



ANALYSIS

Title	
1. Short Title and commencement	3. Fees for traffic officer accident reports
2. Regulations	4. Infringement fees increased Schedule

1988, No. 139

An Act to amend the Transport Act 1962

[30 July 1988]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Transport Amendment Act 1988, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

(2) Except as provided in section 4 (3) of this Act, this Act shall come into force on the date on which it receives the Royal assent.

2. Regulations—(1) Section 77 (1) of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph:

“(g) Providing for the periodical examination of motor vehicles and the issue of warrants of fitness by the Department, local authorities, or persons approved by the Minister; prescribing fees or maximum fees or authorising the charging of reasonable fees in respect of such examinations (and different fees may be prescribed or provided for in respect of different circumstances and different testing authorities); prescribing the persons to whom any fees are to be paid; and exempting specified motor vehicles or classes of motor vehicles from the provisions of the regulations:”.

(2) The following provisions are hereby consequentially repealed:

(a) Section 12 (1) of the Transport Amendment Act 1970:

- (b) Section 23 (1) of the Transport Amendment Act 1974:
- (c) Section 26 (3) of the Transport Amendment Act 1987.

3. Fees for traffic officer accident reports—The principal Act is hereby amended by inserting, after section 199, the following section:

“199A. (1) Any person shall, on making application to the Secretary and on payment of a fee of \$55 (inclusive of any amount of goods and services tax that may be payable under the Goods and Services Tax Act 1985), be entitled to obtain a copy of any traffic officer accident report.

“(2) The Secretary may delete or omit from any copy of a report required to be supplied under subsection (1) of this section any information that may be withheld in accordance with the provisions of the Official Information Act 1982, but where any such deletion or omission occurs—

“(a) The Secretary shall inform the applicant that information has been deleted or omitted from the copy of the report; and

“(b) The provisions of the Official Information Act 1982 shall apply to the deletion or omission as if, following a request under that Act for the information deleted or omitted, the information had been withheld in reliance on that Act.

“(3) The fee referred to in subsection (1) of this section shall, notwithstanding anything in section 24 (1) of the Official Information Act 1982, be payable by every person (including a natural person to whom the report relates) applying for a copy of a traffic officer accident report.

“(4) In this section, the term “traffic officer accident report” means a written report by a traffic officer who is an officer of the Department relating to an investigation of a traffic accident.”

4. Infringement fees increased—(1) The principal Act is hereby amended by repealing the Second Schedule (as substituted by section 38 (1) of the Transport Amendment Act 1987), and substituting the Second Schedule set out in the Schedule to this Act.

(2) Section 38 (1) of, and the Second Schedule to, the Transport Amendment Act 1987 are hereby consequentially repealed.

(3) This section shall come into force on the 8th day of August 1988, and the infringement fees provided for in the Second Schedule to the principal Act (as substituted by subsection (1) of this section) shall apply only in respect of offences committed on or after that date.

Section 4 (1)

SCHEDULE

NEW SECOND SCHEDULE TO PRINCIPAL ACT

Section 42A

"SECOND SCHEDULE

INFRINGEMENT OFFENCES AND FEES

PART I

PARKING OFFENCES

Offence	Infringement Fee (in addition to any towage fee—see below)
Any parking offence involving parking on a road in breach of a local authority bylaw, in excess of a period fixed by a meter or otherwise, where the excess time is—	
Not more than 30 minutes . . .	\$10 or such lesser amount as is fixed by the local authority
More than 30 minutes but not more than 1 hour	\$14 or such lesser amount as is fixed by the local authority
More than 1 hour but not more than 2 hours	\$20 or such lesser amount as is fixed by the local authority
More than 2 hours but not more than 4 hours	\$30 or such lesser amount as is fixed by the local authority
More than 4 hours	\$34 or such lesser amount as is fixed by the local authority
Any other parking offence	\$40

Towage fee: Where expenses are incurred by an enforcement authority in respect of the movement or proposed movement under section 68B (1) (c) or section 68BA (2) (b) of this Act of the vehicle involved in the offence (whether or not the vehicle is in fact moved), the infringement fee shall be the total of the amount specified above in respect of the offence and the amount of the appropriate towage fee (including any goods and services tax payable in respect of the towage fee).

SCHEDULE—*continued*NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*"SECOND SCHEDULE—*continued*"

PART II

SPEEDING OFFENCES

Offence	Infringement Fee \$
Any speeding offence, where the speed exceeds the speed limit by—	
Not more than 10 kilometres an hour	30
More than 10 kilometres an hour but not more than 15 kilometres an hour ..	60
More than 15 kilometres an hour but not more than 20 kilometres an hour ..	90
More than 20 kilometres an hour but not more than 25 kilometres an hour ..	120
More than 25 kilometres an hour but not more than 30 kilometres an hour ..	160
More than 30 kilometres an hour but not more than 35 kilometres an hour ..	250
More than 35 kilometres an hour but not more than 40 kilometres an hour ..	300

PART III

OVERLOADING OFFENCES

TABLE NO. 1—INDIVIDUAL AXLES

Overloading Offence	Infringement Fee for that Axle \$
Where the axle weight recorded, reduced by 5 percent, exceeds the maximum permitted weight on the axle by—	
Not more than 500 kg	150
More than 500 kg but not more than 1,000 kg ..	330
More than 1,000 kg but not more than 1,500 kg	600
More than 1,500 kg but not more than 2,000 kg	1,000
More than 2,000 kg but not more than 2,500 kg	1,300
More than 2,500 kg but not more than 3,000 kg	1,800
More than 3,000 kg but not more than 3,500 kg	2,300
More than 3,500 kg	2,800

SCHEDULE—continued

NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*

“SECOND SCHEDULE—*continued*”

PART III—*continued*

OVERLOADING OFFENCES—*continued*

TABLE NO. 2—GROUPS OF TWO OR MORE CONSECUTIVE AXLES
AND ALL AXLES OF A VEHICLE OR COMBINATION OF VEHICLES

Overloading Offence	Infringement Fee for the Sum of Axle Weights
Where the sum of the recorded weights on the axles, reduced by 5 percent, exceeds the maximum permitted weight by—	\$
Not more than 1,000 kg	150
More than 1,000 kg but not more than 2,000 kg	330
More than 2,000 kg but not more than 3,000 kg	600
More than 3,000 kg but not more than 4,000 kg	1,000
More than 4,000 kg but not more than 5,000 kg	1,300
More than 5,000 kg but not more than 6,000 kg	1,800
More than 6,000 kg but not more than 7,000 kg	2,300
More than 7,000 kg but not more than 8,000 kg	2,800
More than 8,000 kg	3,300

Individual axle weights

1. For each axle the weight on which exceeds the maximum permitted weight for such an axle, the appropriate overloading infringement fee shown in table No. 1 shall be payable.

Two or more consecutive axle weights

2. For each group of 2 or more consecutive axles of a vehicle or combination of vehicles the sum of the weights of which exceeds the sum of the weights permitted on a group of 2 or more consecutive axles with the recorded distance between the centres of the first and last axle of the group, the appropriate overloading infringement fee shown in table No. 2 shall be payable.

Total axle weight of a vehicle or combination of vehicles

3. For each vehicle the sum of the axle weights of which exceeds the permitted sum of axle weights for a vehicle with the recorded distance between the centres of the first and last axle of the vehicle, the appropriate overloading infringement fee shown in table No. 2 shall be payable.

4. For each combination of vehicles the sum of the axle weights of which exceeds the permitted sum of axle weights for a combination of vehicles with the recorded distance between the centre of the first axle of the first vehicle and the centre of the last axle of the last vehicle, the appropriate overloading infringement fee shown in table No. 2 shall be payable.

SCHEDULE—*continued*NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*"SECOND SCHEDULE—*continued*

PART IV

OFFENCES AGAINST TRAFFIC REGULATIONS 1976

Offence against Regulation	Brief Description of Offence	Infringement Fee \$
4 (3)	Failure to drive within a lane	55
6	Failure to comply with lane-usage arrows	55
9 (1) (a)	Failure to stop at a stop sign	55
15 (1) (b), (c)	Failure to signal turn or move to right or left	55
18 (1)	Failure to comply with signals given by traffic lights	55
19 (2)	Towing without required lights	55
28 (1)	Excessive emission of smoke or vapour	55
29 (1)	Excessively noisy vehicle	55
29 (6)	Unreasonable use of warning device	55
30	Failure to ensure child properly restrained in child restraint or seat belt	75
30A	Permitting unrestrained child to ride alongside driver	75
30B	Failure to wear seat belt or ensure child 8–15 years wears seat belt	75
31 (1)	Failure to wear securely fastened safety helmet	75
32	Operating motorcycle without adequate footrests	55
37 (2)	Driving without required lights	55
37 (5)	Failure to display red light on parked goods-service vehicle	55
40	Riding abreast	35
42 (2), (3)	Failure to display red light and reflector on moped	35
43	Failure to display red light and reflector on cycle manufactured before 1 January 1988	35
44	Failure to display red light and reflector on cycle manufactured after 1 January 1988	35
44B	Careless riding of cycle or moped	35
.. ..	Any offence involving a cycle or moped not specified above	35
51 to 56	Any offence committed by a pedestrian	16

SCHEDULE—*continued*NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*“SECOND SCHEDULE—*continued*”PART IV—*continued*OFFENCES AGAINST TRAFFIC REGULATIONS 1976—*continued*

Offence against Regulation	Brief Description of Offence	Infringement Fee \$
58 (1) (c) ..	Motorcycle not equipped with required headlamp ..	55
60 (1) ..	No rearward-facing side lamps	35
69 (1) ..	Vehicle not equipped with required warning device ..	35
71 (1) ..	Using worn or damaged tyre	100
71 (2) ..	Using smooth tyre	100
73 (3) ..	Driving with obscured windscreen	55
74 (1) ..	Operating vehicle without rear-vision mirror	55
78 (1) ..	Operating vehicle without required seat belts ..	65
81	Operating vehicle without required exhaust system and silencer	55
82A	Operating moped or motorcycle without adequate footrests	55
85 (1) ..	Operating vehicle without current warrant or certificate of fitness	100
85 (5) ..	Operating vehicle not up to warrant or certificate of fitness standard	100

PART V

OTHER OFFENCES

Offence against Regulation	Brief Description of Offence	Infringement Fee \$
Section 5 Transport (Vehicle and Driver Registration and Licensing) Act 1986	Using, or permitting to be used, on a road an unlicensed motor vehicle or a motor vehicle that does not have registration plates affixed in the prescribed manner	200
Section 37 (4) (b) Transport (Vehicle and Driver Registration and Licensing) Act 1986	Driving with an expired licence	55

SCHEDULE—*continued*NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*“SECOND SCHEDULE—*continued*”PART V—*continued*OTHER OFFENCES—*continued*

Offence against Regulation	Brief Description of Offence	Infringement Fee \$
Section 41 (1) Transport (Vehicle and Driver Registration and Licensing) Act 1986	Failure to produce driver's licence	55”

This Act is administered in the Ministry of Transport.
