



Land Transport (Driver Licensing) Amendment Rule 2017

Pursuant to sections 152, 154, and 158 of the Land Transport Act 1998, and after having had regard to the criteria specified in section 164(2) of that Act, the Minister of Transport makes the following ordinary rule.

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Rule

- 1 Title**
This rule is the Land Transport (Driver Licensing) Amendment Rule 2017.
- 2 Commencement**
This rule comes into force on 1 October 2017.
- 3 Principal rule**
This rule amends the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**).

4 Objective of rule

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

5 Consultation

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

6 Clause 27 amended (Obtaining passenger endorsement)

Revoke clause 27(1)(c).

7 Clause 36 amended (Application for driver identification card)

- (1) In clause 36(1), replace “clauses 3.2, 10.3, and 11.3 of Land Transport Rule: Operator Licensing 2007” with “clauses 3.2(1)(c), 3.5, and 5.2 of Land Transport Rule: Operator Licensing 2017”.
- (2) In clause 36(2), replace “clauses 3.2, 10.3, and 11.3 of Land Transport Rule: Operator Licensing 2007” with “clauses 3.5 and 5.2 of Land Transport Rule: Operator Licensing 2017”.

8 Clause 37 amended (Driver identification card property of Agency)

In clause 37(1), replace “clauses 3.2, 10.3, and 11.3 of Land Transport Rule: Operator Licensing 2007” with “clauses 3.2(1)(c), 3.5, and 5.2 of Land Transport Rule: Operator Licensing 2017”.

Schedule 1
Objective of rule

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

The objective of this rule is to make a change to the driver licensing system. The amendment removes the requirement for an applicant for a passenger or P endorsement to pass a full licence test under clause 48 of the principal rule unless, in the 5 years immediately preceding the date of application, the person has passed a full licence test required for a Class 1 licence. The change will make the principal rule easier to comply with and less prescriptive.

This rule also makes consequential amendments to update cross-references to reflect the fact that Land Transport Rule: Operator Licensing 2007 is being replaced by Land Transport Rule: Operator Licensing 2017.

Schedule 2

Consultation carried out under section 161(2) of Act

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On 14 December 2015, the Ministry of Transport released a consultation document relating to the future of the small passenger services sector. This consultation document covered the proposal to remove the requirement that all P endorsement applicants pass a full licence test in the 5 years preceding their application. Submissions on the consultation closed on 12 February 2016. The Ministry of Transport received 76 submissions in response to the consultation document and 13 of those submissions did not support this proposal.

Consultation on the amendment rule began with the release on 13 October 2016 of a draft of the amendment rule alongside a draft Land Transport Rule: Operator Licensing 2017 and a draft Land Transport Rule: Work Time and Logbooks Amendment 2017 (the yellow drafts), and explanatory material. The NZ Transport Agency sent notice of the proposed rules and the availability of the yellow drafts by letter or email to approximately 1 530 groups and individuals who had registered an interest in the Operator Licensing Rule, the Work Time and Logbooks Rule, or the Driver Licensing Rule.

The yellow drafts of these rules were made available through the NZ Transport Agency's Contact Centre and, together with Questions and Answers, were also available on the NZ Transport Agency's Internet site. The availability of the yellow drafts for comment was publicised in daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*.

Submissions closed on 18 November 2016 and the NZ Transport Agency received a total of 55 submissions. Those submissions were taken into account in finalising the draft rule.

Dated at Wellington this 21st day of August 2017.

Hon Simon Bridges,
Minister of Transport.

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 1 October 2017, amends the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**). The amendment revokes paragraph (c) of clause 27(1) of the principal rule. That paragraph requires an applicant

for a passenger endorsement to pass a full licence test if he or she has not passed a full licence test for a Class 1 licence in the previous 5 years.

This rule also makes consequential amendments to update cross-references to reflect the fact that Land Transport Rule: Operator Licensing 2007 is being replaced by Land Transport Rule: Operator Licensing 2017.

Issued under the authority of the Legislation Act 2012.
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This rule is administered by the Ministry of Transport.