



# **SUMMARY OF SUBMISSIONS ON LAND TRANSPORT RULE: REGULATORY STEWARDSHIP (OMNIBUS) AMENDMENT 2020**

Enacted as the Land Transport Rule: Regulatory  
Stewardship (Omnibus) Amendments 2021

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## Contents

REGULATORY STEWARDSHIP (OMNIBUS) AMENDMENT 2021 .....	1
<b>Introduction .....</b>	<b>4</b>
<b>Analysis by proposals .....</b>	<b>5</b>
Proposal 1 .....	5
Proposal 2 .....	5
Proposal 4 .....	7
Proposal 5 .....	7
Proposal 6 .....	7
Proposal 7 .....	7
Proposal 8 .....	9
Proposal 10 .....	9
Proposal 11 .....	10
Proposal 12 .....	10
Proposal 13 .....	11
Proposal 15 .....	11
Proposal 18 .....	11
Proposal 19 .....	12
Proposal 20 .....	12
Proposal 21 .....	12
Proposal 23 .....	12
Proposal 24 .....	13
Proposal 26 .....	13
Proposal 27 .....	13
Proposal 29 .....	14
Proposal 30 .....	14
Proposal 31 .....	14
Proposal 32 .....	14
Proposal 33 .....	15
Proposal 34 .....	15
Proposal 56 .....	16
Proposal 57 .....	16
Proposal 58 .....	16
Proposal 59 .....	17

# INTRODUCTION

The annual Omnibus Rule process allows for minor or technical amendments to Land Transport Rules to keep them up to date with developments in the road transport sector. This is consistent with the government's commitment to regulatory stewardship, which takes a whole-of-system, lifecycle view to ensure regulations are modern and fit for purpose.

Public consultation on 68 proposed amendments to 23 rules was open for eight weeks, from 25 August 2020 to the week ending 16 October 2020.

**A total of 23 submissions were received.**

The number of submitters commenting on a respective rule are as follows:

<b>Rules amended</b>	<b>Number of Submitters</b>
Land Transport Rule: Driving Licensing 1999	1
Land Transport Rule: Glazing, Windscreen Wipe and Wash, and Mirrors 1999	5
Land Transport Rule: Heavy-Vehicle Brakes 2006	8
Land Transport Rule: Light Vehicle Brakes 2002	3
Land Transport Rule: Passenger Service Vehicles 1999	1
Land Transport (Road User) Rule 2004	4
Land Transport Rule: Traffic Control Devices 2004	0
Land Transport Rule: Tyres and Wheels 2001	3
Land Transport Rule: Vehicle Dimensions and Mass 2016 (VDAM Rule)	1
Land Transport Rule: Vehicle Lighting 2004	7
Land Transport Rule: Door Retention Systems 2001	1
Land Transport Rule: External Projections 2001	1
Land Transport Rule: Frontal Impact 2001	1
Land Transport Rule: Fuel Consumption Information 2008	2
Land Transport Rule: Head Restraints 2001	1
Land Transport Rule: Heavy Vehicles 2004	1
Land Transport Rule: Interior Impact 2001	1
Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002	2
Land Transport Rule: Steering Systems 2001	1
Land Transport Rule: Vehicle Equipment 2004	2
Land Transport Rule: Vehicle Standards Compliance 2002	1

This document briefly summarises the responses from submitters and provides feedback from Waka Kotahi NZ Transport Agency (Waka Kotahi) on the submissions. Note: this document only contains the proposals on which we received feedback, and those where further amendments have been made post-consultation.

# ANALYSIS BY PROPOSALS

## Proposal 1

### Land Transport Rule: Driving Licensing 1999 (DL Rule)

*Update the DL Rule by replacing the definition of 'combination vehicle' with the definition for that term as it appears in the Land Transport Rule: Vehicle Dimension and Mass 2016 (VDAM Rule) to ensure consistency between the two Rules. This also requires inserting the definition of 'towing vehicle' as it appears in the VDAM Rule because this term is used in the definition of 'combination vehicle.'*

The sole submitter on this proposal supported the alignment of definitions.

*Waka Kotahi will proceed with this proposal.*

## Proposal 2

### Land Transport Rule: Glazing, Windscreen Wipe and Wash, and Mirrors 1999 (Glazing Rule)

*Update the Glazing Rule to reflect that where the term 'mirror' is used, it can be substituted for a camera-monitor system provided the vehicle meets an approved safety standard.*

All respondents were supportive of the proposed amendment.

One submitter noted the benefit that the proposal seeks to pre-empt technological changes to the future market, which they point out could support increased road safety. They also noted that for high or wide vehicles, camera systems are advantageous over mirrors as they provide the driver with better visibility when their rear vision tends to be significantly impaired.

Other submitters, while supportive of the proposal, raised safety concerns. One submitter questioned the safety risk if vehicles only fitted with camera monitors suffer damage, malfunction or if their cameras are obscured. This submitter was also concerned that while a car or motorcycle can be driven without mirrors (provided the driver/rider turns their head), this is not the case for trucks and buses. This submitter suggested the proposed Glazing Rule change only apply to camera-monitor systems that have been fitted by the manufacturer, and not to aftermarket or retro-fitted items.

Another submitter stated the proposal was a sensible and pragmatic approach that considered the technology and equipment fitted to modern vehicles. However, they noted that work will need to be done when it comes to the implementation of this requirement, to help in-service vehicle inspectors determine if the camera monitor system meets the approved safety standard.

Two further submissions were received which were out of scope for this rule change. One submitter, while supportive of the concept of the proposal, noted that a small number of people may wish to incorporate this technology within low volume vehicles (particularly scratch-built low volume vehicles). They asked Waka Kotahi to make clear that within the Glazing Rule definition, the reference to 'an approved safety standard' includes the 'Low Volume Vehicle Code'. Another submitter questioned the implications of the proposed Glazing Rule for processes such as Warrant of Fitness (WoF) checks and driver licence tests.

*Waka Kotahi has decided to continue with the proposal with some alterations. Regarding the suggestion to limit the camera-monitoring systems to ones that have been fitted by the manufacturer only, after further consideration we have added amendments to make it clear that the fitting of additional rear-view mirrors that are camera-monitor systems requires certification as a modification under Land Transport Rule: Vehicle Standards Compliance 2002. We think this is satisfactory from a safety perspective. We have further clarified that an approved vehicle standard for rear-view mirrors (set out in clause 5.4(2) of the Rule) can only be used for rear-view mirrors*

that are camera-monitor systems if that approved vehicle standard specifically regulates camera-monitor systems.

## Proposal 3

### Land Transport Rule: Heavy-vehicle Brakes 2006 (HVB Rule)

*Update the HVB Rule to ensure the term 'equivalent' is used consistently with the principal part of the HVB Rule.*

All submitters on this proposal, except one, opposed it.

The sole submitter in support of this proposal agreed with the use of one term consistently throughout the HVB Rule.

Submitters who did not support the proposal attested the current rule provides clear and concise direction, and expressed that replacing the term 'identical' with 'equivalent', without defining the parameters of how *equivalence* is achieved, could create confusion and uncertainty for heavy vehicle certifiers and industry groups. The submitters stated there is great difference between the lining performance of an aftermarket friction material and the performance of an original material, and that stating equivalence would only put pressure on heavy vehicle certifiers. These submitters were also concerned about who would have the authority to deem equivalence and guarantee the same level of performance – i.e. how would it be confirmed, whether it would be equivalence under hot performance, cold performance, various states of recovery, or states of fade. Submitters believe this change, and any deviation from the original braking characteristic at a certification level, in general, has the potential to significantly compromise ongoing vehicle safety and performance.

One submitter who had safety concerns emphasised the need for guidance on how the equivalent reference is met – for instance, what the criteria for equivalence would be, what part of the test report does that equivalence need to be met, who would be qualified to give a brake lining an equivalence status, and whether an original equipment (OE) lining that meets the United Nations Economic Commission for Europe (ECE) R90 regulation, be replaced with a lining that meets another standard or vice versa.

The submitter suggested following the European model, where all linings must meet the ECE R90 approval. They said this model involves a baseline all friction material is made to and performance does not deviate from the OE friction material by more than 15%. ECE R90 approvals are always application specific.

Another submitter with safety concerns stated the requirement to fit friction material 'identical' to the friction material tested by the vehicle or brake manufacturer was a deliberate decision by the authors of Schedule 5 to ensure the brake torque output of the brake was returned to a known point at certification time (not  $\pm 15\%$  as required by ECE R90). The submitter emphasised the lesser standard of 'equivalent to' ( $\pm 15\%$ ) was deemed acceptable only for repair.

Another submitter stated that manufacturers go to great lengths testing and calculating the performance of their brakes, which heavy vehicle certifiers then use to carry out calculations and set up brake systems. They stated these processes could be severely compromised through lining material. The submitter believed that repair and replacement parts should be looked at before any changes are considered in relation to this HVB Rule.

Another submitter believed the word 'equivalent' was not suitable for this HVB Rule as it would undermine the testing that takes place by axle manufacturers to make sure their products are safe to use on our roads. They stated the changed definition could open the interpretation of the HVB Rule, allowing for uncertainty. The submitter suggested using the word "replacement" as specified by the axle manufacturer, not the brake manufacturer to maintain the level of performance expected by international rules and regulations regarding braking efficiencies.

*Waka Kotahi has considered this feedback and agrees the proposal has the potential to create confusion, given industry familiarity with the existing terminology. Waka Kotahi considers 'identical' to be the most appropriate term and will withdraw this proposal and leave the HVB Rule as is.*

## Proposal 4

### Land Transport Rule: Light Vehicle Brakes 2002 (LVB Rule)

*Update the LVB Rule to accurately clarify the requirement for a vacuum hose and to clearly define the specifications for a vacuum hose.*

The sole submitter on this proposal supported clarifying what hoses are acceptable.

*Waka Kotahi will proceed with this proposal.*

## Proposal 5

### Land Transport Rule: Passenger Service Vehicles 1999 (PSV Rule)

*Update the PSV Rule to allow for the rear door emergency button on a PSV to be disabled while the vehicle is stationary during a driver's rest break.*

One submitter supported this proposal but suggested that the proposed PSV Rule change state that the engine must be switched off, and upon engaging the engine, all doors must be activated again. This alternative wording was suggested because, as the submitter notes, a bus could still be in operation while stationary. For instance, stopped at an intersection or traffic light temporarily with no passengers on board.

*Waka Kotahi has considered this submission but will be proceeding with the proposal as is. We believe the current requirements capture the objective of the amendment and adequately restrict the circumstances in which emergency controls for a door are not required to be operational. We believe adding further requirements that the vehicle's engine is not running would be unnecessary.*

## Proposal 6

### Land Transport (Road User) Rule 2004 (RUR)

*Update the definition of 'public holiday' in the RUR to clarify that it includes 'Monday-ised' and 'Tuesday-ised' public holidays, and Easter Sunday.*

No submissions were received on this proposal.

*Waka Kotahi will proceed with this proposal. Upon consideration, Waka Kotahi will now also amend the definition of public holiday in the TCD Rule. This amended definition mirrors the amendment we are making in Proposal 6 to the definition of public holiday in the Road User Rule. As the two rules work together the definition needs to be consistent between them. Waka Kotahi considers this additional amendment minor enough not to warrant further consultation with the public.*

## Proposal 7

### Land Transport (Road User) Rule 2004 (RUR) and Vehicle Lighting Rule 2004

*Update the RUR and Vehicle Lighting Rule to clarify the requirement for a goods vehicle that is a heavy motor vehicle to display a red parking light at night.*

This proposal would have removed the requirement for light goods vehicles (utes) fitted with flat decks to display their rearward-facing position lamps while parked on roadways that are not already illuminated from an artificial source.

There was varying support for this proposal. One submitter who supported the proposed amendment labelled it a sensible and pragmatic approach that considers the modern use of vehicles.

A second submitter supported the proposed amendment but believed it needed greater clarity. They proposed a further change to the RUR. They recommended section 8.7(1) be revised to exclude the absolute requirement for all drivers to have park lights on when parked on a road during the hours of darkness. This was based on the submitter's belief the current RUR does not align with modern vehicle lighting technology and standards compliance. They stated modern motor vehicles have functionality that extinguishes position lamps after a period of time, for the purpose of protecting the battery. They stated ECEs for both installation and components are not designed to comply with New Zealand's regulatory requirements of compliance with the "hours of darkness" provisions in the RUR. They stated this would mean motorists could be put in situations of non-compliance with the RUR without mal intent.

A third submitter did not support the proposed RUR change, arguing that it was flawed and unsafe. They stated the risk of death or serious injury is likely greater in cases of a collision with a light flat deck vehicle, due to the rigid construction of retro fitted flat decks and the significant reduction in weight of a light flat deck vehicle. They stated in a rear-end collision with a light flat deck vehicle, drivers and passengers are at a greater risk of death or injury. This is because, according to the submitter, a car is more likely to travel further under a light flat deck vehicle due to its lesser weight – allowing a flat deck to ride further up the bonnet of a colliding vehicle, penetrating the windscreen and "A" pillars. This is further enhanced where the flat deck vehicle is shunted into a parked vehicle ahead.

In terms of modern cars, the submitter stated that airbag technology is not designed or intended to reduce injury from an intruding wooden, steel or aluminium structure. They noted many modern and traditionally smaller vehicles have far less occupant protection in the event of underride due to the significantly more compact design and distance from the front of the vehicle. Therefore, they stated, modern cars with driver and passenger air bags are not any safer in the event of a collision with a light flat deck vehicle.

The submitter also stated that older light flat deck vehicles do not traditionally have underride crash bars to prevent intrusion to or past the windscreen. They stated that just because older light flat deck vehicles are lower and narrower does not lessen the risk they pose. This is because when parking in line with other vehicles, the tray always sits out further in the roadway and the narrowness of the deck/tray is not easily seen outstanding in a line of vehicles when sitting out wider than other vehicles.

The submitter also raised concerns around the idea of lighter weight vehicles being less of a risk depending on the plant or machinery attached or carried on. Many of these vehicles have a gross of around 3000 kg or more and are principally designed for the carriage of goods. Because of this, the submitter believes it must be considered that many in this category will be closer to 3500 kg depending on the manufacturer and type/make and size of vehicle, and its intended purpose. The submitter emphasised there was no justification for this proposal, considering many light flat deck vehicles fall just under or over the Heavy Motor Vehicle weight threshold, and the consequences of injury or death would not be lessened by whether the vehicle falls within the requirement to have a marker light or not. The submitter was also concerned in the case of serious injury or death, the culpability of the operator could be determined by the small weight difference that separates whether a vehicle is a heavy or light motor vehicle.

The submitter also stated the risk of collision is increasing with the growing number of flat deck vehicles parked on the road at night – especially in residential areas and narrow streets. They stated employers are allowing more flat deck vehicles to be taken home by employees for convenience, and also as a remuneration strategy. The submitter also stated flat deck vehicles are becoming more popular as private vehicles as well as commercial ones.



The submitter was also concerned about the issue of width in this proposal change. They attested width cannot be regarded as a significant factor in favour of eliminating the need for a marker light when a crash has occurred, where the flat deck vehicle was not seen because it was not adequately illuminated (for example, in inclement weather).

The submitter stated this proposal was a move away from marker light legislation, and runs contrary to other countries that require vehicles to have marker light capability regardless of configuration and weight. They believe this would not enhance New Zealand's road safety, and actually increase the risk to road users. While the submitter acknowledged the incidence of such crashes are uncommon, they stated inadequate lighting during the hours of darkness is known to be a contributing factor.

The submitter suggested legislation and education to promote compliance with marked lights on flat deck vehicles is necessary to mitigate the increased risk they pose.

*After further consideration, Waka Kotahi will not progress this proposal in the current suite of Omnibus Rule changes. The proposal relates to road safety policy and is thus arguably outside the scope of the Omnibus Rule process, which focuses on minor and technical amendments only. Waka Kotahi may consider this issue in the future.*

## Proposal 8

### Land Transport (Road User) Rule 2004 (RUR)

*Update the RUR to provide that an adherent to the Sikh religion is exempt from wearing a cycle helmet when riding a cycle at speeds below 50 km/h.*

One submitter was very supportive of this proposed change. They noted benefits such as a likely increase in the uptake of cycling among the Sikh community, as well as Sikhs not having to be inconvenienced by carrying a Waka Kotahi exemption letter whenever they ride their bikes.

*Waka Kotahi will proceed with this proposal with some amendments. The proposal will be amended to clarify that Sikhs will be exempt from wearing a helmet when **riding** a bicycle at speeds below 50 km/h, but they will still need to apply for an exemption if they are being **carried on a bicycle or towed in a trailer**. More analysis is required to understand the safety implications of automatically exempting persons of the Sikh community from wearing helmets when being carried on a bicycle or towed in a trailer.*

## Proposal 10

### Land Transport Rule: Tyres and Wheels 2001 (T & W Rule)

*Amend the T&W Rule to:*

- *Clarify that Waka Kotahi NZ Transport Agency may place conditions on a permission to operate a tracked vehicle; and*
- *Clarify that a permit issued under clause 5.8 of the Vehicle Dimensions and Mass Rule 2016 is considered permission for the purposes of 2.3(18)(b) of the T&W Rule.*

Both submitters on this proposal suggested an alternative approach whereby agricultural vehicles being used for agricultural purposes on the road, that are either half tracked or fully tracked, are not subject to any permit or other restriction:

- When operated at a speed under 40 km/h (this is the same speed limit which is the threshold for operation of agricultural vehicles with minimal compliance); and
- When not requiring a permit or other restriction under the VDAM Rule.

This is based on the belief there would not be many owners of tracked vehicles who would be aware of, or would comply with a requirement to obtain a permit. It is also based on their statement that unlike many designed tracked vehicles (bulldozers, cranes, tanks, etc.), one track cannot be reversed in a turning manoeuvre, and there is therefore no skewing and resulting road damage associated with tracked agricultural vehicles.

*Waka Kotahi notes the submissions on this proposal, however disagrees with the claim that agricultural vehicles do not damage road surfaces. Tracked vehicles have a greater contact area with the pavement than standard tyres, and their lugs generate high friction when the vehicle turns. Additionally, most agricultural vehicles are already unable to travel over 40km/h. Permits are already required for tracked vehicles under the VDAM Rule and a claim that those are unnecessary for agricultural vehicles is incorrect, as mass and speed limits need to be assigned by Waka Kotahi. Waka Kotahi will therefore proceed with the proposal.*

## Proposal 11

### Land Transport Rule: Vehicle Dimensions and Mass 2016 (VDAM Rule)

*Insert an exemption into the VDAM Rule to enable snow ploughs to operate at any time of day for the purpose of clearing snow.*

There were no responses to this proposal.

*Waka Kotahi will proceed with this proposal. After further consideration, for greater clarity, the proposal will be amended to provide a definition of “snow plough”. The following definition will be included:*

- *Snow plough means:*
  - *a vehicle designed for the purpose of clearing snow; or*
  - *a vehicle with equipment attached designed for the purpose of clearing snow.*

*Waka Kotahi considers this additional amendment minor enough not to warrant further consultation with the public.*

## Proposal 12

### Land Transport Rule: Vehicle Dimensions and Mass 2016 (VDAM Rule)

*Amend the definition of “Tri-axle set” in the VDAM Rule by removing the limitation for use of ‘single standard tyres’ on vehicles fitted with a tri-axle set configuration.*

The sole submitter on this proposal supported the amendment.

*Waka Kotahi will be proceeding with this proposal. Upon further consideration, Waka Kotahi notes there are several further minor amendments required as a result of this proposal to revise the definition of “Tri-axle set”. These are as follows, and will be included as part of this suite of Omnibus Rule changes:*

- *Update the definition of “tri-axle set” in the Heavy Vehicles Rule and HVB Rule to ensure consistency across the Rules*
- *Update Table 1.1B in the VDAM Rule to include a mass limit of 3,000kg for a single standard-tyre axle in a tri-axle set. This limit is based on one-third of the 8,200kg set limit plus the tolerance for load sharing (10%).*
- *Update proposed amendment to Table 1.3 in the VDAM Rule to clarify that the maximum sum of axle mass of 8,200kg for three single standard-tyred axles is regarding those spaced 1.8m or more and less than 3m from the first axle to the last axle.*

*Waka Kotahi considers these additional amendments minor enough not to warrant further consultation with the public.*

## Proposal 13

### Land Transport Rule: Vehicle Lighting 2004 (VL Rule)

*Update the VL Rule to allow emergency vehicles (that are heavy motor vehicles) that have had retroreflective material fitted before 1 January 2006 to be exempt from the standard requirements for fitting retroreflective material required in clause 9.1(2).*

A submitter had operational concerns about this proposal and questioned how a vehicle inspector or enforcement officer would be able to tell, or a vehicle operator would be able to prove, the retroreflective material was fitted before 1 January 2006.

Another submitter believed the proposed amendment should be extended so all emergency vehicles and vehicles involved with traffic management and/or road construction should be exempt from the 150mm mandatory lamp exclusion zone. They noted this is currently still an issue with new emergency vehicles, with exemptions being requested.

*Waka Kotahi has considered the responses and will be proceeding with the proposal. Firstly, application of the VL Rule is dependent on the date the vehicle was manufactured and registered, not when the material was fitted. Secondly, the requirement is there to capture emergency vehicles so that reflected light does not overpower or obscure the light being admitted from a mandatory lamp e.g. an indicator.*

## Proposal 15

### Land Transport Rule: Door Retention Systems 2001 – Clauses 3.1(b), 4.4 and Part 2 Definitions, Section 2.6

*Update definition of **Low volume vehicle** so that it has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

The sole submitter on this proposed definition change was very supportive of the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this will resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 18

### Land Transport Rule: External Projections 2001 – Part 2 Definitions, Section 4.2.

*Update definition of **Low volume vehicle** so that it has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

The sole submitter on this proposed definition change was very supportive of the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this could help resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 19

**Land Transport Rule: Frontal Impact 2001** – Part 2 Definitions, Section 5.2

*Update definition of **Low volume vehicle** so that it has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

The sole submitter on this proposal was very supportive of the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this could resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 20

**Land Transport Rule: Fuel Consumption Information 2008** – Part 2, Definitions Section 6.2

*Update the definition of **Low volume vehicle** so that it has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

Both submitters were in favour of the proposed definition change.

One submitter supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this would resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

Another submitter recommended a further amendment to 2.2(a)(iii) of the Fuel Consumption Information Rule. They wanted the Japanese version of the World Harmonised Light Vehicle Test Procedure included in the rule as well as European version, so vehicles that have been tested to the Japanese version of the World Harmonised Light Vehicle Test Procedure do not have to seek an exemption.

This was based on the submitter's belief that the exemptions distributors must seek for Japanese vehicles that are non-compliant with the Rule are administratively time consuming and costly to both the distributor and the Waka Kotahi exemptions team.

*Waka Kotahi will proceed with this proposal. The second submission is outside the scope of the current suite of Omnibus Rule changes.*

## Proposal 21

**Land Transport Rule: Glazing, Windscreen Wipe and Wash, and Mirrors 1999** – Part 2, Definitions Section 7.4

***Low volume vehicle** has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

The sole submitter on this proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this would resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 23

**Land Transport Rule: Head Restraints 2001** – Part 2, Definitions Section 8.6

**Low volume vehicle** has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.

The sole submitter on this proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this would resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 24

**Land Transport Rule: Heavy Vehicles 2004** – Clause 4.8(2) Section 10.2

*Amend Clause 4.8(2) to adhere to AS/NZ 4968.1 and 4968.3 instead of AS/NZ 4968.1 and 4968.2.*

The sole submitter on this proposal suggested that the related ECE regulations be updated or that this section be simplified.

*Waka Kotahi will proceed with this proposal. This submission is outside the scope of the current suite Omnibus Rule changes.*

## Proposal 26

**Land Transport Rule: Interior Impact 2001** – Part 2, Definitions Section 11.6

**Low volume vehicle** has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.

The sole submitter on this proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this would resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 27

**Land Transport Rule: Light-vehicle Brakes 2002** – Part 2, Definitions Section 12.3

**Low volume vehicle** has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.

One submitter on this proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this would resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

Another submitter believed the proposal could be made clearer through a further amendment to the Rule. They suggested the words “enduro motorcycle” be deleted from 2.7(8), to remove public road restrictions on enduro motorcycles.

The submitter believed the LVB Rule was unjustified due to the financial implications it imposes on motorcycle distributors, and the fact that enduro bikes need to use public roads to get to and from off-road activities.

*Waka Kotahi will proceed with this proposal. The second submission is outside the scope of the current suite Omnibus Rule changes.*

## Proposal 29

**Land Transport Rule: Road User 2004** – Clause 1.8 Exception, Section 14.3

*Update the RUR to remove the terms ‘traffic signal’ or ‘traffic sign’ and replace with term ‘traffic control device’*

The sole submitter on this proposal supported the amendment but had concerns about its clarity. They recommended the definition of “traffic control device” be referred to in full in the Road User Rule, rather than referring the reader to the TCD Rule, as the RUR is the primary Rule for road user behaviour.

*Waka Kotahi will proceed with this proposal. While we understand why the submitter made this recommendation, we do not consider the recommended change to the definition of ‘traffic control device’ in the RUR necessary. We think there is merit in referring the reader to the TCD Rule, as this rule is relevant to understanding traffic control devices.*

## Proposal 30

**Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002 (Seatbelt Rule)** – Clause 2.1(5) Section 15.2

*Amend the Rule to make the requirements for seatbelts in MA, MB, MC NA MD1 and MD2 class vehicles, that were registered in the period January 1991 to March 2002, consistent with the provisions set out for those vehicle classes in the periods prior to and since that period.*

Both submitters on this proposal supported the amendment. One submitter believed this change would dramatically reduce current widespread confusion and would enable inspectors to do a better and more consistent job of applying the correct requirements, without any reduction in safety.

The other submitter, while supportive of the proposal, believed the Seatbelt Rule is no longer fit for purpose in terms of the webbing of seatbelts. They stated there needs to be a change in the wording to permit 3<sup>rd</sup> party manufacturers who are approved to manufacture seatbelts to AS/NZS 2596/1995 to re-web seat belts.

*Waka Kotahi will proceed with this proposal. The second submission is outside the scope of the current suite Omnibus Rule changes.*

## Proposal 31

**Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002** – Clause 4.1(11) Section 15.3

*Clarify that the Low Volume Vehicle Code is acceptable for applying to seatbelt anchorages retrofitted into heavy vehicles.*

The sole submitter on this proposed change was very supportive. They believed it will improve the inspection quality of seatbelt installations in heavy vehicles.

*The proposal incorrectly identified the approved standards as being those that apply to seat anchorages plus the Low Volume Vehicle (LVV) code. It should instead be the approved standards in Schedule 3 of the Seatbelt Rule plus the LVV code. This will be amended accordingly. We consider it minor enough not to warrant further consultation with the public.*

## Proposal 32

**Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002** – Part 2 Definitions Section 15.4

**Low volume vehicle** has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.

The sole submitter on this proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this could resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules. *Waka Kotahi will proceed with this proposal.*

## Proposal 33

**Land Transport Rule: Seats and Seat Anchorages 2002 (Seats Rule) – Clause 3.1(4) Section 16.2**

*Clarify that a vehicle inspector or inspecting organisation must take into account the technical requirements relating to geometry and load carrying capacity in any of the approved vehicle standards in 2.3(2) or the Low Volume Vehicle Code.*

Waka Kotahi received no submissions on this proposal.

*After further analysis, Waka Kotahi corroborated that the consultation document incorrectly referred to the 'Seatbelts and Seatbelt Anchorages 2002' Rule in this proposal, rather than the correct 'Seats and Seat Anchorages 2002' Rule:*

- *the consultation document did identify that the Seats and Seat Anchorages 2002 rule was one of the rules subject to a proposed amendment;*
- *It also indicated its intention to align the wording of the two rules with regard to the requirements that apply for seats and seat anchorages and seatbelts and seatbelts anchorages in heavy vehicles.*

*Additionally, the public consultation draft of the Regulatory Stewardship (Omnibus) Amendment 2020 correctly sets out the proposed change to the Seats and Seat Anchorages rule:*

- *this was section 16.2 of the public consultation draft of the Regulatory Stewardship (Omnibus) Amendment 2020, which the consultation document references in the discussion of this amendment.*

*Waka Kotahi will proceed with this proposal as this error in the consultation document was minor, the policy intent and the objective of the changes were clearly set out, and the proposed amendment included in the draft of the Regulatory Stewardship (Omnibus) Amendment 2020 was correct.*

## Proposal 34

**Land Transport Rule: Steering Systems 2001 – Part 2, Definitions Section 17.2**

**Low volume vehicle** has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.

The sole submitter on this proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this could resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 56

### Land Transport Rule: Tyres and Wheels – Part 2 Definitions, Section 19.3

*Low volume vehicle has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

The sole submitter on proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this could resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

*Waka Kotahi will proceed with this proposal.*

## Proposal 57

### Land Transport Rule: Vehicle Equipment 2004 (VE Rule) – Part 2, Definitions Section 21.2

*Low volume vehicle has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

Both submitters on this proposal were supportive of this definition change.

One submitter supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this could resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

Another submitter recommended additional amendments to the VE Rule. They suggested clause 2.7(4)(a) be amended to either include the standards ECE R51 or remove all reference to standards and simply state that vehicles are deemed to comply if the vehicle is manufactured not to exceed the decibel level prescribed in schedule 2 of ECE R51.

*Waka Kotahi will proceed with this proposal. The second submission is outside the scope of the current suite of Omnibus Rule changes.*

## Proposal 58

### Land Transport Rule: Vehicle Lighting 2004 – Part 2, Definitions Section 22.5

*Low volume vehicle has the same meaning as in Land Transport Rule: Vehicle Standards Compliance 2002.*

One submitter on this proposal supported the clarification and standardisation of the definition of a Low Volume Vehicle. They stated this could resolve the issue of different definitions of a Low Volume Vehicle that currently exist within the various individual Land Transport Rules.

Another submitter also supported the proposal but believed further amendments were needed to align the rule with recent ECE regulatory consolidation of lighting regulations. The submitter noted the EU has made various changes to its regulations relating to vehicle lighting and has issued several new regulations consolidating many of the individual regulations. The submitter stated many new vehicles are going to be certified to these consolidated regulations, and unless changes are made, will require exemptions as they will be non-compliant with the rule as it currently stands.

*Waka Kotahi will proceed with this proposal. While the second submission is outside the scope of the current suite Omnibus Rule changes, we agree the issues raised by the submitter need to be addressed. We will look to carry out this work in the near future.*



## Proposal 59

**Land Transport Rule: Vehicle Standards Compliance 2002 – Part 2 Definitions ‘Importer’**  
Section 23.2(2)

*Insert a definition: **Importer** has the same meaning as in the definition in Part 1 of the Customs and Excise Act 2018.*

The sole submitter supported the introduction of the definition of “Importer” in this proposal. However, they want Waka Kotahi to clarify that the definition excludes the “Importer of Record”, because this is often used by logistics service suppliers who are not the beneficial owner and have no pecuniary interest in the vehicles imported. They claim these companies merely consolidate and streamline shipments of vehicles for the convenience of importers who require a door to door service, and that they have no monetary interest in the vehicles for whom they are providing the service. The vehicles remain the property of the importer who initiated the purchase of the vehicle from its source market and who has the beneficial interest in the vehicle – therefore they should be excluded from the definition of Importer.

*After further consideration, Waka Kotahi considers this amendment unnecessary and has withdrawn it.*