

Land Transport Amendment Bill (No 2)

Government Bill

As reported from the committee of the whole House

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Hon Simon Bridges

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transport Amendment Act (No 2) **2016**.

2 Commencement

Commencement of amendments relating to alcohol interlock sentences 5

- (1) **Subpart 1 of Part 1 and sections 96(2) and 97(1) and (4)** come into force—

- (a) on ~~1 April 2018~~ 1 July 2018; or
- (b) on an earlier date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes. 10

Commencement of amendments relating to small passenger vehicles

- (2) **Subpart 5 of Part 1 and sections 96(3) and 97(3) and (8)** come into force—

- (a) on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made appointing different dates for different provisions and for different purposes; and 15
- (b) to the extent not previously brought into force under **paragraph (a)**, on ~~1 July 2017~~ 1 October 2017.

Commencement of the rest of this Act

- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 1**Amendments to Land Transport Act 1998**

5

3 Principal Act

This Part amends the Land Transport Act 1998 (the **principal Act**).

4 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

10

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

Subpart 1—Alcohol interlock sentences

5 Section 2 amended (Interpretation)

- (1) In section 2(1), definition of **alcohol interlock device**, paragraph (c), replace “section 65A” with “**sections 65AB to 65AK**”. 15
- (2) In section 2(1), definition of **alcohol interlock licence**, replace “section 65A(2)” with “**section 65AC**”. 20
- (3) In section 2(1), definition of **zero alcohol licence**, paragraph (a), replace “made under section 65B(2)” with “referred to in section 65B(1)”. 20
- (4) In section 2(1), insert in their appropriate alphabetical order:

alcohol interlock sentence has the meaning given in **section 65AC**

concurrent offence means an offence—

- (a) that is not a qualifying offence; and
- (b) that occurred as part of the same series of events as the facts that gave rise to the person’s conviction for a qualifying offence; and 25
- (c) for which the offender may or must be disqualified from holding or obtaining a driver licence under this Act or under section 124 of the Sentencing Act 2002

non-serviced area means an area that is identified on an Internet site maintained by or on behalf of the Agency and— 30

- (a) is 70 km or more from an approved provider’s service centre or is on an island without an approved provider’s service centre; and
- (b) is not able to be serviced by an approved provider via remote technology

qualifying offence is an offence described in **section 65AB(1)**

5A Section 32 amended (Contravention of section 5(1)(c))

(1) After section 32(3), insert:

(3A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and **section 65AH(3)(b)** applies. 5

(2) After section 32(4), insert:

(4A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (4)(b) does not apply and **section 65AH(3)(b)** applies. 10

(3) Replace section 32(6) with:

(6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 15

6 Section 33 amended (Contravention of section 5(2) or (3))

(1) After section 33(1), insert:

(1A) Subsection (1) does not apply in relation to—

- (a) an application for an alcohol interlock licence made in accordance with an alcohol interlock sentence; or 20
- (b) an application for a zero alcohol licence made in accordance with section 65B.

(2) After section 33(2), insert:

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) does not apply and **section 65AH(3)(b)** applies. 25

(3) Replace section 33(3) with:

(3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 30

6A Section 35 amended (Contravention of section 7, or section 22 where no injury or death involved)

(1) After section 35(2), insert: 35

(2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory dis-

- qualification in subsection (2)(b) does not apply and **section 65AH(3)(b)** applies.
- (2) Replace section 35(3) with:
- (3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 5
- 6B Section 36 amended (Contravention of section 7 or section 22 involving injury)**
- (1) After section 36(2), insert:
- (2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 10
- (2) Replace section 36(3) with:
- (3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 15
- 6C Section 36AA amended (Contravention of section 7 by causing death of another person)**
- (1) After section 36AA(2), insert: 20
- (2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 25
- (2) Replace section 36AA(3) with:
- (3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 25
- 6D Section 36A amended (Contravention of section 22A)**
- (1) After section 36A(2), insert: 30
- (2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 35
- (2) After section 36A(3), insert:
- (3A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory dis-

- qualification in subsection (3)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*).
- (3) In section 36A(4), after “and section 35(2)”, insert “, **(2A)**”.
- (4) Replace section 36A(6) with:
- (6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 5
- 6E Section 38 amended (Contravention of section 8 causing injury or death)**
- (1) After section 38(2), insert:
- (2A) If an offence against subsection (1) or (1A) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 10
- (2) Replace section 38(3) with:
- (3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 15
- 6F Section 39 amended (Aggravated careless use of vehicle causing injury or death)**
- (1) After section 39(2), insert: 20
- (2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 25
- (2) Replace section 39(3) with:
- (3) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 7 Section 55A amended (Offences concerning alcohol interlock devices)**
- (1) In section 55A(1), replace “order made by a court under section 65A(2)” with “alcohol interlock sentence”. 30
- (2) In section 55A(2), and (3), replace “order made under section 65A(2)” with “alcohol interlock sentence”.
- 8 Section 56 amended (Contravention of specified breath or blood-alcohol limit)** 35
- (1) After section 56(3), insert:
- (3A) The mandatory disqualification in subsection (3)(b) does not apply if—

- (a) an order is made under section 65; or
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (2) Replace section 56(4A) with:
- (4A) The mandatory disqualification in subsection (4)(b) does not apply if—
- (a) an order is made under section 65; or 5
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (3) Replace section 56(6) with:
- (6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 10
- 9 Section 57 amended (Contravention of specified breath or blood-alcohol limit by person younger than 20)**
- Replace section 57(4) with:
- (4) The mandatory disqualification in subsection (3)(b) does not apply if—
- (a) an order is made under section 65; or 15
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 10 Section 57AA amended (Contravention of specified breath or blood alcohol limit by holder of alcohol interlock licence or zero alcohol licence)** 20
- (1) After section 57AA(3), insert:
- (3A) The mandatory disqualification in subsection (3)(b) does not apply if—
- (a) an order is made under section 65; or
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**. 25
- (2) Replace section 57AA(7) with:
- (7) The mandatory disqualification in subsection (6)(b) does not apply if—
- (a) an order is made under section 65; or
 (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (8) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 30
- 11 Section 57A amended (Driving while impaired and with blood that contains evidence of use of qualifying drug)**
- (1AA) After section 57A(2), insert: 35

- (2A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) does not apply and **section 65AH(3)(b)** applies.
- (1AB) After section 57A(3), insert: 5
- (3A) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and **section 65AH(3)(b)** applies.
- (1) Replace section 57A(6) with: 10
- (6) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 12 Section 58 amended (Contravention of section 12)**
- (1) After section 58(2), insert: 15
- (2A) The mandatory disqualification in subsection (2)(b) does not apply to an offence against subsection (1)(a) that is a qualifying offence if—
- (a) an order is made under section 65; or
 - (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (2B) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and **section 65AH(3)(b)** applies. 20
- (2) Replace section 58(3A) with:
- (3A) The mandatory disqualification in subsection (3)(b) does not apply to an offence against subsection (1)(a) that is a qualifying offence if— 25
- (a) an order is made under section 65; or
 - (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (3B) If an offence against subsection (1) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b) does not apply and **section 65AH(3)(b)** applies. 30
- (3) Replace section 58(5) with:
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 35

- 13 Section 60 amended (Failure or refusal to permit blood specimen to be taken or to undergo compulsory impairment test)**
- (1) After section 60(2), insert:
- (2A) The mandatory disqualification in subsection (2)(b) does not apply if—
- (a) an order is made under section 65; or 5
- (b) an alcohol interlock sentence is ordered under **section 65AC(1)**.
- (2) Replace section 60(3A) with:
- (3A) The mandatory disqualification in subsection (3)(b) does not apply if—
- (a) an order is made under section 65; or
- (b) an alcohol interlock sentence is ordered under **section 65AC(1)**. 10
- (3) Replace section 60(5) with:
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 14 Section 61 amended (Person in charge of motor vehicle causing injury or death)** 15
- (1) After section 61(3B), insert:
- (3BA) If an alcohol interlock sentence is ordered under **section 65AC(1)** for an offence against subsection (1) or (2)(a) that is a qualifying offence, then the mandatory disqualification in subsection (3)(b), (3AA)(b), or (3A) (whichever applies) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AD*). 20
- (3BB) If an offence against subsection (2) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (3)(b), (3AA)(b), or (3A) (whichever applies) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 25
- (2) Replace section 61(4) with:
- (4) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence). 30
- 15 Section 62 amended (Causing injury or death in circumstances to which section 61 does not apply)**
- Replace section 62(3) with:
- (3) Subsection (2)(b) does not apply if an order is made under section 65. 35
- (4) If an alcohol interlock sentence is ordered under **section 65AC(1)** for an offence described in subsection (1)(a) that is a qualifying offence, then the man-

- mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AD*).
- (4A) If an offence against subsection (1) or (1B) is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then the mandatory disqualification in subsection (2)(b) is the period of disqualification for the purposes of **section 65AE(d)** (*see section 65AH(3)(a)*). 5
- (5) The imposition of a mandatory disqualification under this section is subject to section 81 (which allows a court not to order disqualification for special reasons relating to the offence).
- 16 Section 63 amended (Further penalty in certain cases where person driving vehicle used in transport service)** 10
- In section 63(3), replace “(which relates to community-based sentences)” with “(which allows a court to substitute disqualification with a community-based sentence)”.
- 17 Cross-heading above section 65 replaced** 15
- Replace the cross-heading above section 65 with:
- Mandatory disqualification and assessment for repeat offences*
- 18 Section 65 amended (Mandatory penalties for repeat offences involving use of alcohol or drugs)**
- (1) Replace the heading to section 65 with “**Mandatory disqualification and assessment for repeat offences**”. 20
- (2) After section 65(3), insert:
- (3A) The mandatory disqualification in subsection (2) is replaced by any alcohol interlock sentence ordered under **section 65AC(1)** (whether or not the alcohol interlock sentence is ordered at the same time as, or after, the order made under subsection (2)). 25
- (3) After section 65(4), insert:
- (4A) The mandatory disqualification in subsection (4) is replaced by any alcohol interlock sentence ordered under **section 65AC(1)** (whether or not the alcohol interlock sentence is ordered at the same time as, or after, the order made under subsection (4)). 30
- 19 Section 65A replaced (Alcohol interlock requirements for repeat offences or certain first time offences involving use of alcohol)**
- Replace section 65A with:

Mandatory alcohol interlock sentence for repeat offences and certain first offences

65AB Qualifying offences

- (1) **Section 65AC** applies if a court convicts a person of an offence in relation to alcohol against any of sections 56(1), 56(2), 57(1), 57(2), 57AA, 58(1)(a), 60(1)(a) to (c), 61(1), 61(2)(a), and 62(1)(a) and either— 5
- (a) the person convicted has previously been convicted of such an offence committed within 5 years of the date of the commission of the offence being dealt with by the court (whether or not section 65(2) or (4) also applies); or 10
- (b) the offence for which the person is convicted involves either or both of the following:
- (i) the proportion of alcohol in the person’s breath, as ascertained by an evidential breath test subsequently undergone by the person under section 69, is or exceeds 800 micrograms of alcohol per litre of breath: 15
- (ii) the proportion of alcohol in the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken from the person under section 72 or 73, is or exceeds 160 milligrams of alcohol per 100 millilitres of blood. 20
- (2) However, **section 65AI** applies instead of **section 65AC** if a person described in **subsection (1)**—
- (a) has a medical condition (as certified by an appropriately qualified health practitioner) that renders him or her incapable of providing a valid breath sample to activate an alcohol interlock device; or 25
- (b) usually lives in a non-serviced area and is not prepared to drive to a serviced area for an initial installation and any necessary service; or
- (c) has never held a New Zealand licence; or
- (d) holds a licence that has been revoked or is suspended (except one that is suspended under section 90, 95, or 95A); or 30
- (e) is not likely, during the term of any alcohol interlock sentence that would otherwise apply, to—
- (i) have lawful possession of a motor vehicle to the extent of being able to use it and fit it with an alcohol interlock device; or
- (ii) have the type of possession described in **subparagraph (i)** of a motor vehicle that is technically able to be fitted with an alcohol interlock device. 35

65AC Alcohol interlock sentence

- (1) If this section applies, the court must order an alcohol interlock sentence.

- (2) An alcohol interlock sentence—
- (a) disqualifies the person from holding or obtaining a driver licence for the period required by **section 65AE**; and
 - (b) authorises the person to apply for an alcohol interlock licence at the end of that period; and 5
 - (c) disqualifies the person from holding or obtaining any licence except an alcohol interlock licence; and
 - (d) authorises the person, after complying with the alcohol interlock licence requirements, to apply to replace the alcohol interlock licence with a zero alcohol licence. 10
- (3) **Subsection (1)** applies unless for special reasons relating to the qualifying offence the court thinks fit to order otherwise and, if so,—
- (a) section 94 may apply (and a reference to disqualification in section 94 must be treated as if it referred to an alcohol interlock sentence); but
 - (b) an alcohol interlock sentence may not otherwise be substituted by a community-based sentence. 15

65AD Injury or death

If a qualifying offence resulted in injury or death, the court must disqualify the person from holding or obtaining a driver licence for the period of disqualification that is appropriate under the provision relating to the qualifying offence. 20

65AE Period of disqualification

The period of disqualification for an alcohol interlock sentence is the greatest of the following periods:

- (a) 28 days; and
- (b) any period when the person's licence is expired or suspended under section 90, 95, or 95A; and 25
- (c) any period when the person is in prison (because of the qualifying offence or otherwise); and
- (d) any period when the person is disqualified from holding or obtaining a driver licence, including— 30
 - (i) under **section 65AD**; or
 - (ia) under **section 65AH(3)**; or
 - (ii) because of an existing disqualification (except a disqualification under section 65(2) or (4): *see section 65(3A) and (4A)*).

65AF Alcohol interlock sentence disqualifies person from driving except under alcohol interlock licence

A person who is subject to an alcohol interlock sentence and who does not apply for an alcohol interlock licence is disqualified from holding or obtaining a driver licence.

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65AG Alcohol interlock licence requirements

- (1) An alcohol interlock licence replaces any licence held by a person.
- (2) An alcohol interlock licence requires a person holding it to drive only a motor vehicle or vehicles to which an alcohol interlock device is fitted.
- (3) A person may apply under **section 100A** to replace an alcohol interlock licence with a zero alcohol licence if—
 - (a) every motor vehicle the person has driven for 12 months (or more) had an alcohol interlock device fitted and operating; and
 - (b) in relation to a person who is required to attend an assessment centre under section 65 (or any other section), the person has attended and been assessed as being a fit person to hold a driver licence; and
 - (c) during the previous 6 months, the person—
 - (i) has not attempted to drive while the person's breath contained a proportion of alcohol above the level to which the device is set; and
 - (ii) has not committed a qualifying offence or an offence against section 55A; and
 - (iii) has complied with any relevant regulations made under this Act.
- (4) The 6-month period referred to in **subsection (3)(c)** may be reduced to 3 months if the person has been assessed at an assessment centre (whether the attendance was voluntary or ordered by a court) as a fit person to hold a driver licence.

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65AH When court may take alcohol interlock sentence into account

Fines, imprisonment, assessments, or community-based sentences

- (1) A court must order any fine, imprisonment, assessment, or community-based sentence that is appropriate for a qualifying offence or a concurrent offence regardless of the requirement to impose an alcohol interlock sentence.
- (2) However, the court may take into account the cost of an alcohol interlock sentence and may discount the amount of any fine.

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Disqualifications

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- (3) For a concurrent offence,—

Injury or death

- (a) that resulted in injury or death, the court must disqualify the person from holding or obtaining a driver licence for the period of disqualification that is appropriate under the provision relating to the concurrent offence:

No injury or death

- (b) that did not result in injury or death, the court may, taking into account the alcohol interlock sentence that must be ordered for the qualifying offence under **section 65AC**, choose not to order any disqualification that might otherwise apply to the concurrent offence.

65AI Exceptions: persons who are not to be given alcohol interlock sentence 10

If this section applies because an exception described in **section 65AB(2)** applies to the person, a court must—

- (a) disqualify the person from holding or obtaining a driver licence for the period that is appropriate under the provision relating to the qualifying offence; and 15
- (b) order any fine, imprisonment, assessment, or community-based sentence that is appropriate for the qualifying offence; and
- (c) if a disqualification is ordered, authorise the person to apply for a zero alcohol licence at the end of the period of disqualification.

65AJ Effect of subsequent qualifying offences on alcohol interlock sentence 20

- (1) This section applies to a person with an alcohol interlock sentence who is convicted of a subsequent qualifying offence.
- (2) The court must replace the alcohol interlock sentence with a new alcohol interlock sentence under **section 65AC** unless—
- (a) **section 65AC(3)** applies to the subsequent qualifying offence; or 25
- (b) an exception described in **section 65AB(2)** now applies to the person (in which case, **section 65AI** applies).
- (3) **Sections 65AC to 65AI** apply to the new alcohol interlock sentence as if a reference to a qualifying offence in those sections were a reference to the subsequent qualifying offence. 30

65AK Effect of other subsequent offences on alcohol interlock licence

- (1) This section applies to a person with an existing alcohol interlock licence—
- (a) who is convicted of a subsequent offence that is not a qualifying offence; and
- (b) who is disqualified under this Act or under section 124 of the Sentencing Act 2002 from holding or obtaining a driver licence for that subsequent offence. 35

- (2) In order to continue the existing alcohol interlock licence, the court must authorise the person to apply for a new alcohol interlock licence at the end of the disqualification referred to in **subsection (1)(b)**.
- (3) **Sections 65AG, 65AJ, and this section** continue to apply to the new alcohol interlock licence as if it were the previous alcohol interlock licence and the previous alcohol interlock licence had not been interrupted by the disqualification. 5
- (4) When the person applies under **section 100A(1)** in relation to the new alcohol interlock licence, the Agency must accept any compliance with the requirements of **section 65AG** in relation to the person's previous alcohol interlock licence as compliance with the requirements of **section 65AG** in relation to the person's new alcohol interlock licence. 10

Mandatory zero alcohol requirements for repeat offences

20 Section 65B amended (Mandatory zero alcohol requirements for repeat offences involving use of alcohol) 15

- (1) In the heading to section 65B, replace “**involving use of alcohol**” with “**and certain first offences**”.

- (2) Replace section 65B(1) and (2) with:

- (1) This section applies if a court has authorised a person to apply for a zero alcohol licence under any of the following sections: 20

(a) **section 65AC(2)(d)**:

(b) **section 65AI(c)**:

(c) **section 100B(2)(b)**.

- (2) A zero alcohol licence has effect for a period of 3 years from the date the licence is issued. 25

- (3) In section 65B(3), replace “authorised under subsection (2)” with “authorised under a section referred to in **subsection (1)**”.

- (4) In section 65B(3)(b), replace “order made under section 65A(2)(b)” with “alcohol interlock sentence”.

- (5) Replace section 65B(4) with: 30

- (4) A person who has been authorised to apply for a zero alcohol licence and who does not apply for a zero alcohol licence is disqualified from holding or obtaining a driver licence.

21 Section 81 amended (Provisions relating to mandatory disqualification)

- (1) Replace the heading to section 81 with “**Mandatory disqualification: court's discretion if special reasons relating to offence**”. 35

- (2) In section 81(3), replace “(which relates to community-based sentences)” with “(which allows a court to substitute disqualification with a community-based sentence)”.
- 21A Section 86 amended (Term of disqualification if person already disqualified)** 5
After section 86(1), insert:
- (1A) Subsection (1) does not apply if an alcohol interlock sentence is ordered under **section 65AC(1)**.
- 22 Section 87 amended (Particulars of certain court orders to be sent to Agency and offender)** 10
(1) In section 87(1)(b), replace “under section 65A(2)(b)(i)” with “under **section 65AC**”.
- (2) Replace section 87(1)(c) with:
- (c) an order authorising the person to apply for a zero alcohol licence under **section 65AC(2)(d), 65A1(c), or 100B(2)(b)**: 15
- 23 Section 94 amended (Substitution of community-based sentences)**
After section 94(4)(a), insert:
- (aa) an alcohol interlock sentence has been ordered under **section 65AC(1)**; or
- 24 Section 99 amended (Court may reduce disqualification)** 20
In section 99(7), after “person who is subject to”, insert “an alcohol interlock sentence or to”.
- 25 Section 100 amended (Agency to remove certain disqualifications)**
After section 100(3), insert:
- (4) If the Agency decides not to remove the disqualification under subsection (1), the Agency must refer the applicant to the right of appeal under **section 108**. 25
- 26 Section 100A replaced (Agency to remove alcohol interlock requirements)**
Replace section 100A with:
- 100A Agency may authorise removal of alcohol interlock device and certify that requirements of alcohol interlock sentence have been fulfilled** 30
- (1) If satisfied that the holder of an alcohol interlock licence (the **applicant**) is a fit person to hold a driver licence and has complied with **section 65AG**, the Agency must—
- (a) authorise the removal of the alcohol interlock device from every motor vehicle or vehicle the person drives; and 35

- (b) certify that the requirements of the alcohol interlock sentence have been fulfilled.
- (2) If the Agency acts under **subsection (1)**, every order made under **section 65AC(1)** that applies to the applicant must be treated as having expired.
- (3) If the Agency does not act under **subsection (1)**, the Agency must refer the applicant to the right of appeal under **section 108(1)**. 5
- 100B Court may cancel alcohol interlock sentence and disqualify driver instead**
- (1AA) A person may apply to a court seeking the cancellation of an alcohol interlock sentence if the person's personal circumstances have changed significantly.
- (2) The court may cancel an alcohol interlock sentence, and if it does so, the court must— 10
- (a) disqualify the person from holding or obtaining a driver licence for the period that is appropriate under the provision relating to the qualifying offence that would have applied under **section 65AI** if an exception described in **section 65AB(2)** had applied to the person; and 15
- (b) authorise the person to apply for a zero alcohol licence at the end of the period of disqualification.
- (3) The court may set the length of the disqualification imposed under **subsection (2)(a)** after having regard to—
- (a) the length of time that has elapsed since the alcohol interlock sentence was imposed; and 20
- (b) the person's compliance with **section 65AG**.
- 100C Court may impose alcohol interlock sentence if exception no longer applies**
- (1) A person may apply to a court seeking an alcohol interlock sentence if— 25
- (a) an exception described in **section 65AB(2)** applied to the person and therefore the person was disqualified from holding or obtaining a driver licence in accordance with **section 65AI**; but
- (b) the exception no longer applies.
- (2) The court may cancel the person's disqualification, and if it does so, the court must impose an alcohol interlock sentence. 30
- 27 Section 103 amended (Persons who may apply to court for limited licence)**
- Replace section 103(2)(e) with:
- (e) a person who—
- (i) is subject to an alcohol interlock sentence under **section 65AC**; 35
- or

- (ii) would have been subject to an alcohol interlock sentence but an exception described in **section 65AB(2)** applied:

28 Section 108 replaced (Appeal against Agency’s refusal to remove disqualification)

Replace section 108 with:

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108 Appeal against Agency’s refusal to remove disqualification or replace alcohol interlock licence with zero alcohol licence

- (1) A person may appeal to the District Court against the refusal of the Agency to—
- (a) remove a disqualification under section 100; or
- (b) replace an alcohol interlock licence with a zero alcohol licence under **section 100A**.
- (2) In determining the appeal, the court may—
- (a) direct the Agency to remove a disqualification or replace an alcohol interlock licence with a zero alcohol licence; or
- (b) dismiss the appeal.

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Subpart 2—Fare evasion

29 Section 79M replaced (Penalties for failure to pay passenger service fares)

Replace section 79M with:

79M Penalties for failure to pay service fares, etc

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- (1) A person who fails to pay a passenger service fare that the person is liable to pay commits an infringement offence.
- (2) A person commits an infringement offence if, in relation to a public transport service fare that the person is liable to pay, the person—
- (a) fails to pay the fare; or
- (b) fails to provide (in response to an enforcement officer’s direction given in accordance with **section 128F(1)**) evidence of having paid the fare.
- (3) A person commits an offence if, in relation to a public transport service fare that the person is liable to pay, the person—
- (a) fails to provide (in response to an enforcement officer’s direction given in accordance with **section 128F(2)(a)**) the identifying particulars referred to in **section 128F(2)(a)**; or
- (b) boards, or fails or refuses to disembark, the public transport service in contravention of an enforcement officer’s direction given in accordance with **section 128F(2)(b)**.

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- (4) It is a defence to an offence against **subsection (1) or (2)(a) or (b)** if a person made reasonable attempts to pay the fare and there were no available means of paying.
- (5) The maximum penalty on conviction for an offence against **subsection (1) or (2)(a) or (b)** is a fine not exceeding \$500. 5
- (6) The maximum penalty on conviction for an offence against **subsection (3)(a) or (b)** is a fine not exceeding \$1,000.
- (7) For the purposes of this section, **public transport service** has the same meaning as in section 5 of the Land Transport Management Act 2003.

30 New section 128F inserted (Powers of enforcement officers in relation to public transport service fares) 10

After section 128E, insert:

128F Powers of enforcement officers in relation to public transport service fares

- (1) An enforcement officer may direct a person to provide evidence that the person has paid a public transport service fare that the person is liable to pay. 15
- (2) If a person fails to provide evidence of payment after a direction is given under **subsection (1)**, the enforcement officer may—
- (a) direct the person to provide the person’s full name, full address, telephone number, and date of birth; and
- (b) direct the person not to board, or direct the person to disembark, the public transport service concerned. 20

Subpart 3—Fleeing drivers

32 Section 36AB repealed (Contravention of sections 7 and 114)

Repeal section 36AB.

33 Section 52 amended (Contravening notices, requirements, etc, given or imposed by enforcement officers) 25

- (1) Repeal section 52(1)(aa), (3), (4), and (5).
- (2) In section 52(1)(c), after “dangerous goods enforcement officer”, insert “(except for any described in **section 52A)**”.
- (3) Replace section 52(6) with: 30
- (6) A person commits an offence if the person, in response to any request for information by an enforcement officer under section 118 and without reasonable excuse,—
- (a) fails or refuses to provide information; or
- (b) provides false or misleading information. 35

34 New section 52A inserted (Contravention of section 114)

After section 52, insert:

52A Contravention of section 114

- (1) A person commits an offence if the person—
- (a) is the driver of a vehicle that fails to stop—
 - (i) as soon as practicable when signalled or requested to stop under section 114(1); or
 - (ii) when required to stop under section 114(2); or
 - (b) is the driver of a vehicle that is stopped and fails to remain stopped in accordance with section 114(2A) or (3)(a); or
 - (c) fails or refuses to provide information or provides false or misleading information in response to a demand for information made by an enforcement officer under section 114(3)(b).
- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$10,000.
- (3) If a person is convicted of a first offence against **subsection (1)(a) or (b)** and committed the offence while exceeding the applicable speed limit or operating a motor vehicle in an otherwise dangerous manner, a court must order the person to be disqualified from holding or obtaining a driver licence for 6 months.
- (4) If a person is convicted of a second offence against **subsection (1)**, a court must order the person to be disqualified from holding or obtaining a driver licence for 1 year.
- (5) If a person is convicted for a third or subsequent offence against **subsection (1)**,—
- (a) the maximum penalty is imprisonment for a term not exceeding 3 months; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driver licence for 2 years.
- (6) A disqualification ordered under **subsection (3), (4), or (5)** is cumulative on, and not concurrent with, any other disqualification that a court may order in respect of the facts that gave rise to the person's conviction for an offence described in **subsection (1)**.
- (6A) If an offence against **subsection (1)** is a concurrent offence in relation to a qualifying offence for an alcohol interlock sentence, then in relation to that alcohol interlock sentence—
- (a) **section 65AH(3)** does not apply; and
 - (b) the mandatory disqualification in **subsection (3), (4), or (5)** is the period of disqualification for the purposes of **section 65AE(d)**.

(7) **Subsection (6)** does not apply to offending that occurs after the facts that gave rise to the person’s conviction for an offence described in **subsection (1)**.

35 Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)

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(1) In section 96(1AB),—

- (a) after “stop”, insert “(or remain stopped)”; and
- (b) replace “114(1) or (2)” with “114”.

(2) Replace section 96(6)(a) with:

(a) the Police have decided not to take any of the following proceedings (or if proceedings have been taken and the person is acquitted):

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- (i) proceedings against a person who drove the vehicle in circumstances referred to in subsection (1):
- (ii) proceedings against a person who operated the vehicle in circumstances referred to in subsection (1AA) or (1A):
- (iii) in relation to a vehicle driven by a person who failed to stop (or remain stopped) in the circumstances referred to in subsection (1AB), proceedings against that person:
- (iv) in relation to a vehicle driven by a person who failed to stop (or remain stopped) in the circumstances referred to in subsection (1AB), proceedings against a person (if any) who has not provided the information requested under section 118(4); and

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(3) After section 96(6A), insert:

(6B) A vehicle to which subsection (1AB) applies may be released to the owner if the owner—

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- (a) was not the person driving the vehicle when the vehicle failed to stop (or remain stopped); and
- (b) has provided the information requested under section 118(4).

36 Section 102 amended (Appeal to Police against impoundment of vehicle)

(2) In section 102(1)(f), replace “or 114(1) or (2)” with “or 114”.

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(3) In section 102(1)(g), replace “or 114(1) or (2)” with “or 114”.

(4) After section 102(1)(g), insert:

(ga) if section 96(1AB) applies, the owner—

- (i) was not the person driving the vehicle when the vehicle failed to stop (or remain stopped); and
- (ii) either—

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- (A) did not know, and could not reasonably have been expected to know, the identity of the driver; or
- (B) has otherwise provided the information requested under section 118(4); or
- 37 Section 118 amended (Owner or hirer or licence holder to give information as to identity of driver or passenger)** 5
- (1) Replace the heading to section 118 with “**Requirement to give information as to identity of driver or passenger**”.
- (3) In section 118(4),—
- (a) replace “vehicle has been used to flee a Police pursuit” with “vehicle failed to stop or remain stopped in contravention of section 114”; and 10
- (b) after “owner”, insert “or hirer” in each place.
- (4) In section 118(5), after “owner”, insert “or hirer”.
- 38 Section 123 amended (Enforcement officer may seize and impound vehicle for up to 7 days where serious accident or hit and run offence or for failure to stop)** 15
- (1) In the heading to section 123, replace “**where serious accident or hit and run offence or for failure to stop**” with “**in relation to certain offences**”.
- (2) Replace section 123(1)(b) with:
- (b) a driver has failed to stop (or remain stopped) as signalled, requested, or required under section 114. 20

Subpart 4—Heavy vehicles

- 39 Section 2 amended (Interpretation)**
- (1) In section 2(1), definition of **goods service**, paragraphs (a) and (b), replace “gross laden weight” with “gross vehicle mass”. 25
- (2) In section 2(1), repeal the definition of **gross laden weight**.
- (3) In section 2(1), insert in its appropriate alphabetical order:
- gross vehicle mass** means the maximum safe operating mass for a vehicle (including the mass of any accessories, crew, passengers, or load) that is derived from the design, capabilities, and capacities of the vehicle’s construction, systems, and components, and that— 30
- (a) is determined by—
- (i) the Agency; or
- (ii) the manufacturer of the vehicle; or
- (iii) if the vehicle is modified after manufacture, a certifier approved by the Agency; and 35

- (b) may be recorded in kilograms on the register of motor vehicles
- (4) In section 2(1), definition of **heavy motor vehicle**, replace “gross laden weight” with “gross vehicle mass”.
- (5) In section 2(1), definition of **infringement offence**, paragraph (b), after “overloading”, insert “or over-dimension”. 5
- (6) In section 2(1), definition of **light rental service vehicle**, replace “gross laden weight” with “gross vehicle mass”.
- (7) In section 2(1), insert in its appropriate alphabetical order:
over-dimension offence means an offence against any enactment that is specified as an over-dimension offence by the regulations 10
- (8) In section 2(1), definition of **rental service**, paragraph (b), replace “gross laden weight” with “gross vehicle mass”.
- 40 Section 6 amended (Vehicles to be safe and operated in compliance with rules)**
- After section 6(4), insert: 15
- (5) A certificate of loading must be displayed on the vehicle to which it applies if required by the rules.
- 41 Section 16 replaced (Heavy motor vehicles not to be overloaded)**
- Replace section 16 with:
- 16 Heavy motor vehicles not to be overloaded or in breach of dimension requirements** 20
- (1) A person operating a heavy motor vehicle or combination of vehicles must not operate the vehicle or combination of vehicles in breach of any of the following:
- (a) the prescribed maximum mass limits for axles: 25
- (b) the prescribed maximum mass limits for axle sets:
- (c) the prescribed maximum mass limits for groups of axles:
- (d) the prescribed maximum gross mass limits for motor vehicles.
- (2) A person must not operate a heavy motor vehicle or combination of vehicles if the vehicle or combination of vehicles exceeds the gross vehicle mass for that vehicle or vehicles. 30
- (3) A person must not operate a heavy motor vehicle or combination of vehicles if the vehicle or combination of vehicles breaches prescribed requirements in relation to dimensions.
- 42 Section 16A replaced (Restriction of heavy traffic on roads)** 35
- Replace section 16A with:

16A	Temporary restriction of heavy traffic on roads	
(1)	This section applies if a road controlling authority decides on reasonable grounds that there is an urgent risk of either or both of the following:	
	(a) damage to a road:	
	(b) danger to the safety of road users.	5
(2)	The road controlling authority may, for a specified period of no more than 6 months, by a road closure sign, direct that any heavy traffic, or any specified kind of heavy traffic, may not proceed between any 2 places by way of any specified road or roads.	
(3)	A sign referred to in subsection (2) must be displayed in at least 1 prominent position on every road to which the sign applies.	10
(4)	A person commits an offence, and is liable on conviction to a fine not exceeding \$1,000, if the person contravenes the requirements of any sign described in subsection (2) unless the person proves that there was no other way reasonably available for the traffic concerned to proceed.	15
43	Section 300 amended (Term of transport service licence)	
	In section 300(4)(a), replace “Armed Forces” with “New Zealand Defence Force”.	
44	Section 43 replaced (Overloading offences)	
	Replace section 43 with:	20
43	Overloading and over-dimension offences	
(1)	A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles breaches any of the following:	
	(a) the prescribed maximum mass limits for axles:	25
	(b) the prescribed maximum mass limits for axle sets:	
	(c) the prescribed maximum mass limits for groups of axles:	
	(d) the prescribed maximum gross mass limits for motor vehicles.	
(2)	Separate offences are committed in respect of every axle, axle set, group of axles, and the total number of axles of a heavy motor vehicle or combination of vehicles if the mass on that axle or those axles exceeds the relevant prescribed maximum gross mass limit or prescribed maximum mass limit.	30
(3)	A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles breaches the prescribed requirements in relation to dimensions.	35
(4)	A person operating a heavy motor vehicle or combination of vehicles commits an infringement offence if the vehicle or combination of vehicles exceeds the gross vehicle mass for that vehicle or vehicles.	

- (5) If a person commits an infringement offence against this section, the person must pay the penalty prescribed by the regulations.
- 45 Section 113A amended (Power to inspect records)**
 In section 113A(1), after “(but not limited to)”, insert “records kept under section 65 of the Road User Charges Act 2012,”. 5
- 46 Section 125 amended (Stopping, inspection, and weighing of heavy vehicles and certain transport service vehicles)**
- (1) Replace section 125(3)(b) with:
- (b) more than 10 km, if the site where the vehicle has been brought to a stop is unsuitable for weighing the vehicle because— 10
- (i) doing so may pose a safety risk to other road users or to the enforcement officer; or
- (ii) the site is not level enough for accurate weighing.
- (2) In section 125(4) replace “by a sign displaying the words “ALL TRUCKS STOP”” with “by a sign specifying that that particular vehicle or vehicles of that vehicle’s class must stop”. 15
- 47 Section 126 amended (Off-loading of overweight vehicle)**
- (1AA) In the heading to section 126, replace “overweight” with “overloaded”.
- (1) In section 126, replace “weight” with “mass” in each place.
- (2) In section 126(1)(b), replace “exceeds by 10% or more” with “exceeds by at least 10% or by 2 000 kg (whichever is the lesser)”. 20
- (3) In section 126(4)(b), replace “exceeds by 10% or more” with “exceeds by at least 10% or by 2 000 kg (whichever is the lesser)”.
- 48 Section 147 amended (Evidence of accuracy of weighing devices and sites)**
- (1) Repeal section 147(3). 25
- (2) After section 147(7), insert:
- (8) In this section, **site** does not include weigh-in-motion technology.
- 49 New section 147A inserted (Certification of accuracy of alternative weighing technology)**
- After section 147, insert: 30
- 147A Certification of accuracy of alternative weighing technology**
- (1) Alternative weighing technology may be certified as having been tested and found to be accurate if, on a specified date, it was tested and found to be accurate by— 35
- (a) an Inspector of Weights and Measures; or

- (b) an accredited person (within the meaning of the Weights and Measures Act 1987); or
- (c) an employee of a laboratory for the time being approved for the purpose by the Science Minister by notice in the *Gazette*; or
- (d) any other person who is approved for the purpose by the Minister by notice in the *Gazette*. 5
- (2) A certificate issued under **subsection (1)** sufficiently identifies the alternative weighing technology to which it refers if it contains the serial number of the technology or if it refers to the location of the technology.
- (3) For the purposes of this section, **alternative weighing technology** means technology that— 10
- (a) is capable of measuring the mass of a vehicle or the mass on each axle of a vehicle; and
- (b) is not described in section 147(4).
- (4) If alternative weighing technology has been certified under **subsection (1)** on a date not more than 12 months earlier than the date of the use of the technology, the technology— 15
- (a) may be used to assess whether to investigate a possible offence against this Act or an offence against the Road User Charges Act 2012 (or any regulations made under those Acts); or 20
- (b) may be used to assess whether such an offence has been committed.
- 50 Section 152 amended (Power of Minister to make ordinary rules)**
- After section 152(b), insert:
- (ba) providing for the appropriate management of infrastructure:
- 51 Section 164 amended (Matters to have regard to when making or recommending rules)** 25
- After section 164(2)(d), insert:
- (da) the appropriate management of infrastructure, including (but not limited to)—
- (i) the impact of vehicles on infrastructure; and 30
- (ii) whether the costs of the use of the infrastructure are greater than the economic value generated by its use:
- 52 Section 166 amended (Agency may grant exemptions)**
- After section 166(2), insert:
- (2A) In addition to the factors that must be considered under subsection (2), if the exemption relates to a heavy vehicle, the Agency must have regard to the po- 35

tential impact on infrastructure (including, for example, potential damage to infrastructure such as roads and the cost of repairing the infrastructure).

54 Section 167 amended (Regulations)

- (1) In section 167(1)(e)(iv),—
 - (a) after “overloading”, insert “or over-dimension”; and 5
 - (b) replace “\$10,000” with “\$15,000”.
- (2) In section 167(1)(f), after “overloading”, insert “or over-dimension”.

Subpart 5—Small passenger services

55 Section 2 amended (Interpretation)

- (1) In section 2(1), repeal the definition of **approved taxi organisation**. 10
- (2) In section 2(1), definition of **control**,—
 - (a) delete “or a proposed or approved taxi organisation”; and
 - (b) delete “or taxi organisation” in each place; and
 - (c) delete “or organisation”.
- (3) In section 2(1), definition of **passenger service**, after paragraph (b)(ii), insert: 15
 - (ia) after a connection between a passenger and a small passenger service facilitated by a facilitator; or
- (4) In section 2(1), repeal the definitions of **passenger service licence**, **taxi**, and **taxi service**.
- (5) In section 2(1), replace the definition of **transport service licence** with: 20

transport service licence means any of the following licences granted or deemed to be granted under subpart 3 of Part 4A:

 - (a) a goods service licence:
 - (b) a large passenger service licence:
 - (c) a rental service licence: 25
 - (d) a small passenger service licence:
 - (e) a vehicle recovery service licence
- (6) In section 2(1), replace the definition of **transport service operator** with:

transport service operator—

 - (a) means a person who carries on a transport service; and 30
 - (b) includes, in relation to a small passenger service, a facilitator; but
 - (c) does not include any other person who is a driver in the transport service or who otherwise assists in the transport service
- (7) In section 2(1), insert in their appropriate alphabetical order:

facilitate, in relation to a small passenger service,— 35

(a) means to enable drivers and passengers to connect by electronic or any other means (for example, by telephone, Internet site, application, or software); but

(b) does not include the mere provision of an answering or call centre service

5

facilitated cost-sharing arrangement means a small passenger service that is facilitated by a facilitator (whether or not the facilitator is paid) under which a passenger is carried in return for the driver's costs being reimbursed, which costs—

(a) ~~may include actual costs~~ may be up to a maximum amount per kilometre set by the Minister by notice in the *Gazette* (for example, the costs of fuel and reasonable vehicle wear and tear); but

10

(b) may not include—

(i) payment for the driver's driving or travelling time; or

(ii) any infringement fee incurred in the course of the journey; or

15

(iii) registration and licensing costs for the driver or the driver's vehicle

facilitator means a person who facilitates a small passenger service

large passenger service means a passenger service provided in a large passenger service vehicle

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large passenger service licence means a licence granted or deemed to be granted under subpart 3 of Part 4A that authorises its holder to carry on a large passenger service

representative means an agent authorised by a small passenger service operator to—

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(a) engage with the Agency on matters relating to the operator's compliance with the relevant requirements of this Act, the regulations, and the rules;
and

(b) accept service of legal documents on behalf of the operator

small passenger service means a passenger service provided in—

30

(a) a small passenger service vehicle; or

(b) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is provided by one of the passengers being carried; or

(c) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) that is being used in a facilitated cost-sharing arrangement

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small passenger service licence means a licence granted or deemed to be granted under subpart 3 of Part 4A that authorises its holder to carry on or facilitate a small passenger service

small passenger service operator—

- (a) means a person who carries on a small passenger service; and
- (b) includes a facilitator; but
- (c) does not include any other person who is a driver in the small passenger service or who otherwise assists in the small passenger service
- 56 Section 22AB amended (Road controlling authorities may make certain bylaws)** 5
 In section 22AB(1)(r), delete “, taxis”.
- 57 Section 30A amended (Requirements for vehicles)**
- (1) In section 30A(1)(a) and (b), delete “connection with”.
- (2) In section 30A(2), replace “vehicle that is used in the service” with “transport service vehicle used in the service”. 10
- (3) After section 30A(2), insert:
- (2A) The driver of a small passenger service vehicle must, whenever required to do so by the Agency, present the vehicle for inspection.
- (4) After section 30A(4), insert: 15
- (5) Nothing in subsection (1), (3), or (4) applies to a vehicle used in a small passenger service.
- (6) Nothing in this section applies to—
- (a) the facilitator of a facilitated cost-sharing arrangement; or
- (b) a vehicle used in a facilitated cost-sharing arrangement; or 20
- (c) a vehicle designed or adapted to carry 12 or fewer persons (including the driver) provided by one of the passengers being carried.
- 58 Section 30B repealed (Provision of identification information in Braille)**
 Repeal section 30B.
- 59 Section 30D amended (Additional criteria for small passenger service vehicles and vehicle recovery service)** 25
- (1) In the heading to section 30D, delete “vehicles”.
- (2) In section 30D, replace “passenger service involving the use of small passenger service vehicles” with “small passenger service”.
- 60 Section 30E amended (Additional criteria for large passenger service vehicles)** 30
- (1) In the heading to section 30E, delete “vehicles”.
- (2) In section 30E, replace “passenger service involving the use of large passenger service vehicles” with “large passenger service”.

61 Section 30J replaced (Transport service operators may not carry on certain transport services unless licensed to do so)

Replace section 30J with:

30J Transport service operators must be licensed

A transport service operator may not carry on (or, in relation to a small passenger service operator, facilitate) any of the following transport services unless licensed to do so: 5

- (a) a goods service:
- (b) a large passenger service:
- (c) a rental service: 10
- (d) a small passenger service:
- (e) a vehicle recovery service.

62 Section 30L amended (Grant of licence)

(1) Replace section 30L(1) with:

(1) After considering an application for a transport service licence, the Agency may grant the licence only if the Agency is satisfied that— 15

- (a) the applicant is a fit and proper person to hold a transport service licence; and
- (b) any person who is to have, or is likely to have, control of the transport service is a fit and proper person to have such control; and 20
- (ba) any representative meeting the requirements of **subsection (1A)(b)** is a fit and proper person to be a representative; and
- (c) the applicant or any person who is to have control of the transport service is the holder of the appropriate certificate (if any) required by the regulations or the rules; and 25
- (d) all relevant requirements of this Act, the regulations, and the rules have been complied with.

~~(1A) The Agency may grant a small passenger service licence only if the Agency is satisfied that a person who is to have control of the small passenger service in New Zealand lives in New Zealand.~~ 30

(1A) The Agency may grant a small passenger service licence only if the Agency is satisfied that—

- (a) a person who is to have control of the small passenger service in New Zealand lives in New Zealand; or
- (b) the small passenger service operator has a representative who lives in New Zealand. 35

(2) In section 30L(2), replace “operate, control, or have an involvement in, a transport service” with “control a transport service”.

- (2) In section 30L(2), replace “to operate, control, or have an involvement in, a transport service” with “in relation to any transport service”.

63 Section 30M amended (Conditions of transport service licences)

In the heading to section 30M, replace “**transport service licences**” with “**goods service licence**”.

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64 Sections 30P to 30R replaced

Replace sections 30P to 30R with:

30P Driver must have or drive under transport service licence

A transport service driver must, when using a vehicle in a transport service,—

- (a) have the relevant transport service licence; or
- (b) drive on behalf of the holder of the relevant transport service licence; or
- (c) have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence.

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30Q Records to be kept by facilitator of facilitated cost-sharing arrangement

- (1) A facilitator of a facilitated cost-sharing arrangement must keep—

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- (a) all records of payments to the driver; and
- (b) all records of payments made by passengers to the facilitator; and
- (c) a record of the distance travelled on each trip.

- (2) The person who keeps the records required under **subsection (1)** must—

- (a) keep each record for 12 months from the date it is made; and
- (b) make all records referred to in **subsection (1)** in the possession or control of that person available for immediate inspection on demand at any reasonable time by the Agency.

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- (3) A person employed by the Agency to whom records are made available for inspection under **subsection (2)(b)** is entitled to make copies of those records.

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65 Section 30S amended (When Agency may revoke transport service licence)

- (1) Replace section 30S(1)(b) with:

- (b) any person who has control of the transport service is not a fit and proper person to have control of the service; or
- (e) ~~any driver is not a fit and proper person.~~
- (c) any representative who lives in New Zealand is not a fit and proper person to be a representative; or
- (d) any driver is not a fit and proper person.

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- (2) After section 30S(1), insert:

- (1A) **Subsection (1)(c)** does not apply in relation to drivers who are facilitated to connect with passengers under a facilitated cost-sharing arrangement.
- 66 Section 30T amended (Procedure Agency must follow before revoking transport service licence)**
In section 30T, replace “this section” with “section 30S”. 5
- 67 Section 30U amended (Suspension of transport service licence)**
Replace section 30U(1) and (2) with:
- (1) The Agency may suspend a licence if—
- (a) the holder of a transport service licence, or any person who has control of the service, does not hold a certificate required by the regulations or the rules; or 10
- (b) the holder of a small passenger service licence, or any person who has control of the service, does not comply with the applicable requirements in this Part, Part 4B, the regulations, or the rules; or
- (c) ~~in relation to a small passenger service licence, no person with control of the service in New Zealand lives in New Zealand.~~ 15
- (c) the holder of a small passenger service licence does not have—
- (i) a person with control of the service in New Zealand who lives in New Zealand; or
- (ii) a representative who lives in New Zealand. 20
- (2) A suspension ceases immediately when the Agency is satisfied that **subsection (1)(a), (b), or (c)** no longer applies.
- 68 Section 30V amended (Interpretation)**
- (1) In section 30V, replace the definition of **adverse decision** with:
- adverse decision** means any decision of the Agency— 25
- (a) that a person is not a fit and proper person under subpart 2; or
- (b) to refuse to grant a transport service licence under section 30L; or
- (c) to grant a licence on conditions under section 30M; or
- (d) to revoke a transport service licence under section 30S; or
- (e) to suspend a transport service licence under section 30U; or 30
- (f) to disqualify—
- (i) a transport service driver under section 87A; or
- (ii) a transport service licence holder or person in control of a transport service under section 87B
- (2) In section 30V, definition of **affected licence holder**, delete “or is or will be involved”. 35

69 Section 30Z replaced (Application of Part)

Replace section 30Z with:

30Z Application of Part

Nothing in this Part applies in relation to—

- (a) a vehicle used in a facilitated cost-sharing arrangement; or
- (b) any rail service vehicle.

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69A Section 30ZB amended (Application of subpart)

After section 30ZB(3), insert:

- (4) This section is subject to **section 30Z**.

70 Section 30ZD amended (Records must be kept)

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- (1) Replace section 30ZD(1) with:

(1AA) **Subsection (1)** applies to—

- (a) a person who employs a person to drive a vehicle referred to in section 30ZB; and
- (b) a self-employed driver who drives a vehicle referred to in section 30ZB; and
- (c) a facilitator who facilitates a driver who drives a vehicle referred to in section 30ZB to connect with passengers.

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- (1) A person to whom this section applies must keep all—

- (a) time records, records of payments to the driver, and employment or contractual records relating to the driver; and
- (b) accommodation records and receipts for the driver that are relevant to the driver's transport service or transport service vehicle; and
- (c) fuel records and receipts for the relevant transport service vehicles.

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- (2) Replace section 30ZD(2)(b) with:

- (b) make all relevant records referred to in **subsection (1)** in the possession or control of that person available for immediate inspection on demand at any reasonable time by an enforcement officer.

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70A Section 30ZE amended (Application of subpart)

After section 30ZE(2), insert:

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- (3) This section is subject to **section 30Z**.

71 Section 30ZH amended (Duties regarding logbooks)

- (1) In section 30ZH(1)(b),—

- (a) after “an employee”, insert “, or who is driving on behalf of a transport service operator, or who is facilitated to connect with passengers by a small passenger service operator,”; and
- (b) after “driver’s employer”, insert “or transport service operator”; and
- (c) after “the employer”, insert “or transport service operator”. 5
- (2) In section 30ZH(4), replace “wage records, and other related employment records” with “records of payments to the driver, and employment or contractual records relating to the driver”.
- 72 Section 79A amended (Offence to carry on transport service without licence)** 10
- (1) Replace section 79A(1) with:
- (1) A person commits an offence if the person carries on (or, in relation to a small passenger service operator, facilitates) any transport service without the appropriate current licence.
- (2) In section 79A(3), replace “vehicle” with “transport service vehicle”. 15
- 73 New section 79AB inserted (Offence to drive vehicle used in transport service without licence)**
- After section 79A, insert:
- 79AB Offence to drive vehicle used in transport service without licence**
- (1) A transport service driver commits an offence if the driver uses a vehicle in a transport service and there is no relevant transport service licence held by any of the following: 20
- (a) the driver:
- (b) a transport service operator on whose behalf the driver is driving:
- (c) a facilitator who facilitated the driver to connect with passengers of the service. 25
- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$10,000.
- 74 Section 79C amended (Failure to present vehicle for inspection)**
- Replace section 79C(1) with: 30
- (1) A transport service licence holder commits an offence if the holder fails to present a transport service vehicle used in the service for inspection when required to do so by the Agency.
- (1A) A driver of a small passenger service vehicle commits an offence if the driver fails to present the vehicle for inspection when required to do so by the Agency. 35

- 74A Section 79E amended (Liability of persons who use unlicensed transport service)**
- After section 79E(1), insert:
- (1A) Subsection (1) does not apply to an enforcement officer acting in the performance or intended performance of the officer’s official duties as an employee or agent of the Agency. 5
- 75 Section 79H amended (Contravention of section 128A)**
- In section 79H(1), replace “a passenger service licence” with “a small passenger service licence”.
- 75A New section 79HA inserted (Failure to keep or produce records)** 10
- After section 79H, insert:
- 79HA Failure to keep or produce records**
- (1) A person commits an offence if the person fails or refuses to comply with any of the requirements of **section 30Q**.
- (2) The maximum penalty on conviction for an offence against **subsection (1)** is a fine not exceeding \$100,000. 15
- 76 Section 87B amended (Disqualification of holder of transport service licence from holding transport service licence)**
- In section 87B, delete “or involved in”.
- 77 Section 128A amended (Enforcement officer’s powers in respect of non-complying small passenger service vehicles)** 20
- In section 128A, delete “section 30B or”.
- 78 Section 158 amended (Rules concerning licensing, standard-setting, etc)**
- (1) In section 158(b)(vi)(C), replace “the fixing and advertising of fares” with “requirements relating to fares”. 25
- (2) In section 158(b)(vii), delete “and approved taxi organisations”.
- (3) In section 158(b)(viii), delete “and approved taxi organisations”.
- (4) In section 158(b)(viii), delete “area knowledge certificates or”.
- (5) In section 158(b)(ix), delete “area knowledge certificates or”.
- (6) Repeal section 158(b)(xi). 30
- 79 Section 199A amended (Register of transport service licences)**
- (1) Repeal section 199A(3).
- (2) Replace section 199A(4)(b) with:

- (b) is, without the consent of the holder of the transport service licence named in the application, entitled only to the information stored in the register in respect of the licence holder that is specified in subsection (2)(a) and (g) to (l).

Subpart 6—Miscellaneous amendments 5

80 Section 2 amended (Interpretation)

(1AA) In section 2(1), definition of **assessment centre**, after “establishment”, insert “or individual”.

(1) In section 2(1), replace the definition of **moped** with:

moped means a motor vehicle (other than a power-assisted pedal cycle) that has— 10

(a) 2 or 3 wheels; and

(b) a maximum speed not exceeding 50 kilometres per hour; and

(c) either—

(i) an engine cylinder capacity not exceeding 50 cc; or 15

(ii) a power source other than a piston engine

(2) In section 2(1), definition of **moving vehicle offence**, paragraph (b), after “traffic signal”, insert “or a traffic sign that is a variable traffic or lane control sign”.

(3) In section 2(1), repeal the second definition of **parking warden**.

81 Section 22AB amended (Road controlling authorities may make certain bylaws) 20

In section 22AB(1)(b), replace “\$500” with “\$1,000”.

82 Section 90 amended (Suspension of licence or disqualification from driving under demerit points system)

(1) After section 90(1), insert: 25

(1A) An enforcement officer may also give a notice described in subsection (1) in the circumstances described in that subsection (whether or not the person has received a notice from the Agency).

(2) In section 90(2),—

(a) after “subsection (1)”, insert “or **(1A)**”; and 30

(b) replace “served” with “served, including at the roadside,”.

(2A) In section 90(3), after “subsection (1)”, insert “or **(1A)**”.

(3) In section 90(3) and (5), delete “or, if longer than 3 months, the period calculated under section 90A”.

83 Section 95 amended (Mandatory 28-day suspension of driver licence in certain circumstances)

- (1) In section 95(2)(b), replace “his or her driver licence is suspended for 28 days” with “the person is suspended from holding or obtaining a driver licence for 28 days”. 5
- (2) In section 95(2)(c), replace “his or her driver licence” with “any driver licence that the person has”.

85 Section 121 amended (Enforcement officer may immobilise vehicle, etc, in specified circumstances)

Replace section 121(1)(a)(i) with: 10

- (i) a person who is for the time being in charge of a motor vehicle,—
- (A) because of his or her physical or mental condition (however arising), is incapable of having proper control of the vehicle; or
- (B) has not completed a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained to give the test, when required to do so by an enforcement officer under section 71A; or 15
- (C) has failed or refused to undergo a compulsory impairment test when required to do so under section 71A; or 20

86 Section 129 amended (Vehicles may be inspected and directed to remain stopped for contravening dangerous goods rules)

After section 129(2), insert:

- (2A) An enforcement officer or a dangerous goods enforcement officer may give such reasonable directions as are necessary in relation to the loading or unloading of the vehicle or the packing or unpacking of any thing to ensure compliance with the rules or otherwise to ensure safety in relation to the transportation of dangerous goods. 25
- (2B) Every enforcement officer or dangerous goods enforcement officer exercising any of the powers conferred under this section must, at the time of exercising that power, and thereafter on request, produce— 30
- (a) evidence of that person’s appointment as an officer; and
- (b) evidence of that person’s identity.
- (2C) An enforcement officer or a dangerous goods enforcement officer may, if authorised (either generally or specifically) in writing for the purpose by the Agency or the Commissioner, take a person or an animal to assist the officer with an inspection, and a person assisting the officer has the powers conferred on an officer by this section. 35

- 87 Section 132 amended (Inspection powers concerning dangerous goods)**
In section 132, replace “section 130(5) or section” with “**section 129(2C)**, 130(5), or”.
- 88 Section 139 amended (Issue of infringement notice)**
- (1) After section 139(2)(b), insert: 5
(ba) by delivering it, or a copy of it, personally to the person who appears to be in charge of the vehicle to which the notice relates; or
- (2) In section 139(2)(c), replace “him or her at his or her” with “the person who appears to have committed the infringement offence at the person’s”.
- (3) Replace section 139(3)(a) with: 10
(a) is attached to a vehicle under subsection (2)(a) or personally delivered under **subsection (2)(ba)** must be treated as having been served on every person liable in respect of the alleged offence when it is attached to the vehicle or personally delivered:
- 89 Section 140 amended (Contents of infringement and reminder notices)** 15
After section 140(1)(h), insert:
(ha) in the case of an alleged infringement offence that is a stationary vehicle offence, an outline of the process under section 133A for transferring liability in relation to the alleged offence; and
- 89A New section 166A inserted (Agency may grant exemptions to New Zealand Defence Force)** 20
After section 166, insert:
- 166A Agency may grant exemptions to New Zealand Defence Force**
- (1) The Agency may, if the Agency considers it appropriate and on the conditions the Agency considers appropriate, exempt the New Zealand Defence Force from a specified requirement in a rule made under this Part in relation to a vehicle, a group of vehicles, or a type of vehicle belonging to the Defence Force. 25
- (2) Section 166(2) to (4) applies to an exemption made under this section in the same way as section 166(2) to (4) applies to an exemption made under section 166(1). 30
- 90 Section 168 amended (Regulations relating to fees and charges for land transport)**
- After section 168(4)(a), insert:
- (aa) prescribe fees and charges payable, or provide for their fixing (including a means by which they may be calculated and ascertained, or a rate at which they may be calculated or ascertained): 35

- (ab) provide for the imposition by the person to whom the fees are payable of reasonable charges in connection with the administration of any payment:

91 Section 242 amended (Motor vehicles must be registered and licensed)

Replace section 242(1)(b) with:

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- (b) has affixed to it and displayed in the manner prescribed by regulations made under this Part the registration plates issued for it; and
- (c) has displayed in the manner prescribed by regulations made under this Part a current licence issued for it and appropriate for its use under section 244.

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92 Section 269 amended (Regulations)

(1) Replace section 269(1)(a)(iii) with:

(iii) the manufacture, issuing, cancellation, refusal to issue, or surrender of registration plates:

(iiia) the manufacture or production (including electronic production), issuing, cancellation, refusal to issue, or surrender of licences:

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(2) Replace section 269(1)(h) with:

(h) prescribing, or authorising the Registrar to prescribe, in relation to registration plates,—

(i) the form, colour, and material of registration plates; and

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(ii) the size, shape, and character of the numbers, letters, messages, symbols, distinguishing marks, or slogans to be shown on registration plates; and

(iii) the means to make registration plates easily visible; and

(iv) the number of registration plates to be displayed and the position and manner in which they are to be displayed; and

25

(v) the eligibility requirements for registration plates; and

(vi) the duration of registration plates:

(ha) prescribing, or authorising the Registrar to prescribe, in relation to licences,—

30

(i) the form (including electronic form), colour, and material and design of licences; and

(ii) the size, shape, and character of the numbers, letters, messages, symbols, distinguishing marks, or slogans to be shown on licences; and

35

(iii) the means to make licences easily visible or electronically accessible; and

- (iv) the number of licences to be displayed and the position and manner (which may include electronic manner) in which licences are to be displayed; and
- (v) the eligibility requirements for licences and licence labels; and
- (vi) the duration of licences:

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Part 2

Related and consequential amendments

Amendment to Government Roothing Powers Act 1989

93 Amendment to Government Roothing Powers Act 1989

- (1) This section amends the Government Roothing Powers Act 1989. 10
- (2) In section 109(1), replace “\$500” with “\$1,000”.

Amendment to Land Transport (Road Safety and Other Matters) Amendment Act 2011

93A Amendment to Land Transport (Road Safety and Other Matters) Amendment Act 2011

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- (1) This section amends the Land Transport (Road Safety and Other Matters) Amendment Act 2011.
- (2) Repeal section 53(2).

Amendment to Road User Charges Act 2012

94 Amendment to Road User Charges Act 2012

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- (1) This section amends the Road User Charges Act 2012.
- (2) In section 88(4), before paragraph (a), insert:
 - (aaa) provide for the fixing of fees (including a means by which they may be calculated and ascertained, or a rate at which they may be calculated or ascertained): 25
 - (aab) provide for the imposition by the person to whom the fees are payable of reasonable charges in connection with the administration of any payment.

Amendments to Sentencing Act 2002

95 Amendments to Sentencing Act 2002

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- (1) This section amends the Sentencing Act 2002.

- (2) In section 128(1)(b), replace “52(1)(aa), 52(1)(c) (but only in relation to failing to stop in accordance with section 114(2) or failing to give particulars in accordance with section 114(3)),” with “**52(6), 52A(1)**,”.
- (3) In the heading to section 129, replace “**second**” with “**subsequent**”.
- (4) In section 129(1)(a), after “39(1),”, insert “**52(6), 52A(1)**,”. 5
- (5) In section 129(1)(b), replace “further offence (the **second offence**)” with “subsequent offence”.
- (6) In section 129(2), replace “second” with “subsequent”.
- (7) In section 129(3), replace “second” with “subsequent”.

Amendments to Heavy Motor Vehicle Regulations 1974 10

95A Amendments to Heavy Motor Vehicle Regulations 1974

- (1) This section amends the Heavy Motor Vehicle Regulations 1974.
- (2) After the heading to regulation 11, insert:
- (1) A person operating a heavy motor vehicle or combination of vehicles must comply with a mass limit or a speed limit fixed in accordance with this regulation (*see also* regulations 2A, 3(4), and **4(6)** of the Land Transport (Offences and Penalties) Regulations 1999). 15
- (3) In Schedule 1, form D—
- (a) replace “weight” with “mass” in each place; and
- (b) replace “weights” with “mass”; and 20
- (c) replace “infringement fees” with “penalties and infringement fees”; and
- (d) replace “Schedule 1” with “Schedule 1A or Part 3 of Schedule 1B”.

Amendments to Land Transport (Offences and Penalties) Regulations 1999

95B Amendments to Land Transport (Offences and Penalties) Regulations 1999 25

- (1) This section amends the Land Transport (Offences and Penalties) Regulations 1999.
- (2) In regulation 2A(a), replace “; or” with “; and”.
- (3) Replace regulation 2A(b) with:
- (b) for which a penalty is set in Schedule 1A or in Part 3 of Schedule 1B. 30
- (4) Replace regulation 4(6) with:
- (6) The infringement fee for a breach of section 43 of the Act, and for a breach of section 2 of Land Transport Rule: Vehicle Dimensions and Mass 2016 that is an overloading offence, is specified by the scale in the applicable table in Part 3 of Schedule 1B. 35

(4A) In Schedule 1, after the item relating to rule 11.6 of the Land Transport (Road User) Rule 2004, insert:

11.6A	<u>Pedestrian washes or offers to wash vehicle when vehicle not legally parked</u>	<u>1,000</u>	<u>=</u>	<u>150</u>	<u>=</u>
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(5) In Schedule 1A, table 1, replace the heading with “**Overloading individual axles (table 1)**”.

(6) In Schedule 1A, table 2, replace the heading with “**Other overloading (table 2)**”.

(7) In Schedule 1A, after clause 4, insert:

4A Gross vehicle mass

For each vehicle, or combination of vehicles, the gross vehicle mass of which exceeds either the prescribed maximum gross mass limit or the gross vehicle mass, the appropriate overloading infringement fee shown in table 2 is payable. 10

4B Mass on bridges

For each vehicle, or combination of vehicles, the gross vehicle mass or any other mass of which exceeds the gross vehicle mass or any other mass limit fixed in relation to a particular bridge by a notice under regulation 11 of the Heavy Motor Vehicle Regulations 1974, the appropriate overloading infringement fee shown in table 2 is payable. 15

(8) In Schedule 1B, Part 3, table 1, replace the heading with “**Overloading individual axles (table 1)**”.

(9) In Schedule 1B, Part 3, table 2, replace the heading with “**Other overloading (table 2)**”.

(10) In Schedule 1B, Part 3, after clause 4, insert:

4A Gross vehicle mass

For each vehicle, or combination of vehicles, the gross vehicle mass of which exceeds either the prescribed maximum gross mass limit or the gross vehicle mass, the appropriate overloading infringement fee shown in table 2 is payable. 25

4B Mass on bridges

For each vehicle, or combination of vehicles, the gross vehicle mass or any other mass of which exceeds the gross vehicle mass or any other mass limit fixed in relation to a particular bridge by a notice under regulation 11 of the Heavy Motor Vehicle Regulations 1974, the appropriate overloading infringement fee shown in table 2 is payable. 30

*Amendment to Land Transport (Road User) Rule 2004***95C Amendment to Land Transport (Road User) Rule 2004**

- (1) This section amends the Land Transport (Road User) Rule 2004.
- (2) After rule 11.6, insert:

11.6A Washing of vehicles

5

A pedestrian must not wash or offer to wash a vehicle, or part of a vehicle, on a road unless the vehicle is legally parked.

*Transitional, savings, and related provisions***96 New Schedule 1 inserted and amended**

- (1) Insert the **Schedule 1** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act. 10
- (2) In **Schedule 1** (as inserted by **subsection (1)**), insert in their appropriate numerical order:

*Alcohol interlock sentences***2 Pre-existing alcohol interlock orders, licences, and applications for alcohol interlock licences unaffected by subpart 1 of Part 1 of amendment Act** 15

Except as provided in **clauses 3 and 4, subpart 1 of Part 1 of the amendment Act** does not affect an alcohol interlock order made under section 65A(2) before that subpart came into force, and does not affect—

- (a) the existing licensed status of a person who was issued with an alcohol interlock licence before that subpart came into force; or 20
- (b) any application for an alcohol interlock licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force; or
- (c) the period of disqualification required by section 65A(2)(a); or 25
- (d) the requirement in section 65A(4) that a person who is subject to an order under section 65A(2) and who does not apply for an interlock licence is to be treated as a person with a licence of no effect.

3 Pre-existing alcohol interlock order

A person subject to an alcohol interlock order made under section 65A(2) before **subpart 1 of Part 1 of the amendment Act** came into force may apply for the order to be cancelled under **section 100B** as if the order were an alcohol interlock sentence ordered under that subpart. 30

4	Effect of subsequent offence on pre-existing alcohol interlock licence	
(1)	This clause applies to a person who has an alcohol interlock licence that was issued before subpart 1 of Part 1 of the amendment Act came into force and who commits a subsequent offence after that subpart came into force.	
(2)	Sections 65AJ and 65AK apply to the person as if the person had an alcohol interlock licence issued under section 65AC .	5
5	Existing zero alcohol licences and applications for zero alcohol licences unaffected by subpart 1 of Part 1 of amendment Act	
	Subpart 1 of Part 1 of the amendment Act does not affect a zero alcohol licence order that was made under section 65B(2) before that subpart came into force, and does not affect—	10
(a)	the existing licensed status of a person who was issued with a zero alcohol licence before that subpart came into force; or	
(b)	any application for a zero alcohol licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force.	15
(3)	In Schedule 1 (as inserted by subsection (1)), insert in their appropriate numerical order:	
	<i>Small passenger services</i>	
6	Transitional arrangement for small passenger service operator	20
(1)	Before the close of the 28th day after the commencement of this clause, sections 30J(d) and 30U(1)(c) do not apply to a small passenger service operator who is facilitating a small passenger service.	
(1)	<u>Before the close of the 28th day after the commencement of this clause,—</u>	
(a)	<u>section 30J(d) does not apply to a small passenger service operator who is facilitating a small passenger service; and</u>	25
(b)	<u>section 30U(1)(c) does not apply to a small passenger service operator.</u>	
(2)	A small passenger service operator who does not comply with section 30J(d) at the commencement of this clause must, before the close of the 28th day after the commencement of this clause, have a small passenger service licence.	30
(3)	A small passenger service operator who does not comply with section 30U(1)(c) at the commencement of this clause must, before the close of the 28th day after the commencement of this clause,—	
(a)	ensure that a person with control of the service in New Zealand lives in New Zealand; and	35
(b)	in the manner required by the Agency, notify the Agency of the following:	

- (i) ~~that a person with control of the service in New Zealand lives in New Zealand; and~~
- (ii) ~~any address information required under the rules in relation to that person.~~
- (3) A small passenger service operator whose licence may be suspended under **section 30U(1)(c)** must, before the close of the 28th day after the commencement of this clause,— 5
- (a) ensure that—
- (i) a person with control of the service in New Zealand lives in New Zealand; or 10
- (ii) the operator has a representative who lives in New Zealand; and
- (b) in the manner required by the Agency, notify the Agency—
- (i) that the operator meets the requirements of **paragraph (a)**; and
- (ii) of any address information required under the rules in relation to that person or representative. 15
- 7 Transitional arrangement for driver using vehicle in small passenger service**
- (1) Before the close of the 28th day after the commencement of this clause, **sections 30P(c) and 79AB(1)(c)** do not apply to a driver using a vehicle in a small passenger service who has been facilitated to connect with passengers by a facilitator. 20
- (2) Before the close of the 28th day after the commencement of this clause, a driver using a vehicle in a small passenger service must—
- (a) have a small passenger service licence; or
- (b) drive on behalf of the holder of a small passenger service licence; or 25
- (c) have been facilitated to connect with passengers by a facilitator who holds a small passenger service licence.
- 8 Transitional arrangement for taxi stands and transit lanes**
- Taxi stands, shuttle stands, and transit lanes that may be used by any type of small passenger service vehicle before the commencement of this clause may be used by all small passenger service vehicles until the relevant road controlling authority changes the rules about the vehicles that may use the stands or lanes. 30
- 9 Existing passenger service licences and applications unaffected by subpart 5 of Part 1 of amendment Act** 35
- (1AA) A person who has an existing passenger service licence when **subpart 5 of Part 1 of the amendment Act** comes into force is deemed to have—

- (a) a small passenger service licence (as defined in section 2 as amended by **subpart 5 of Part 1 of the amendment Act**); and
 - (b) a large passenger service licence (as defined in section 2 as amended by **subpart 5 of Part 1 of the amendment Act**).
- (1) Except as required by **clauses 6 and 7, subpart 5 of Part 1 of the amendment Act** does not affect—
- (a) the existing licensed status of a person who was granted a passenger service licence before that subpart came into force; or
 - (b) any application for a passenger service licence made before that subpart came into force, and the application must be processed as if that subpart had not come into force.

Consequential amendments to enactments

97 Consequential amendments to enactments

- (1) Amend the Acts specified in **Part 1 of Schedule 2** as set out in that Part (being consequential amendments relating to alcohol interlock sentences). 15
- (2) Amend the Act specified in **Part 2 of Schedule 2** as set out in that Part (being consequential amendments relating to heavy vehicles).
- (3) Amend the Acts specified in **Part 3 of Schedule 2** as set out in that Part (being consequential amendments relating to small passenger services).
- (4) Amend the enactments specified in **Part 1 of Schedule 3** as set out in that Part (being consequential amendments relating to alcohol interlock sentences). 20
- (5) Amend the enactment specified in **Part 2 of Schedule 3** as set out in that Part (being a consequential amendment relating to fare evasion).
- (6) Amend the enactment specified in **Part 3 of Schedule 3** as set out in that Part (being a consequential amendment relating to fleeing drivers). 25
- (7) Amend the enactments specified in **Part 4 of Schedule 3** as set out in that Part (being consequential amendments relating to heavy vehicles).
- (8) Amend the enactments specified in **Part 5 of Schedule 3** as set out in that Part (being consequential amendments relating to small passenger services).

Schedule 1
New Schedule 1 inserted

s 96(1)

Schedule 1
Transitional, savings, and related provisions

5

s 2A

Part 1
Provisions relating to Land Transport Amendment Act (No 2) 2016

1 Interpretation

In this Part, **amendment Act** means the Land Transport Amendment Act (No 2) **2016**. 10

Heavy vehicles

5A Existing notices given under section 16A to have continuing effect

- (1) Notices given under section 16A before subpart 4 of Part 1 of the amendment Act comes into force continue to have effect as if that subpart had not come into force. 15
- (2) **Subclause (1)** applies until the close of the day that is 12 months after subpart 4 of Part 1 of the amendment Act comes into force.

Schedule 2

Consequential amendments to Acts

s 97(1)–(3)

Part 1

Alcohol interlock sentences

5

Criminal Procedure Act 2011 (2011 No 81)

Replace section 358(1)(ga) with:

- (ga) must, if the offence is a qualifying offence as described in **section 65AB(1)** of the Land Transport Act 1998, impose an alcohol interlock sentence:

10

Repeal section 358(1)(gb).

In section 358(gc), replace “if that offence is an offence to which section 65B(1)” with “if **section 65AI**”.

Criminal Records (Clean Slate) Act 2004 (2004 No 36)

Replace section 7(1)(g) with:

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- (g) no order has ever been made about him or her under section 65 of the Land Transport Act 1998 or under section 30A of the Transport Act 1962.

Sentencing Act 2002 (2002 No 9)

Replace section 126(ja) with:

20

- (ja) **section 65AC** (court must impose alcohol interlock sentence):

Replace section 129(4) with:

- (4) Despite subsection (3), the court must not make an order under that subsection if—
- (a) it will result in extreme hardship to the offender or undue hardship to any other person; or
- (b) an interlock is or is to be fitted to the motor vehicle.

25

Part 2

Heavy vehicles

Road User Charges Act 2012 (2012 No 1)

30

In section 5(1), definition of **gross vehicle mass**, replace “Part 2 of the VDAM Rule 2002” with “section 2(1) of the Land Transport Act 1998”.

Replace section 65(3) with:

Road User Charges Act 2012 (2012 No 1)—*continued*

- (3) Records required to be kept under subsection (2)—
- (a) may be used as evidence in a prosecution relating to compliance with requirements in relation to heavy vehicles or heavy traffic in the Land Transport Act 1998 or in regulations or rules made under that Act; but
 - (b) may not be used as evidence in a prosecution for a work time or logbook offence under the Land Transport Act 1998, except as provided for under Part 4B of the Land Transport Act 1998. 5

Part 3**Small passenger services****Income Tax Act 2007 (2007 No 97)** 10

In section EE 29(3)(c), replace “taxi” with “small passenger service vehicle”.

In section YA 1, definition of **car**, paragraph (b)(iii), replace “taxi” with “small passenger service vehicle”.

In section YA 1, insert in its appropriate alphabetical order,—

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998. 15

In section YA 1, repeal the definition of **taxi**.

Land Transport Management Act 2003 (2003 No 118)

In section 5(1), repeal the definition of **taxi service**.

Replace section 119(1)(b) with: 20

- (b) provide any financial assistance to any operator or user of any other passenger service in a small passenger service vehicle.

In section 120(1)(a)(vii), replace “taxi services or shuttle services” with “passenger services in small passenger service vehicles”.

Local Government Act 1974 (1974 No 66) 25

In section 339(1), replace “taxi passengers” with “small passenger service vehicle passengers”.

Smoke-free Environments Act 1990 (1990 No 108)

In section 2(1),—

- (a) repeal the definition of **operating taxi**; and 30
- (b) repeal the definition of **passenger service vehicle** and **small passenger service vehicle**.

Replace section 9(1) to (3) with:

- (1) This section applies to the following (**passenger service vehicles**):

Smoke-free Environments Act 1990 (1990 No 108)—continued

- (a) a large passenger service vehicle while it is carrying passengers:
- (b) a small passenger service vehicle at all times except when it is returning from carrying a passenger at the end of a shift:
- (c) a vehicle being used in a small passenger service.
- (2) The operator of a passenger service vehicle must not permit any person to smoke in the vehicle. 5
- (3) No person may smoke in a passenger service vehicle.
- (4) In this section,—
- large passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998 10
- small passenger service** has the same meaning as in section 2(1) of the Land Transport Act 1998
- small passenger service vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998.
- In section 17(4), replace “subsection (1) or subsection (1A) of section 9” with “**section 9(2)**”. 15

Terrorism Suppression Act 2002 (2002 No 34)

- In section 4(1), definition of **public transportation system**, replace “taxis” with “small passenger vehicles”.
- In section 4(1), definition of **State or government facility**, replace “taxi” with “small passenger vehicle”. 20

Schedule 3

Consequential amendments to other enactments

s 97(4)–(8)

Part 1

Alcohol interlock sentences

5

Land Transport (Alcohol Interlock) Regulations 2012 (SR 2012/202)

In regulation 4(1), definition of **driver**, paragraph (a), replace “an order made under section 65A(2)(b)(i)” with “an alcohol interlock sentence”.

After regulation 5(2)(b)(ix), insert:

(x) is serving a prison sentence; or

10

Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93)

In regulation 7(1), replace “section 65A(2)” with “**section 65AC**”.

In regulation 7(2), replace “section 65B(2)” with “**section 65AC(2)(d), 65A1(c), or 100B(2)(b)**”.

15

Part 2

Fare evasion

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 1, replace the item relating to section 79M of the Land Transport Act 1998 with:

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79M(1) or (2)(a)	Failing to pay passenger service fare or public transport service fare	—	—	150	—
79M(2)(b)	Failing to provide evidence of having paid public transport service fare (in response to enforcement officer’s direction made in accordance with section 128F(1))	—	—	150	—

Part 3

Fleeing drivers

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 2, revoke the first 2 items relating to section 52(1)(c) of the Land Transport Act 1998.

25

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

In Schedule 4, form, Part 1, replace “**Advice to driver (or operator)**” with “**Advice to driver or operator or owner or registered person**”.

In Schedule 4, form, Part 1, replace “that you drove the vehicle on a road” with “the vehicle was driven on a road”.

In Schedule 4, form, Part 1, replace “**The vehicle driven (or operated) by you**” with “**The vehicle**”. 5

In Schedule 4, form, Part 1, replace “your rights” with “rights”.

In Schedule 4, form, Part 1, replace “___(d) you failed to stop” with “___(d) the driver failed to stop or to remain stopped”.

In Schedule 4, form, Part 2, paragraph 4(b)(iv), replace “stop” with “stop (or remain stopped)”. 10

In Schedule 4, form, Part 2, paragraph 4(b)(iv), replace “section 114(1) or (2)” with “section 114”.

In Schedule 4, form, Part 2, paragraph 4(d), replace “section 114(1) or (2)” with “section 114”. 15

In Schedule 4, form, Part 2, paragraph 4(e), replace “section 114(1) or (2)” with “section 114”.

In Schedule 4, form, Part 2, paragraph 4(e), after “(whichever applies)”, insert “; or”.

In Schedule 4, form, Part 2, after paragraph 4(e), insert:

- (f) if section 96(1AB) of the Act applies, the registered person (not being the driver who failed to stop (or remain stopped)) either— 20
 - (i) did not know, and could not reasonably have been expected to know, the identity of the driver; or
 - (ii) has otherwise provided the information requested under section 118(4) of the Act. 25

Part 4**Heavy vehicles****Heavy Motor Vehicle Regulations 1974 (SR 1974/218)**

In regulation 2(1), definition of **heavy motor vehicle**, replace “gross laden weight” with “gross vehicle mass”. 30

In regulation 11, replace “weight” with “mass” in each place.

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In Schedule 1A, table 1, replace “weight” with “mass” in each place.

In Schedule 1A, table 2, replace “weights” with “mass” in each place.

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

In Schedule 1A, table 2, replace “weight” with “mass”.

In Schedule 1A, replace the heading to clause 1 with “**Mass on individual axles**”.

In Schedule 1A, clause 1, replace “weight” with “mass” in each place.

In Schedule 1A, replace the heading to clause 2 with “**Sum of axle mass on 2 or more consecutive axles**”.

5

In Schedule 1A, clause 2, replace “total” with “sum” in each place.

In Schedule 1A, clause 2, replace “weights” with “mass” in each place.

In Schedule 1A, heading to clause 3, replace “**weight**” with “**mass**”.

In Schedule 1A, clause 3, replace “weight” with “mass”.

In Schedule 1A, clause 3, replace “total of axle weights” with “total axle mass”.

10

In Schedule 1A, heading to clause 4, replace “**weight**” with “**mass**”.

In Schedule 1A, clause 4, replace “weight” with “mass”.

In Schedule 1A, clause 4, replace “weights” with “mass”.

In Schedule 1A, replace clause 5 with:

5 Weighing tolerances

15

The axle mass measured (or, in the case of an offence referred to in table 2, the total of the mass measured on the axles) is to be reduced by the following amounts:

(a) 0.5 tonnes for any mass measured on any axle:

(b) 0.5 tonnes for any mass measured on any twin-steer axle set:

20

(c) 1.0 tonnes for any mass measured on any other axle set (except in a case to which paragraph (d) applies):

(d) 0.5 tonnes,—

(i) in the case of a single vehicle that is not part of a combination vehicle, for any mass measured on all axles of that vehicle:

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(ii) in the case of a combination vehicle, for any mass measured on all axles of that combination vehicle.

In Schedule 1B, Part 3, table 1, replace “weight” with “mass” in each place.

In Schedule 1B, Part 3, table 2, replace “weights” with “mass” in each place.

In Schedule 1B, Part 3, table 2, replace “weight” with “mass”.

30

In Schedule 1B, Part 3, replace the heading to clause 1 with “**Mass on individual axles**”.

In Schedule 1B, Part 3, clause 1, replace “weight” with “mass” in each place.

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)—*continued*

In Schedule 1B, Part 3, replace the heading to clause 2 with “**Sum of axle mass on 2 or more consecutive axles**”.

In Schedule 1B, Part 3, clause 2, replace “total of the weights” with “sum of the mass” in each place.

In Schedule 1B, Part 3, heading to clause 3, replace “**weight**” with “**mass**”. 5

In Schedule 1B, Part 3, clause 3, replace “weight” with “mass”.

In Schedule 1B, Part 3, clause 3, replace “total of axle weights” with “total axle mass”.

In Schedule 1B, Part 3, heading to clause 4, replace “**weight**” with “**mass**”.

In Schedule 1B, Part 3, clause 4, replace “weight” with “mass”. 10

In Schedule 1B, Part 3, clause 4, replace “weights” with “mass”.

In Schedule 1B, Part 3, replace clause 5 with:

5 Weighing tolerances

The axle mass measured (or, in the case of an offence referred to in table 2, the total of the mass measured on the axles) is to be reduced by the following amounts: 15

- (a) 0.5 tonnes for any mass measured on any axle:
- (b) 0.5 tonnes for any mass measured on any twin-steer axle set:
- (c) 1.0 tonnes for any mass measured on any other axle set (except in a case to which paragraph (d) applies): 20
- (d) 0.5 tonnes,—
 - (i) in the case of a single vehicle that is not part of a combination vehicle, for any mass measured on all axles of that vehicle:
 - (ii) in the case of a combination vehicle, for any mass measured on all axles of that combination vehicle. 25

Land Transport Rule: Heavy-vehicle Brakes 2006

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Heavy Vehicles 2004

In Part 2, replace the definition of **gross vehicle mass** with: 30

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Operator Licensing 2007

In Part 2, definition of **goods service**, paragraphs (a) and (b), replace “gross laden weight” with “gross vehicle mass”.

In Part 2, revoke the definition of **gross laden weight**.

In Part 2, replace the definition of **gross vehicle mass** with:

5

gross vehicle mass has the same meaning as in the Land Transport Act 1998

In Part 2, definition of **rental service**, paragraph (b), replace “gross laden weight” with “gross vehicle mass”.

Land Transport Rule: Vehicle Dimensions and Mass 2016

In Part 2, replace the definition of **gross vehicle mass** with:

10

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Land Transport Rule: Vehicle Standards Compliance 2002

In Part 2, definition of **all-terrain vehicle**, paragraph (d), replace “gross laden weight” with “gross vehicle mass”.

In Part 2, revoke the definition of **gross laden weight**.

15

In Part 2, replace the definition of **gross vehicle mass** with:

gross vehicle mass has the same meaning as in the Land Transport Act 1998

Part 5**Small passenger vehicles****Accident Compensation (Ancillary Services) Regulations 2002 (SR 2002/13)**

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In regulation 11(1), replace “, hire car, non-scheduled shuttle, or non-scheduled water taxi” with “or other non-scheduled passenger service”.

Jury Rules 1990 (SR 1990/226)

In rule 28(4), replace “taxi” with “small passenger service vehicle” in each place.

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)

25

In rule 2(1), replace the definition of **large passenger service vehicle** with:

large passenger service vehicle has the same meaning as in the Land Transport Act 1998

In rule 2(1), replace the definition of **passenger service** with:

passenger service has the same meaning as in the Land Transport Act 1998

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In rule 2(1), replace the definition of **small passenger service vehicle** with:

small passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)—*continued*

In rule 26(2)(h), after “chauffeur”, insert “; or”.

After rule 26(2)(h), insert:

- (i) when the motor vehicle is being used in a facilitated cost-sharing arrangement.

Revoke rule 27(1)(d). 5

Revoke rule 93(b)(i).

Land Transport (Road User) Rule 2004 (SR 2004/427)

In rule 7.11(3)(c), replace “taxi” with “small passenger vehicle”.

Land Transport Rule: Traffic Control Devices 2004

In Part 2, definition of **standing**, replace “taxi stand” with “small passenger service vehicle stand”. 10

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, revoke the item relating to shuttle stands.

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, item relating to small passenger service vehicle (PSV) stands, after “*used in a*”, insert “*small*”. 15

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, item relating to small passenger service vehicle (PSV) stands, delete “(e.g. *taxis, shuttles, private hire*)”.

In Schedule 1, item relating to R6–2B Text or symbols that may appear below or beside symbol R6-1B, revoke the item relating to taxi stands. 20

In Schedule 1, item relating to R6–2C Text or symbols that may appear below or beside symbol R6-1C or R6-1D, item relating to small PSV parking, after “*used in a*”, insert “*small*”.

In Schedule 1, item relating to R6–2C Text or symbols that may appear below or beside symbol R6-1C or R6-1D, item relating to small PSV parking, delete “(e.g. *taxis, shuttles, private hire*)”. 25

In Schedule 1, item relating to R6-2S Symbols used with appropriate R6 signs, revoke the item relating to shuttles.

Witnesses and Interpreters Fees Regulations 1974 (SR 1974/124) 30

In the Schedule, clause 8(b), replace “taxi” with “small passenger service vehicle”.

Land Transport Amendment Bill (No 2)

Legislative history

12 September 2016	Introduction (Bill 173–1)
15 September 2016	First reading and referral to Transport and Industrial Relations Committee
15 March 2017	Reported from Transport and Industrial Relations Committee (Bill 173–2)
24 May 2017	Second reading
1 August 2017	Committee of the whole House (Bill 173–3)