

Reprint

as at 1 August 2008

Land Transport (Driver Licensing) Amendment Rule (No 2) 2006

(SR 2006/152)

Pursuant to the Land Transport Act 1998, the Minister for Transport Safety makes the following ordinary rule.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This rule is administered by the Ministry of Transport.

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1 Title

- (1) This rule is the Land Transport (Driver Licensing) Amendment Rule (No 2) 2006.
- (2) This rule is also called the Land Transport Amendment Rule 91001/3.

2 Commencement

This rule comes into force on 4 December 2006.

3 Principal rule amended

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

4 Objective of rule

A statement of the objective of this rule is set out in Schedule 1.

5 Consultation

A statement on the extent of the consultation carried out under section 161(2) of the Act in relation to this rule is set out in Schedule 2.

6 Interpretation

Clause 2(1) is amended by revoking the definition of older driver test and substituting the following definition:

“**on-road safety test** means the test specified in Part F Schedule 6.”

7 Heading above clause 44 omitted

The heading above clause 44 is omitted.

8 New clauses 44A and 44B inserted

The following clauses are inserted after clause 44:

“**44A Obligations of person who issues medical certificate**

“(1) This clause applies if a medical certificate is required for the purposes of this rule.

“(2) The person who issues the medical certificate must, as soon as practicable, give written notice to the Director of his or her assessment if he or she assesses the applicant as not medically fit to drive a motor vehicle for which a driver licence is required.

“**44B Applicants may be referred for on-road safety test**

“(1) This clause applies if a medical certificate is required for a Class 1 or Class 6 licence and the applicant—

“(a) is 75 years of age or older; or

“(b) is 74 years of age or older and is renewing his or her licence under clause 67(5)(a).

“(2) The person who issues the medical certificate may refer the applicant for an on-road safety test if he or she—

“(a) assesses the applicant as medically fit to drive under the applicable class of licence; but

“(b) has significant doubts about the applicant’s ability to drive safely.

“(3) This clause does not apply if a medical certificate is required only for the renewal of an endorsement on a Class 1 driver licence.”

9 New clauses 49 and 49A substituted

Clause 49 is revoked and the following clauses are substituted:

“49 On-road safety test

- “(1) An applicant for a Class 1 or Class 6 licence must pass the on-road safety test if he or she is referred for the test under clause 44B.
- “(2) The applicant must take the test in a vehicle to which the class of licence sought relates in accordance with Schedule 3.
- “(3) If the applicant fails the test and his or her driver licence has expired or been revoked, a temporary driver licence issued under section 24(3) of the Act may be made subject to the condition specified in clause 16(1)(a).
- “(4) An applicant is not required to pass the on-road safety test if he or she is required to complete a practical driving test under clause 48.

“49A Transitional provision for applicants 80 years and over applying for driver licence

- “(1) This clause applies to an applicant for a driver licence who—
- “(a) is 80 years of age or over; and
 - “(b) failed his or her most recent attempt at the test in Part F of Schedule 6 before the commencement of this clause.
- “(2) The applicant must pass the on-road safety test in order to obtain his or her licence, in addition to the other requirements of this rule.”

10 Renewal of driver licence

- (1) Clause 67(2) is amended by revoking paragraphs (d) to (f) and substituting the following paragraphs:
- “(d) passes the on-road safety test, if referred for the test under clause 44B; and
- “(e) in the case of a licence (excluding a Class 6 licence) that has been expired for more than 5 years, passes—
- “(i) the appropriate theory test under clause 45 for the highest class of driver licence that the person is applying to renew; and
 - “(ii) the appropriate practical driving test for the highest class of driver licence that the person is applying to

- renew in accordance with clauses 48 and 51 or successfully completes a course approved under clause 93; and
- “(f) in the case of a Class 6 licence that has been expired for more than 5 years, passes—
- “(i) the theory test for Class 6 under clause 45(1); and
 - “(ii) the practical driving test for Class 6 under clause 48(3), (4), (5), or (5A).”
- (2) Clause 67(2A) is amended by omitting “does” and substituting “and (f) do”.

11 Reinstatement of driver licence after end of disqualification

- (1) Clause 67A(2) is amended by revoking paragraph (d) and substituting the following paragraph:
- “(d) the person passes the on-road safety test, if referred for the test under clause 44B; and”.
- (2) Clause 67A(2)(f)(i)(B) is amended by omitting “, 49,”.
- (3) Clause 67A(2)(g)(ii) is amended by omitting “or (5)” and substituting “(5), or (5A)”.

12 Special provision relating to person who is overseas, or in prison or hospital

- (1) Clause 68(1) is amended by inserting “or (f)” after “clause 67(2)(e)”.
- (2) Clause 68(2) is revoked.

13 Replacement of driver licence or endorsement revoked on medical grounds

- (1) Clause 86(1) is amended by inserting the following paragraph after paragraph (a):
- “(ab) the person passes the on-road safety test, if referred for the test under clause 44B; and”.
- (2) Clause 86(2)(d)(ii) is amended by omitting “, 49,”.

14 Obtaining New Zealand driver licence

- Clause 89(2)(c) is amended by omitting “49,”.

15 Obtaining new driver licence

Clause 113(2) is amended by revoking paragraph (ba) and substituting the following paragraph:

“(ba) passes the on-road safety test, if referred for the test under clause 44B; and”.

16 Schedule 6 amended

- (1) The heading to Part F of Schedule 6 is revoked and “On-road safety test” is substituted.
- (2) Clause 1 of Part F of Schedule 6 is amended by omitting “older driver” and substituting “on-road safety”.
- (3) The heading to the form in Part F of Schedule 6 is revoked and “**On-road Safety Test**” is substituted.

17 Schedule 7 amended

The heading to clause 4 of Schedule 7 is amended by omitting “**and older driver tests**” and substituting “**tests and on-road safety test**”.

Schedule 1
Objective of rule

cl 4

- 1 This rule amends the Land Transport (Driver Licensing) Rule 1999, which sets out the requirements for obtaining and re-newing driver licences and endorsements.
- 2 The objective of this rule is to make changes to the driver licensing system for older drivers.
- 3 In summary, the amendments contained in this rule—
 - (a) remove the mandatory age-based older driver test (a medical certificate of fitness to drive will continue to be required to re-license at age 75, 80, and at 2-yearly intervals thereafter);
 - (b) include an option for general practitioners to refer older drivers for an on-road safety test in certain circumstances:

- (c) require general practitioners to advise the New Zealand Transport Agency if a patient is assessed as not medically fit to drive:
 - (d) provide for a condition to be imposed on a temporary licence issued under the Act to a person with an expired or revoked licence who fails an on-road as safety test. The condition is that the person must drive with a supervisor until he or she passes the test.
- 4 The removal of the mandatory older driver test for drivers aged 80 years and over recognises that most older drivers regulate their driving adequately, and that this requirement is considered by many to be unfair, a financial burden, and a cause of stress on older people, which may lead to their premature retirement from driving. Most similar overseas jurisdictions have no age-based, on-road testing regime, yet have driver crash statistics that are comparable to those of New Zealand. Removing the mandatory on-road testing requirement for older drivers is also in line with the objective of the New Zealand Transport Strategy to improve access to transport for, and the mobility of, older people.

Schedule 1 clause 3(c): amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Schedule 2

cl 5

Consultation carried out under section 161(2) of Act

- 1 The changes to the driver licensing system authorised in this rule follow the Ministerial Review of Older Driver Licensing Policy that the Ministry of Transport undertook in 2004–05 at the direction of Government. The Review was led by the Ministry in association with the Stakeholders Consultative Group (SCG), with membership from a range of interested groups.
- 2 The SCG recommended the abolition of the mandatory on-road test for older drivers as a cornerstone of a changed system. In mid-2005 the Government announced its support for this recommendation as the basis for developing the future

licensing regime for older drivers. The SCG developed a final package of proposals and the Ministry produced a final report for consideration by the Minister of Transport, and the Ministers for Transport Safety and Senior Citizens, and later, for approval by Cabinet.

- 3 The proposals requiring legislative change were consulted on in the draft of this rule. Land Transport New Zealand released the public consultation (yellow draft) of the rule in January 2006. The draft rule and associated information material was made available to organisations and individuals who had registered an interest in, or who were considered likely to be interested in, the rule. The availability of the yellow draft was publicised in metropolitan and selected regional daily newspapers, the Gazette, and Te Maori News. The draft rule and associated material were accessible on Land Transport New Zealand's website and were sent to transport authorities and libraries overseas. Land Transport New Zealand received 90 submissions on the yellow draft.
- 4 The submissions received on the yellow draft were taken into account before the draft rule was submitted to Cabinet, and to the Minister for signature.

Dated at Wellington this 16th day of June 2006.

Hon Annette King,
for Minister for Transport Safety.

Explanatory note

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

This rule, which comes into force on 4 December 2006, amends the Land Transport (Driver Licensing) Rule 1999.

The rule is an ordinary rule made under the Land Transport Act 1998. The objective of the rule is set out in Schedule 1.

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Notes

1 *General*

This is an eprint of the Land Transport (Driver Licensing) Amendment Rule (No 2) 2006. It incorporates all the amendments to the Land Transport (Driver Licensing) Amendment Rule (No 2) 2006 as at 1 August 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 4 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)
