

**DISALLOWABLE INSTRUMENT**



**WELLINGTON, NEW ZEALAND**

**PURSUANT** to *sections 152, 154(c) and (h), 155(e), 158(a) and (b), 159(2) and (3), and 160(4)* of the Land Transport Act 1998, and after having had regard to the criteria specified in *section 164(2)* of that Act

I, *Simon Bridges*, Minister of Transport, make the following ordinary Rule:

Land Transport Rule: Operator Licensing 2017

**SIGNED** AT Wellington

This 21<sup>st</sup> day of August 2017

Hon Simon Bridges

Minister of Transport

**Land Transport Rule**  
**Operator Licensing 2017**  
**Rule 81001/2017**

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**Land Transport Rule**

**Operator Licensing 2017**

**Rule 81001/2017**



# Land Transport Rule

## Operator Licensing 2017

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## Objective of the Rule

**Land Transport Rule: Operator Licensing 2017** (the Rule) sets out the requirements for obtaining and retaining a licence to operate a large passenger service, small passenger service, rental service, vehicle recovery service, or goods service. It also contains requirements that apply to transport service drivers and hirers of rental service vehicles.

The overall aim of the Rule is to carry forward a fair and consistent framework for the licensing of transport operators. The Rule takes into account the environment in which commercial transport services operate and the wider community's need for mobility and access to transport services, while ensuring that transport operators provide a service that is safe and secure for their passengers and for other road users.

The Rule updates and reorganises *Land Transport Rule: Operator Licensing 2007* (the 2007 Rule). The large majority of requirements in the Rule have been carried over from the 2007 Rule. The general approach taken has been to set out, in Section 2 of the Rule, the common requirements for all transport service licences, before moving to additional and more specific requirements for small passenger services, rental services, and vehicle recovery services.

The requirements for operators of large passenger services, rental services, vehicle recovery services, and goods services (and drivers and hirers of these services) are unchanged from the 2007 Rule, except that the Rule clarifies the circumstances under which a rental service operator can charge an administration fee when debiting a hirer's credit card to cover the cost of an infringement notice.

The requirements for operators of small passenger services, and drivers of vehicles used in small passenger services, have been significantly changed. The Rule provides for a single class of small passenger service licence covering all service types. This means that the detailed requirements specified in the 2007 Rule for taxis, approved taxi organisations, shuttles, and private hire services are no longer part of the Rule. The major features of the new regime are:

- separate licences for small passenger service operators and large passenger service operators:
- a new set of core responsibilities of small passenger service operators in relation to drivers of that service, including ensuring—
  - that drivers have a passenger (P) endorsement, comply with work time and logbook requirements, and have a current identification card; and
  - that vehicles have a current certificate of fitness; and
  - that the NZ Transport Agency is advised of a driver's serious improper behaviour:
- an exception for drivers in facilitated cost-sharing arrangements from P endorsement and vehicle certificate of fitness requirements:

- an obligation for drivers of small passenger services to agree with a passenger the scale or basis for the fare before the trip begins:
- an obligation for small passenger service operators operating in a listed urban area to ensure that either each vehicle operating under their licence has an in-vehicle security camera system, or that the operator only provides services to registered passengers:

All services exempted, under *clause 12.1* of the 2007 Rule, from the requirements of that Rule and the Act continue to be exempted under this Rule. A new provision ensures that all cost-sharing arrangements organised by local authorities are exempt.

## Extent of consultation

The Ministry of Transport initially consulted with stakeholders on the small passenger service regime in April 2015 and received 11 submissions. The Government then released a consultation document on small passenger services on 14 December 2015, and 76 submissions were received from 14 December 2015 until the closing date of 12 February 2016.

Consultation on the proposed Rule began with the release on 13 October 2016 of a draft of the Rule alongside a draft *Land Transport Rule: Work Time and Logbooks Amendment 2017*, a draft *Land Transport (Driver Licensing) Amendment Rule 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 1530 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 website. The availability of the yellow drafts for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin and in the *New Zealand Gazette*.

Submissions closed on 18 November 2016 for the yellow drafts. These draft Rules form part of a larger reform of the small passenger service sector. This reform has also required changes to the *Land Transport Act 1998* and regulations. The *Land Transport Amendment Bill* was referred to the Transport and Industrial Relations Committee on 15 September 2016, and invited submissions from the public until 27 October 2016. A number of the submissions on the *Land Transport Amendment Bill* touched upon topics covered in the Operator Licensing Rule.

Between those made directly on the yellow drafts and those made on the *Land Transport Amendment Bill* touching upon topics in the Operator Licensing Rule, the NZ Transport Agency considered a total of 55 submissions. Those submissions were taken into account in finalising the draft Rule.



A number of changes were made to the final draft Rule as a result of submissions received, following which it was submitted to the Minister of Transport for signing.



## **Part 1**

### **Rule requirements**

#### **Section 1      Application**

##### **1.1              Title**

This Rule is *Land Transport Rule: Operator Licensing 2017*.

##### **1.2              Commencement**

This Rule comes into force on 1 October 2017.

##### **1.3              Scope of the Rule**

This Rule applies to—

- (a) a holder of, and an applicant for—
  - (i) a small passenger service licence:
  - (ii) a large passenger service licence:
  - (iii) a rental service licence:
  - (iv) a vehicle recovery service licence:
  - (v) a goods service licence; and
- (b) a driver of—
  - (i) a vehicle used in a small passenger service that is operating or ought to be operating under a small passenger service licence:
  - (ii) a vehicle recovery service vehicle that is operating or ought to be operating under a vehicle recovery service licence:
  - (iii) a goods service vehicle that is operating or ought to be operating under a goods service licence; and
- (c) a hirer of a rental service vehicle.

##### **1.4              Fees**

A person must pay the appropriate fee or fees (if any) for any application, amendment to a land transport document, approval, or exemption in respect of a provision of this Rule that is specified in, or assessed in accordance with, any regulation made under the Act.

## 1.5 **Revocation**

The *Land Transport Rule: Operator Licensing 2007* is revoked.

## Section 2 **Transport service licence**

### 2.1 **Classes of transport service licence**

A person may make an application for one or more of the following classes of transport service licence:

- (a) a small passenger service licence:
- (b) a large passenger service licence:
- (c) a rental service licence:
- (d) a vehicle recovery service licence:
- (e) a goods service licence.

### 2.2 **Application for transport service licence**

An application from a person for a transport service licence must be made on a form approved by the Agency and include—

- (a) the applicant's full name (that is, the individual or organisation name, and trading or trust name if applicable); and
- (b) if the applicant is a natural person, the applicant's date of birth; and
- (c) the applicant's business or residential address; and
- (d) the class or classes of transport service licence applied for; and
- (e) the full name and address of any person who is to have control of the service; and
- (f) in the case of an application for a small passenger service licence where no person in control lives in New Zealand, the full name and address of the representative of the small passenger service operator living in New Zealand; and
- (g) a declaration by the applicant that, to the best of the applicant's knowledge and belief, all the information given by the applicant is correct and that the applicant is not disqualified from holding or obtaining a transport service licence; and
- (h) other information as required by the Agency.

**2.3 Certificate of knowledge of law and practice**

- 2.3(1) This clause applies to an applicant for, or a holder of,—
- (a) a goods service licence:
  - (b) a large passenger service licence:
  - (c) a vehicle recovery service licence.
- 2.3(2) A person is entitled to obtain, or continue to hold, a transport service licence only if that person, or another person who has or is to have control of the service, holds a certificate of knowledge of law and practice applicable to the transport service being operated.
- 2.3(3) Despite 2.3(2), the Agency, having regard to the limited or infrequent nature of the service, or proposed service, may waive the requirement for a licence applicant or holder to comply with 2.3(2) for whatever limited period and subject to any conditions that the Agency may determine.
- 2.3(4) The content of a certificate of knowledge of law and practice test (and any revision to the content of the test), the test provider, and the form of the certificate of knowledge of law and practice must be approved by the Agency.
- 2.3(5) A holder of a transport service licence in 2.3(1), or a person in control of such a transport service, must re-sit and pass the test to hold a certificate of knowledge of law and practice if that person:
- (a) has been disqualified from holding or obtaining a transport service licence or from having any form of control of a transport service; and
  - (b) reapplies for the licence at the end of the disqualification period.
- 2.3(6) Clause 2.3(5) applies even if another person is to have control of the service and that person already holds a certificate of knowledge of law and practice.
- 2.3(7) If the Agency is satisfied on reasonable grounds that the holder or deemed holder of a certificate of knowledge of law and practice does not have an adequate knowledge of the laws and practices concerning the safe and proper operation of the transport service to which the licence relates, the Agency may require the holder to re-sit and pass the test for a certificate of knowledge of law and practice applicable to that transport service.

- 2.3(8) A requirement issued by the Agency under 2.3(7) must state:
- (a) the grounds on which the requirement is based; and
  - (b) the date by which—
    - (i) the test must be passed; and
    - (ii) the holder must produce evidence to the Agency that he or she has passed the test.
- 2.3(9) Failure to pass the test under 2.3(7) invalidates the licence holder's certificate of knowledge of law and practice and the holder's transport service licence may then be suspended in accordance with *section 30U* of the Act.
- 2.4 Transport service licence holder to notify Agency of certain changes**
- 2.4(1) A holder of a transport service licence must notify the Agency of the following:
- (a) a change of name of the holder of the licence (resulting from, but not limited to, marriage, civil union, or declaration of change of name), which must be supported by documentation to this effect:
  - (b) a change in the person or persons having control of the service:
  - (c) a change in the business or residential address of—
    - (i) the holder of the licence; or
    - (ii) the person or persons having control of the service.
- 2.4(2) If a holder of a transport service licence is a body corporate, the person or persons having control of the service must notify the Agency of the following:
- (a) a change in the natural person or persons (not being bodies corporate) who, in fact, have control of that body corporate:
  - (b) a change in the residential address of that person or persons:
  - (c) a change in the business address of that person or persons:
  - (d) a change of name of the body corporate (resulting from, but not limited to, merger, amalgamation, or dissolution), which must be supported by documentation to this effect:

- (e) a change in status of the body corporate including, but not limited to, merger, amalgamation, or dissolution, which must be supported by documentation to this effect:
  - (f) in the case of a small passenger service operator based outside of New Zealand, a change of any representative living in New Zealand along with the representative's residential address and business address.
- 2.4(3) The notification in 2.4(1) or 2.4(2) must be given—
  - (a) before the change occurs; or
  - (b) if compliance with *paragraph (a)* is not practicable, not later than 14 days after it has occurred.
- 2.4(4) The notification in 2.4(1) or 2.4(2) must include any other identification information that the Agency requires.
- 2.4(5) The notification in 2.4(1)(c)(ii) or 2.4(2)(a) is not required if the person having control of the service—
  - (a) is an elected member of a local authority, and has control of the service or business in that capacity only; or
  - (b) is an officer of the State services or of a Crown agency or local authority, and has control of the service or business in that capacity only, unless the Agency, by notice to the holder of the licence, requires it.
- 2.5 Transport service licence card where person operates vehicle under licence**
- 2.5(1) The Agency may issue a transport service licence card, relating to a valid transport service licence, to the operator of a vehicle subject to transport service licensing requirements upon completion of an application form (if applicable) in a form approved by the Agency, and on payment of a fee (if applicable).
- 2.5(2) The operator of a vehicle subject to transport service licensing requirements must (except in the case of a trailer) display the appropriate transport service licence card and comply with the requirements in this section if the vehicle is—
  - (a) a small passenger service vehicle (except for a vehicle used in a facilitated cost-sharing arrangement); or
  - (b) a large passenger service vehicle; or
  - (c) a vehicle recovery service vehicle; or
  - (d) a goods service vehicle.

**2.6 Holder of transport service licence to ensure transport service licence card is displayed**

- 2.6(1) Clause 2.6(2) applies to a holder of:
- (a) a small passenger service licence;
  - (b) a large passenger service licence;
  - (c) a vehicle recovery service licence;
  - (d) a goods service licence.
- 2.6(2) A holder of a transport service licence listed in 2.6(1) must ensure (except in the case of a trailer) that, on any motor vehicle operated under that licence, the appropriate transport service licence card:
- (a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, or, in the case of a goods service vehicle only, the first right-hand side window beyond the right-hand door, when viewed from the outside and front of the vehicle; and
  - (b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
  - (c) is clearly legible and visible at all times.
- 2.6(3) A holder of a vehicle recovery service licence must ensure that the following information is clearly displayed on both the inside and the outside of every vehicle used under the licence, in a form approved by the Agency—
- (a) the name, business location, and contact telephone number of the licence holder; and
  - (b) the name of any vehicle recovery service organisation of which the holder is a member.
- 2.6(4) The information required by 2.6(3) must be displayed in a contrasting colour to the background on which it is displayed.
- 2.6(5) The information required by 2.6(3) to be displayed on the outside of the vehicle must be clearly positioned on the forward doors of both sides of the vehicle.
- 2.6(6) Despite 2.6(1)(a), a holder of a small passenger service licence is not obliged to comply with 2.6(2) when operating a small passenger service that—
- (a) takes place in a vehicle provided by one of the passengers being carried; or



(b) is a facilitated cost-sharing arrangement.

## **2.7 Replacement of transport service licences and other documents**

2.7(1) The Agency may issue a duplicate of a transport service licence or other document issued by the Agency to a person whose licence or other document has been lost, destroyed, stolen, defaced, or mutilated, or has become illegible.

2.7(2) The Agency must not issue the duplicate licence or other document unless—

- (a) the previous licence or document is surrendered to the Agency; or
- (b) the Agency is satisfied, by the production of evidence that may be required by the Agency, that the licence or document has been lost, destroyed, or stolen.

2.7(3) A transport service licence or other document for which a duplicate has been issued under 2.7(1) must, if subsequently found by or returned to the licensee or person to whom the duplicate was issued, be returned immediately to the Agency.

2.7(4) If a licence is amended, a new licence incorporating the amendment must be issued.

## **2.8 Surrender of transport service licences and card**

2.8(1) The holder of a transport service licence that is amended, revoked, surrendered, or suspended must return the licence and any associated transport service licence card to the Agency within seven days of being ordered to do so by the Agency.

2.8(2) The holder of a transport service licence or the driver of any vehicle operated under that licence must surrender any transport service licence card on demand to an enforcement officer if—

- (a) the applicable transport service licence is revoked, surrendered, or suspended; or
- (b) the enforcement officer believes on reasonable grounds that the card is not related to the applicable transport service.

## **2.9 Transport service licence and cards property of Agency**

A transport service licence and any associated transport service licence card are the property of the Agency.

**2.10 Special interest vehicle must not be used in transport service**

A special interest vehicle must not be used in a transport service.

**2.11 Complaints registers**

2.11(1) This clause applies to a holder of:

- (a) a large passenger service licence;
- (b) a vehicle recovery service licence.

2.11(2) A holder of a transport service licence listed in 2.11(1) under which one or more motor vehicles are operated must ensure that a complaints register is maintained.

2.11(3) A complaints register must be maintained in respect of—

- (a) the vehicles used; and
- (b) the services provided; and
- (c) the drivers who drive in the services.

2.11(4) In the case of a complaint against a vehicle recovery service, the complaint does not have to be entered in the register unless the complaint is signed and in writing.

2.11(5) If a complaint is in writing, the original written complaint must be retained as part of, or as an attachment to, the complaints register.

2.11(6) When a complaint is entered in the complaints register, that entry must be retained in the register for at least two years.

2.11(7) The register must be available for inspection at any reasonable time by an enforcement officer.

2.11(8) The complaints register must, as far as practicable, record the following matters:

- (a) the name and position of the person taking the initial complaint;
- (b) the name, address, and contact telephone number of the complainant;
- (c) the date, time, and location of the event or matter complained of;
- (d) the name or description of the person complained of;
- (e) details of the complaint;
- (f) details of the response to, or action taken in respect of, the complaint.

- (g) the method by which, and the date on which, the complainant was notified of the response to or action taken in respect of the complainant:
- (h) the name and position of the person who took action in response to the complaint, if different from the person taking the initial complaint.

### **Section 3 Additional requirements for small passenger service operators and drivers**

#### **3.1 Requirements for small passenger services**

A small passenger service operator and the driver of a vehicle used in a small passenger service must comply with the applicable requirements of this section.

#### **3.2 Duties of small passenger service operators in relation to drivers**

- 3.2(1) A small passenger service operator must ensure that—
- (a) drivers have a current passenger endorsement on their licence:
  - (b) drivers comply with work time requirements:
  - (c) drivers have a current driver identification card:
  - (d) any small passenger service vehicle used by a driver has a current Certificate of Fitness:
  - (e) evidential records are kept of the matters in *paragraphs (a) to (d)*:
  - (f) the Agency is advised, as soon as reasonably practicable, and in any case within 48 hours, of any serious improper behaviour by a driver driving for, on behalf of, or in connection with the small passenger service:
  - (g) if requested, assistance is given to the Agency and the New Zealand Police in relation to any audits or investigations.
- 3.2(2) A small passenger service operator must ensure that any distance/time meter used to calculate a fare in a vehicle used in a small passenger service is accurate.
- 3.2(3) Clause 3.2(1)(a) to (e) do not apply in relation to a facilitated cost-sharing arrangement.

### **3.3 Duty of small passenger service operator to maintain record of complaints**

- 3.3(1) A small passenger service operator must keep a record of complaints received.
- 3.3(2) An entry in the record of complaints must be kept for at least two years.
- 3.3(3) The record of complaints must be available for inspection at any reasonable time by an enforcement officer for any audit or investigation.

### **3.4 Fare agreements**

- 3.4(1) For the purposes of *section 43* of the *Commerce Act 1986*, one or more provisions of a contract, arrangement, or understanding between one small passenger service operator (**A**) and one or more other small passenger service operators (**B**), is authorised where that contract, arrangement, or understanding relates to the small passenger services supplied by B that—
- (a) are supplied under A's small passenger service licence; and
  - (b) either—
    - (i) use a common trading name; or
    - (ii) operate under a common set of livery.
- 3.4(2) The provision or provisions of a contract, arrangement, or understanding authorised under *3.4(1)* are those that—
- (a) set, and require B to comply with, a schedule of fares, charges, and multiple hire discounts:
  - (b) provide a basis for setting fares, charges, and multiple hire discounts that B is required to comply with.

### **3.5 Driver identification**

- 3.5(1) A person may not drive a vehicle used in a small passenger service, other than an ambulance operated by an ambulance service, unless that person is the holder of, and displays, a current driver identification card.
- 3.5(2) An application for a driver identification card must be made in accordance with *clause 36* of the *Land Transport (Driver Licensing) Rule 1999*.
- 3.5(3) The form of a driver identification card must comply with *clause 65* of the *Land Transport (Driver Licensing) Rule 1999*.

- 3.5(4) A driver identification card must:
- (a) contain a recent photograph of the driver; and
  - (b) display a unique identifier, being a name comprising a combination of letters approved by the Agency, with numbers assigned by the Agency if required to distinguish duplicate names, so that the unique identifier is:
    - (i) sufficiently memorable to be easily recalled by users of the service provided by the driver; and
    - (ii) sufficiently distinct so that a user of the service can identify the driver from other drivers in any transport service; and
  - (c) display other information or material that may be required by the Agency.
- 3.5(5) A driver identification card is current for a period not exceeding five years, but the Agency may extend, by notice in writing, its currency for a period not exceeding 12 months.
- 3.5(6) A holder of a small passenger service licence under which a small passenger service vehicle is operated, and each person, when driving that vehicle, must ensure that the driver's driver identification card:
- (a) complies with 3.5(3) and (4); and
  - (b) is displayed in the vehicle in accordance with 3.5(7).
- 3.5(7) The driver identification card must be displayed where it is directly facing passengers, in a central and vertical position, so that a front or rear seated passenger can easily see the photograph and the unique identifier in sufficient detail to allow accurate identification of the driver as the holder of the card.
- 3.5(8) Clause 3.5(7) applies at any time that the vehicle is available for hire, whether or not there is a hirer in the vehicle.
- 3.5(9) A holder of a small passenger service licence under which drivers drive a vehicle that has been provided by one of the passengers must ensure that the driver's driver identification card:
- (a) complies with 3.5(3) and (4); and
  - (b) is worn by the driver in a position that is readily visible to a front-seated passenger.

**3.6 Small passenger service vehicle stands**

- 3.6(1) A driver of a small passenger service vehicle may only take up position at a small passenger service vehicle stand if the vehicle is available for hire.
- 3.6(2) If a driver of a small passenger service vehicle has taken up position at a small passenger service vehicle stand, the driver must accept the first hire offered unless—
- (a) there is a lawful reason to refuse the hire; or
  - (b) the small passenger service that the driver is driving for, on behalf of, or in connection with, is a small passenger service that only provides services to registered passengers.

**3.7 Duties and conduct of drivers of vehicles used in small passenger services**

- 3.7(1) A driver of a vehicle used in a small passenger service may refuse to accept a person as a passenger, or refuse to continue the hiring of the vehicle by a person, if the driver believes, on reasonable grounds, that the person will compromise the personal safety of the driver.
- 3.7(2) A driver of a vehicle used in a small passenger service must, unless requested or agreed by the hirer, travel from the place the hirer enters the vehicle to the intended destination of the hirer without any unnecessary deviation from the route that is most advantageous to the hirer.
- 3.7(3) A driver of a vehicle used in a small passenger service must agree with the prospective hirer the scale or basis of the fare prior to the start of the trip (including extra charges and inclusive of GST, if charged).
- 3.7(4) A driver of a vehicle used in a small passenger service must, at the end of a hiring, demand no more than the exact amount of the fare (including any applicable extra charges and GST) payable for the hiring, less a deduction of any prepayment made by the hirer.
- 3.7(5) A driver of a vehicle used in a small passenger service must, on request by a hirer, issue a receipt, or cause a receipt to be issued, for a fare paid by the hirer.
- 3.7(6) The receipt in 3.7(5) may be an electronic copy.
- 3.7(7) If the small passenger service operator or driver is registered for GST, the receipt in 3.7(5) must be a GST receipt.

- 3.7(8) Clause 3.7(4) and (5) does not apply to the driver of a vehicle used in a trip that has been organised through a facilitated cost-sharing arrangement.

### **3.8 Duties of small passenger service operators operating in urban areas**

- 3.8(1) This clause does not apply to small passenger service operators—
- (a) facilitating a facilitated cost-sharing arrangement; or
  - (b) operating a small passenger service that takes place in a vehicle provided by one of the passengers being carried.
- 3.8(2) A small passenger service operator operating in any of the areas listed in *Schedule 2* must elect to satisfy the requirements of either *paragraph (a)* or *(b)*:
- (a) all small passenger service vehicles operated by the operator must be fitted with an approved in-vehicle security camera system; or
  - (b) the small passenger service must—
    - (i) only provide services to registered passengers; and
    - (ii) make available to drivers and registered passengers, before each trip, information about both the driver and the registered passenger (for example, names and photographs of the driver and the registered passenger); and
    - (iii) keep, for at least 168 hours after the completion of each trip, information about both the driver and the registered passenger; and
    - (iv) keep, for at least 168 hours after the completion of each trip, a record of the trip.
- 3.8(3) Operators of the following types of exclusively pre-booked small passenger services do not have to meet the requirements of 3.8(2):
- (a) special occasion vehicle hire services (for example, weddings, school balls):
  - (b) short duration package tour services (for example, three-day sightseeing tours):
  - (c) government services under a long-term contract:

- (d) specialist services offered on a chartered basis (for example, limousine chartered for 24 hours, chartered education services).

### **3.9 Duties of drivers of small passenger service vehicles operating in urban areas**

- 3.9(1) This clause does not apply to the driver of a vehicle used in a facilitated cost-sharing arrangement.
- 3.9(2) A driver of a small passenger service vehicle must not accept a hire in an area listed in *Schedule 2* unless—
  - (a) the vehicle is fitted with an in-vehicle security camera system that—
    - (i) has been approved by the Agency under *3.11(4)*; and
    - (ii) is operating; and
    - (iii) has an unobscured view of the interior of the vehicle; or
  - (b) the hire has been arranged through a small passenger service operator that satisfies the requirements of *3.8(2)(b)*.
- 3.9(3) Despite *3.9(2)* and *3.10(2)*, a driver of a small passenger service vehicle may accept a hire that commences in one of the areas listed in *Schedule 2* if it was booked prior to the commencement of the hire and has a destination that is outside of the areas listed in *Schedule 2*.

### **3.10 In-vehicle security camera systems**

- 3.10(1) This clause applies to a small passenger service operator who has elected under *3.8(2)* to satisfy the requirements of *3.8(2)(a)*.
- 3.10(2) A small passenger service operator must not cause or permit a driver to accept a hire in an area listed in *Schedule 2* unless the vehicle is fitted with an in-vehicle security camera system that—
  - (a) has been approved by the Agency under *3.11(4)*; and
  - (b) is operating; and
  - (c) has an unobscured view of the interior of the vehicle.
- 3.10(3) Clauses *3.10(4)* to *(7)* apply to a small passenger service vehicle that is currently hired, or available for hire, but not at other times.



- 3.10(4) An in-vehicle security camera must be visible to passengers and fitted so as to record facial images of persons sitting in a normal manner in any seating position.
- 3.10(5) A notice to advise passengers of the operation of the in-vehicle security camera system must be clearly and prominently displayed inside the vehicle.
- 3.10(6) A notice or sign that indicates that the vehicle is fitted with an in-vehicle security camera system must be clearly and prominently displayed on the outside of the front passenger door of the vehicle.
- 3.10(7) A person must not interfere with, or cause or permit interference with, an in-vehicle security camera system in a manner likely to prevent or impede the proper working of the system.

### **3.11 Approval of in-vehicle security camera systems**

- 3.11(1) A person may—
- (a) apply to the Agency for approval of an in-vehicle security camera system for use in any vehicle carrying passengers in relation to the small passenger service; or
  - (b) use any in-vehicle security camera system that has been approved by the Agency and is published on a list of currently approved systems maintained by the Agency under *3.11(5)(b)*.
- 3.11(2) The application under *3.11(1)(a)* must be made on a form approved by the Agency and include—
- (a) system specifications; and
  - (b) details of how the system is, or is to be, installed; and
  - (c) any other information or equipment requested by the Agency.
- 3.11(3) The fee for an application under *3.11(1)(a)* is prescribed under regulation 6 of the Transport Services Licensing Regulations 1989 and specified in Schedule 1 of those regulations.
- 3.11(4) The Agency may approve, with or without conditions, an application made under *3.11(2)* if it is satisfied that the in-vehicle security camera system meets the minimum specifications set out in *Schedule 3*.
- 3.11(5) The Agency must—
- (a) notify the applicant of an approval of an in-vehicle security camera system; and

- (b) maintain and publish a list of currently approved systems, along with any general conditions that apply to those systems.

### **3.12 Material recorded by in-vehicle security camera systems**

- 3.12(1) This clause applies to material recorded by an in-vehicle security camera system.
- 3.12(2) A person must not access material recorded by and stored in an in-vehicle camera system unless—
- (a) the person is a Police employee, or a person acting under the direction of a Police employee in the execution of Police duties; or
  - (b) the person is identified by the small passenger service operator as a person authorised to access, delete, copy, or use material recorded by an in-vehicle security camera system, and the person is accessing the material for one of the following purposes:
    - (i) to provide information to a Police employee for law enforcement purposes;
    - (ii) to manage personal information in accordance with the *Privacy Act 1993*;
    - (iii) to repair, maintain, test, or assess the operation of the in-vehicle security camera system.
- 3.12(3) Material recorded by an in-vehicle security camera system must be retained for at least 168 hours after the completion of each trip.

## **Section 4 Additional requirements for rental services**

### **4.1 Register of vehicles and hirers**

- 4.1(1) A holder of a rental service licence must:
- (a) keep a register of vehicles and hirers; and
  - (b) ensure that the following details of every hire are entered in the register:
    - (i) the make, model, and vehicle registration plate details of the vehicle;
    - (ii) the date and time of the commencement of the vehicle hire;
    - (iii) the full name and address of the hirer of the vehicle.

- 4.1(2) A holder of a rental service licence must, if requested by the Agency to do so, produce without delay for inspection by an enforcement officer the register required in 4.1(1) containing the transactions for the three years preceding the date of that request.

## **4.2 Obligations of rental service licence holder**

- 4.2(1) A holder of a rental service licence and a hirer of a rental service vehicle operated under that licence must enter into a written agreement for the hire of the vehicle.

- 4.2(2) The agreement referred to in 4.2(1) must, in addition to the requirements specified in 4.3, include the terms set out in:

- (a) *clauses 1 to 10 of Schedule 4; and*
- (b) *clause 11 of Schedule 4, if the holder of a rental service licence intends to charge an infringement fee to the hirer's credit card for an offence in 4.5(2).*

- 4.2(3) A holder of a rental service licence must ensure the hirer receives at least one copy of the agreement.

- 4.2(4) A holder of a rental service licence must, if requested to do so by the hirer, explain the provisions and content of the hire agreement to the hirer.

- 4.2(5) A holder of a rental service licence must ensure that a prospective hirer or any person who is to drive the rental service vehicle holds a current and valid driver licence that is appropriate for the vehicle that is to be hired.

## **4.3 Hirer's liability for use of vehicle**

- 4.3(1) The agreement must state the following:

- (a) that the hirer of a rental service vehicle must not use or allow the vehicle to be used for the transport of passengers for hire or reward unless the vehicle is hired with the knowledge of the rental service licence holder for use in a small or large passenger service licensed under *Part 4A* of the Act; and
- (b) that the hirer of a rental service vehicle must not—
  - (i) sublet or hire the vehicle to any other person; or
  - (ii) allow the vehicle to be operated outside his or her authority; or

- (iii) operate the vehicle, or allow it to be operated, in circumstances that constitute an offence against sections 56, 57, 57AA, 57A, or 58 of the Act; or
- (iv) operate the vehicle or allow it to be operated in a race, speed test, rally, or contest; or
- (v) operate the vehicle or allow it to be operated in breach of the Act, the *Land Transport (Road User) Rule 2004*, or any other Act, regulations, rules, or bylaws relating to road traffic; or
- (vi) operate the vehicle or allow it to be operated for the transport of more than the number of passengers or more than the gross vehicle mass specified in the certificate of loading for the vehicle; or
- (vii) drive, or allow the vehicle to be driven by any person, if at the time of driving, the driver is not the holder of a current driver licence appropriate for the vehicle.

- 4.3(2) A hirer must ensure that a copy of the agreement is—
- (a) kept in the vehicle throughout the term of the hire; and
  - (b) produced without delay for inspection on demand by an enforcement officer.
- 4.4 Insurance of a hired vehicle**
- 4.4(1) Before entering into an agreement for hire of a rental service vehicle, a holder of a rental service licence must offer vehicle insurance to the prospective hirer.
- 4.4(2) A prospective hirer does not have to accept the insurance cover offered by the holder of a rental service licence.
- 4.4(3) If a prospective hirer does not accept the insurance cover offered by the holder of a rental service licence, the prospective hirer must provide alternative vehicle insurance cover that is comparable with the insurance cover offered by the licence holder.
- 4.4(4) If a prospective hirer's own insurance cover is not comparable with the insurance cover provided by the holder of a rental service licence, the licence holder has the right to refuse to hire the vehicle to the prospective hirer.

**4.5 Hirer's liability for infringement fees**

- 4.5(1) A holder of a rental service licence may charge an infringement fee to a hirer's credit card if—
- (a) that fee arises from an offence that is listed in 4.5(2); and
  - (b) the offence is committed during the period of hire; and
  - (c) the hirer is notified in the rental service agreement of the liability for an infringement fee for an offence in 4.5(2).
- 4.5(2) The offences referred to in 4.5(1) are—
- (a) an offence detected by approved vehicle surveillance equipment that is—
    - (i) a speeding offence; or
    - (ii) an offence in respect of failure to comply with the directions given by a traffic signal; or
    - (iii) a toll offence; or
  - (b) parking in any portion of a road in breach of any bylaw of a road controlling authority or *Part 6 of the Land Transport (Road User) Rule 2004*.
- 4.5(3) A holder of a rental service licence may not charge an infringement fee to a hirer's credit card unless the hirer has been notified in the rental service agreement of—
- (a) the liability for an offence in 4.5(2); and
  - (b) the licence holder's undertaking to send a copy of the infringement notice and a copy of the reminder notice as soon as is practicable; and
  - (c) the hirer's right to challenge, complain about, query or object to the alleged offence to the issuing enforcement authority; and
  - (d) the hirer's right to seek a court hearing (within 56 days from the date of issue of the infringement notice or 28 days from the date of issue of the reminder notice).
- 4.5(4) At the time of hiring, the holder of a rental service licence must obtain confirmation in writing from the hirer that the hirer has been notified of the information specified in 4.5(3).
- 4.5(5) Unless 4.5(6) applies, before debiting a hirer's credit card for an infringement fee for an offence in 4.5(2), a holder of a rental service licence must:

- (a) forward a copy of the infringement notice, and of the rental service agreement, to the permanent address provided by the hirer in the rental service agreement, within five working days of receipt of the infringement notice; and
  - (b) notify the hirer that if the licence holder receives a reminder notice for that offence, the holder will debit the hirer's credit card for the amount of the infringement fee.
- 4.5(6) If a holder of a rental service licence does not receive an infringement notice for an offence in 4.5(2) committed during a period of hire, but receives a reminder notice for that offence, the licence holder must:
- (a) forward a copy of the reminder notice, and of the rental service agreement, to the permanent address provided by the hirer in the rental service agreement, within five working days of receipt of the reminder notice; and
  - (b) notify the hirer that the holder will be debiting the hirer's credit card for the amount of the infringement fee.
- 4.5(7) The holder of a rental service licence who has complied with 4.5(5) or 4.5(6) may charge an administration fee, which must be specified in the rental service agreement, to cover the cost of debiting the infringement fee from the hirer's credit card.
- 4.5(8) The holder of a rental service licence must keep copies of the infringement notice, reminder notice and the rental service agreement for six months from the date of the latest notice.
- 4.5(9) The holder of a rental service licence must remit any infringement fee paid by the hirer to the appropriate enforcement authority as soon as is practicable.

## **Section 5 Additional requirements for vehicle recovery services**

### **5.1 Operator responsibility**

A holder of a vehicle recovery service licence is responsible for the conduct of the drivers and employees based at the licence holder's business location in respect of that vehicle recovery service.

## **5.2 Driver identification**

- 5.2(1) A driver of a vehicle recovery service vehicle must wear, in a readily visible position, a driver identification card that complies with 5.2(3) and 5.2(4).
- 5.2(2) An application for a driver identification card must be made in accordance with *clause 36 of the Land Transport (Driver Licensing) Rule 1999*.
- 5.2(3) The form of a driver identification card must comply with *clause 65 of the Land Transport (Driver Licensing) Rule 1999*.
- 5.2(4) A driver identification card must—
- (a) contain a recent photograph of the driver; and
  - (b) display a unique identifier, being a name comprising a combination of letters approved by the Agency, with numbers assigned by the Agency to distinguish duplicate names, so that they are—
    - (i) sufficiently memorable to be easily recalled by users of the service provided by the driver; and
    - (ii) appropriate to identify the driver from other drivers in any transport service; and
  - (c) display other information or material that may be required by the Agency.
- 5.2(5) A driver identification card is current for a period not exceeding five years, but the Agency may extend, by notice in writing, its currency for a period not exceeding 12 months.

## **5.3 Driver behaviour**

A driver of a vehicle recovery service vehicle must behave in an orderly and civil manner at all times while engaged in the operation of a vehicle recovery service.

## **5.4 Driver responsible for behaviour of passengers**

- 5.4(1) A driver of a vehicle recovery service vehicle is responsible for ensuring that any passenger the driver allows in the vehicle does not engage in threatening or improper behaviour.
- 5.4(2) Despite 5.4(1), the driver is not responsible for the following persons:
- (a) any person who was an occupant of a vehicle being towed; and

- (b) any other person who holds a licence entitling that person to drive a vehicle recovery service vehicle; and
- (c) the holder of the vehicle recovery service licence or a person having control of the service and named as such on the licence.

5.4(3) Regardless of any lack of fault on the driver's part, a driver of a vehicle recovery service vehicle is in breach of 5.4(1) if any passenger for whom he or she has responsibility engages in threatening or improper behaviour while the passenger is in the vehicle, or in the vicinity of the vehicle:

- (a) when the vehicle is attending a crash or breakdown; or
- (b) in any other situation in which the vehicle's services may be required.

## **5.5 Driver to comply with direction of enforcement officer, fire officer, or ambulance officer**

5.5(1) A driver of a vehicle recovery service vehicle must, if so directed by an enforcement officer or an emergency service organisation officer move himself or herself, and the vehicle, away from the immediate vicinity of a crash scene.

5.5(2) The driver of a vehicle recovery service vehicle must ensure the removal of a person who has arrived at the crash as a passenger in the vehicle (other than a person listed in 5.4(2)(a) to (c)), if an enforcement officer, a fire officer, or an ambulance officer directs that person's removal.

5.5(3) A driver of a vehicle recovery service vehicle is in breach of 5.5(2) if the passenger fails to comply with that direction, regardless of any lack of fault on the part of the driver.

## **5.6 Advertising material**

A holder of a vehicle recovery service licence must not allow a vehicle recovery service vehicle to be used in the service if there is advertising material on the outside or the inside of the vehicle that:

- (a) is applied to glazing; or
- (b) may impede vision from or into the vehicle; or
- (c) may obscure a notice, sign, or other matter required by this Rule or other enactment to be displayed in or on the vehicle.



**5.7 Animals prohibited**

- 5.7(1) Subject to 5.7(2), a holder of a vehicle recovery service licence and a driver of a vehicle recovery service vehicle used in the service must not allow an animal to be transported in or on that vehicle at any time when the vehicle is being used or is available for use in the service.
- 5.7(2) The following animals may be carried in or on a vehicle recovery service vehicle:
- (a) an animal that was in a vehicle involved in the crash or breakdown or other situation that the vehicle recovery service vehicle was attending:
  - (b) any stock involved in a crash if it is appropriate for that stock to be transported by the vehicle from the scene of the crash.

**5.8 Tow authority**

- 5.8(1) A vehicle recovery service vehicle may not tow a vehicle unless a tow authority has been completed and is carried in the vehicle recovery service vehicle, and can be produced on demand to an enforcement officer.
- 5.8(2) A tow authority must be in a form approved by the Agency and must contain the following:
- (a) the make, model, colour, and vehicle registration plate details of the vehicle being moved:
  - (b) the date, time, and place of pick-up:
  - (c) the intended place of set down (and the actual place of set down, if different):
  - (d) the time of set down, to be completed on set down:
  - (e) the name, address, and, where practicable, the signature of the person ordering the vehicle to be moved:
  - (f) the name, address, and signature of the driver of the vehicle recovery service vehicle:
  - (g) an indication of whether the reason for the vehicle being moved was a crash, breakdown, vehicle impoundment, or an unauthorised parking of the vehicle.

## **5.9 Restriction on moving of vehicles by vehicle recovery service**

- 5.9(1) Subject to 5.9(2), a person may not move a vehicle using a vehicle recovery service vehicle unless the tow authority has been signed by—
- (a) a driver or a person claiming or appearing to be the owner of the vehicle, or a representative of the owner; or
  - (b) an enforcement officer or parking warden; or
  - (c) the owner or a representative of the owner of any land or a building, if the vehicle is being towed from his or her land or building.
- 5.9(2) If a person listed in 5.9(1) is not available, the driver of the vehicle recovery service vehicle must record the name, address, and contact telephone number of the person who requested that the tow be undertaken.

## **5.10 Tows to be without deviation or delay**

A driver of a vehicle recovery service vehicle towing a vehicle must tow that vehicle to the place of intended set down without unnecessary delay or deviation from the shortest available route, unless otherwise instructed by:

- (a) the driver or owner of the vehicle; or
- (b) a person claiming to be a representative of the owner of the vehicle; or
- (c) an enforcement officer or emergency service organisation officer.

## **5.11 Prevention of damage or loss**

A holder of a vehicle recovery service licence and a driver of a vehicle recovery service vehicle must take all reasonable precautions to prevent loss of or from, or damage to, a vehicle that is being or has been towed under the licence.

## **5.12 Register of tows**

- 5.12(1) A holder of a vehicle recovery service licence must maintain a register comprising, in chronological order, all the tow authorities completed in respect of each vehicle recovery service vehicle operated under the licence.
- 5.12(2) A tow authority must be included in the appropriate register within 18 hours after the completion of the tow to which it relates.

- 5.12(3) The register must be made available, at any reasonable time during the 12 months following the latest date to which it refers, for inspection by:
- (a) an enforcement officer; and
  - (b) a person authorised by the Agency to collect transport-related statistics who produces evidence of that authority.

## **Section 6 Exempt services**

### **6.1 Exempt passenger services**

- 6.1(1) The following passenger services are exempt services for the purposes of the Act and this Rule:
- (a) a small passenger service operated by, or under the control of, a district health board, local authority, an incorporated charitable organisation, or an incorporated organisation registered under the *Charities Act 2005*, provided that—
    - (i) the vehicle used is provided by the organisation or the driver; and
    - (ii) the driver is either a volunteer or a staff member of the organisation whose primary responsibility is not driving; and
    - (iii) the only payment made by the organisation to a driver who provides the vehicle is for reimbursing that person for the cost of running the vehicle, and does not include payment for the driver's service; and
    - (iv) the only payment made by the passenger is for reimbursing the organisation or the driver for the cost of running the vehicle, and does not include payment for the driver's service:
  - (b) a small passenger service where persons are transported under a cost-sharing arrangement (that is not a facilitated cost-sharing arrangement) between the occupants:
  - (c) a cost-sharing arrangement organised by a local authority:
  - (d) a passenger service where:
    - (i) the vehicle used is a large passenger service vehicle that is hired from a person who holds both a large passenger service licence and a rental service licence; and

- (ii) the only payments made in respect of the hire of the large passenger service vehicle to the hirer are payments reimbursing that person for the costs of hiring and running the vehicle, and does not include payment for the driver's service:
- (e) a small passenger service provided by a person providing a home or community support service, provided that—
  - (i) transport is provided to clients as an incidental part of the service; and
  - (ii) a fee or fare is not required of the client for the provision of transport:
- (f) a small passenger service, provided by an organisation offering liquor, meals, or refreshments for consumption on licensed premises, where a fee or fare is not required of its passengers:
- (g) a small passenger service that involves the transporting of school children by parents or caregivers in return for a Ministry of Education private transport allowance, including cases in which that allowance is pooled and paid to the conveying parent or caregiver:
- (h) a small passenger service that involves the transporting of children and their escorts to or from any school, kindergarten, play-centre, or other institution providing pre-school education, or to or from any activity of any one of those institutions, provided that—
  - (i) the vehicle used is provided by the institution or by the driver; and
  - (ii) the driver is a staff member of the institution, or a person approved by the institution, or a parent or caregiver of one of the children being carried; and
  - (iii) the only payment in respect of that service made by the institution to a driver who provides the vehicle is for reimbursing that person for the cost of running the vehicle, and does not include payment for the driver's service:
- (i) a passenger service that is carried on exclusively for the purpose of providing relief or assistance during a state of emergency declared under the *Civil Defence Emergency Management Act 2002*, where—

- (i) the service has been requested or ordered by a Controller under the *Civil Defence Emergency Management Act 2002*; and
  - (ii) the service is under the control of that Controller:
  - (j) a passenger service that is carried on exclusively for the purpose of performing any public service or providing assistance to the civil power in time of emergency within the meaning of *section 9* of the *Defence Act 1990*:
  - (k) a passenger service that is carried on by any part or member of the Armed Forces on active service within the meaning of *section 44* of the *Defence Act 1990*:
  - (l) a passenger service that is carried on exclusively for the purpose of undertaking a class 3 search and rescue operation, where—
    - (i) the service has been requested by a Search and Rescue Co-ordination Centre established under *section 14B* of the *Civil Aviation Act 1990*; and
    - (ii) the service is under the control of that Centre:
  - (m) a passenger service that is carried on exclusively for the purpose of providing relief or assistance during a pollution emergency that is being dealt with under the *Maritime Transport Act 1994*:
  - (n) a small passenger service provided by the Department of Corrections for transporting lawfully detained persons and their escorts, provided that—
    - (i) the vehicle is owned and operated by the Department; and
    - (ii) the only payment made by the passenger is for reimbursing the Department for the cost of running the vehicle.
- 6.1(2) An organisation in *6.1(1)(a)*, *6.1(1)(e)*, or *6.1(1)(h)* may receive funding for the transport service from third parties or donations in respect of the service.
- 6.1(3) If a large passenger service vehicle is used in the circumstances specified in *6.1(1)(d)*, the vehicle is deemed to be operating under the licensee's large passenger service licence.
- 6.1(4) An organisation in *6.1(1)(f)* may receive voluntary donations in respect of the service.

**6.2 Exempt goods service vehicles**

For the purposes of this Rule, a forklift is an exempt goods service vehicle.

**Section 7 Transitional provisions****7.1 Certificates of knowledge and practice**

A person who holds, or was deemed to hold, a certificate of knowledge and practice immediately before 1 October 2017 is deemed to hold a certificate of knowledge and practice applicable to the transport service being operated.

**7.2 In-vehicle security camera systems**

An in-vehicle security camera system approved and fitted before 1 October 2017 is deemed to be an in-vehicle security camera system approved and fitted in accordance with this Rule.

## Part 2

### Definitions

(1) In this Rule,—

**Act** means the *Land Transport Act 1998*

**ambulance service** means a service that complies with the requirements in *NZS 8156:2002 Ambulance Sector Standard*

**Armed Forces** means—

- (a) the Navy, the Army, and the Air Force collectively; and
- (b) includes any branch, corps, command, formation, unit, or other part of the Armed Forces; but
- (c) does not include any part of the cadet forces

**business location**, in relation to any matter required by the Act or this Rule to be displayed on any vehicle, means—

- (a) in the case of a licence holder or operator which has its base location in an urban area, the location of that base by reference to the town or city, and the suburb (if any), in which it is situated; or
- (b) in any other case, any description of location by which the base location of the licence holder, operator, or organisation can be easily identified, whether by reference to any road and area, or by reference to the nearest urban area

**cost-sharing arrangement** includes (but is not limited to) fuel costs and reasonable wear and tear of a vehicle; but does not include any infringement fee incurred in the course of the journey, or compensation for the driver's travelling time

**driver identification card** has the same meaning as it has in the *Land Transport (Driver Licensing) Rule 1999*

**emergency service** means the New Zealand Police, New Zealand Fire Service, or an ambulance service

**GST** means goods and services tax payable under the *Goods and Services Tax Act 1985*

**home or community support service** means a health or disability support service provided in the environment of a person's home or in their community, by individuals working as support workers or health practitioners accountable to a home or community support service provider

**hours of darkness** has the same meaning as it has in the *Land Transport (Road User) Rule 2004*

**in-vehicle security camera system** means a system of one or more cameras installed in a vehicle and associated components, whether in the vehicle or not, that:

- (a) records images of the occupants of the vehicle; and
- (b) includes any means by which the material recorded by the camera is stored; and
- (c) includes all wiring and connections that may be required for operation of the camera system

**licence or other document** means any transport service licence or other document issued by the Agency under this Rule

**notify** means to notify in writing

**serious improper behaviour** includes, without limitation, violence, assault, sexual offences, and driving while under the influence of alcohol or drugs

**small passenger service vehicle stand** means an area designated for small passenger service vehicles under section 22AB(1)(m) of the Act

**special interest vehicle** has the same meaning as it has in *Land Transport Rule: Frontal Impact 2001*

**State services** has the same meaning as it has in the *State Sector Act 1988*

**support worker** includes a support worker as described in the *New Zealand Home and Community Support Sector Standard (NZS 8158:2003)* or a mental health community support worker

**tow authority** means a document that must be completed in accordance with 5.8 by the driver of a vehicle recovery service vehicle before towing a vehicle away

**transport service licence card** means a card issued by the Agency under this Rule and approved by the Agency as being in the form specified in *Schedule 1*; and includes a label

**unique identifier** means the unique identifier required by 3.5(4)(b) and 5.2(4)(b) to be specified on a driver identification card.

- (2) Unless the context otherwise requires, a term that is used in this Rule and defined in the Act but not defined in this Rule has the meaning given in the Act.



## **Part 3 Schedules**

### **Schedule 1 Transport service licence cards**

Ref: 2.5

- 1 A transport service licence card must show—
  - (a) the Transport Service Licence number:
  - (b) the name of the Transport Service Licence holder
  - (c) a unique identification number
  - (d) the type of Transport Service Licence
  - (e) a barcode containing the information in (a) to (d).
- 2 The card may show such background and colours and security features as the Agency considers necessary to protect the integrity of the licence.

**Schedule 2**  
**Areas for which an in-vehicle security camera system is required**  
**for small passenger services operated using a small passenger**  
**service vehicle**

Ref: 3.8(2), 3.9(2) & (3), 3.10(2)

Whangarei	Okara Ward and Denby Ward
Auckland metropolitan	The area within the Rural Urban Boundary as included in the Auckland Unitary Plan, but excluding the Kumeu and Warkworth areas
Hamilton	Hamilton City and Hamilton Airport and its precinct
Tauranga	Otumoetai—Bethlehem Ward, Te Papa—Welcome Bay Ward, and Mount Maunganui—Papamoa Ward
Rotorua	Rotorua urban area including the Ngongataha area, and the Rotorua Airport and its precinct
Gisborne	Gisborne Ward
Napier	Napier City
Hastings	Hastings Ward and Havelock North Ward
Palmerston North	Papaioea Ward, Takaro Ward, Hokowhitu Ward, and Awapuni Ward
New Plymouth	New Plymouth City and the New Plymouth Airport and its precinct
Whanganui	Whanganui City Ward
Wellington	Hutt City, Upper Hutt City, Porirua City, and Wellington City
Nelson	Nelson City
Christchurch	Christchurch City excluding Banks Peninsula Ward
Dunedin	Mosgiel—Taieri Ward, Waikouaiti Coast—Chalmers Ward, Cargill Ward, Hills Ward, South Dunedin Ward, Green Island/Saddle Hill Ward, and the Dunedin International Airport and its precinct
Queenstown	Queenstown urban area and the Frankton District
Invercargill	Invercargill District

### **Schedule 3**

#### **Specifications for in-vehicle security camera system**

Ref: 3.11(4)

- 1 The camera system must record and securely store images and enable the retrieval of those images for copying, viewing and printing.
- 2 The camera must be designed to be fitted inside a small passenger service vehicle in a position that:
  - (a) is clearly visible to persons seated in the vehicle; and
  - (b) enables it to record the faces of all persons seated in the small passenger service vehicle.
- 3 The recorded images must be of a sufficient quality to enable facial identification of all occupants seated in the small passenger service vehicle, in all lighting conditions including complete darkness.
- 4 The camera system must record images at a rate of at least one image per second.
- 5 The recorded images must contain a unique and unambiguous identification of the camera, the small passenger service vehicle it belongs to, and accurate time and date information.
- 6 The camera system must be marked with a unique means of identification.
- 7 The camera system must be capable of storing images for at least 168 hours.
- 8 The camera system must undertake regular self-testing in order to check that it is recording and storing images.
- 9 The camera must have a system status indicator, that is clearly visible to the vehicle's driver and that indicates when the system is operating and when the system has detected that it is not recording or storing images or both.
- 10 The camera system must create an automatic log of activity including accessing of recorded material and modifying settings.
- 11 The recorded images must be protected from unauthorised access.
- 12 The camera system must not interfere with other electronic devices or systems likely to be found in a small passenger service vehicle and must not be adversely affected by a vehicle's electrical system.
- 13 The camera system must meet all operating requirements, including storage of images, without the need for any manual processes during normal operation.

## **Schedule 4**

### **Rental service agreement**

Ref: 4.2

A rental service agreement must contain the information specified in clauses 1 to 10 of this Schedule. If the rental service operator intends to charge any infringement fee to the hirer's credit card, the rental service agreement must also contain the information specified in clause 11 of this Schedule.

- 1                    The parties**
  - (a) the full name and address of the rental service operator;
  - (b) the transport service licence number of the operator;
  - (c) the telephone number that the hirer can call to contact the rental service operator during the period of hire;
  - (d) the full name, permanent address, and temporary address (if applicable) of the hirer.
  
- 2                    The vehicle**
  - (a) the make and model of the vehicle;
  - (b) the vehicle registration plate details.
  
- 3                    The term of the hire**
  - (a) the date and time of commencement of the vehicle hire;
  - (b) the date and time by which the vehicle must be returned to the rental service operator;
  - (c) the place or places to which the vehicle may be returned.
  
- 4                    Authorised drivers**
  - (a) the full name, full address, date of birth, and telephone number of the person taking possession of the vehicle at the commencement of the hire and that person's driver licence number, the licence's expiry date, and issuing jurisdiction of the licence;
  - (b) the full names and/or descriptions of persons who are permitted to drive the vehicle;
  - (c) any restrictions on persons who may drive the vehicle.
  
- 5                    Hire charges**
  - (a) the hire rate;

- (b) a clear statement of whether the hire rate is hourly, daily, weekly, or monthly;
- (c) whether any penalty or charges for late return or adjustments for early return are or may be payable;
- (d) details of all charges that the hirer will be required to pay.

## **6 Hirer's obligations and restrictions**

- (a) details of the hirer's obligations and restrictions in relation to the driving, parking, and use of the vehicle;
- (b) details of the hirer's obligations in relation to the vehicle itself, such as any obligations to maintain fuel, coolant and oil levels, and tyre pressures;
- (c) what the hirer is to do if any warning light in the vehicle is activated;
- (d) the hirer's obligation to advise the owner of the vehicle if the vehicle is damaged.

## **7 Accidents and vehicle repairs**

- (a) what the hirer is to do if there is an accident involving the vehicle;
- (b) what the hirer is to do if the vehicle breaks down or needs repair;
- (c) the obligations of the rental service operator and the hirer if the vehicle requires repair or replacement.

## **8 Insurance**

- (a) that insurance cover is provided by the rental service operator but the hirer may make his or her own insurance arrangements provided they are approved by the operator;
- (b) if insurance cover is to be provided by the rental service operator:
  - (i) details of the insurance premiums, if separate from the hire charge;
  - (ii) the extent of the hirer's liability for loss or damage;
  - (iii) the amount of excess that is applicable.

## **9 Cancellation of the hire agreement**

- (a) the circumstances in which the rental service operator or the hirer may cancel the hire agreement;

- (b) the obligations of the rental service operator and the hirer on cancellation of the hire agreement.

**10 Hirer's liability for use of vehicle**

The information specified in 4.3(1).

**11 Hirer's liability for infringement fees**

- (a) the circumstances as specified in 4.5(1) under which the hirer will be liable for infringement fees;
- (b) the hirer's rights under 4.5(3);
- (c) the specific amount of an administration fee to cover the cost of debiting the hirer's credit card.