or from school with or without their teachers; or
 “(ii) principally for transporting school children to or from a school function; but
“(b) does not include a bus that—

- “(i) is being used principally for transporting school children to or from a school function; and
 - “(ii) is carrying no more passengers than the seated capacity specified in the bus’s certificate of loading”.
- (3) Clause 1.6 is amended by inserting the following definitions in their appropriate alphabetical order:
- “**school bus sign** means a sign required by clause 4.4(14) of Land Transport Rule: Traffic Control Devices 2004
- “**specified school bus sign** means the sign specified as W17-1.3 in Schedule 1 of Land Transport Rule: Traffic Control Devices 2004 (symbolic children plus flashing lights)”.

7 **Traffic signals in form of disc**

Clause 3.2(1)(c) is amended by—

- (a) omitting “left” and substituting “right”; and
- (b) omitting “turn right” and substituting “turn left”.

8 **Traffic signals in form of T or B**

Clause 3.6 is amended by adding the following subclause:

- “(5) If the rider of a cycle, moped, or motorcycle is lawfully using a bus lane, this clause applies to the rider in the same way that it applies to the driver of a bus.”

9 **Drivers’ signals**

Clause 3.10(6A) is amended by omitting “is it” and substituting “it is”.

10 **Giving way where vehicles are controlled by same type of sign or in absence of signs**

- (1) Clause 4.2(1) is revoked and the following subclause substituted:
- “(1) This clause applies if both the vehicles moving in the direction in which a driver is travelling and the vehicles approaching from another direction—
- “(a) are not controlled by a stop sign or a give-way sign; or
 - “(b) are controlled by a stop sign at or near an intersection;
- or

- “(c) are controlled by a give-way sign at or near an intersection.”
- (2) Clause 4.2(2A) is amended by—
- (a) omitting “left” and substituting “right”; and
 - (b) omitting “its right” and substituting “its left”.
- (3) Clause 4.2(3) is amended by adding “unless subclause (2) or (4) applies”.
- (4) Clause 4.2 is amended by adding the following subclauses:
- “(4) A driver on a terminating road who is approaching or crossing a T-intersection must give way to a vehicle on the continuing road, including a vehicle turning or about to turn right into the terminating road.
- “(5) In subclause (4),—
- “**continuing road** means a road that a terminating road intersects with and ends at
 - “**terminating road** means a road that intersects with 1 side of a continuing road and from which no road continues on the other side of the continuing road
 - “**T-intersection** means the intersection of a terminating road with a continuing road.”

11 Giving way when entering or exiting driveway

- (1) Clause 4.4 is amended by adding “, cycle path, or shared path (as described by clause 11.1A(1))”.
- (2) Clause 4.4 is amended by adding the following subclause as subclause (2):
- “(2) A driver exiting a driveway must give way to a vehicle on a roadway, including a vehicle turning or about to turn right into the driveway.”

12 Speed limits relating to school buses

- Clause 5.6(1) is revoked and the following subclauses are substituted:
- “(1) A driver must comply with subclause (1A) when meeting or overtaking a stopped school bus—

- “(a) that is displaying a school bus sign and is stopped for the purpose of picking up or dropping off school children;
or
 - “(b) that is displaying a specified school bus sign on which the lights are flashing.
- “(1A) The driver must—
- “(a) drive with due care for the safety of the children; and
 - “(b) drive at a speed not exceeding 20 km per hour while passing any part of the school bus.”

13 Parking contrary to notice, traffic sign, or marking

Clause 6.4(2) is amended by omitting “letter ‘P’ ” and substituting “symbol ‘P’ or ‘P\$’ ”.

14 Obstructing vehicle entrances and exits

Clause 6.9(3) is amended by omitting “discharging or embarking” and substituting “picking up or dropping off”.

15 Exceptions under this Part

Clause 6.20(3) is amended by omitting “taxi” and substituting “small passenger service vehicle”.

16 Exceptions to application of requirements relating to use of child restraints and seat belts

- (1) Clause 7.11(2) is revoked and the following subclauses are substituted:
 - “(2) A driver or passenger who is required to produce a certificate to an enforcement officer under subclause (1) has 7 days, after the day on which the requirement is imposed, to do so.
 - “(2A) If the certificate produced to the enforcement officer was issued on or after 1 October 2011,—
 - “(a) the certificate must specify the date on which it was issued and its expiry date; and
 - “(b) the expiry date must be on or after the day on which the certificate was required to be produced.”
- (2) Clause 7.11(4) is amended by inserting “7.6,” after “Clauses”.

17 Use of optional lights

Clause 8.4 is amended by adding the following subclause:

- “(3) The driver of a school bus displaying a specified school bus sign may operate the flashing lights on the sign only—
- “(a) while the school bus is stopped for the purpose of picking up or dropping off school children; and
 - “(b) within 20 seconds before, and within 20 seconds after, the period for which the bus is stopped.”

18 Use of direction indicators as hazard warning

Clause 8.6(c) is amended by omitting “taxi” and substituting “small passenger service vehicle”.

19 Pedestrian crossings

Clause 10.1(1)(a)(ii) is amended by inserting “and who are not behind a school patrol sign” after “cross it”.

Schedule 1
Objective of rule

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The objective of this rule is to amend the principal rule in the following ways:

- (a) to change the definition of school bus to exclude certain buses being used for school functions so that those buses are not subject to the requirements that apply to a school bus;
- (b) to extend the provisions about B signals (which apply to a bus driver) to also apply to the rider of a cycle, moped, or motorcycle who is lawfully using a bus lane;
- (c) to require the driver of a vehicle turning right in certain situations to give way to oncoming vehicles turning left (reversing the current requirement);
- (d) to require the driver of a vehicle on a terminating road who is at a T-intersection to give way to a vehicle on the continuing road, including a vehicle turning right into the terminating road;
- (e) to provide that the rules for giving way to a driver not making a turn or on a continuing road at a T-intersection prevail over

the rule for giving way to a vehicle on the driver's right at an intersection:

- (f) to require a driver entering or exiting a driveway to give way to a road user on a cycle path or shared path (in addition to a footpath):
 - (g) to require the driver of a vehicle exiting a driveway to give way to a vehicle on a roadway, including a vehicle turning right into the driveway:
 - (h) to require that a school bus that is stopped to pick up or drop off school children must also be displaying a school bus sign in order for specified requirements to apply to a driver near the school bus:
 - (i) to extend the requirements on a driver near a school bus to also apply when the bus is stopped and is displaying a specified school bus sign on which the lights are flashing:
 - (j) to restrict the driver of a school bus to using the flashing lights only while the school bus is stopped to pick up or drop off school children and within 20 seconds before and 20 seconds after that:
 - (k) to extend an exception to the prohibition on double-parking, and a right to use a hazard warning, to cover all small passenger service vehicles (not just taxis):
 - (l) to require that if a medical certificate is produced to an enforcement officer to exempt a person from certain requirements for using a seat belt or child restraint, and the certificate was issued on or after 1 October 2011, it must expire on or after the day on which it was required to be produced:
 - (m) to exclude the driver of a bus from the requirement to ensure that a child under 5 years' old uses a child restraint on the bus:
 - (n) to exclude certain requirements from applying to a driver when pedestrians and certain others are waiting to cross a pedestrian crossing but are behind a school patrol sign:
 - (o) to make certain other minor changes or corrections.
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Schedule 2

Consultation carried out

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The proposal to change the give-way rules was initially consulted on as a priority action in the Government's 10-year road safety strategy, Safer Journeys—New Zealand's Road Safety Strategy 2010–2020, which was released in March 2010. Following approval by Cabinet, this proposal, together with other minor proposed changes to the Land Transport (Road User) Rule 2004, was included in the draft rule.

In May 2011, the NZ Transport Agency sent details of the amendment proposals by letter or email to about 1 300 groups and individuals who had registered an interest in the rule. Copies of the draft rule were made available through the NZ Transport Agency's contact centre and the consultation material, which included questions and answers, was available on the NZ Transport Agency's Internet site. The availability of the draft rule for comment was publicised in the metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin, in selected regional daily newspapers, and in the *New Zealand Gazette*.

The NZ Transport Agency received 134 submissions on the draft rule. The submissions that were received were taken into account in re-drafting the rule, after which the rule was submitted to the Minister of Transport for signing.

Dated at Wellington this 29th day of August 2011.

Steven Joyce,
Minister of Transport.

Explanatory note

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

This rule amends the Land Transport (Road User) Rule 2004 in the ways described in *Schedule 1. Clauses 7, 10, and 11* come into force at 5 am on 25 March 2012. The rest of the rule comes into force on 1 October 2011.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 1 September 2011.

This rule is administered by the Ministry of Transport.

