



ANALYSIS

Title	
1. Short Title and commencement	8. Surrender of road user licences
2. Interpretation	9. Verification of application for refund or remission
3. Weighing of vehicles carrying passengers	10. Carriage, display, and production of licences
4. Carriage and display of licences	11. Power to alter rates of road user charges by Order in Council
5. Applications for licences	12. Additional charges for default in payment of amounts due
6. Refund of current distance licence charge where new distance licence issued	13. Road user charges to be paid into Land Transport Fund
7. Refunds and remissions for off-road travel	14. Offences

1989, No. 79

An Act to amend the Road User Charges Act 1977

[28 September 1989]

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

1. Short Title and commencement—(1) This Act may be cited as the Road User Charges Amendment Act 1989, and shall be read together with and deemed part of the Road User Charges Act 1977 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of October 1989.

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by omitting from the definition of the term “year” the word “March”, and substituting the word “June”.

3. Weighing of vehicles carrying passengers—(1) Section 2 (3) of the principal Act is hereby repealed.

(2) Section 5 of the Road User Charges Amendment Act 1980 is hereby consequentially repealed.

4. Carriage and display of licences—Sections 5 (a), 6 (a), and 7 (1) (a) of the principal Act are hereby amended in each

case by omitting the word “displayed”, and substituting the word “carried”.

5. Applications for licences—Section 8 (1) of the principal Act is hereby amended by omitting the words “Subject to sections 12 and 13 of this Act,”.

6. Refund of current distance licence charge where new distance licence issued—Section 15 of the principal Act is hereby amended by adding the following subsection:

“(3) No refund of a road user charge shall be made under this section after the expiry of 2 years from the date of issue of the distance licence issued first, unless—

“(a) The distance licence issued last is issued before the expiry of that 2-year period; or

“(b) The chief executive otherwise determines, in any particular case.”

7. Refunds and remissions for off-road travel—(1) The principal Act is hereby amended by repealing section 16 and section 16A (as inserted by section 7 of the Road User Charges Amendment Act 1986), and substituting the following section:

“16. (1) Where a distance recorder fitted to a motor vehicle has recorded distance travelled by the motor vehicle while not on a road and—

“(a) A distance licence relating to the motor vehicle was current at the time; or

“(b) A debt is constituted under section 8 (3) of this Act and a distance licence relating to that motor vehicle was not required at the time,—

application may be made (after the expiry or surrender of the licence where applicable) to the chief executive for a refund or remission of the appropriate portion of the road user charge paid or debt incurred in respect of the licence.

“(2) Every application under subsection (1) of this section shall be in a form prescribed by the chief executive, and shall contain such information as the chief executive requires to substantiate the application and enable the refund or remission to be made.

“(3) The chief executive shall, as soon as practicable after being satisfied as to the accuracy of the application, refund or remit, or cause to be refunded or remitted, the appropriate portion of the road user charge paid or debt incurred.

“(4) For the purposes of subsection (1) of this section—

“(a) The proportion of a road user charge to be refunded shall be the proportion arrived at by dividing the distance recorded by the distance recorder while the motor vehicle was not on a road by the distance to which the distance licence relates; and

“(b) The proportion of a debt to be remitted shall be the proportion that relates to the distance travelled while not on a road.

“(5) No refund of a road user charge shall be made under this section after the expiry of 2 years from the date of issue of the distance licence, unless the chief executive otherwise determines in any particular case.”

(2) Section 8 of the Road User Charges Amendment Act 1979 and sections 6 and 7 of the Road User Charges Amendment Act 1986 are hereby consequentially repealed.

8. Surrender of road user licences—Section 17 of the principal Act is hereby amended by adding the following subsection:

“(4) No refund of a road user charge shall be made under this section after the expiry of 2 years from the date of issue of the licence in respect of which the application is made, unless—

“(a) The application is made to the chief executive before the expiry of that 2-year period; or

“(b) The chief executive otherwise determines, in any particular case.”

9. Verification of application for refund or remission—The principal Act is hereby amended by inserting, after section 17, the following section:

“17A. (1) The chief executive may at any time, whether before or after a refund or remission is made in accordance with section 14, section 15, section 16, or section 17 of this Act, require the applicant to produce for inspection any books or records in the applicant’s possession or over which the applicant has control which the chief executive considers relevant in relation to the refund or remission.

“(2) The chief executive may take extracts from or make copies of any books or records so produced.

“(3) The chief executive may require verification of any information contained in books or records furnished under this section, and may decline to act on any information that is not verified to his or her satisfaction or recover any refund or cancel any remission granted in reliance upon incorrect or unverified information.”

10. Carriage, display, and production of licences—

(1) Section 19 of the principal Act is hereby amended by inserting, after the words “Every licence”, the words “shall be carried on the vehicle to which it relates or a vehicle attached to that vehicle and”.

(2) The said section 19 is hereby amended by adding the following subsection:

“(2) Every licence required to be carried and displayed pursuant to subsection (1) of this section shall be produced by the driver or person in charge of the vehicle to which it relates forthwith on demand by a traffic officer or any officer of the Ministry of Transport acting under a delegation from the chief executive.”

11. Power to alter rates of road user charges by Order in Council—(1) The principal Act is hereby amended by repealing section 20, and substituting the following section:

“20. (1) The Governor-General may from time to time, by Order in Council, reduce or increase any or all of the rates of road user charges specified in the Third Schedule to this Act.

“(2) Every Order in Council made under this section shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which it is made.

“(3) Every Order in Council made under this section shall,—

“(a) Where the Order in Council is made on or before the 30th day of June in any year, expire on the close of the 31st day of December of that year except so far as it is expressly validated or confirmed by Act of Parliament passed during that year; and

“(b) Where the Order in Council is made on or after the 1st day of July in any year, expire on the close of the 31st day of December in the following year except so far as it is expressly validated or confirmed by Act of Parliament passed before the end of that following year.

“(4) If any Order in Council or any provision of any Order in Council expires by virtue of subsection (3) of this section, the road user charge rate or rates altered by that Order in Council or provision shall, from the expiry of that Order in Council or provision and until it is or they are again altered, be the same as it was or they were immediately before that Order in Council or provision came into force.

“(5) If any Order in Council or any provision of any Order in Council expires by virtue of subsection (3) of this section, any charges collected under that Order in Council or provision in excess of the charges otherwise payable shall, except so far as any other provision is made by an Act of Parliament in respect thereof, be refunded upon application made to the chief executive.

“(6) Every application under subsection (5) of this section shall be in a form provided for the purpose by the chief executive, and shall contain such information as the chief executive considers necessary to enable the refund to be made in accordance with this section.

“(7) The repeal of any Act of Parliament passed for the purpose of expressly validating or confirming any Orders in Council pursuant to subsection (3) of this section shall not, unless there is any express provision to the contrary, affect the validity or confirmation of those Orders in Council.”

(2) Section 12 of the Road User Charges Amendment Act 1986 is hereby consequentially repealed.

12. Additional charges for default in payment of amounts due—(1) Section 21A of the principal Act (as inserted by section 9 of the Road User Charges Amendment Act 1979) is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) For the purposes of subsection (1) of this section, an additional charge shall be an amount equal to 10 percent of the debt.”

(2) Section 21A of the principal Act (as so inserted) is hereby amended by adding the following subsections:

“(5) For the purposes of this section, the expression ‘month’ means the period commencing on the first business day in any calendar month and ending with the close of the last business day of that month.

“(6) In subsection (5) of this section, the expression ‘business day’ means any day that is not a Saturday, Sunday, or public holiday.”

13. Road user charges to be paid into Land Transport Fund—(1) The principal Act is hereby amended by repealing section 22, and substituting the following section:

“22. (1) All road user charges, additional charges under section 21A of this Act, assessments under section 18c or section 18d of this Act, and other amounts received pursuant to this Act shall, subject to section 8 (3) of the Transit New

Zealand Act 1989, be paid into the Crown Bank Account and credited to the Land Transport Fund.

“(2) All refunds of road user charges or additional charges payable under this Act shall be paid out of the Crown Bank Account and debited to the Land Transport Fund without further appropriation than this section.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 10 of the Road User Charges Amendment Act 1979:
- (b) Section 7 (2) of the Road User Charges Amendment Act 1980:
- (c) Section 10 (3) of the Road User Charges Amendment Act 1986.
- (d) So much of the Third Schedule to the State-Owned Enterprises Act 1986 as relates to section 22 (1) of the Road User Charges Act 1977.

14. Offences—(1) Section 23 (1) of the principal Act is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) Operates on a road any motor vehicle for which a licence is required that does not have such a licence displayed as required by section 19 of this Act; or”.

(2) Section 23 (1) of the principal Act is hereby amended by inserting, after paragraph (e), the following paragraphs:

“(ea) Fails without reasonable excuse to comply with any requirement made under section 17A (1) of this Act; or

“(eb) Fails to produce any licence when required to do so under section 19 (2) of this Act; or”.

(3) Section 23 (1) of the principal Act is hereby amended by inserting, after paragraph (fb) (as inserted by section 14 (2) of the Road User Charges Amendment Act 1986), the following paragraph:

“(fc) Operates a motor vehicle on a road in circumstances in which the operator of the vehicle knew or ought to have known that the hubodometer fitted to that vehicle has been damaged in a manner that affects its accuracy, or has been tampered with, or has been modified or repaired other than as permitted under this Act; or”.

(4) Section 23 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Without limiting subsection (1) of this section, every person who contravenes section 22A of this Act with the intention of avoiding any liability of that person or any other person under this Act commits an offence against this Act and is liable on summary conviction to a fine not exceeding \$15,000.”

(5) Section 23 of the principal Act is hereby amended by inserting in subsections (3B) and (3C) (as inserted by section 14 (3) of the Road User Charges Amendment Act 1986), before the word “displayed” in each case, the words “carried or”.

(6) Section 23 of the principal Act is hereby amended by adding the following subsection:

“(6) Any offence against this Act that is specified in Part IV of the Second Schedule to the Transport Act 1962 as an excess weight offence or a distance recorder offence may be proceeded with as an infringement offence in accordance with section 42A of that Act.”

This Act is administered in the Ministry of Transport.
