

RD25/3

21 September 2001

## **DRAFT LAND TRANSPORT RULE: VEHICLE STANDARDS COMPLIANCE [2002]**

I am writing to let you know that the yellow draft of *Land Transport Rule: Vehicle Standards Compliance [2002]* (Rule 35001/1) is available for comment by groups and individuals who have registered their interest in the rule.

The principal objective of this draft rule is to set out requirements in relation to the inspection and certification of motor vehicles for the purposes of determining whether they are safe to enter the land transport system and to be operated on the road in New Zealand. It will revoke and replace *Land Transport Rule: Vehicle Standards Compliance 1998* (Rule 35001).

This draft rule has been proposed in order to consult on, and clarify, several operational issues that have arisen since the *Compliance Rule 1998* came into effect. These are the inspection requirements for vehicles operated on trade plates and for agricultural vehicles operated at speeds in excess of 30 km/h. The rule has also been re-drafted to clarify it and remove some repetition.

In addition, the draft rule contains provisions that would put into effect five proposals that have been consulted on recently in the *Vehicle Safety Proposals Consultation Paper*. The relevant proposals are:

- **Proposal 2:** Border inspections for imported used vehicles to be more stringent.
- **Proposal 3:** Water-damaged vehicles to be banned from being used on the road in New Zealand.
- **Proposal 9:** Warrant of fitness inspections to be yearly until vehicles are five years old, and six-monthly thereafter.
- **Proposal 10:** Frequency of certificate of fitness inspections to vary, depending on the vehicle's previous record in passing inspections.
- **Proposal 11:** Testing stations and certifiers to be able to cancel a current certificate of fitness if a serious defect is found on a commercial vehicle.

You are welcome to call the LTSA Help Desk on Freephone 0800 699 000 to obtain a copy of the draft rule. The draft rule will also be accessible on the LTSA website at [www.ltsa.govt.nz/legislation/compliance.html](http://www.ltsa.govt.nz/legislation/compliance.html). Please note the closing date for submissions is 2 November 2001.

Yours faithfully

Craig Hill  
General Manager Policy

**DRAFT**

*Land Transport Rule*  
*Vehicle Standards Compliance*

**Rule 35001/1**

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## Information on submissions

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**Please include this information in your submission:**

- the title of the rule
- your name, and title if applicable
- your organisation's name if applicable
- your address – postal, and email if applicable
- the rule provision number(s) you are commenting on

**Please note the deadline for submissions is:**

Friday, 9 November 2001

**Please send your comments to:**

Helen McLean  
Rules Team  
Land Transport Safety Authority  
PO Box 2840  
Wellington

If possible, e-mail your submission to [info@ltsa.govt.nz](mailto:info@ltsa.govt.nz) or send it on floppy disk to the above address.

**Please note that your submission is public information**

Please indicate clearly if your comments are commercially sensitive, or if, for some other reason, you consider they should not be disclosed.

# Land Transport Rule

## Vehicle Standards Compliance

Rule 35001/1

### Overview

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*Land Transport Rules are law produced by the Land Transport Safety Authority for the Minister of Transport. The LTSA produces drafts of each rule in plain language to reach a wide audience, and refines each draft in response to consultation.*

*This overview accompanies, and sets in context, the yellow (public consultation) draft of **Land Transport Rule 35001/1**. This draft legislation will revoke and replace Land Transport Rule: Vehicle Standards Compliance 1998 (Rule 35001). It sets out requirements in relation to the inspection and certification of motor vehicles for the purposes of determining whether they are safe to enter the land transport system and to be operated on the road in New Zealand.*

*If you wish to comment on this draft rule, please see the page headed 'Information on submissions'. The deadline for submissions is 9 November 2001.*

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## ***What are Land Transport Rules?***

The Land Transport Safety Authority of New Zealand (LTSA) was established by the *Land Transport Act 1993* (now replaced by the *Land Transport Act 1998*). One of the tasks of the LTSA is to produce Land Transport Rules on behalf of the Minister of Transport ('the Minister') to cover safety and licensing issues.

Land Transport Rules aim to:

- **clarify**
- **consolidate** and
- **create**

land transport law.

Rules are developed by means of extensive consultation and drafts of each rule are produced in plain language to reach a wide audience. When a rule requires revision, the LTSA produces a draft and consults on the draft as if it were a new rule. This publication, for your comment, has two parts:

- (a) the overview, which sets the draft rule in context; and
- (b) the yellow draft of *Land Transport Rule: Vehicle Standards Compliance* (Rule 35001/1) for public comment.

If you wish to make a submission on this publication, please read the page headed 'Information on submissions' and send your submission to:

*Helen McLean*

*Rules Team*

*Land Transport Safety Authority*

*PO Box 2840*

*Wellington*

The deadline for submissions is **9 November 2001**.

It is anticipated that this rule will come into force on 1 April 2002. This date, however, is dependent on Government agreement to the final content of the rule before the Minister signs it. Certain provisions in the rule will come into effect after specified lead-times.

## ***Matters to be taken into account***

The *Land Transport Act 1998* (the Act) provides the legal framework for making Land Transport Rules.

*Section 161* of the Act states the procedures by which the Minister of Transport makes ordinary rules. These include the need for consultation, which has been developed by the LTSA into a series of formal and informal discussion procedures, including consultation on draft rules.

*Section 164* of the Act states the matters to be taken into account in making rules. In making ordinary rules, the Minister is required to give such weight as he or she considers appropriate in each case to the following matters:

- risks being addressed;
- international considerations;
- benefits and costs.

## ***Risks being addressed***

*Subsections 164 (2)(a), (b) and (c)* of the Act require that appropriate weight be given to the nature of the particular activity or service for which the rule is being established, the level of risk existing to land transport safety in New Zealand in general, and the level of risk in each proposed activity or service.

## ***Proposed activity or service***

This draft rule sets out requirements in relation to the inspection and certification of motor vehicles for the purposes of determining whether they are safe to enter the land transport system and to be operated on the road in New Zealand.

The proposed activity or service that is covered by the existing *Land Transport Rule: Vehicle Standards Compliance 1998* (the 'Compliance Rule 1998') will be carried over into the *Land Transport Rule: Vehicle Standards Compliance [2002]* (the 'draft rule'), which will revoke and replace the existing rule.

### ***Risks to land transport safety***

The *Compliance Rule 1998*, which came into force on 1 March 1999, addresses the risk to land transport safety of having vehicles on the road that might have poor design or construction or be poorly repaired or maintained. The risk is addressed in two ways:

- by requiring that vehicles are inspected and certified for compliance with safety requirements before being allowed on the road in New Zealand;
- by requiring that vehicles on the road are inspected and certified periodically for compliance with legal safety requirements.

The *Compliance Rule 1998* set in place a system of inspection and certification to ensure that vehicles are safe to enter the land transport system. In terms of that rule, the LTSA appoints vehicle compliance certifiers who are responsible for inspecting each vehicle to ensure that it has been designed and constructed to meet approved vehicle standards prescribed in New Zealand law, is in good condition and has not been structurally damaged or poorly repaired.

The *Compliance Rule 1998* also carried over the inspection and certification requirements for vehicles in service on the road in New Zealand in the *Traffic Regulations*, which had been in place since 1936. The inspectors carrying out the in-service inspection are now vehicle compliance certifiers appointed by the LTSA in terms of the rule. The warrant of fitness (WoF) inspection is an annual or six-monthly inspection (the frequency depending on the age of the vehicle) for most light motor vehicles, while the certificate of fitness (CoF) inspection is a more stringent inspection carried out every six months on commercial and heavy vehicles.

The draft rule carries over the systems introduced by the *Compliance Rule 1998*, with some proposed changes (see *Proposed changes and their economic justification*, page 12).

### ***International considerations***

*Sections 164(1) and 164(2)(f)* of the Act require that rules not be inconsistent with New Zealand's international obligations concerning land transport safety, and that international circumstances be given such weight as the Minister considers appropriate in each case.

Consideration of international best practice is a vital part of the LTSA strategy in the area of vehicle standards. Requirements for vehicles to be designed and constructed to meet approved vehicle standards are among the provisions in the various Acts, regulations and rules listed in *Schedule 1* of the rule. The aim is that the New Zealand vehicle fleet will benefit from overseas advances in vehicle safety design. The draft rule aims to ensure that certification and inspection systems that will maintain this position are in place.

### ***Benefits and costs***

*Subsections 164 (2)(d) and (e)* of the Act require that appropriate weight be given to the need to maintain land transport safety, and to the costs of implementing land transport safety measures. This links with *sections 169 and 189*, in which the Minister and the LTSA are charged with promoting safety in land transport at a reasonable cost.

The *Compliance Rule 1998* has been restructured and simplified. The draft rule also sets out proposed inspection requirements for vehicles operated on trade plates and for agricultural vehicles operated at speeds in excess of 30 km/h.

In addition, the draft rule contains provisions that would put into legal effect five proposals that have been consulted on recently in the *Vehicle Safety Proposals Consultation Paper* (June 2001). The LTSA has been considering the benefits and costs of these proposals as part of the consultation process (see *Proposed changes and their economic justification*, page 12 and *How the rule fits with other legislation*, page 21).

## ***Why is this rule being proposed?***

### ***Background***

The *Compliance Rule 1998* requires that vehicles be inspected before they are used in New Zealand (when they ‘enter the land transport system’) and at intervals thereafter (when they are ‘in-service’). Vehicles must also be inspected if they are re-entering service after being deregistered (taken off the road) in New Zealand.

Vehicle compliance certifiers appointed by the Director of Land Transport Safety (‘the Director’) carry out these vehicle inspections and certify vehicles that comply with the rule. In addition, specialist certifiers, also appointed by the Director, are responsible for inspecting and certifying specified aspects of a vehicle, such as parts or systems that have been modified in a way that could affect their compliance with the safety requirements.

The *Compliance Rule 1998* also requires that imported used vehicles be inspected at the border so that information about them can be recorded, including their odometer readings and any obvious structural damage. The border inspection is currently carried out on behalf of the LTSA by inspectors of the Ministry of Agriculture and Forestry.

This draft rule has been proposed in order to consult on, and clarify, several operational issues that have arisen since the *Compliance Rule 1998* came into effect. These are the inspection requirements for vehicles operated on trade plates and for agricultural vehicles operated at speeds in excess of 30 km/h.

In addition, the draft rule contains provisions that would put into effect five proposals that have been consulted on recently in the *Vehicle Safety Proposals Consultation Paper*. The relevant proposals are:

- **Proposal 2:** Border inspections for imported used vehicles to be made more stringent.
- **Proposal 3:** Water-damaged vehicles to be banned from being used on the road in New Zealand.
- **Proposal 9:** WoF inspections to be yearly until vehicles are five years old, and six-monthly thereafter.

- **Proposal 10:** Frequency of CoF inspections to vary, depending on a vehicle's previous record in passing CoF inspections.
- **Proposal 11:** Testing stations to cancel a current CoF if a serious defect is found on a commercial vehicle.

If the Government decides that any, or all, of these proposals should be implemented, then the proposals would be set into place by the provisions indicated in boxed explanatory notes in the draft rule.

A summary of comments received on these five proposals is included as an *Appendix*, see page 23. When they have been analysed, consideration will be given to what changes may be made to related provisions in the draft rule.

## ***Scope of the rule***

The *Compliance Rule 1998* covers all vehicles used on the road in New Zealand and sets out requirements for their certification. The draft rule will carry over these requirements and will also cover vehicles operated on trade plates and agricultural vehicles operated at speeds in excess of 30 km/h.

The proposed system for operating vehicles on trade plates could come into effect on the same day that the rule does, as it incorporates the existing Annex A, Annex B, Annex C system to allow those vehicles to operate under the current rule. However, implementation of the proposed new system for operation of agricultural vehicles at speeds greater than 30 km/h would require a lead-in time, so that the application date for this system would be a year after the rule comes into force.

The agricultural sector has advised the LTSA that there have been extensive technical developments in the vehicles and the machinery used in the 'exempt' categories since the *Traffic Regulations* put the concessions in place. The basis for the exemption – that the vehicles and machinery are not capable of travelling at a speed greater than 30 km/h – is seldom valid today.

The draft rule proposes, accordingly, that a new regime be set in place for 'exempt' vehicles. There are several elements to the proposal:

- If a vehicle is capable of exceeding 50 km/h, the draft rule proposes that it cannot be considered as 'exempt' and it

must be certified for entry into the land transport system as well as being regularly inspected in service. This would usually mean a CoF rather than a WoF inspection. For instance, this would cover modern, highly sophisticated JCB Fast-tracks. (See 6.1 and 7.1 of the draft rule.)

- If a vehicle is not capable of exceeding 50 km/h, the draft rule proposes that it need not be certified for entry into the land transport system, and that the owner or operator can choose whether the vehicle would be operated outside or within the in-service inspection regime:
  - if the vehicle is never operated on the road at a speed greater than 30 km/h, the owner could decide that it would be outside the in-service inspection regime. The vehicle would not have a WoF and enforcement would be based on whether a vehicle is actually travelling at a speed greater than 30 km/h.
  - if the vehicle was to be operated on the road at a speed greater than 30 km/h, but not at a speed more than 50 km/h, the owner could decide that it would be within the in-service inspection regime and the vehicle would be required to have a WoF. Enforcement would then be based on whether the vehicle has a current WoF.

The LTSA invites comment on these proposals.

## ***Proposed changes and their economic justification***

Details of proposed changes in the draft rule are outlined below. Comments are invited on these changes, especially regarding effective implementation of the proposed operational provisions. It is expected that compliance would be increased as a result of these proposed changes and that costs of compliance and enforcement would be reduced so that, overall, this would result in economic benefit.

In addition, the draft rule contains provisions that would put into effect five proposals that have been consulted on in the *Vehicle Safety Proposals Consultation Paper*. If the Government decides to implement any of these proposals, they will be included in the final rule. The LTSA has been considering benefits and costs of these proposals as part of the consultation process.

### ***Changes related to the vehicle safety proposals***

#### ***Border inspections for imported used vehicles to be made more stringent***

(Section 4 of the draft rule)

Under section 3 of the *Compliance Rule 1998*, a border check is carried out by a 'person or organisation appointed by the Director or by the Chief Executive of the New Zealand Customs Service'. A change to a more stringent border inspection has been consulted on as proposal 2 of the *Vehicle Safety Proposals Consultation Paper*. If the system were to be changed in this way, it could not come into effect on the same date that the rule comes into force but would require some time, possibly several years, for implementation.

The current border check is limited in that it takes place at the dockside, where there are storage and time constraints. The check is very brief and is only required to identify defects that are 'obvious' to the inspector. The provisions in the draft rule would allow inspection or certification procedures to be set up making the border inspection more detailed than at present. This could provide better enforcement of the safety requirements, because non-complying aspects of the vehicle would be identified before importers had time to partially repair or disguise them. The inspections could be set up in a secure area away from the docks.



***Water-damaged vehicles to be banned from New Zealand roads***

*(Clause 11.1 of the draft rule)*

Currently, structurally damaged vehicles can be certified to operate on the road in New Zealand if they have been repaired properly. In the case of significant damage to its structure, the vehicle is subjected to detailed scrutiny by a specialist repair certifier.

Vehicles that have been damaged by immersion in water (usually flood-damaged vehicles from Japan) are currently grouped with other structurally damaged vehicles. Responsibility is placed on repair certifiers to ensure that they have been safely repaired before being allowed to operate on a road in New Zealand.

This proposal addresses the issue of vehicles that may appear to be in good condition on the day of inspection, but that later develop problems that threaten the safety of the vehicle because of the insidious long term effects of, for instance, salt water corroding electrical components. Due to the intricacy of modern vehicles, repair certification cannot provide sufficient assurance that water-damaged vehicles will remain safe once they are on the road.

The draft rule would allow the Director to specify water damage or other damage to vehicles that could pose a long-term risk to land transport safety, and to prohibit vehicles with those defects from being certified for use on the road. This power for the Director is stated in *11.1* and is referred to in *4.4(b)*, *6.5(1)(d)*, *6.5(2)(d)*, *7.5(1)(d)* and *7.5(2)(d)*. These provisions would allow the prohibition to apply at the border, at entry certification or at in-service certification respectively.

This was proposal 3 of the *Vehicle Safety Proposals Consultation Paper*. See the *Appendix*, page 23.

***Warrant of fitness inspections to be yearly until vehicles are five years old, and six-monthly thereafter***

*(Clause 9.5 of the draft rule)*

Under *5.2* of the *Compliance Rule 1998*, the WoF inspection applies to light vehicles other than small passenger service vehicles and rental cars. Currently, these vehicles are subjected to an annual WoF if new when first registered in New Zealand, until the vehicle is six years old. Thereafter, they are inspected

six-monthly. This regime does not apply to used vehicles imported from overseas, where six-monthly inspections are required irrespective of a vehicle's age.

The LTSA has recently consulted on the proposal that the WoF regime be simplified so that inspections would be required annually for all light vehicles, other than taxis and rental cars, irrespective of whether they are New Zealand new or imported used vehicles, up to the fifth anniversary of their first registration in New Zealand or overseas, and at six-monthly intervals thereafter.

If the Government decides to change the WoF regime in this way, the relevant provisions in 9.5 of the draft rule could come into effect at the same date that the rule does. However, it would take a year for the change to be fully implemented for all vehicles in the fleet, since the change would apply to the affected vehicles at the time they went for their next WoF inspection after the rule came into force. Some would be on 6-monthly WoFs and would change to yearly WoFs, while for others, the reverse would happen.

This was proposal 9 of the *Vehicle Safety Proposals Consultation Paper*. See the *Appendix*, page 23.

### ***Frequency of certificate of fitness inspections to vary, depending on the operator's safety performance***

*(Subclause 9.5(1)(b) and clause 9.9 of the draft rule)*

All commercial vehicles are required to undergo a CoF inspection every six months. The LTSA is proposing an 'operator rating scheme' for commercial vehicle operators that would rate them on the basis of how safely they perform including how well their vehicles are maintained, using a set of agreed performance criteria.

In advance of the development of the full operator rating scheme, which would require further consultation and a change to primary legislation, this more limited proposal would allow the frequency of CoF inspections for commercial vehicles to be varied, depending on the vehicle's previous record in passing the CoF inspection. Vehicles with a good record would have the interval between CoFs lengthened to a maximum of nine months, while those with a poor record would have the interval shortened to a minimum of three months.

The aim of this proposal is to target enforcement efforts on higher-risk operators and reduce enforcement efforts on low-

risk operators. Not only would this be a more cost-effective use of resources, but it would also provide incentives for operators to improve their safety performance.

This was proposal 10 of the *Vehicle Safety Proposals Consultation Paper*. See the *Appendix*, page 23.

### **Testing stations to cancel a current certificate of fitness**

(Clause 9.8 of the draft rule)

Vehicles are often inspected for a CoF well before the current CoF expires. If the vehicle passes the inspection, a new CoF is issued and the unexpired portion of the previous CoF is credited to the new CoF, up to a maximum of 28 days. If the vehicle fails, the current CoF continues to be valid until its date of expiry is reached. This allows the operator time to have the vehicle repaired and reinspected for a new CoF to be issued.

There is evidence of operators abusing the 28-day concession, and continuing to operate vehicles that have failed the CoF inspection with serious defects. This proposal would give the Director the power to authorise testing stations to cancel a current CoF immediately if a vehicle with a serious defect failed an inspection. The provision could come into effect at the same time that the rule does.

This was proposal 11 of the *Vehicle Safety Proposals Consultation Paper*. See the *Appendix*, page 23.

## **Discussion of other proposed changes**

### **Restructuring of the Compliance Rule 1998**

The draft rule has a different structure and drafting style from the *Compliance Rule 1998*. The draft rule deals with the appointment of inspectors and certifiers and the approval of vehicle inspection organisations; procedures to be followed; inspection requirements; and requirements for on-road operation of a vehicle.

The draft rule emphasises the linkage to the *Land Transport Act 1998* through the requirements for evidence of inspection and certificates of loading (see *How the rule fits with other legislation*, page 21).

The draft rule introduces the phrase ‘determining compliance’. The certifier determines whether a vehicle complies with the

relevant applicable requirements. If the vehicle does comply, it can be 'certified' as being in compliance with those requirements.

### **Trade plates**

The *Compliance Rule 1998* does not cover the temporary use on the road of vehicles bearing trade plates (also known as dealer plates). Such vehicles may need to be taken to a repairer before being ready to be certified for entry into the land transport system, or in the case of a heavy vehicle, may need to be driven to a workshop to be fully built up.

The risk of these vehicles being operated on the road with trade plates is relatively low provided that there are controls on the distances covered and the purposes for which the vehicles are used. Accordingly, in terms of *section 166(1)* of the Act, a system of exemptions to the *Compliance Rule 1998* has been set up to deal with such cases. The draft rule provides for conditional permits to be issued for such vehicles and, thus, avoids the need for exemptions.

### **Current WoF at change of ownership**

*Clause 5.6* of the *Compliance Rule 1998*, which requires a person selling a motor vehicle to ensure that the vehicle has been certified for in-service fitness within one month before the date of delivery, has not been carried over into the draft rule. The draft rule does not require a current WoF on change of ownership of a vehicle.

This change is proposed because the existing requirement has not been enforced and provides little real benefit in the case of private sales. (The *Motor Vehicle Dealers Act 1975* covers most commercial sales.)

Comment is invited as to whether this provision should be reinstated in the rule.

### **Appointments and authorisations by the Director**

(*Section 2* of the draft rule)

The *Compliance Rule 1998* contains provisions for the appointment of certifiers (see *sections 2, 9* and *10*). In the draft rule, all the provisions for appointment of inspectors and certifiers, and the approval of vehicle inspection organisations, are in *section 2*. The Director's powers in this section are those in *9.1(5)* of the *Compliance Rule 1998*. The fit and proper person

criteria in 2.3 of the draft rule relate to those in 9.3 of the *Compliance Rule 1998*. The conditions of appointment or approval in the draft rule are more specific than the *Compliance Rule 1998*.

The provisions for suspension and revocation are based on 9.4 of the *Compliance Rule 1998*, with a new proposed provision allowing immediate suspension if the Director has reason to believe that there is an imminent threat to land transport safety (2.8 of the draft rule).

### ***Inspection procedures***

(Section 3 of the draft rule)

This section of the draft rule regarding inspection procedures is based on provisions 2.6(1) and 2.6(2) of the *Compliance Rule 1998*.

### ***Inspection of vehicles at the border***

(Section 4 of the draft rule)

There is now no distinction between new vehicles imported by franchisees and by parallel importers.

Boxed explanatory notes in the draft rule indicate draft provisions relating to proposals 2 and 3 of the *Vehicle Safety Proposals Consultation Paper*.

### ***Inspection of vehicles for conditional operation before entering or re-entering service***

(Section 5 of the draft rule)

This new section deals with some situations that were not covered in the *Compliance Rule 1998*; in particular, the temporary operation of a vehicle before it is certified. The section introduces the concept of a conditional permit for operation of a vehicle before entering or re-entering service, provided certain conditions are met. Sections 9 and 10 of the draft rule provide details as to how these vehicles are to be operated.

The new system effectively incorporates the exemption-based regime for operation on trade plates that has been developed by the LTSA over the last two years.

### ***Inspection and certification of vehicles for entry or re-entry into service***

*(Section 6 of the draft rule)*

This is based on *section 4* of the *Compliance Rule 1998*.

The vehicles listed in *6.1* are those that are not required to have entry-level certification, based on *4.10* of the *Compliance Rule 1998*. An explanatory note in the draft rule indicates the changes proposed for vehicles involved in agricultural and roading operations.

*Clause 6.5* of the draft rule outlines the steps a certifier must take to determine whether a vehicle or a specified aspect of a vehicle complies with the requirements of the rule. The ‘applicable requirements’ are those from *Schedule 1* that apply to that vehicle’s inspection.

The requirements for specialist certification at entry or re-entry into service in *4.6* and *section 6* of the *Compliance Rule 1998* (dealing with the certification of modified light vehicles) have been incorporated into the draft rule.

An explanatory note in the draft rule indicates how proposal 3 of the *Vehicle Safety Proposals Consultation Paper* would be implemented at entry certification.

### ***Inspection and certification of vehicles for operation in service***

*(Section 7 of the draft rule)*

The draft rule proposes to allow specialist certifiers to issue conditional permits under specified circumstances, for example, allowing repairs of a specific aspect of a heavy motor vehicle (chassis repair) in a particular manner. Comments are welcomed on this proposal.

This section is based on *section 5* of the *Compliance Rule 1998*, except that the requirement for the vehicle to have ‘current’ evidence of vehicle inspection as required under *section 6* of the Act is now in *section 9* of the draft rule.

The vehicles listed in *7.1* do not require a WoF or a CoF to be operated on a road and are based on *5.9* of the *Compliance Rule 1998*. An explanatory note in the draft rule indicates the changes proposed for vehicles involved in agricultural and roading operations.

*Clause 7.5* outlines the steps a certifier must take to determine whether a vehicle or specified aspect of a vehicle complies with

the requirements of the draft rule. The ‘applicable requirements’ are those from *Schedule 1* that apply to that vehicle’s inspection.

Operation of a vehicle subject to specified conditions described in the proposed 7.9 is the same as the operation on a conditional permit set out in 5.8 of the *Compliance Rule 1998*.

*Subclause 7.9(2)(b)* is new and would allow a determination to be made that a vehicle that has been registered in another country, and that has not been in New Zealand for more than a continuous period of 18 months, is safe to be operated.

An explanatory note in the draft rule indicates how proposal 3 of the *Vehicle Safety Proposals Consultation Paper* would be implemented at in-service certification.

### ***Verification and recording of vehicle loading and weight limits***

(*Section 8* of the draft rule)

This section is based on *section 8* of the *Compliance Rule 1998*. Some technical changes in the specifications have been made. For example, there has been a change in the gross combination mass in the proposed 8.4(f).

### ***Evidence of vehicle inspection, conditional permits and certificates of loading***

(*Section 9* of the draft rule)

This new section covers the issuing, frequency and expiry of WoFs, CoFs, conditional permits and certificates of loading.

Explanatory notes in the draft rule indicate how proposals 9 to 11 of the *Vehicle Safety Proposals Consultation Paper* would be implemented.

### **Operation of vehicles on the road**

(Section 10 of the draft rule)

This section sets out the requirement for a vehicle to have current evidence of vehicle inspection to be operated on a road. The approach is similar to that in *section 6* of the Act.

### **Additional powers of the Director**

Additional powers of the Director are set out in *section 11* of the draft rule. An explanatory note in the draft rule indicates how proposal 3 of the *Vehicle Safety Proposals Consultation Paper* would be implemented.

### **Transitional provisions and savings**

(Section 12 of the draft rule)

Transitional requirements are set out in the proposed *section 12*. Their purpose is to ensure that those appointed or approved under the *Compliance Rule 1998* retain their status, and that vehicles that were certified under the *Compliance Rule 1998* can remain on the road legally.

The draft rule is scheduled to come into force on 1 April 2002. There may need to be lead-in times for new provisions, for example, for implementation of a more stringent border inspection.

### **Definitions**

(Part 2 of the draft rule)

Several new terms are used in the draft rule and definitions of these are provided. The most significant are border certifier, conditional permit, record of determination, specialist certifier, vehicle compliance certifier and vehicle inspection organisation.

In addition, some terms used in the *Compliance Rule 1998* are not used in the draft rule and definitions of these have been omitted. The most significant are: commercial vehicle; document of compliance; motor vehicle licence; production vehicle; safe tolerance and year of manufacture.



## **Schedules**

*(Part 3 of the draft rule)*

*Schedules 1 to 3 in the Compliance Rule 1998 have been carried over into the draft rule, with some minor changes. Schedule 1 now states that Land Transport Rules that may be applicable to vehicles certified under the draft rule do not include the draft rule itself. Schedule 2 has been simplified but no substantive change has been made.*

*Schedule 4 of the Compliance Rule 1998 has not been carried over, as it is no longer required. However, a new schedule 4, containing sample checksheets for operation of vehicles on trade plates, has been added.*

## ***How the rule fits with other legislation***

### ***Background***

The *Compliance Rule 1998* set in place a consolidated legal framework for the certification of vehicles. This function would be retained by the draft rule.

The draft rule is authorised under the *Land Transport Act 1998*, particularly *sections 197* and *198* of the Act, which gives the Director the power to exercise control over entry into, and operation in, the land transport system. *Section 155(e)* of the Act provides for rules to be made for the periodical (or other) examination of vehicles and the issuing of evidence of vehicle inspection and certificates of loading.

*Section 6* of the Act provides that a person may not operate an unsafe vehicle on a road and may not operate a vehicle on a road without the appropriate current evidence of vehicle inspection. It is this provision that is emphasised in the draft rule.

The actual requirements with which vehicles must comply when they are inspected and certified in terms of the rule are those requirements in the Acts, regulations and rules listed in *Schedule 1* of the draft rule that are ‘applicable’ to the type of vehicle and the type of inspection.

### ***Regulations***

It is not anticipated that the draft rule would require any changes to the *Land Transport (Certification and Other Fees) Regulations 1999*. This would, however, depend on the outcome of analysis of submissions on the *Vehicle Safety Proposals Consultation Paper*, and on how the proposals would be implemented. Any proposed changes in the fees would be consulted on within the timeframe for finalising the rule.

Although the rule proposes to change the threshold for ‘exempt’ vehicles, this would not affect Road User Charges, which are based on a vehicle’s declared on-road usage. Vehicles that might be affected are those, such as tractors capable of speeds in excess of 50 km/h, that would no longer be exempt from the requirement to have a CoF under the draft rule. This might impose additional certification, registration or licensing

costs on owners or operators. Comment is invited on these issues.

The *Land Transport (Offences and Penalties) Regulations 1999* set out offences and penalties for breaches of the responsibilities in the draft rule. These regulations would be updated when the draft rule came into force, but the offences and penalties would remain the same.

## ***Consultation***

This is the first draft of the revised *Land Transport Rule: Vehicle Standards Compliance [2002]* to be published by the LTSA for comment. It is being made available for public consultation.

Several policy changes that are relevant to the vehicle certification regime, and hence to the rule, were recently proposed in the *Vehicle Safety Proposals Consultation Paper*. The comments on the five relevant proposals are summarised in the attached *Appendix*, see page 23.

## ***Appendix: Summary of submissions on the Vehicle Safety Proposals Consultation Paper***

### ***Proposal 2: Border inspections for imported used vehicles to be made more stringent***

Twenty-one submissions supported more stringent border inspections. Eleven submissions did not support the proposal. Some submitters were concerned about the possibility of new inspection sites being built instead of using already established sites. Three submissions said that a consistent and standardised set of inspection criteria was required. One submission said that audit trails and processes need to be rigorous to ensure inspections and refurbishments were carried out effectively. Three submissions said that inspection organisations should be totally independent from any financial interest or involvement in the sale of the vehicle to avoid bribery or backhanders from the industry. Two submissions said that maintaining competition was very important to keep costs down. One submission was concerned about the impact on small businesses and towns. One submission was concerned about the volume of vehicles shipped at any one time and the implication of peaks and troughs on inspection resources, storage areas and potential processing delays. Six submissions were concerned about the handling of vehicles imported for parts and/or vehicles imported in containers. Two submissions said that classic, specialist or collectable cars should be treated with leniency to preserve the original classic or specialised features of the vehicle. Two submissions recommended a cost benefit analysis be completed before implementation to determine the best option. Two submissions were concerned about the transfer of costs to end users because of any proposed new system. Two submissions were concerned about the inspection system for vehicles re-registered in New Zealand. Three submissions said there is a need for better training of inspectors.

**Question:** Are there any drawbacks of having inspections carried out in a secure area away from the dockside?

Eleven submissions said that there would be no drawbacks. Twenty-two submissions said that there would be additional or increased costs, especially the cost of set up, transporting vehicles from the dockside to the secure area, and associated handling and storage. Five submissions said that there would be loss of industry co-operation, destruction of current businesses, loss of management of business assets, sunk investment and job losses. Twenty-seven submissions said there would be processing delays, particularly when there were peak-flow vehicle volumes. There would be practical problems regarding the availability and location of storage space and increased risk of damage to, or loss of, property. Six submissions asked how vehicles imported for parts and/or imported in containers would be handled. Five submissions said that importers or dealers should be allowed to inspect vehicles to confirm the right vehicle was handed over to the shipping agent at the port of loading.

**Question:** What procedures should be established for heavy imported used vehicles – should the process be different?

Twenty-one submissions said that all vehicles should be treated similarly. Nine submissions stated that the inspection of light vehicles and heavy vehicles is different, involving different items and vehicle conditions. The testing of heavy vehicles requires specialist equipment. Heavy vehicles may require more emphasis on the body work and a more thorough inspection. A high proportion of heavy commercial vehicles are modified in some way, so there is no point in checking vehicles until the final layout is decided, and it is pointless completing CoF at the border inspection. Chassis rating checks need to remain.

**Question:** For what proportion of imported vehicles might all certification processes be completed at the border? Would there be benefits to importers in being able to complete all procedures at the border?

Nine submissions said that estimates of the proportion of vehicles that could be completely certified at the border ranged from none to 100%. Six submissions said there would be no benefits and that the current procedures were satisfactory. Nine submissions that said there would be benefits because it would be a 'One stop shop'; there would be improved inspections as the importer was not present and benefits to the importer would off-set any increased costs of time delays, logistic problems and loss of management of business assets.

**Question:** What costs and other implications would there be if the release of vehicles was delayed at the border while the more detailed inspections were carried out?

Six submissions said that there would be no increased costs, or the extra cost was irrelevant if defective, dangerous and accident-impaired vehicles were weeded out and banned from entry. Four submissions said that importers would need to weigh up the likely compliance costs of importing damaged vehicles compared to importing undamaged vehicles. If vehicles do not meet requirements then delays would be expected. Five submissions said that the extra costs and increased importer overheads would decrease cashflow. Thirteen submissions said that the costs would depend on the process, location and logistics. Some or all of the following might arise: cost of transport; cost of delays; cost of idle resources such as equipment, premises, vehicles and transportation; extra demurrage fees at ports; cost of increased storage and storage security and the natural costs of an anti-competitive environment. Three submissions said that there would be pressure from importers; risk of damage to, or loss of, property and loss of goodwill (customers want to know when a vehicle is due to arrive). Delays to the release of a vehicle would create serious problems including: increased stock holding and capital outlay; a backlog of delivery on units; an inability to supply to retail yards pre-sold, popular or specific models and the supply of stock units on an ad hoc basis to the importer.

**Question:** What effect will the proposal have on the used import refurbishment industry in New Zealand?

Eight submissions said that there would be no or little effect, any faults picked up at inspection would be passed to the repairer. Six submissions that said that the industry would be affected stated that: private workshops could be forced out of the vehicle compliance industry; the industry would be ruined; lay-offs and a shortage of parts would result, and small centres would be crippled; there would be increased compliance costs, which would increase vehicle prices; and there would be less competition in industry.

**Question:** Should the border inspection be carried out by a state agency, a single private sector organisation or several organisations?

Six submissions said that it could be a state agency or a private sector organisation. Eighteen submissions favoured the private sector, but differed on whether this should be a single provider or several organisations were needed to avoid monopolistic attitudes and inefficiencies. They would need to be suitably qualified and rigorously audited. They could be responsible to a state agency. Nine submissions favoured a state agency. They said that the advantages would be that they would not be influenced by pressure groups and they could keep charges to a minimum.

**Question:** Should there be a time limit set between the border inspection and the later certification?

Fourteen submissions agreed with a proposed time limit and stated that it should be: flexible depending on any repair constraints and the type of repair to be carried out; based on vehicle category, for example vehicles over 2500 kg; realistic, so that inspection efficiency is not compromised; 90 days with an extension of 30 days if a part is not available; set at 28 days to allow repairs on rejected vehicles; and different for classic or speciality vehicles. Twelve submissions disagreed with a time limit and stated: it was not necessary; if an imported vehicle goes direct from the dock to an independent inspection agency there would be no need to impose a time limit for certification; it would be unreasonable to place undue pressure on an importer who was caught with a vehicle requiring recertification work, in the event significant repairs were required or parts had to be imported.

### ***Proposal 3: Water-damaged vehicles to be banned from being used on the road in New Zealand***

Twenty-nine submissions supported the proposal to ban water-damaged vehicles from New Zealand roads and agreed that vehicles that have been damaged by immersion in water pose a long-term risk to land transport safety. It was stated that not only the first owner of a water-damaged vehicle would be affected. The vehicles should be banned from a consumer protection point of view. There was adequate choice without these vehicles. In some cases, it was stated, parts could be retrievable, if 'inert' or if they were identified as coming from a water-damaged vehicle so that the integrity of salvaged parts was identified and maintained. Some parts could cause serious problems if used to repair on-board diagnostics or SRS or ABS components. It was suggested the proposal should also include new vehicles that might have been water-damaged.

Nine submissions did not support the proposal. It was stated that it was not practical to impose a blanket ban on these vehicles. It was difficult to establish if they had been water damaged, let alone the degree of damage, as the vehicle history was not known and damage might have been disguised. Below a threshold the damage might be repairable; clean fresh water might not be as bad as salt water damage. Submitters asked what would constitute a water-damaged vehicle and how would you identify it. Repairers and recyclers stated they had never had a problem with 'wet' vehicles. Salt-damaged vehicles would never be put back on the road because of damage to trim as well as to mechanical or body parts. However, fresh-water damage could be repaired, for example 4WD vehicles used off-road. It was stated that a ban would be irresponsible and contradictory as many vehicles are used in-service without trouble after water damage. It was stated that a good test of these statements was that no complaints about parts from water damaged vehicles have been received. A ban would prevent the importation of vehicles such as old and unusual motor cycles imported for restoration.

**Question:** Are there any other types of damaged vehicles that should be banned?

The following categories were suggested:

- all seriously (structurally not cosmetically) accident-damaged vehicles, especially with chassis damage or with signs of structural repair, especially if this affects compliance with a frontal-impact protection system (20 submissions);
- fire damaged vehicles (3 submissions);
- salt-water-damaged vehicles (3 submissions);
- vehicles damaged by corrosive substances (3 submissions);
- vehicles written off in Japan (or other countries overseas) (9 submissions);
- rebuilt write-offs (including those written-off in New Zealand) (4 submissions);

- cars imported as wrecks or half-cuts (2 submissions);
- vehicles that have structural damage that are being sold registered (at damaged vehicle auctions advertised on the internet), bought by the general public, repaired and put back on the road (2 submissions).

**Question:** Should there be any concessions for vehicles damaged by water immersion while already in service in New Zealand?

Thirty-one submitters said there should be no concessions, but some asked how the degree of water damage in an imported vehicle whose history is unknown could be defined. Seventeen submissions said that in-service vehicles could be treated case-by-case as their history is known, so, for instance, salt-water damage could be treated differently (must be crushed) than freshwater damage (could be rust-treated and repaired). The degree of water damage depends on the corrosion protection, contaminants, and the water depth and is difficult to measure especially if the vehicle has been cleaned up. 4WD vehicles without modern electronic systems might have a concession if immersed in water off-road. One submission said it was necessary to clarify the inspection of vehicles immersed in water by the nature of their duties, as in the Defence Force.



**Question:** What should be done with an imported vehicle found to be water-damaged after certification?

The following was suggested:

- decertify and send back (re-export) at importers expense (12 submissions);
- decertify and scrap (in a steel crusher) (6 submissions);
- decertify, flag on LANDATA, use for parts (ensuring they are marked as being from a water damaged vehicle) (5 submissions);
- decertify, the importer to recompense the current owner (and impose penalties on the importer) (7 submissions);
- sell to an action film company or use in a demolition derby (1 submission).

Three submissions said that it depended on the time elapsed since the vehicle was certified and whether it was damaged in New Zealand. Thirteen submissions asked who would be liable. Pre-purchase inspection in Japan might not identify some of the vehicles. Liability could arise if the original owner had sold it. Depending on the exact definition of the degree of damage, the certifier might also be involved in the debate. 'While these [possible scenarios] would fall within the civil jurisdiction, with properly drafted rules, the interests of any purchaser could largely be protected'. Innocent parties' interests should be protected, for example retail purchasers who were not involved in importing.

***Proposal 9: Warrant of fitness inspections to be yearly until vehicles are five years old, and six-monthly thereafter***

Thirty-two submissions supported the proposal for WoFs to be yearly until vehicles are 5 years old and

6 monthly after that. Submissions in support of the proposal said it had the merits of being simple and logical, provided that the 'age' of the vehicle (year of manufacture or time since first registration anywhere) was clearly defined. The proposed removal of separate regimes for New Zealand-new and imported-used vehicles was seen as a positive move by many submitters, especially as these vehicles would have had a thorough inspection under the draft rule before going on the road. However, some submitters still felt that the maintenance history of these vehicles was unknown, or that they had been exposed to different environments, and that they should remain on 6-monthly inspections at all ages.

Thirteen submissions did not support the proposal. There was a wide range of suggestions on WoF frequency, from decreasing it to 6-monthly after warranties run out at 3 years, to phasing out the whole WoF regime as cars were now more reliable and people should be responsible for ensuring their own vehicle maintenance. One submission suggested inspections be 6-monthly after any crash repairs. One submission said inspections should be annual at a fixed cost of \$25 for cars and \$10 for trailers. People who had commented previously on WoF frequency stated that they preferred the previous proposal that WoF frequency be reduced overall, in line with the frequencies used in overseas jurisdictions that had WoF systems. Some submissions were in favour of retaining the status quo, because they saw no benefits in the new proposal. It was commented that the proposal did not target areas of high risk because vehicle faults that may be associated with WoF in crashes do not increase until vehicles are more than 8 years old.

**Question:** Should distance-based criteria for starting 6-monthly inspections be included? How effectively could this be enforced?

Twenty-one submissions said 'yes' and 18 said 'no'. The discussion document had suggested that the changeover to 6-monthly WoFs could be initiated either when a vehicle was 5 years old or when it had travelled a specified distance, for example 100,000 km. Those submissions that agreed with a mileage-based criterion suggested various mileages ranging from 70,000 to 150,000 km. It was suggested that a mileage criterion would be appropriate for vehicles used by people who did not travel frequently, or for vintage vehicles or emergency and civil defence vehicles. On the other hand, vehicles deteriorate with time, not only with use. It was suggested that a mileage criterion would not be appropriate for agricultural vehicles that did low mileage in rough terrain. Many submissions commented that odometer readings were unreliable and could be tampered with so that mileage criterion would be impractical, unreliable and inconsistent. Also, it could encourage odometer rewinding and reduce safety standards. A sealed hubodometer on New Zealand-new cars could enable a practical mileage-based system to be introduced.

***Proposal 10: Frequency of certificate of fitness inspections to vary, depending on the operator's safety performance***

Nineteen submissions supported the proposal to vary the frequency of CoF inspections depending on the operators' safety performance. Many submissions supported the proposed operator safety rating scheme and of these, most supported the particular initiative, that is, by penalising poor operators by inspecting their vehicles more frequently, although there was some concern that the 'reward' of a longer CoF interval would be abused and would reduce safety. It was stated that this was an innovative and forward-thinking suggestion. One large transport operator reported that the proposal would have a positive impact on their transport operation, which was seasonal so that the current CoF inspection impacted heavily in the peak period. CoF inspections on a 12-monthly basis would allow the CoFs to be spread out evenly as the fleet expands. Two submissions suggested the scheme be extended to the WoF regime.

Sixteen submissions did not support the proposal. Some of these stated an operator safety rating scheme would not be viable because of the resources that would be required to set it up, to decide on rating criteria, and to monitor and implement the scheme fairly. There were reservations about the specific proposal (variable CoF frequency) being implemented in isolation or in advance of other incentives or disincentives in the operator safety rating scheme. CoF frequency was a very narrow tool for performance measurement. Misunderstandings could occur and there could be a reduction in safety. It was suggested that the proposal would be appropriate for operators with large fleets, but not for the operator with only a few vehicles. It was suggested it would only work with fleets that already had good maintenance regimes. The system would not work well with agricultural equipment where wear is due to machinery use not time. Some submissions stated the regime would be likely to be abused – reducing maintenance was, in practice, the only way to cut costs in a transport operation. If the present regime were relaxed, the standard of maintenance would suffer. Some inspection agencies said that the proposal would focus on the grey areas of discretion and place commercial pressure on inspection staff who would be both 'judge and jury' on inspection periods. There might be contention about whether a vehicle failed if the rating depended on it: conflict between certifiers and operators might arise, and a certifier's integrity could be questioned. This might be worse if the CoF rating were the only incentive in place rather than a complete operator safety rating scheme.

**Question:** Are there other ways the CoF inspection regime could be better targeted to risk?

There were ten submissions that addressed this question. Some reported that, in the past, the LTSA had considered allowing extended CoF periods to 'good' operators, based on Telarc certification to ISO procedures, but that there was little encouragement from operators. It was noted that good maintenance was a reward in itself, as vehicles in good order passed inspections

quickly and easily. Suggestions included: retaining a full CoF inspection as the norm, but allowing some approved companies to have the inspection reduced, for example, to a roller brake test and a check of specialist certification; Road User Charges variations, reports from motorists and results of roadside checks; annual inspection for vehicles under 5 years old and less than 500,000 km, with the right to withdraw this privilege if inspection showed any serious faults; rewarding recognition of good operators by the LTSA; using material in the 'CoF defects' inspection database; giving Police the authority to reduce the CoF frequency if they found vehicles in poor condition; auditing individual company's maintenance regularly; targeting high-risk vehicles by on-road spot checks including mobile brake testers; and looking closely at the systems that have been put in place by transport authorities overseas, and working closely with them.

**Proposal 11: Testing stations to cancel a current certificate of fitness if a serious defect is found on a commercial vehicle**

Twenty-three submissions supported the proposal for testing stations to remove a CoF if a serious defect was found on a commercial vehicle. Submissions supporting the proposal focussed on getting rid of poor operators. Some said the initiative should come in as soon as possible. It was suggested that the public be informed of such initiatives to improve the industry. It was noted that the Police and LTSA enforcement officers already have the power to remove a CoF from a non-complying vehicle. It was felt that responsible inspection companies should also have this power, even if it was not frequently used, to get vehicles with serious defects off the road. Several suggestions were made on the grounds of practicality, for example, requiring a station manager's approval of a removal, or having an LTSA enforcement officer arbitrate immediately. It was suggested that a label be attached when the CoF was revoked, to alert the Police that the vehicle should not be on the road without repair being carried out. Some suggested that the proposal be extended to include WoFs and certificates of loading. It was stated that the proposal would remove the possible grey area resulting from having 28 days to fix the vehicle.

Nine submissions did not support the proposal. Submitters stated that it was already illegal to operate an unsafe vehicle. The policy might rebound and have the effect that poor operators did not bring in a vehicle until the due date, so that unsafe vehicles were in fact on the road longer than at present. Some inspection agencies did not believe a certifier should be placed in the position of having to cancel a CoF when there were proper authorities to carry out this task. The inspector should be separated from driver reaction. There might be contention about whether it was a 'serious defect', conflict between certifiers and operators might arise and a certifier's integrity may be questioned. This might be worse if failure of a vehicle under proposal 11 was taken into account in rating the operator under proposal 10, especially if the CoF rating was the only incentive. There would also be the problem of what to do with the unsafe vehicle at the testing station. Several suggestions were made, including maintaining the status quo and reporting the vehicle to the Police.

**Question:** Which items should be included in the list of serious safety defects that would lead to a CoF being cancelled?

Eighteen submissions addressed this question. Many submissions stated that the list was vital but that there would still be borderline decisions, for example, about McPherson struts. A police submission preferred use of the power under *section 115(3)* of the Act to remove an unsafe vehicle, rather than the power under *section 115(3)* to place a defective vehicle out of service. Reference was made to an Australian NRTC document: *Assessment of defective vehicles, 1999*. Items commonly suggested were brakes, lights, tyres and steering. Other items were drive train items, serious structural defects (would need to be defined), extensive chassis rust and liquid lines leaking (brakes, oil, fuel).

# Land Transport Rule

## Vehicle Standards Compliance

Rule 35001/1

### **Draft for public comment**

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*Land Transport Rules are law produced by the Land Transport Safety Authority for the Minister of Transport. The LTSA produces drafts of each rule in plain language to reach a wide audience and refines each draft in response to consultation. This is the yellow (public consultation) draft of a rule that will revoke and replace Land Transport Rule: Vehicle Standards Compliance 1998.*

*If you wish to comment on this rule, please see the page headed 'Information on submissions'. The deadline for submissions is 9 November 2001.*

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# Land Transport Rule

## Vehicle Standards Compliance

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## **Part 1            Rule requirements**

### **Section 1        Application**

#### **1.1                Title**

This rule is *Land Transport Rule: Vehicle Standards Compliance [2002]*.

#### **1.2                Scope of the rule**

1.2(1)            This rule applies to all persons and organisations appointed or approved by the Director of Land Transport Safety to inspect or certify motor vehicles to determine whether they are safe to enter the land transport system and to be operated on a road in New Zealand.

1.2(2)            This rule applies to all motor vehicles, including motor vehicles in *Table A of Part 2*.

1.2(3)            In this rule, every reference to a vehicle is a reference to a motor vehicle.

#### **1.3                Purpose of the rule**

The purpose of this rule is to:

- (a) provide for the appointment of inspectors and certifiers, and the approval of vehicle inspection organisations, to enable vehicles to be inspected and certified for entry into the land transport system and for operation on a road;
- (b) specify requirements for the inspection and certification of vehicles;
- (c) provide for the issue of evidence of vehicle inspection, conditional permits and certificates of loading;
- (d) require a vehicle to which this rule applies to have current evidence of vehicle inspection, a current conditional permit or a current certificate of loading so as to be operated in-service;

- (e) provide the Director with further powers to control the entry of vehicles to which this rule applies into the land transport system and for their operation on a road.

#### **1.4 Application of rule provisions**

If there is a conflict between a provision of this rule and a provision of another rule relating to vehicles, the provision of this rule applies.

#### **1.5 Date when rule comes into force**

1.5(1) This rule revokes and replaces *Land Transport Rule: Vehicle Standards Compliance 1998*, which came into force on 1 March 1999.

1.5(2) This rule comes into force on [1 April 2002, assuming the rule is signed by 1 March 2002] except for those provisions with different dates specified in this rule.

Discussions in several of the sections may require a lead-in time and this is indicated in boxed notes in those sections. If the proposed provisions proceed, appropriate coming-into-force details will be inserted in the relevant sections.
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## Section 2      **Appointments and approvals by the Director**

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### 2.1              **Appointments and approvals**

2.1(1)            The Director may appoint an inspector to:

- (a) inspect a vehicle and associated documentation; and
- (b) record the results of an inspection under (a); and
- (c) provide a certifier with information recorded under (b).

2.1(2)            The Director may appoint a border certifier to:

- (a) inspect a vehicle and associated documentation at the border;
- (b) determine whether there are aspects of the vehicle inspected that do not comply with this rule;
- (c) record the aspects that do not comply with this rule and other information about the vehicle inspected;
- (d) provide the Director with information recorded under (c).

2.1(3)            The Director may appoint a vehicle compliance certifier to:

- (a) inspect a vehicle and associated documentation;
- (b) determine whether or not a vehicle complies with this rule and issue a record of determination for the vehicle;
- (c) record aspects of the vehicle that do not comply with this rule, and other information about the vehicle inspected;
- (d) verify and record loading and weight limits for the vehicle;
- (e) provide the Director with the record of determination and information recorded in (c) and (d);
- (f) issue evidence of vehicle inspection, a conditional permit or a certificate of loading.

- 2.1(4) The Director may appoint a specialist certifier to:
- (a) inspect a vehicle and associated documentation;
  - (b) determine whether or not a specified aspect of the vehicle complies with this rule and issue a record of determination for the specified aspect;
  - (c) record specified aspects that do not comply with this rule, and other information about the vehicle inspected;
  - (d) provide the Director or other specified person with the record of determination and information recorded under (c);
  - (e) issue low volume vehicle type approvals in accordance with the *Low Volume Vehicle Code*;
  - (f) approve low volume vehicle auxiliary components in accordance with the *Low Volume Vehicle Code*.

2.1(5) The Director may approve a vehicle inspection organisation to provide services for the purposes of vehicle inspection and certification, including the provision of premises and equipment at one or more locations.

2.1(6) The Director may specify the period of appointment and approval, and may impose such conditions on each appointment and approval, as the Director reasonably considers appropriate in addition to the conditions under 2.4.

## 2.2 **Application for appointment or approval**

2.2(1) An application for appointment or approval under 2.1 must:

- (a) be made to the Director on a form provided by the Director; and
- (b) contain such information as is required by the Director; and
- (c) be accompanied by the prescribed fee.

2.2(2) In considering an application for appointment or approval under 2.1, the Director must be satisfied that the persons relevant to the application are fit and proper persons in

relation to the criteria in 2.3 and give such weight as the Director considers appropriate, to the following:

- (a) for an application for appointment as an inspector or a certifier:
  - (i) the applicant's qualifications, knowledge, experience and technical competence; and
  - (ii) the applicant's access to facilities and equipment;
- (b) for an application for approval as a vehicle inspection organisation, the applicant's ability to provide the relevant services in 2.1(5);
- (c) the applicant's arrangements for civil liability insurance and professional indemnity insurance;
- (d) the applicant's arrangements for the provision of appropriate quality assurance;
- (e) the applicant's degree of financial or professional interest in the importation or sale of vehicles or vehicle parts, or in the modification or repair of vehicles; and the extent to which that interest, if any, is counterbalanced by other relevant factors;
- (f) the arrangements that are required to monitor the applicant's performance;
- (g) the number of inspectors and certifiers already appointed and vehicle inspection organisations already approved under 2.1;
- (h) any other information the Director considers relevant.

2.2(3) The Director may seek from a person relevant to an application for appointment under 2.1, information in relation to the fit and proper person criteria in 2.3, and consent from that person to obtain such information from any source.

2.2(4) A person relevant to an application in 2.2(2) and 2.2(3) is:

- (a) an applicant for appointment under 2.1(1) to 2.1(4); or
- (b) any person who is to carry out functions on behalf of a certifier or vehicle inspection organisation; or



- (c) any person who has, is to have, or is likely to have, control of an organisation that is to employ an inspector or a certifier; or
- (d) any person who has, is to have, or is likely to have, control of all or part of a vehicle inspection organisation.

2.2(5) Subject to consent obtained under 2.2(3), the Director may seek and receive additional information from any source relevant to an application under 2.1.

2.2(6) If an application under 2.1 is declined, the Director must notify the applicant in writing, with the reasons for the decision to decline the application, and the applicant may appeal against that decision under *section 106* of the *Land Transport Act 1998*.

### 2.3 **Fit and proper person criteria**

In determining whether a person to which this section applies is a fit and proper person for the purposes of this rule, the Director may have regard to, and give such weight as the Director considers appropriate to, the following matters:

- (a) any conviction for an offence relevant to the functions under 2.1, including an offence relating to theft, fraud or dishonesty;
- (b) that person's compliance history with transport safety requirements;
- (c) warnings or penalties given to, or disciplinary action of any kind taken against, that person, by the Authority or the Ministry of Transport in relation to any relevant or similar functions, services or appointment undertaken by that person;
- (d) any complaints made by users of a relevant or similar service provided by that person;
- (e) other matters and evidence that the Director considers appropriate in the public interest.

## **2.4 Conditions of appointment or approval**

- 2.4(1) It is a condition of each appointment and each approval under 2.1 that each person relevant to the appointment or approval continues to be a fit and proper person for the purposes of this rule.
- 2.4(2) It is a condition of each appointment under 2.1 that an appointed person:
- (a) keeps all records and associated documentation relating to vehicle inspections and certifications for periods specified by the Director; and
  - (b) advises the Director as soon as practicable if there is a reason to believe that a vehicle has been inspected or certified incorrectly; and
  - (c) advises the Director as soon as practicable of a defect in the production runs or quality control processes of which the appointed person has become aware that may affect the safety performance of a vehicle inspected or certified.
- 2.4(3) It is a condition of each appointment under 2.1 that the appointed person carries out their functions competently and diligently and in accordance with the requirements of this rule.

## **2.5 Delegations**

- 2.5(1) Subject to 2.5(2) and 2.5(3), a certifier may, either generally or particularly, with or without imposing directions or conditions, delegate any or all of the relevant functions in 2.1.

- 2.5(2) A delegation under 2.5(1) must be:
- (a) first approved by the Director in writing; and
  - (b) in writing; and
  - (c) for a specified period.
- 2.5(3) A delegation under 2.5(1) does not affect the responsibility of the certifier for the actions of a person acting under the delegation.

## **2.6 Performance monitoring arrangements**

- 2.6(1) The Director may monitor the performance of an inspector, a certifier or a vehicle inspection organisation in carrying out the functions for which they have been appointed or approved.
- 2.6(2) The Director may, in writing, require any information from an inspector, a certifier or a vehicle inspection organisation relating to their functions under this rule that the Director considers relevant to the monitoring of their performance.
- 2.6(3) The Director may require an inspector, a certifier, or a vehicle inspection organisation to undergo an inspection in connection with the monitoring of their performance that the Director reasonably considers necessary in the interests of land transport safety, and for that purpose that person or organisation must provide information that the Director considers relevant to the inspection.
- 2.6(4) An inspector, a certifier or a vehicle inspection organisation must bear the costs of the monitoring of their performance.

## **2.7 Failure to meet conditions of appointment or approval**

- 2.7(1) If the Director has reason to believe that an inspector or a certifier has failed to comply with any of the conditions of appointment, or that a vehicle inspection organisation has failed to comply with any of the conditions of approval, the Director may take one or more of the following actions, subject to 2.7(2):

- (a) conduct an investigation;
- (b) require remedial action be taken;
- (c) suspend the whole or any part of the appointment or approval for a specified period or until specified conditions are met;
- (d) revoke the appointment or approval.

2.7(2) Subject to 2.8, before carrying out an action in 2.7(1)(b) to (d) the Director must:

- (a) notify the inspector, the certifier or the vehicle inspection organisation, in writing, of the action that is being considered; and
- (b) inform the inspector, the certifier or the vehicle inspection organisation of the reasons for the action that is being considered; and
- (c) specify a date by which submissions may be made to the Director for the action that is being considered, which must be at least 21 days after the notice in (a) was given; and
- (d) where appropriate, specify the date on which the action that is being considered will take effect which, unless the Director determines otherwise, will be at least 28 days after the notice in (a) was given.

2.7(3) The Director may provide a copy of a notice given under 2.7(2) to:

- (a) an affected inspector, certifier or vehicle inspection organisation, if the Director considers that the action that is being considered is likely to have a significant impact on the operations of that inspector, certifier or organisation; and
- (b) any other affected person.

2.7(4) If an inspector, a certifier or a vehicle inspection organisation receives a notice under 2.7(2), that inspector, certifier or organisation must ensure that all information that they wish to have considered by the Director about the action that is being considered is received by the Director within any

further period specified in the notice or within the further period that the Director may allow.

- 2.7(5) The Director must consider all submissions made and information supplied under 2.7(4) and must:
- (a) determine, within 21 days of receipt, whether or not to take the action that is being considered; and
  - (b) as soon as is practicable, provide written notification to the inspector, the certifier or the vehicle inspection organisation of:
    - (i) the Director's determination; and
    - (ii) if appropriate, the date on which the action will take effect; and
    - (iii) if appropriate, the right of appeal under *section 106 of the Land Transport Act 1998*.

- 2.7(6) The Director may require an inspector, a certifier or a vehicle inspection organisation to bear the costs associated with an investigation or remedial action under 2.7(1)(a) and (b).

- 2.7(7) An inspector, a certifier or a vehicle inspection organisation must comply with a requirement of the Director under 2.7(6).

## **2.8 Immediate suspension or imposition of conditions**

- 2.8(1) Despite 2.7(1) and 2.7(2), if the Director has reason to believe that an inspector, a certifier or a vehicle inspection organisation has failed to comply with the requirements of this rule, or a condition of appointment or approval made under 2.1, and that this presents a significant risk to land transport safety, the Director may suspend, with immediate effect, the whole or any part of the appointment or approval, or impose conditions on the appointment or approval.
- 2.8(2) The suspension or condition imposed under 2.8(1) remains in force until the Director has determined the action to be taken, in accordance with 2.7, and that determination has been implemented.
- 2.8(3) A person against whom a decision is taken under 2.8(1) may appeal against that decision under *section 106 of the Land Transport Act 1998*.



### **Section 3      Procedures for inspecting vehicles and documentation**

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- 3.1(1)            A certifier must establish written procedures for inspecting vehicles, associated documentation and other evidence, for the purposes of identifying a vehicle and determining whether or not the vehicle complies with applicable requirements.
- 3.1(2)            The requirements for establishing procedures under *3.1(1)*, are to have regard to:
- (a)    the purpose of the inspection;
  - (b)    the vehicle being inspected, including vehicle type, class, age and proposed use;
  - (c)    the geographical area where the vehicle is to be operated;
  - (d)    any relevant guidance, codes of practice or policy statements issued or approved by the Director.
- 3.1(3)            The Director may require a certifier to amend procedures established under *3.1(1)* or to substitute new procedures provided by the Director and the certifier must make those amendments or substitutions within a reasonable time.
- 3.1(4)            A person establishing procedures, guidance and requirements under this section, must have regard to:
- (a)    the need to promote land transport safety; and
  - (b)    the costs of carrying out the relevant procedures; and
  - (c)    the level of risk to land transport safety of a vehicle to which the procedures apply.

## Section 4      **Inspection of vehicles at the border**

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**Note:** This section replaces *section 3 of Land Transport Rule: Vehicle Standards Compliance 1998* where a border check is carried out by a 'person or organisation appointed by the Director or by the Chief Executive of the New Zealand Customs Service'. The policy underlying the change reflected in the provisions below has been consulted on as part of the *Vehicle Safety Proposals Consultation Paper*. Proposal 2 said that the border inspection be made more stringent. If this policy were adopted, it would require a lead-in time, possibly several years, for full implementation.

### **4.1                      Application**

This section applies to all vehicles imported into New Zealand for operation on a road except:

- (a) new vehicles; or
- (b) vehicles in *6.1(a) to (h)* or *7.1(1)(a) to (j)*.

### **4.2                      Inspection of vehicles**

A vehicle to which this section applies must be inspected by an inspector appointed for the purpose under *2.1(1)* or by a border certifier.

### **4.3                      Inspection requirements**

The inspection of a vehicle under *4.2* must be carried out competently and diligently in accordance with the procedures established under *section 3* and with the requirements in this section.

### **4.4                      Determining compliance**

Following inspection of a vehicle under *4.3*, and taking into account information obtained from carrying out that inspection, a border certifier must identify the vehicle and determine, on reasonable grounds, whether:

- (a) the vehicle has any defects or has suffered damage of a category specified in *11.1*; or
- (b) any aspects of the vehicle may compromise:
  - (i) the safe operation of the vehicle; or



- (ii) compliance of the vehicle with applicable requirements.

**Note:** See note at 11.1. Application of 11.1 at this point would prohibit entry of the vehicle at the border.

#### **4.5 Information to be recorded**

A border certifier must record and provide to the Director, or to other persons specified by the Director, the following information about a vehicle inspected under 4.2:

- (a) its identity; and
- (b) the identity and address of its importer; and
- (c) its odometer reading; and
- (d) aspects, defects or damage identified under 4.4; and
- (e) other details specified by the Director.

## **Section 5      Inspection of vehicles for conditional operation before entering or re-entering service**

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### **5.1              Application**

This section applies to a vehicle that is to be operated under the conditions in *10.3* and *10.4* before being certified for entry or re-entry into service.

### **5.2              Inspection of vehicles**

5.2(1)            A vehicle to which *10.3(1)* applies must be inspected by the vehicle's operator to whom trade plates have been issued.

5.2(2)            A vehicle to which *10.3(2)* or *10.3(3)* applies must be inspected by a vehicle compliance certifier.

### **5.3              Inspection requirements**

The inspection of a vehicle under *5.2* must be carried out competently and diligently in accordance with the requirements in this section and, for an inspection under *5.2(2)*, in accordance with the procedures established under *section 3*.

### **5.4              Determining whether a vehicle is safe to be operated conditionally**

Following inspection of a vehicle under *5.2*, and taking into account information obtained from carrying out that inspection, a vehicle compliance certifier or the vehicle's operator must determine, on reasonable grounds, whether the vehicle is safe to be operated under the relevant conditions in *10.3*, and only for a purpose in *10.4*.

### **5.5              Conditional permits**

5.5(1)            On the same day a vehicle compliance certifier determines under *5.4* that a vehicle is safe to be operated, the certifier

must issue a Form C conditional permit in accordance with *section 9*.

5.5(2)

On the same day a vehicle's operator determines under 5.4 that a vehicle is safe to be operated, the operator must complete a list of addresses in 10.3(1)(d) and sign a Form B conditional permit in accordance with *section 9*.

## Section 6      **Inspection and certification of vehicles for entry or re-entry into service**

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### 6.1              **Application**

This section applies to all vehicles, except:

- (a) a vehicle of Class AB, LA, LB, TA or TB;
- (b) a vehicle used exclusively as equipment of the New Zealand Defence Force, if the vehicle is an armoured vehicle that has self-laying tracks;
- (c) a traction engine;
- (d) a mechanically-propelled roller;

**Note:** The agricultural sector has advised that there have been extensive technical developments in the vehicles and the machinery used in the 'exempt' categories since the *Traffic Regulations 1976* put the concessions in place. The basis for the concession – that the vehicles and machinery are not capable of travelling at a speed greater than 30 km/h – is seldom valid today. The draft rule proposes, accordingly, that a new regime be set in place for 'exempt' vehicles. There are several elements to the proposal, see page 10, of the Overview. Implementation of the new system may require a lead-in time.

- (e) a tractor and any other vehicle, including a trailer, used in farm or roading operations, whether for traction or otherwise, that is either not capable of being operated or, for a trailer, not designed to be operated, at a speed in excess of 50 km/h;
- (f) a vehicle in *Schedule 3 (h) to (l)* and *(s) to (tt)*;
- (g) a vehicle that is not in *Table A*, nor in *Schedule 2* or *Schedule 3*, if it is similar in design, construction or purpose to a vehicle in *(f)*;
- (h) a vehicle that is currently registered in a country other than New Zealand and has not been in New Zealand for a continuous period of more than 18 months.

### 6.2              **Inspection of vehicles**

A vehicle to which this section applies must be inspected by an inspector appointed for the purpose under *2.1(1)* or by a vehicle compliance certifier or a specialist certifier.

### **6.3 Requirement for inspection as a pre-requisite to certification**

A vehicle to which *section 4* applies must have been inspected in accordance with that section before it can be certified for entry or re-entry into service.

### **6.4 Inspection requirements**

- 6.4(1) The inspection of a vehicle under 6.3 must be carried out competently and diligently in accordance with the procedures established under *section 3* and with the requirements in this section.
- 6.4(2) Procedures established under *section 3* for the purposes of inspecting and certifying a vehicle for entry or re-entry into service must include the inspection of associated documentation and other evidence, specified by the Director, to determine if the vehicle complied with applicable approved vehicle standards when manufactured.
- 6.4(3) For the purposes of 6.4(2), the Director may specify one or more of the following:
- (a) a statement of compliance for a vehicle, or for a specified aspect of a vehicle, that is issued in accordance with 6.4(4) by the vehicle's manufacturer or manufacturer's representative, or by the relevant component manufacturer or manufacturer's representative;
  - (b) a compliance plate or compliance label attached to a vehicle, or standards markings on a vehicle's components, issued under the authority of an organisation that the Director is satisfied has been authorised to provide confirmation of compliance with applicable approved vehicle standards;
  - (c) a record of a vehicle's history of previous registration issued by an organisation that the Director is satisfied has been authorised to provide confirmation of compliance with applicable approved vehicle standards;
  - (d) other relevant documentation.

6.4(4) A statement of compliance may be issued for the purposes of 6.4(3)(a) only if a manufacturer or manufacturer's representative, or a relevant component manufacturer or its representative, can demonstrate the validity of the statement in accordance with the following, as appropriate:

- (a) a summary of evidence or a test certificate from tests carried out in accordance with the requirements of the approved vehicle standards;
- (b) a type approval issued by a relevant authorised certification organisation for the approved vehicle standards;
- (c) documentation in relation to arrangements for ensuring conformity of vehicle production in accordance with the requirements of the certification organisations for the approved vehicle standards;
- (d) documentation confirming that any deviation of the vehicle from the original source design, resulting from changes to components or manufacturing methods, does not have an adverse effect on compliance with the approved vehicle standards;
- (e) any other requirements specified by the Director.

6.4(5) A vehicle compliance certifier or a specialist certifier must comply, within a reasonable time, with any request from the Director to provide the documentation in 6.4(4).

## **6.5 Determining compliance**

6.5(1) Following an inspection under 6.4, a vehicle compliance certifier must identify a vehicle and determine, on reasonable grounds, whether or not the vehicle:

- (a) is safe to be operated; and
- (b) has been designed and constructed using components and materials that are fit for their purpose; and
- (c) complies with the applicable requirements; and
- (d) has a defect or has suffered damage of a category specified in 11.1.

**Note:** See note at 11.1. Application of 11.1 at this point would prohibit certification of the vehicle, thus preventing entry of the vehicle into the land transport system.

- 6.5(2) Following an inspection under 6.4, a specialist certifier must identify a vehicle and determine, on reasonable grounds, whether or not:
- (a) a specified aspect compromises the safe operation of the vehicle; and
  - (b) a specified aspect has been designed and constructed using components and materials that are fit for the purpose; and
  - (c) a specified aspect complies with the applicable requirements; and
  - (d) it has a defect or has suffered damage of a category specified in 11.1.

**Note:** See note at 11.1.

- 6.5(3) A vehicle compliance certifier or a specialist certifier, in making a determination under 6.5(1) or 6.5(2), must take into account:
- (a) information about a vehicle recorded by a border certifier if the vehicle was inspected at the border; and
  - (b) information obtained from carrying out an inspection under 6.4; and
  - (c) any specialist certification of a vehicle required under 6.6; and
  - (d) any additional relevant information issued by manufacturers, modifiers, repairers or other persons about a vehicle.

## 6.6 Specialist certification

- 6.6(1) A vehicle compliance certifier may certify a vehicle for entry or re-entry into service, only if it has been plated, labelled, or documentation has been issued, to confirm that relevant specialist certification has been obtained for a specified aspect of the vehicle, and:
- (a) for light vehicle repair certification, the vehicle has been repaired because of, or following, significant damage or deterioration to its structure, chassis, body-to-chassis attachment, suspension or occupant protection systems;
  - (b) subject to 6.6(2), for alternative fuel systems certification, the vehicle is equipped with a functioning alternative fuel system;
  - (c) subject to 6.6(3), for low volume vehicle certification, the vehicle is a light vehicle that, since it was manufactured or last certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement;
  - (d) for heavy vehicle specialist certification, the vehicle is a heavy vehicle that, since it was manufactured or last certified for modification, has been modified so as to affect its compliance with an applicable requirement,



including modifications to its chassis, brakes, log bolster attachments, towing connections or load anchorages;

- (e) any other specialist certification, required by an applicable requirement or specified by the Director, by notice in the *Gazette*, has been obtained.

6.6(2) A vehicle compliance certifier may not certify a vehicle equipped with a functioning alternative fuel system for entry or re-entry into service if the record of determination in relation to the alternative fuel systems certification had been issued more than one year previous to inspection.

6.6(3) Low volume vehicle certification is not required if a light vehicle, since it was manufactured or last certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement, and the modification:

- (a) is inspected by a vehicle compliance certifier in accordance with procedures specified by the Director, including, where appropriate, the inspection of a low volume vehicle auxiliary component label, and the certifier is satisfied, on reasonable grounds, that the risk of injury to any person has been minimised; or
- (b) was necessary for the purposes of law enforcement or the provision of emergency services.

## 6.7 Record of determination

6.7(1) When a vehicle compliance certifier or a specialist certifier has determined whether or not a vehicle or a specified aspect of a vehicle complies with the requirements of 6.5(1) or 6.5(2), the certifier must make a record of determination that either:

- (a) certifies that the vehicle or the specified aspect complies; or
- (b) records that the vehicle or the specified aspect does not comply.

6.7(2) A vehicle compliance certifier or a specialist certifier must provide a record of determination to the Director, or a person specified by the Director.

**6.8 Recording of other information**

A vehicle compliance certifier or a specialist certifier who has made a record of determination under 6.7(1) must provide information specified by the Director to the Director, or a person specified by the Director.

**6.9 Evidence of vehicle inspection**

On the same day a vehicle compliance certifier makes a record of determination that certifies that a vehicle complies with 6.5(1), the certifier must issue evidence of vehicle inspection in accordance with *section 9*.

## Section 7      **Inspection and certification of vehicles for operation in-service**

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### 7.1              **Application**

7.1(1)            This section applies to all vehicles, except:

- (a) a vehicle of Class AB, LA or LB that does not have a motor or motors with a total power output of more than 2 kW, and is not operated at a speed in excess of 50 km/h;
- (b) a vehicle used exclusively as equipment of the New Zealand Defence Force, if the vehicle is an armoured vehicle that has self-laying tracks;
- (c) a traction engine;
- (d) a mechanically-propelled roller;
- (e) a crane fitted with self-laying tracks;
- (f) an excavator fitted with self-laying tracks;

**Note:** The agricultural sector has advised that there have been extensive technical developments in the vehicles and the machinery used in the 'exempt' categories since the *Traffic Regulations 1976* put the concessions in place. The basis for the concession – that the vehicles and machinery are not capable of travelling at a speed greater than 30 km/h – is seldom valid today. The draft rule proposes, accordingly, that a new regime be set in place for 'exempt' vehicles. There are several elements to the proposal, see page 12, of the Overview. Implementation of the new system may require a lead-in time.

- (g) a tractor and any other vehicle, excluding a trailer, used in farm or roading operations that is not operated at a speed in excess of 30 km/h, unless the vehicle is capable of being operated at a speed in excess of 50 km/h;
- (h) a trailer used in farm or roading operations that is not operated at a speed in excess of 30 km/h, unless the vehicle is designed to be operated at a speed in excess of 50 km/h;
- (i) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power;
- (j) an all-terrain vehicle used:

- (i) in moving from the owner's place of residence to a road that is not a public highway, when the distance travelled is less than 3 km; or
- (ii) in connection with its inspection, servicing or repair; or
- (iii) as an agricultural vehicle.

## 7.1(2)

A vehicle, when certified under this section, must comply with applicable requirements only as far as is practicable for its design or type, if it is:

- (a) a vehicle in *Schedule 3(i), (t) to (bb) and (dd) to (tt)*;
- (b) a vehicle that is not in *Table A: Vehicle classes* that is similar in design, construction and purpose to a vehicle in (a).

## 7.2

**Vehicles that may not be certified for operation in-service**

A vehicle that is required to be inspected under *section 6*, may not be certified for operation in-service, if it:

- (a) has not previously been certified for entry or re-entry into service; or
- (b) has previously been certified for entry or re-entry into service and it:
  - (i) was last certified for entry or re-entry more than two years previously and has not entered service since that time; or
  - (ii) has been deregistered since it was last certified for entry or re-entry; or
  - (iii) has had a change of use or change of class since it was last certified for entry or re-entry and such that additional requirements will apply to the vehicle in its new use or class; or
  - (iv) has a defect or has suffered damage of a category specified in *11.1* since it was last certified for entry or re-entry; or

- (v) has had its record of determination that was issued under *6.7(1)(a)* revoked since it was last certified for entry or re-entry.

### **7.3 Inspection of vehicles**

A vehicle to which this section applies must be inspected by an inspector appointed for the purpose under *2.1(1)* or by a vehicle compliance certifier or a specialist certifier.

## **7.4 Inspection requirements for operation in-service**

- 7.4(1) The inspection of a vehicle under 7.3 must be carried out competently and diligently in accordance with the procedures established under *section 3* and with the requirements in this section.
- 7.4(2) Procedures established under *section 3* for the purposes of inspecting and certifying a vehicle for operation in-service must include the inspection of associated documentation and standards markings, compliance plates and compliance labels to determine the compliance of the vehicle's components with applicable requirements.

## **7.5 Determination of compliance**

- 7.5(1) Following an inspection under 7.4, a vehicle compliance certifier must identify a vehicle and determine, on reasonable grounds, whether or not the vehicle:
- (a) is safe to be operated; and
  - (b) is designed and constructed using components and materials that are fit for their purpose; and
  - (c) complies with the applicable requirements; and
  - (d) has a defect or has suffered damage of a category specified in 11.1.

**Note:** See note at 11.1. Application of 11.1 at this point would prevent the vehicle from remaining on the road in New Zealand.

- 7.5(2) Following an inspection under 7.4, a specialist certifier must identify a vehicle and determine on reasonable grounds whether or not:
- (a) a specified aspect compromises the safe operation of the vehicle; and
  - (b) a specified aspect is designed and constructed using components and materials that are fit for their purpose; and
  - (c) a specified aspect complies with the applicable requirements; and

- (d) a vehicle has a defect or has suffered damage of a category specified in *11.1*.

**Note:** See note at *11.1*.

- 7.5(3) A vehicle compliance certifier or a specialist certifier, in making a determination under 7.5(1) or 7.5(2), must take into account:
- (a) information obtained from carrying out an inspection under 7.4; and
  - (b) any specialist certification of a vehicle required under 7.6; and
  - (c) any additional relevant information issued by a manufacturer, modifier, repairer or other person about a vehicle.

## 7.6 Specialist certification

- 7.6(1) A vehicle compliance certifier may not certify a vehicle for operation in-service unless it has been plated, labelled, or documentation has been issued, to confirm that relevant specialist certification has been obtained for a specified aspect of the vehicle, and:
- (a) subject to 7.6(2), for alternative fuel systems certification, the vehicle is equipped with a functioning alternative fuel system; or
  - (b) subject to 7.6(3), for certification, the vehicle is a light vehicle that, since it was certified for entry or re-entry into service or previously certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement; or
  - (c) for heavy vehicle specialist certification, the vehicle is a heavy vehicle that, since it was manufactured or last certified for modification, has been modified so as to affect its compliance with an applicable requirement, including modifications to its chassis, brakes, log bolster attachments, towing connections or load anchorages; or
  - (d) any other specialist certification required by an applicable requirement or specified by the Director, by notice in the *Gazette*, has been obtained.
- 7.6(2) A vehicle equipped with a functioning alternative fuel system may not be certified for operation in-service by a vehicle compliance certifier if a record of determination in relation to



alternative fuel systems certification had been issued more than one year previous to inspection.

7.6(3)

Low volume vehicle certification is not required if a light vehicle, since it was certified for entry or re-entry into service or previously certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement, and the modification:

- (a) is inspected by a vehicle compliance certifier in accordance with procedures specified by the Director, including, where appropriate, the inspection of a low volume vehicle auxiliary component label, and the certifier is satisfied that the risk of injury to any person has been minimised having regard to any guidance issued by the Director; or
- (b) was necessary for the purposes of law enforcement or the provision of emergency services.

**7.7**

**Record of determination**

7.7(1)

When a vehicle compliance certifier or a specialist certifier has determined whether or not a vehicle or a specified aspect of a vehicle complies with 7.5(1) or 7.5(2), the certifier must make a record of determination that either:

- (a) certifies that the vehicle or the specified aspect complies; or
- (b) records that the vehicle or the specified aspect does not comply.

7.7(2)

A vehicle compliance certifier or a specialist certifier must provide a record of determination to the Director, or a person specified by the Director.

**7.8**

**Recording of other information**

A vehicle compliance certifier or a specialist certifier who has made a record of determination under 7.7(1) must provide to the Director, or issue to a person specified by the Director, information that is specified by the Director.

## **7.9 Determination that the vehicle is safe to be operated subject to conditions**

7.9(1) Following an inspection, under 7.4, of a vehicle that is in *Schedule 2* but is not in *Schedule 3*, a vehicle compliance certifier may, subject to 7.9(2), determine that the vehicle is safe to be operated, subject to specified conditions.

7.9(2) A vehicle compliance certifier may determine that:

- (a) a vehicle that does not comply with requirements for headlamps, is safe to be operated, subject to the vehicle not being operated during the hours of darkness;
- (b) a vehicle that is currently registered in a country other than New Zealand and has not been in New Zealand for a continuous period of more than 18 months, is safe to be operated.

7.9(3) A determination under 7.9(1) or 7.9(2) must be made on reasonable grounds and must take into account information obtained from carrying out an inspection under 7.4 and, if required by an applicable requirement or by the Director, relevant specialist certification.

## **7.10 Evidence of vehicle inspection and conditional permits**

7.10(1) On the same day that a vehicle compliance certifier makes a record of determination that certifies that a vehicle complies with 7.5(1), or determines that a vehicle is safe to be operated under 7.9(2), the certifier must issue evidence of vehicle inspection in accordance with *section 9*.

7.10(2) On the same day that a vehicle compliance certifier determines that a vehicle is safe to be operated conditionally under 7.9(1), the certifier must issue a conditional permit in accordance with *section 9*.

## **Section 8      Verification and recording of vehicle loading and weight limits**

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### **8.1              Application**

This section applies to a vehicle in *Schedule 2* that is not in *Schedule 3*, except for a light rental service vehicle that is not a passenger service vehicle.

### **8.2              Requirement for specialist certification as a prerequisite**

A vehicle's loading and weight limits may be verified and recorded, only if it has been plated, labelled, or documentation has been issued to confirm that relevant specialist certification has been obtained for a specified aspect of the vehicle, and if:

- (a) for low volume vehicle certification, the vehicle is a light vehicle that, since it was manufactured or previously certified as a low volume vehicle, has been modified so as to affect its loading and weight limits;
- (b) for heavy vehicle specialist certification, the vehicle is a heavy vehicle that, since it was manufactured or last certified for modification, has been modified so as to affect its compliance with an applicable requirement, including modification to its chassis, brakes, log bolster attachments, towing connections or load anchorages;
- (c) any other specialist certification required by an applicable requirement or specified by the Director, by notice in the *Gazette*, has been obtained.

### **8.3              Who may verify and record**

A vehicle compliance certifier may verify and record loading and weight limits for the purposes of this section.

### **8.4              Verification of information**

A vehicle compliance certifier must verify, in accordance with the applicable requirements, the following:

- (a) information that identifies a vehicle, including:
  - (i) its registration number;
  - (ii) its make, model and submodel;
  - (iii) its vehicle identification number or chassis number; and
- (b) details of a vehicle's:
  - (i) gross vehicle mass;
  - (ii) unladen vehicle mass;
  - (iii) wheelbase;
  - (iv) number of axles;
  - (v) over-dimension information, if applicable;
  - (vi) axle spacings; and
- (c) for a heavy vehicle or a passenger service vehicle that is a vehicle of Class MD1 or Class MD2, details of its:
  - (i) front-axle weight ratings;
  - (ii) rear-axle group weight ratings;
  - (iii) front-axle tyre designation and tyre capacity;
  - (iv) rear-axle group tyre designation and tyre capacity; and
- (d) relevant endorsements or statements required by applicable requirements; and
- (e) further details and conditions that have been specified for a vehicle's operation; and
- (f) if a vehicle is to be used for towing, as appropriate the:
  - (i) gross combination mass, braked;
  - (ii) gross combination mass, unbraked;
  - (iii) maximum braked towed mass;
  - (iv) maximum unbraked towed mass.

## **8.5 Record of loading and weight limits**

8.5(1) A vehicle compliance certifier must provide a record of the information verified under *8.4* to the Director and this must contain such information as is specified by the Director.

8.5(2) The information in *8.5(1)* must be in a form specified by the Director.

## **8.6 Certificates of loading**

On the same day that a vehicle compliance certifier provides a record under *8.5*, the certifier must issue a certificate of loading in accordance with *section 9*.

## **Section 9 Evidence of vehicle inspection, conditional permits and certificates of loading**

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### **9.1 Scope**

This section sets out requirements for:

- (a) evidence of vehicle inspection, under 6.9 and 7.10(1);
- (b) conditional permits, under 5.5 and 7.10(2);
- (c) certificates of loading, under 8.6.

### **9.2 Issuing evidence of vehicle inspection, conditional permits and certificates of loading**

9.2(1) A vehicle compliance certifier may issue evidence of vehicle inspection, a certificate of loading, a Form C conditional permit or an in-service conditional permit for the purposes of this section.

9.2(2) A vehicle operator to whom trade plates have been issued may issue a Form B conditional permit for the purposes of this section.

### **9.3 Evidence of vehicle inspection**

9.3(1) A vehicle compliance certifier must issue evidence of vehicle inspection in a form, and containing information, specified by the Director.

9.3(2) Evidence of vehicle inspection must specify dates of expiry in accordance with 9.5.

9.3(3) Evidence of vehicle inspection may be issued only if:

- (a) where *section 8* applies, the vehicle has a current certificate of loading;
- (b) where the vehicle is a transport service vehicle, it is being operated under a valid transport services licence.

9.3(4) A vehicle compliance certifier must affix evidence of vehicle inspection to a vehicle, as follows:

- (a) if the vehicle has a windscreen, on the inside of the windscreen facing outwards, on the same side as the steering wheel;
- (b) if the vehicle does not have a windscreen:
  - (i) for a trailer, on the back of the vehicle near the registration plate, or on the right-hand side of the vehicle at the rear;
  - (ii) for any other vehicle, in a position where it can be readily seen.

9.3(5) Evidence of vehicle inspection is a 'certificate of fitness' if the vehicle inspected is a vehicle to which *section 7* applies and if the vehicle is in *Schedule 2* but is not in *Schedule 3*.

9.3(6) Evidence of vehicle inspection is a 'warrant of fitness' if the vehicle inspected is a vehicle to which *section 7* applies and if the vehicle is not one to which *9.3(5)* applies.

#### **9.4 Conditional permits**

9.4(1) A vehicle compliance certifier must issue a conditional permit in a form, and containing information, specified by the Director.

9.4(2) A vehicle's operator must issue a Form B conditional permit in a form specified in *Schedule 4* as appropriate to a light or heavy vehicle.

9.4(3) A conditional permit must be carried inside the vehicle for which it is issued whenever the vehicle is operated on a road.

#### **9.5 Expiry dates for warrants of fitness and certificates of fitness**

This clause replaces *clause 5.2* of the *Land Transport Rule: Vehicle Standards Compliance 1998*. The frequency of warrant of fitness inspection changes from being based on a vehicle age of six years to one based on a vehicle age of five years. In addition, New Zealand new and imported used vehicles are treated equally. The policy underlying this change has been consulted on as proposal 9 of the *Vehicle Safety Proposals Consultation Paper*. If the proposed regime were implemented in April 2002, it would take until April 2003 before all vehicles affected would become subject to it.

9.5(1) Subject to *9.5(3)* and *12.4(3)*, when a vehicle is certified before the fifth anniversary of the date of its first registration in New Zealand or any other country:

- (a) the expiry date for a warrant of fitness is the same day of the month as the reference date specified in 9.5(4) or 9.5(5),  
12 months after that date;
  - (b) the expiry date for a certificate of fitness is the same day of the month as the reference date specified in 9.5(4) or 9.5(5), six months after that date, or an alternative number of months after that date specified by the Director under 9.9.
- 9.5(2) Subject to 9.5(3) and 12.4(3), when a vehicle is certified on or after the fifth anniversary of the date of its first registration in New Zealand or any other country:
  - (a) the expiry date for a warrant of fitness is the same day of the month as the reference date specified in 9.5(4) or 9.5(5), six months after that date;
  - (b) the expiry date for a certificate of fitness is the same day of the month as the reference date specified in 9.5(4) or 9.5(5), six months after that date or an alternative number of months after that date specified by the Director under 9.9.
- 9.5(3) The expiry date specified in 9.5(1) or 9.5(2) is the last day of the relevant month rather than the same day of that month, if the reference date specified in 9.5(4) is one of the following dates:  
29 February; 31 March; 31 May; 29, 30 or 31 August; 31 October; or 31 December.
- 9.5(4) The reference date, for the purposes of 9.5(1) to 9.5(3), is the date of issue of the warrant of fitness or certificate of fitness unless 9.5(5) applies.
- 9.5(5) If a warrant of fitness or certificate of fitness is current at the date of inspection under *section 7*, the reference date for the purposes of 9.5(1) to 9.5(3), is:
  - (a) for a warrant of fitness:
    - (i) 14 days after the date of issue of the new warrant if the expiry date of the current warrant is more than 14 days after the date of issue;



- (ii) the date of expiry of the current warrant if the expiry date of the current warrant is less than 15 days after the date of issue of the new warrant;
- (b) for a certificate of fitness:
  - (i) 28 days after the date of issue of the new certificate if the expiry date of the current certificate is more than 28 days after the date of issue;
  - (ii) the date of expiry of the current certificate if the expiry date is less than 29 days after the date of issue of the new certificate.

## **9.6 Expiry date of conditional permits**

- 9.6(1) The expiry date of a Form B conditional permit is as specified by the Director.
- 9.6(2) Subject to 9.6(3), the expiry date of a Form C conditional permit is the same day of the month as the reference date specified in 9.6(5), six months after that date.
- 9.6(3) The expiry date specified in 9.6(2) is the last day of the relevant month rather than the same day of that month, if the reference date specified in 9.6(5) is one of the following dates: 29 February; 31 March; 31 May; 29, 30 or 31 August; 31 October; or 31 December.
- 9.6(4) The expiry date of an in-service conditional permit is a date specified by the certifier that is not more than 28 days after the reference date specified in 9.6(5).
- 9.6(5) The reference date, for the purposes of 9.6, is the date of issue of the conditional permit.

## **9.7 When warrants of fitness, certificates of fitness and conditional permits cease to be current**

A vehicle's warrant of fitness, certificate of fitness or conditional permit ceases to be current:

- (a) after the expiry date in 9.5 or 9.6; or

- (b) if the vehicle is modified in such a way as to affect compliance of the vehicle with a requirement relating to safety performance without the modification having been certified by a specialist certifier, unless the modification is one to which 7.6(3) applies; or
- (c) if the vehicle is a rental service vehicle of Class MA that has:
  - (i) suffered significant crash damage; or
  - (ii) travelled more than 50,000 km;
- (d) if an enforcement officer gives a notice under *section 115 of the Land Transport Act 1998* to the driver or owner of the vehicle stating that the vehicle may not be operated until a new warrant of fitness, certificate of fitness or conditional permit has been issued; or
- (e) if the vehicle's certificate of fitness is revoked in accordance with 9.8; or
- (f) if the vehicle's record of determination is revoked under 11.3;
- (g) if the vehicle is a transport service vehicle that has suffered significant damage or deterioration to its structure, chassis, body-to-chassis attachment, suspension or occupant protection systems that is likely to affect its compliance with applicable requirements.

## 9.8 Revocation of a certificate of fitness

**Note:** This is a new power of the Director authorising a certifier to revoke a current certificate of fitness if a vehicle fails a certificate of fitness inspection with serious defects. This was consulted on as proposal 11 of the *Vehicle Safety Proposals Consultation Paper*.

- 9.8(1) The Director may specify requirements, from among the applicable requirements, with which a vehicle must comply so as to retain a current certificate of fitness.
- 9.8(2) Before specifying requirements under 9.8(1), the Director must be satisfied that there would be a significant risk to land transport safety of a vehicle being operated without complying with the requirements.

- 9.8(3) If a vehicle compliance certifier determines that a vehicle that has a current certificate of fitness does not comply with one or more of the requirements specified by the Director under 9.8(1), the certifier must revoke the vehicle's certificate.
- 9.8(4) If a vehicle's certificate of fitness has been revoked, a vehicle compliance certifier must:
- (a) notify the vehicle's operator that the vehicle may not be operated except under specified conditions; and
  - (b) notify the Director that the certificate has been revoked; and
  - (c) request the vehicle's operator to remove the certificate from the vehicle and surrender it to the certifier or the Director.
- 9.8(5) A notification under 9.8(4)(a) must be in a format, contain information, and be affixed to a vehicle in a position specified by the Director.

## 9.9 Alternative expiry dates for certificates of fitness

**Note:** This is a proposed new power of the Director to vary the frequency of certificate of fitness inspections, depending on a vehicle's previous record in passing inspections. This change was consulted on as proposal 10 of the *Vehicle Safety Proposals Consultation Paper*.

- 9.9(1) The Director may specify a number of months between the reference date and the expiry date specified in 9.5(1)(b) and 9.5(2)(b) of a vehicle's certificate of fitness from a minimum of three months to a maximum of nine months, depending on the level of risk to land transport safety that vehicle presents.
- 9.9(2) The number of months specified in 9.9(1) must be based on information from previous inspections of a vehicle as to the level of risk to land transport safety that vehicle presents.

## 9.10 Certificates of loading

A vehicle to which *section 8* applies must be issued with a certificate of loading containing information, specified by the Director including:

- (a) information that identifies the vehicle, including the vehicle identification number, registration number or chassis number;
- (b) the date of certification;
- (c) other information relevant to loading and weight specifications in applicable requirements.

### **9.11 When a certificate of loading ceases to be current**

A certificate of loading ceases to be current if it has been revoked in accordance with 9.12.

### **9.12 Revocation of certificate of loading**

9.12(1) Before issuing a certificate of fitness, a vehicle compliance certifier must determine whether or not a current certificate of loading is still valid, if one or more of the following events has occurred since the current certificate of loading was issued:

- (a) the vehicle has been modified so as to require specialist certification under 8.3;
- (b) the vehicle has been deregistered;
- (c) the vehicle has had a change of use or change of class.

9.12(2) If the vehicle compliance certifier has determined that the current certificate of loading is no longer valid, the certifier must revoke the certificate and notify the Director.

9.12(3) If a certificate of loading has been revoked, the vehicle compliance certifier must request the vehicle's operator to remove the certificate from the vehicle and surrender it to the certifier or the Director.

## **Section 10    Operation of vehicles on a road**

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### **10.1            Application**

This section applies to the operation of vehicles other than those in *7.1(1)(a)* to *(j)*.

### **10.2            Vehicle to have a current warrant of fitness, certificate of fitness or conditional permit**

10.2(1)        Subject to *10.2(2)* and *10.3* to *10.5*, a vehicle in *10.1* may be operated only if:

- (a)    it has a current warrant of fitness, certificate of fitness or conditional permit; and
- (b)    the warrant, certificate or permit is legible, and affixed or carried in accordance with *9.3* and *9.4*.

10.2(2)        A vehicle may be operated without a current warrant of fitness, certificate of fitness or conditional permit if:

- (a)    the vehicle is displaying a warrant or certificate that expired not more than 14 days previously; and
- (b)    the vehicle is being operated for the purpose of obtaining a warrant or certificate; and
- (c)    the vehicle is safe to be operated for that purpose.

### **10.3            Conditional operation of a vehicle before it enters or re-enters service**

10.3(1)        A vehicle that has a Form B conditional permit may be operated before entering or re-entering service only if:

- (a)    the vehicle's operator has fitted a valid trade plate to the vehicle; and
- (b)    the vehicle is being operated solely for one or more of the purposes in *10.4*; and
- (c)    the vehicle, if a light vehicle, is not being operated on a journey from its point of entry into New Zealand; and

- (d) the vehicle's operator carries in the vehicle an up-to-date Form A list of addresses, between which the vehicle will be operated, in a format specified by the Director, where no distance travelled exceeds the maximum distance specified in the notice.

10.3(2) Subject to *10.3(3)*, a vehicle that has a Form C conditional permit may be operated before entering or re-entering service only if:

- (a) the vehicle's operator has fitted a trade plate to the vehicle; and
- (b) the vehicle is being operated solely for one or more of the purposes in *10.4*.

10.3(3) A heavy vehicle that has a Form C conditional permit may be operated before entering service only if it is being operated for one or more of the purposes in *10.4*.

#### **10.4 Purposes for conditional operation of a vehicle before entering or re-entering service**

The purposes referred to in *5.4* and *10.3* are:

- (a) demonstration of the vehicle;
- (b) delivery of the vehicle;
- (c) completion of construction of the vehicle;
- (d) repair or modification of the vehicle;
- (e) road-testing of the vehicle in connection with certification;
- (f) evaluation or testing of the vehicle.

#### **10.5 Conditional operation of vehicles in-service**

A vehicle that has an in-service conditional permit may be operated only in accordance with any conditions specified by a certifier.

**10.6 Vehicle to have current certificate of loading**

10.6(1) A vehicle to which *section 8* applies may be operated only if it has a current certificate of loading, unless it is being operated conditionally before entering or re-entering service in accordance with *10.3*.

10.6(2) A current certificate of loading must be legibly displayed on the vehicle, and must be readily visible to the driver and, if the vehicle is a passenger service vehicle, must be readily visible to the passengers.

**10.7 Surrender of warrants of fitness, certificates of fitness, conditional permits and certificates of loading**

If a warrant of fitness, certificate of fitness, conditional permit or certificate of loading has been revoked under *9.8*, *9.12* or *11.3*, the vehicle's operator must remove the warrant, certificate or permit and surrender it to the Director or the vehicle compliance certifier.

## Section 11 Additional powers of the Director

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**Note:** 11.1 is a new power of the Director to effectively ban high risk vehicles such as water-damaged vehicles. The policy underlying this change was consulted on as proposal 3 of the *Vehicle Safety Proposals Consultation Paper*.

### 11.1 High-risk vehicles

The Director may, by notice in the *Gazette*, specify a category of vehicle defect or damage that the Director considers would make it impracticable to determine on reasonable grounds by inspection that a vehicle having that defect or having suffered that damage is safe to be operated.

### 11.2 Director may carry out functions of inspectors and certifiers

The Director may undertake any function specified in this rule as a function of an inspector or a certifier, including the inspection and certification of vehicles.

### 11.3 Revocation of records of determination, warrants of fitness, certificates of fitness, conditional permits and certificates of loading

11.3(1) The Director may revoke, by giving written notice to the vehicle's operator, a record of determination, a warrant of fitness, certificate of fitness or conditional permit issued for a vehicle under this rule, if the Director believes on reasonable grounds that the vehicle does not comply with applicable requirements.

11.3(2) The Director may revoke, by giving written notice to a vehicle's operator, a certificate of loading issued for a vehicle under this rule, if the Director believes on reasonable grounds that the certificate is not valid.

### 11.4 Vehicles to be reinspected

If a warrant of fitness, certificate of fitness, conditional permit or certificate of loading has been revoked under 11.3, the Director may require in writing that an inspector or a certifier:



- (a) reinspect a vehicle for any of the purposes of *section 4* to *section 8*; and
- (b) carry out the functions in *section 4* to *section 8* for the vehicle; and

- (c) issue, where appropriate, a warrant, certificate or permit in accordance with *section 9*; and
- (d) meet the costs of the activities undertaken under (a) to (c).

**11.5 Expiry date of Form B conditional permit**

11.5(1) The Director may specify the expiry date of a Form B conditional permit.

## **Section 12** Transitional provisions and savings

### **12.1** **Appointments and approvals**

12.1(1) Subject to 12.1(2), a person appointed or approved under *Land Transport Rule: Vehicle Standards Compliance 1998* at the commencement of this rule, continues to be appointed or approved in accordance with the terms and conditions of their appointment or approval.

12.1(2) An appointment and an approval under 12.1(1) is subject to 2.4 to 2.8.

### **12.2** **Inspection procedures**

Inspection procedures that were established under *Land Transport Rule: Vehicle Standards Compliance 1998* by a person to whom 12.1(1) applies, are procedures established under section 3.

### **12.3** **Verifications and certifications**

Verifications of compliance and certifications made under *Land Transport Rule: Vehicle Standards Compliance 1998* are determinations under 4.4, 5.4, 6.5, 7.5 and 7.9 and verifications under 8.4, as appropriate.

### **12.4** **Records of certification**

12.4(1) Subject to 12.4(3), a record of certification made under *Land Transport Rule: Vehicle Standards Compliance 1998* is, as appropriate:

- (a) a record of determination under 6.7 and 7.7;
- (b) a record under 6.8, 7.8 and 8.5;
- (c) evidence of vehicle inspection under 6.9 and 7.10(1);
- (d) a certificate of loading under 8.6;
- (e) a conditional permit under 7.10(2).

- 12.4(2) A record of certification to which 12.4(1) applies, remains in force until its expiry date.

- 12.4(3) Subject to *12.4(3)*, an exemption issued under *section 166* of the *Land Transport Act 1998* for the purposes of allowing a vehicle to be operated temporarily without a record of certification continues to apply in accordance with the exemption's terms and conditions.

## Part 2 Definitions

- Agricultural** in relation to purposes or operations, means connected directly with the operation or management of a farm.
- All-terrain vehicle** means a special purpose vehicle, with or without motor cycle controls and equipment, that:
- (a) is principally designed for off-road use;
  - (b) has three or more wheels;
  - (c) has an engine capacity exceeding 50 ml;
  - (d) has a gross weight of less than 1000 kg.
- Alternative fuel systems certification** means the issuing of an installation certificate or an inspection certificate in accordance with the requirements of *regulations 90A to 90Q of the Traffic Regulations 1976*.
- Applicable requirement** means any requirement in an Act, regulation or rule in *Schedule 1* that applies to a vehicle.
- Approved vehicle standard** means a vehicle standard with which a vehicle is required to comply by an applicable requirement.
- Authority** means the Land Transport Safety Authority of New Zealand continued by *section 184 of the Land Transport Act 1998*.
- Border certifier** means a person appointed under *2.1(2)*.
- Certificate of fitness** means evidence of vehicle inspection issued under *6.9 or 7.10(1)* to a vehicle to which *9.3(5)* applies.
- Certifier** means a person appointed under *2.1(3)* or *2.1(4)*.
- Certify** in relation to a vehicle or specified aspect of a vehicle, means to make a record of determination under *6.7 or 7.7* that confirms that the certifier has determined that the vehicle or

specified aspect of the vehicle complies with the relevant requirements.

**Compliance label** means an attachment to the vehicle in the form of a label that confirms compliance with one or more vehicle standards.

**Compliance plate** means an attachment to a vehicle in the form of a plate that confirms compliance with one or more vehicle standards.

**Conditional permit** means a permit issued under 5.5 or 7.10 that confirms that a determination has been made that the vehicle is safe to be operated under specified conditions.

**Deregistered** means that a vehicle's New Zealand registration has been cancelled in accordance with *section 27 or 28 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986*.

**Director** means the Director of Land Transport Safety appointed under *section 186 of the Land Transport Act 1998*.

#### **Evidence of vehicle**

**inspection** has the same meaning as in the *Land Transport Act 1998*.

#### **Form B**

**conditional permit** means a conditional permit issued under 5.5 by a vehicle's operator in the form in *Schedule 4*.

#### **Form C**

**conditional permit** means a conditional permit issued under 5.5 by a vehicle compliance certifier.

**Gross laden weight** has the same meaning as in the *Land Transport Act 1998*.

**Gross vehicle mass** in relation to a vehicle, means the maximum permitted mass of the vehicle, specified by the Director, which includes the mass of the vehicle, all the accessories, the crew, the passengers and the baggage and that may be determined by taking into consideration:

- (a) any mass, specified (subsequent to the latest modification, if any) as the gross vehicle mass by the manufacturer of the vehicle;
- (b) any mass proposed as the gross vehicle mass of the vehicle subsequent to its modification and

recertification to that mass by a person approved for that purpose by the Director;

- (c) evidence on the capability of the components and systems of the vehicle that may be considered by the Director to be necessary to evaluate to ensure the safe operation of the vehicle with the gross vehicle mass.

**Heavy vehicle** means a motor vehicle that is either:

- (a) of Class MD3, MD4, ME, NB, NC, TC or TD; or
- (b) a vehicle (not of a class specified in *Table A: Vehicle classes*) with a gross vehicle mass that exceeds 3500 kg.

**In-service** in relation to a vehicle, means to be operated for a purpose other than one listed in *10.4*.



**In-service**

**conditional permit** means a conditional permit issued under 7.10(2) by a vehicle compliance certifier.

**Inspector** means a person appointed to inspect vehicles under 2.2(1).

**Light vehicle** means a motor vehicle of any class except one defined as a 'heavy vehicle'.

**Light vehicle**

**repair certification** means certification of a repair to the structure, chassis, body-to-chassis attachments, suspension, or occupant protection systems of a light vehicle for compliance with *Land Transport Rule: Vehicle Repair 1998*.

**Low volume vehicle** means a motor vehicle, of a class specified in *Table A: Vehicle classes*, other than Class MD3, MD4, ME, NB, NC, TC or TD, that is:

- (a) scratch-built in quantities of 200 or less at any one location in any one year, by a manufacturer whose total production of motor vehicles does not exceed 200 units over the same period, and where the construction of the vehicle directly or indirectly affects compliance of the vehicle with any of the vehicle standards prescribed by New Zealand law; or
- (b) modified uniquely, or in quantities of 200 or less at any one location in any one year, in such a way as to affect compliance of the vehicle with a legal requirement relating to safety performance applicable at the time of the modification.

**Low volume vehicle**

**certification** means certification of a low volume vehicle for compliance with the *Low Volume Vehicle Code*, including certification for compliance with a Low Volume Vehicle Type Approval issued by the Director in accordance with the code.

**Low Volume**

**Vehicle Code** means the Code of the Low Volume Vehicle Technical Association Incorporated.

**Low volume**

**vehicle type**

**approval** means a type approval for a modification confirming that the vehicle model when modified in accordance with the approval will comply with the *Low Volume Vehicle Code*.

**Low volume**

**vehicle auxiliary**

**component** means a component that, when fitted to a specified type of vehicle, model or model variant, does not compromise the vehicle's compliance with applicable requirements.

**Low volume****vehicle auxiliary**

**component label** means a label issued to a low volume vehicle auxiliary component in accordance with the *Low Volume Vehicle Code*.

**Make** in relation to a vehicle, means the name given for market identification to a group or groups of vehicles by a company or organisation that owns that name.

**Modify** in relation to a vehicle, means to change the vehicle from its original state by altering, substituting, adding or removing any structure, system, component or equipment; but does not include repair.

**Motor vehicle** means a vehicle drawn or propelled by mechanical power, including its structure, systems, components and equipment; and includes a trailer, but does not include:

- (a) a vehicle running on rails;
- (b) an invalid carriage;
- (c) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force;
- (d) a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres;
- (e) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles;
- (f) a pedestrian-controlled machine.

**New vehicle** means a vehicle that:

- (a) has not been registered and operated on a road in New Zealand or any other country; and
- (b) has not been operated on a road in New Zealand or any other country as a demonstration or courtesy vehicle; and

(c) has not been used for training or testing purposes; and

(d) is not a scratch-built vehicle that contains components that have been fitted to a vehicle in (a), (b) or (c).

**Operator** means a person who drives or uses a vehicle on a road, or who causes or permits the vehicle to be on a road, or to be driven on a road, whether or not the person is present with the vehicle.

**Record of determination** means a record made under 6.7 or 7.7.

**Registered** in relation to a vehicle, means registered under the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.

**Registration number** means the combination of numbers or letters, or numbers and letters, issued under the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*, for use on a registration plate.

**Rental service vehicle** has the same meaning as in the *Transport Services Licensing Act 1989*.

**Repair** means to restore a damaged or worn vehicle or component and includes the replacement of damaged or worn structures, systems, components or equipment with equivalent undamaged or new structures, systems, components or equipment.

**Scratch-built vehicle** means a vehicle assembled from previously unrelated components and construction materials that have not been sourced from donors of a single make or model and that, in its completed form, never previously existed as a mass-produced vehicle, although the external appearance may resemble or replicate an existing vehicle. A scratch-built vehicle must contain no more than the following componentry from a mass-produced vehicle of a single make and model:

(a) 40% of the chassis rails plus half or more of the crossmembers, or alternately 40% of more of a

spaceframe, or 40% of the floorpan of a unitary constructed body, which ever is appropriate; and

- (b) 40% or more of the bodywork (based on surface area of body panels but does not include the floorpan, internal bracing, sub panels, bulkheads or firewall).

### **Specialist**

**certification** means to make a record of determination under 7.7 that confirms that the certifier has determined that a specified aspect of the vehicle complies with the relevant requirements.

**Specialist certifier** means a person appointed by the Director under 2.1(4).

**Trade plate** has the same meaning as in the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.

**Type approval** means an instrument confirming that a specified vehicle model, model variant, or component complies with an approved vehicle standard or with the *Low Volume Vehicle Code*.

**Vehicle** means a motor vehicle, for the purposes of this rule.

### **Vehicle compliance**

**certifier** means a person appointed by the Director under 2.1(3).

### **Vehicle**

#### **identification**

**number** means a group of letters and numbers consisting of 17 characters that:

- (a) is affixed to a vehicle in accordance with the relevant standard prescribed under *regulation 90V* of the *Traffic Regulations 1976*;
- (b) is capable of being decoded to provide identifying information about that vehicle.

### **Vehicle inspection**

**organisation** means an organisation approved under 2.1(5).

### **Vehicle recovery**

**service vehicle** has the same meaning as in the *Transport Services Licensing Act 1989*.

**Vehicle standard** means a technical specification with which a vehicle component or system must comply, and which is adopted by:

- (a) the New Zealand Standards Council; or
- (b) any international, national or regional organisation with functions similar to the New Zealand Standards Council.

**Warrant of fitness** means evidence of vehicle inspection, issued under 6.9 or 7.10(1) to a vehicle to which 9.3(6) applies.

**Table A**            **Vehicle classes**

<b>Class</b>	<b>Description</b>
AA (Pedal cycle)	A vehicle designed to be propelled through a mechanism solely by human power.
AB (Power-assisted pedal cycle)	A pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts.
LA (Moped with two wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: <ul style="list-style-type: none"> <li>(a) has two wheels; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or</li> <li>(ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.</li> </ul> </li> </ul>
LB (Moped with three wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: <ul style="list-style-type: none"> <li>(a) has three wheels; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or</li> <li>(ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.</li> </ul> </li> </ul>
LB 1	A class LB motor vehicle that has one wheel at the front and two wheels at the rear.
LB 2	A class LB motor vehicle that has two wheels at the front one wheel at the rear.

<p>LC (Motor cycle)</p>	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> <li>(a) has two wheels; and</li> <li>(b) either:             <ul style="list-style-type: none"> <li>(i) has an engine cylinder capacity exceeding 50 ml; or</li> <li>(ii) has a maximum speed exceeding 50 km/h. □</li> </ul> </li> </ul>



**Table A**                    **Vehicle classes (continued)**

<b>Class</b>	<b>Description</b>
LD (Motor cycle and side-car)	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> <li>(a) has three wheels asymmetrically arranged in relation to the longitudinal median axis; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) has an engine cylinder capacity exceeding 50 ml; or</li> <li>(ii) has a maximum speed exceeding 50 km/h.</li> </ul> </li> </ul>
Side Car	<p>A car, box, or other receptacle attached to the side of a motor cycle and supported by a wheel.</p>
LE (Motor tri-cycle)	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> <li>(a) has three wheels symmetrically arranged in relation to the longitudinal median axis; and</li> <li>(b) has a gross vehicle mass not exceeding one tonne; and</li> <li>(c) either: <ul style="list-style-type: none"> <li>(i) has an engine cylinder capacity exceeding 50 ml; or</li> <li>(ii) has a maximum speed exceeding 50 km/h.□</li> </ul> </li> </ul>
LE 1	<p>A Class LE motor vehicle that has one wheel at the front and two wheels at the rear.</p>
LE 2	<p>A Class LE motor vehicle that has two wheels at the front and one wheel at the rear.□</p>
Passenger vehicle	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> <li>(a) is constructed primarily for the carriage of passengers; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) has at least four wheels; or</li> <li>(ii) has three wheels and a gross vehicle mass exceeding</li> </ul> </li> </ul>

	one tonne. □
MA (Passenger car)	A passenger vehicle (other than a Class MB or Class MC vehicle) that has not more than nine seating positions (including the driver's seating position).

**Table A**                    **Vehicle classes (continued)**

<b>Class</b>	<b>Description</b>
MB (Forward control passenger vehicle)	<p>A passenger vehicle (other than a Class MC vehicle):</p> <ul style="list-style-type: none"> <li>(a) that has not more than nine seating positions (including the driver's seating position); and</li> <li>(b) in which the centre of the steering wheel is in the forward quarter of the vehicle's total length.</li> </ul>
MC (Off-road passenger vehicle)	<p>A passenger vehicle, designed with special features for off-road operation, that has not more than nine seating positions (including the driver's seating position), and that:</p> <ul style="list-style-type: none"> <li>(a) has four-wheel drive; and</li> <li>(b) has at least four of the following characteristics when the vehicle is unladen on a level surface and the front wheels are parallel to the vehicle's longitudinal centre-line and the tyres are inflated to the vehicle manufacturer's recommended pressure: <ul style="list-style-type: none"> <li>(i) an approach angle of not less than 28 degrees;</li> <li>(ii) a breakover angle of not less than 14 degrees;</li> <li>(iii) a departure angle of not less than 20 degrees;</li> <li>(iv) a running clearance of not less than 200mm;</li> <li>(v) a front-axle clearance, rear-axle clearance, or suspension clearance of not less than 175mm.</li> </ul> </li> </ul>
Omnibus	<p>A passenger vehicle that has more than nine seating positions (including the driver's seating position). An omnibus comprising two or more non-separable but articulated units shall be considered as a single vehicle.</p>
MD (Light omnibus)	<p>An omnibus that has a gross vehicle mass not exceeding 5 tonnes.</p>
MD 1	<p>An omnibus that has a gross vehicle mass not exceeding 3.5</p>

	tonnes and not more than 12 seats.
MD 2	An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and more than 12 seats.
MD 3	An omnibus that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes.

**Table A**                    **Vehicle classes (continued)**

<b>Class</b>	<b>Description</b>
MD 4	An omnibus that has a gross vehicle mass exceeding 4.5 tonnes but not exceeding 5 tonnes.
ME (Heavy omnibus)	An omnibus that has a gross vehicle mass exceeding 5 tonnes.
Goods vehicle	<p>A motor vehicle that:</p> <ul style="list-style-type: none"> <li>(a) is constructed primarily for the carriage of goods; and</li> <li>(b) either: <ul style="list-style-type: none"> <li>(i) has at least four wheels; or</li> <li>(ii) has three wheels and a gross vehicle mass exceeding one tonne.</li> </ul> </li> </ul> <p>For the purpose of this description:</p> <ul style="list-style-type: none"> <li>(a) a vehicle that is constructed for both the carriage of goods and passengers shall be considered primarily for the carriage of goods if the number of seating positions multiplied by 68 kg is less than 50% of the difference between the gross vehicle mass and the unladen mass;</li> <li>(b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods;</li> <li>(c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle.</li> </ul>
NA (Light goods vehicle)	A goods vehicle that has a gross vehicle mass not exceeding 3.5 tonnes.□
NB (Medium goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes.□
NC (Heavy goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 12 tonnes.□



**Table A                    Vehicle classes (continued)**

<b>Class</b>	<b>Description</b>
Trailer	A vehicle without motive power that is constructed for the purpose of being drawn behind a motor vehicle. □
TA (Very light trailer)	A single-axled trailer that has a gross vehicle mass not exceeding 0.75 tonnes. □
TB (Light trailer)	A trailer (other than a Class TA trailer) that has a gross vehicle mass not exceeding 3.5 tonnes. □
TC (Medium trailer)	A trailer that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 10 tonnes. □
TD (Heavy trailer)	A trailer that has a gross vehicle mass exceeding 10 tonnes

## **Part 3            Schedules**

### **Schedule 1        Acts, regulations and rules**

Acts, regulations and rules that may be applicable to motor vehicles certified under this rule:

- the *Transport Act 1962*;
- the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*;
- the *Transport Services Licensing Act 1989*;
- the *Land Transport Act 1998*;
- the *Goods Service Vehicle Constructional Regulations 1936*;
- the *Heavy Motor Vehicle Regulations 1974*;
- the *Passenger Service Vehicle Construction Regulations 1978*;
- the *Traffic Regulations 1976*;
- the *Transport (Vehicle Standards) Regulations 1990*;
- Land Transport Rules, other than this rule.



## **Schedule 2      Vehicles required to have a certificate of fitness**

The following vehicles must have a certificate of fitness unless the vehicle is also listed in *Schedule 3*:

- (a) heavy vehicles;
- (b) passenger service vehicles;
- (c) rental service vehicles;
- (d) vehicle recovery service vehicles;
- (e) an articulated combination of vehicles whose maximum combined gross weight is more than 3500 kg;
- (f) goods service vehicles (as defined in *section 2* of the *Transport Services Licensing Act 1989*) with a gross laden weight of 3500 kg or more, other than a vehicle whose gross laden weight exceeds 3500 kg by reason only of the load that the vehicle is, for the time being, carrying including equipment and accessories.

**Schedule 3      Vehicles referred to in Schedule 2**

- (a) Class MA, MB or MC vehicles that, in the carriage of passengers for hire or reward:
  - (i) are used solely for transporting not more than seven school-children; and
  - (ii) do not exceed the designed adult passenger capacity of the vehicle by more than two school-children.
- (b) Vehicles that may lawfully be used on a road under the authority of trade plates affixed to them under *section 35 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986*.
- (c) Vehicles normally propelled by mechanical power while they are being temporarily towed, without the use of their own power, by another vehicle.
- (d) Vehicles used by the New Zealand Defence Force (as defined in the *Defence Act 1971*), that are being used to convey persons who would otherwise use public transport during a period in which any public transport in New Zealand is suspended.
- (e) Motor caravans that:
  - (i) have an original manufacturer's rating of 3750 kg or less;
  - (ii) were registered in New Zealand before 1 January 1992;
  - (iii) have been certified by an approved person to comply with the *Low Volume Vehicle Code* while the vehicles continue to comply with the code.
- (f) Vehicles while being used on a road that is not a public highway.
- (g) Vehicles that are used on a public highway only in connection with the inspection, servicing, or repair of the vehicle or for the purpose of allowing any person to sit a practical driving test in that vehicle.

- (h) Pedestrian-controlled goods service vehicles.
- (i) Vehicles propelled and supported solely by self-laying tracks.
- (j) Vehicles used on roads only in road construction zones in accordance with notices declaring those zones.
- (k) Vehicles that are used on a road only when crossing or proceeding along a section of the road where the vehicles have been authorised to operate by an authorisation of a road-controlling authority that requires:
  - (i) a written agreement by the vehicle's operator or the person for whom the vehicle is being operated, to construct, reconstruct, maintain, or restore to the satisfaction of the road-controlling authority all or part of the road used by the vehicle; and
  - (ii) the erection and maintenance of warning devices, signs or control devices as required by the road-controlling authority and the Director; and
  - (iii) where the use of the road does not consist solely of the direct crossing of the road, the prior approval of Transit New Zealand.
- (l) All-terrain vehicles that are used on a public highway:
  - (i) in moving from the owner's place of residence to a road that is not a public highway, when the distance travelled is less than 3 km; or
  - (ii) in connection with the inspection, servicing or repair of the vehicles; or
  - (iii) as an agricultural vehicle.
- (m) Tractors and other vehicles, including trailers, used in farm or roading operations, whether for traction or otherwise, that are not capable of, or for a trailer not designed to be operated at a speed in excess of 50 km/h;

- (n) Vehicles exclusively designed and used on a road for driving, carrying, or propelling, any of the following, which must be permanently attached to the vehicle:
  - (i) aerodrome runway sweepers;
  - (ii) electrical substations;
  - (iii) filters for transformer oil;
  - (iv) log haulers that are stationary when hauling logs;
  - (v) aero engine test benches.
- (o) Tractors or self-propelled grassmowers, used exclusively for:
  - (i) the cultivation or upkeep of land used for cemetery purposes or for the purpose of sport, recreation or education; or
  - (ii) the cutting of grass verges of roads.
- (p) Tractors owned by a local authority and used exclusively for the construction, maintenance, or mowing of stopbanks and the banks of rivers, streams, drains, canals, or other watercourses.
- (q) Mobile or movable huts, galleys, or similar vehicles that are used on a road solely in connection with the construction or maintenance of roads.
- (r) Tractors used exclusively for shunting railway rolling stock.
- (s) Traction engines.
- (t) Forklifts.
- (u) Aerodrome crash fire tenders that are used on a road only in emergencies.
- (v) Trailers while being drawn by a vehicle in (s) to (z) of this schedule.
- (w) Vehicles, used exclusively in connection with the embarking and disembarking of ships' passengers or for loading and unloading ships' mails, cargo, and

passengers' baggage, and used on a public highway only when proceeding unladen from one wharf to another wharf or from its usual place of storage to a wharf and returning to that place of storage.

- (x) Vehicles designed exclusively or principally as part of the armament of the New Zealand Defence Force.
- (y) Cable jinkers.
- (z) Front-end loaders.
- (aa) Log skidders.
- (bb) Tractor cranes.
- (cc) Rough-terrain cranes.
- (dd) Mobile crushing and screening plant machines that are mounted on trailers.
- (ee) Motor graders.
- (ff) Motor scrapers.
- (gg) Trailer scrapers.
- (hh) Plant for servicing oil-filled cables.
- (ii) Post debarkers.
- (jj) Saw bench apparatus.
- (kk) Forestry chippers.
- (ll) Tree feller bunchers.
- (mm) Trench diggers and excavators.
- (nn) Vehicles that are always used unladen on the road and that are designed exclusively for carrying earth or other bulk materials.
- (oo) Mobile concrete mixers that are mounted on tractors.
- (pp) Vehicles designed exclusively or principally for agricultural operations and used on a road exclusively for agricultural operations, including mobile or moveable huts, galleys and similar vehicles used on a

road solely in connection with those operations, except for:

- (i) trailers; or
  - (ii) vehicles designed exclusively or principally for the spreading, or cartage and spreading, of lime or fertiliser, and that are used on a road for the cartage of lime or fertiliser; or
  - (iii) vehicles designed exclusively or principally as a weed sprayer on a truck chassis.
- (qq) Vehicles (except trailers) owned by a person carrying on business as a farmer and used on a road only in proceeding, in connection with the owner's agricultural operations, from one part of a farm to another part of the same farm or from one farm to another farm that is owned or managed by the same person.
- (rr) Tractors or traction engines, if used on a road either:
- (i) exclusively for agricultural operations; or
  - (ii) principally for agricultural operations and otherwise solely in connection with the construction or maintenance of roads.
- (ss) Tractors, and vehicles adapted in their design principally for use as tractors, including any that are fitted with a readily detachable box or platform that is used for the carriage of goods, if the tractor or vehicle is owned by a person carrying on business as a farmer and used on a road only for:
- (i) the owner's agricultural operations; or
  - (ii) the cartage of milk, cream or whey to or from a dairy factory; or
  - (iii) the cartage of any produce of a farm, other than milk, cream or whey, farm implements, stock, or other requisites for a farm when they are carried from one farm to another farm that is owned or managed by the same person; or they are taken during any one trip along less than 21 km of public

highway in going from, or returning to, the owner's farm or other place of storage.

- (tt) Tractors owned and used by a person carrying on business as an agricultural contractor and used on a road only for any of the following purposes:
  - (i) the cartage by means of a trailer of farm implements where the tractor and trailer are not taken during any one trip for the cartage of farm implements along more than 21 km of public highway in going from, or returning to, the usual place of storage;
  - (ii) the haulage on its own wheels of a farm implement or farm machine.
- (uu) Tractors and trailers drawn by tractors that:
  - (i) are designed and used partly for the purpose of loading lime or fertiliser into topdressing aircraft and partly for drawing a trailer that is designed and used exclusively for carrying aviation fuel in a permanently attached tank for use in topdressing aircraft, [and for no other purpose]; and
  - (ii) are not taken during any one trip along more than 21 km of public highway in going from, or returning to the usual place of storage.

**Schedule 4 Form B conditional permits**

**I. Light Vehicle Safety Check**

**Light Vehicle Safety Check to enable an unregistered light vehicle to be used on trade plates under specified conditions.**

Year/Make/Model	
Chassis/VIN number	
Checked by [print name]	

See reverse side for check procedures to be followed

<b>Item to be checked</b>	<b>Checked</b>
Steering system	
Power steering (if applicable)	
Tyre pressure	
Tyre condition	
Wheels and rims	
Lighting system	
Master cylinder	
Brake pedal	
Brake hydraulic system	
Service (foot brake)	
Parking brake	
Seatbelt condition	
Airbag system (if applicable)	
Exhaust system	
Windscreen and windscreen wipers	
External projections and fittings	
Rearview mirror	

I confirm that the Light Vehicle Safety Check has been performed according to the *Schedule* on the reverse and I believe that the unregistered light vehicle identified



above is safe to be operated on the road on trade plates under the specified conditions in the rule.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Light Vehicle Safety Check

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### Light Vehicle Safety Check to enable an unregistered light vehicle to be used on trade plates under specified conditions.

The light vehicle safety check is conducted by a person that the holder of the exemption has nominated as being competent to undertake the vehicle safety check. The exemption holder is responsible for the actions of the nominated person in undertaking the vehicle safety check.

<b>Steering system</b>	For power steering, with the engine running, check by turning the steering wheel from lock to lock. Otherwise the steering wheel should be rotated back and forth quickly by 30 degrees about its straight-ahead position. There should be no abnormal noise, stiffness or looseness.
<b>Power steering</b>	Check the power steering for correct fluid level and for leaks.
<b>Tyre pressure</b>	Check all tyre pressures and set to manufacturers recommended pressures.
<b>Tyre condition</b>	Check that all road tyres have at least the minimum legal tread depth and that there are no cuts or bulges on tyre tread or sidewalls.
<b>Wheels and rims</b>	Check that there is no wheel or rim damage that could affect their safe operation.
<b>Lighting system</b>	Check that all lights function correctly and that there are no cracked or broken lamp lenses. Check headlight aim if the vehicle is to be driven at night.
<b>Master cylinder</b>	Check the master cylinder for correct brake fluid level and for leaks.
<b>Brake pedal</b>	Check that there is no excessive brake pedal travel or softness.
<b>Brake hydraulic system</b>	Check the system integrity by putting full pressure on the brake pedal with the engine running and hold this for 20 seconds. There should be no creep of the pedal and there should be a minimum of 20% brake travel before contacting the floor or any stop.
<b>Service brakes</b>	In a suitable location check by driving the vehicle in a straight line on a

<b>(foot brake)</b>	level surface and lightly applying the foot brake. There should be no abnormal noise or knocking from the brakes, and no discernible pull on the steering wheel from the straight-ahead position. The vehicle should then be driven and the foot brake fully applied. Both front wheels should lock at the same time (unless ABS is fitted) and there should be no discernible deviation from the straight-ahead position.
<b>Parking brake</b>	Check the parking (hand) brake for excessive travel and will stop the vehicle.
<b>Seatbelt condition</b>	Check for each seatbelt fitted that the buckle fastens correctly, the webbing is not frayed and the anchorage bolts are secure.
<b>Airbag system</b>	Check for each airbag fitted that the warning lamp indicates the airbag is operating correctly.
<b>Exhaust system</b>	Pressurise the exhaust system and check there is no abnormal noise from the exhaust system and no obvious leaks. Check that it is properly mounted.
<b>Windscreen and windscreen wipers</b>	Check that the windscreen is not cracked in the vision area. Check that the windscreen washers and wipers are working and the wiper blades are in good condition.
<b>External projections/fittings</b>	Check that there are no fittings or damage to the vehicle bodywork that could increase the risk of injury to pedestrians or other road users.
<b>Rearview mirror</b>	Check that the interior mirror, and for a goods vehicle the external mirrors, are in good condition, adjustable and afford the driver a clear view of the road behind.

## II. Heavy Vehicle Safety Check

**Heavy Vehicle Safety Check to enable an uncertified heavy vehicle to be used on trade plates under specified conditions.**

Year/Make/Model	
Chassis/VIN number	
Checked by [print name]	

See reverse side for check procedures to be followed

Item to be checked	Checked and passed
Steering system	
Power steering	
Tyre pressure	
Tyre condition	
Wheels and rims	
Lighting system	
Brake hydraulic system and master cylinder (as applicable)	
Brake air system (as applicable)	
Service brakes (foot brake)	
Parking brake	
Horn	
Exhaust system	
Glazing and windscreen wipers	
Bodywork and chassis	
Mirrors	
Over-dimension permit (as applicable)	

If the vehicle fails on any of the above items it must be towed or transported.

I confirm that the Heavy Vehicle Safety Check has been performed according to the *Schedule* on the reverse and I believe that the unregistered heavy

vehicle identified above is safe to be operated on the road on trade plates under the specified conditions in the rule.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## Heavy Vehicle Safety Check

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### Heavy Vehicle Safety Check to enable an uncertified heavy vehicle to be used on trade plates under specified conditions.

The safety check is conducted by a person that the holder of the exemption has nominated as being competent to undertake the vehicle safety check. The exemption holder is responsible for the actions of the nominated person in undertaking the vehicle safety check.

<b>Steering system</b>	Check the condition of the steering by turning the steering wheel from lock to lock whilst driving at slow speed. There should be no abnormal noise, stiffness or looseness. The steering wheel should then be rotated back and forth quickly about its straight-ahead position (by about 30 degrees) with the vehicle stationary. There should be no knocking or looseness.
<b>Power steering</b>	Check the power steering for correct fluid level as appropriate to the system and for leaks. Check power steering pump drive-belt for serviceability and correct tension.
<b>Tyre pressure and condition</b>	Check tyre inflation is suitable for the journey. Check all road tyres for damage. Check tread depth is within legal requirements.
<b>Wheels and Rims</b>	Check that there is no damage to wheels or rims that could affect their safe operation. Check wheel nuts for tightness. Check security of the spare wheel.
<b>Lighting system</b>	Check that all lights function correctly and that there are no cracked or broken lamp lenses. Check headlight aim if the vehicle is to be operated in the hours of darkness or in poor visibility.
<b>Brake hydraulic system and master cylinder (as applicable)</b>	Check the system integrity by putting full pressure on the brake pedal with the engine running and hold this for 20 seconds. There should be no creep of the pedal and there should be a minimum of 20% brake travel before contacting the floor or any stop. Check the brake master cylinder for correct brake fluid level and for leaks.
<b>Brake air system (as applicable)</b>	Check brake pipes and fittings for air leaks and for damage. Check the air-brake reservoir is clear of fluids (drain). Check the capacity and recovery of the air brake system by performing the

<b>applicable)</b>	following procedure: charge the air system by running the engine, when charged fully check to ensure that there are no leaks.
<b>Service brakes (foot brake)</b>	Check that the service brake is functioning correctly by driving the vehicle in a straight line on a level surface and lightly applying the foot brake. There should be no abnormal noise or knocking from the brakes. During this test the steering wheel should be very lightly held and there should be no discernible pull from the straight-ahead position.
<b>Parking brake</b>	Check the park (hand) brake for correct operation.
<b>Horn</b>	Check that the horn functions correctly.
<b>Exhaust system</b>	Check that there is no abnormal noise from the exhaust system that would suggest there is a leak or it is not properly mounted.
<b>Glazing and windscreen wipers</b>	Check that the windscreen and other glazing necessary for driving visibility is clear, clean, and is not damaged in the vision area, and that the windscreen washers and wipers are working correctly.
<b>Bodywork and chassis</b>	Check the vehicle bodywork and chassis for damage likely to affect its safe operation. If the vehicle is fitted with a tilting cab, check that it is properly locked.  Check that any parts shipped with the vehicle are secured and/or tied down.
<b>Mirrors</b>	Check the mirrors to ensure they are securely mounted, adjustable and afford the driver a clear view of the road behind.
<b>Over-dimension permit (as applicable)</b>	If the vehicle is over-dimension, a permit is to be obtained for the single journey.  (A permit can be obtained from the over-dimension permit issuing office).