

Bylaw 1999/14 Bylaw Prohibiting the Sale of Vehicles on State Highways

Pursuant to section 61 (3) of the Transit New Zealand Act 1989, Transit New Zealand hereby makes the following bylaw:

Bylaw

1. Title and commencement

This bylaw may be cited as the Transit New Zealand (Sale of Vehicles on State Highways) Bylaw 1999/14 and shall come into force 28 days after the date of its publication in the New Zealand Gazette.

2. Interpretation

In this bylaw

“Authority” means Transit New Zealand.

“State highway” means a State highway as defined in section 2 of the Transit New Zealand Act 1989 (which includes the carriageway, the road verge, and associated land); and

(a) includes a motorway as defined in section 2 of that Act; but

(b) does not include any proposed State highway.

“Vehicle” has the same meaning as in the Transport Act 1962.

3. Sale of vehicles on State highways prohibited

(1) Except as permitted under clause 3 (2), no person may stop or park a vehicle on any section of a State highway for the purpose of selling that vehicle or advertising that vehicle for sale to the public or a section of the public.

(2) Clause 3 (1) does not apply where the offering or advertising for sale of vehicles is permitted by the National State Highway Manager, Transit New Zealand, or the Chief Executive of a territorial authority to which the Authority has delegated its powers and duties under section 62 of the Act, and all relevant conditions are complied with.

(3) The National State Highway Manager, Transit New Zealand, or the Chief Executive of the territorial authority as appropriate, may impose conditions to his or her consent under clause 3 (2). Such conditions may include but are not limited to restricting the times and location at which the offering or advertising for sale may take place, the number of vehicles, and the size and format of any signage.

4. Removal of vehicles

(1) The authority at any time, by its agents or employees, may remove any vehicle from a State highway if

(a) the vehicle is stopped or parked on the State highway in breach of this bylaw; and

- (b) the authority considers that the vehicle constitutes or contributes to a threat to the safety of road users or to the efficiency of the State highway network.
- (2) Any vehicle removed from a State highway under clause 4 (1) must be held by or on behalf of the Regional State Highway Manager, Transit New Zealand, for the area and made available for collection by the owner on payment of the costs of the vehicle's removal and storage.
- (3) The authority must use reasonable care in the removal and storage of any vehicle removed under this clause but is not liable for any loss or damage arising directly or indirectly from the removal of any vehicle under this clause unless caused by the negligence of its agents or employees.

5. Removal of vehicles by territorial authority

Where the authority has delegated its powers and duties under section 62 of the Act, then, subject to the terms of the delegation, clause 4 applies to the territorial authority as if it were the authority and the chief executive of the territorial authority as if he or she was the Regional State Highway Manager, Transit New Zealand.

This bylaw was made by resolution passed at a meeting of Transit New Zealand held in Wellington on the 7th day of April 1999.

Signed on behalf of Transit New Zealand by:

J. H. van BARNEVELD, National State Highway Manager, Transit New Zealand.

Explanatory Note

This note is not part of the bylaw, but indicates its general effect. This bylaw prohibits the display of vehicles for sale on State highways (including unformed parts of the State highway such as grass verges and rest areas). Exceptions can be granted by Transit or by territorial authorities if the territorial authority has been delegated the power to control the State highway. Consents can be conditional; and conditions may include time, location, number of vehicles and signage. Vehicles displayed in breach of the bylaw can be removed and stored at the owner's cost. The maximum penalty provided under section 109 of the Transit Act for breach of this bylaw is \$500 and injunctions may be obtained against persistent offenders.