



WELLINGTON, NEW ZEALAND

PURSUANT to Section 152 of the Land Transport Act 1998

I, **MARK GOSCHE**, Minister of Transport,

HEREBY make the following ordinary rule:

Land Transport Rule: Vehicle Standards Compliance 2002

SIGNED AT Wellington

This *25th* day of *February* 2002

Mark Gosche

Minister of Transport

Land Transport Rule
Vehicle Standards Compliance 2002
Rule 35001/1

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Land Transport Rule
Vehicle Standards Compliance 2002

Rule 35001/1

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Objective of the rule

Land Transport Rule: Vehicle Standards Compliance 2002 is authorised by the *Land Transport Act 1998* and implements the Director's function under that Act in exercising control over the entry of vehicles into, and operation of vehicles in, the land transport system.

The rule revokes and replaces *Land Transport Rule: Vehicle Standards Compliance 1998*, which came into force on 1 March 1999 and set in place a consolidated legal framework for the inspection and certification of motor vehicles. The rule has been revised to link more explicitly to the *Land Transport Act 1998*. The revised rule clarifies inspection and certification requirements for 'agricultural' vehicles operated at speeds exceeding 30 km/h and for vehicles operated conditionally before entering service.

The rule has also been revised to include three proposals originally discussed in the context of the *Vehicle Safety Proposals Consultation Paper*, released for public comment in June 2001. The main change introduced by the rule is the removal of the distinction between requirements for vehicles with a warrant of fitness that were new when entering service in New Zealand, and vehicles that were used imports. All these vehicles now require an annual warrant of fitness inspection until they are six years old, and a six-monthly inspection thereafter.

Extent of consultation

Land Transport Rule: Vehicle Standards Compliance 1998 underwent four rounds of consultation with industry groups, interested government agencies and the public. Consultation with representative industry sectors in New Zealand through the Vehicle Standards Advisory Committee complemented the consultation mechanisms inherent in the rule-making process. There was also liaison with Australian authorities in the vehicle standards area, and research into trends for the global harmonisation of vehicle standards.

Consultation on the proposed revision of *Land Transport Rule: Vehicle Standards Compliance 1998* began within the context of the *Vehicle Safety Proposals Consultation Paper* in June 2001. Submissions received on the five proposals relevant to this rule were summarised and were taken into account in drafting the revised rule.

The yellow (public consultation) draft of the revised rule was sent to key groups and individuals for consultation in September 2001. Others who had registered an interest in the rule were advised that the draft was available. The draft rule was also accessible on the Land Transport Safety Authority's website. The availability of the draft was publicised in 15 metropolitan and regional daily newspapers, the *New Zealand Gazette*, *Te Maori News* and industry publications. Copies of the draft rule were sent to overseas libraries and transport authorities. The deadline for submissions was 9 November 2001. Twenty-five submissions were received.

Issues identified in submissions and in consultation on the vehicle safety proposals were taken into account in redrafting this rule, before it was submitted to Cabinet, and to the Minister of Transport for signature.

Part 1 Rule requirements

Section 1 Application

1.1 Title

This rule is *Land Transport Rule: Vehicle Standards Compliance 2002*.

1.2 Scope of the rule

1.2(1) This rule applies to:

- (a) all persons operating a motor vehicle on a road in New Zealand; and
- (b) all persons and organisations appointed by the Director as certifiers to carry out inspection and certification activities for motor vehicles; and
- (c) all motor vehicles operated on a road in New Zealand, including motor vehicles in *Table A* of *Part 2*.

1.2(2) In this rule, every reference to a vehicle is a reference to a motor vehicle.

1.2(3) In this rule, every reference to a vehicle inspector or inspecting organisation is a reference to a certifier for the purposes of the *Land Transport (Offences and Penalties) Regulations 1999* and the *Land Transport (Certification and Other Fees) Regulations 1999*.

1.3 Date when rule comes into force

- 1.3(1) This rule revokes and replaces *Land Transport Rule: Vehicle Standards Compliance 1998*.
- 1.3(2) This rule comes into force on 1 April 2002.

1.4 Application of rule provisions

- 1.4(1) If there is a conflict between a provision of this rule and a provision of another land transport rule relating to vehicles, the provision of this rule applies.
- 1.4(2) For the avoidance of doubt, a reference to a certifier in any other land transport rule relating to vehicles is a reference to a vehicle inspector or inspecting organisation appointed under this rule.

Section 2 Appointments of vehicle inspectors and inspecting organisations

2.1 Vehicle inspectors and inspecting organisations

- 2.1(1) Unless *5.2(1)* applies, only vehicle inspectors and inspecting organisations appointed under *2.2* may carry out inspection and certification activities as specified in this rule.
- 2.1(2) Vehicle inspectors and inspecting organisations must carry out inspection and certification activities competently and diligently and in accordance with the conditions of their appointment and with this rule.

2.2 Appointment of vehicle inspectors and inspecting organisations

- 2.2(1) The Director may appoint vehicle inspectors and inspecting organisations to carry out any or all of the following activities:
- (a) warrant of fitness inspection and certification;
 - (b) certificate of fitness inspection and certification;
 - (c) certificate of loading inspection and certification;
 - (d) new light vehicle entry inspection and certification;
 - (e) used light vehicle entry inspection and certification;
 - (f) heavy vehicle entry inspection and certification;
 - (g) low volume vehicle specialist inspection and certification;
 - (h) light vehicle repair specialist inspection and certification;
 - (i) heavy vehicle specialist inspection and certification;
 - (j) alternative fuel system inspection and certification;
 - (k) border inspection.
- 2.2(2) Vehicle inspectors and inspecting organisations may carry out only those inspection and certification activities for which they have been appointed under *2.2(1)*.

2.3 Requirements and conditions of appointment

- 2.3(1) The Director may specify the period of appointment for a vehicle inspector or inspecting organisation and may impose requirements and conditions as to the performance of the inspection and certification activities, including the performance of those activities at individual sites.
- 2.3(2) Without limiting *2.3(1)*, requirements and conditions imposed under *2.3(1)* may apply to:
- (a) inspecting a vehicle and associated documents;
 - (b) determining whether or not a vehicle or a specific aspect of a vehicle complies with *6.4(1)*, *6.5(5)*, *7.4(1)* or *7.5(5)*;
 - (c) inspection and certification documents;
 - (d) recording information about the vehicle inspected;
 - (e) human and other resources used in carrying out inspection and certification activities, including persons, facilities, equipment and technical information;
 - (f) the technical and administrative competence of vehicle inspectors and persons carrying out inspection and certification activities;
 - (g) the performance management systems of vehicle inspectors and inspecting organisations;
 - (h) delegating functions and powers;
 - (i) any other matters relevant to inspection and certification activities.

2.3(3) It is a condition of an appointment under 2.2 that a vehicle inspector or inspecting organisation continues to be a fit and proper person in accordance with 2.6.

2.3(4) It is a condition of an appointment under 2.2 that a vehicle inspector or inspecting organisation:

- (a) for the period specified by the Director, keep all records and associated documents relating to vehicle inspection and certification activities; and
- (b) advise the Director as soon as practicable if there is a reason to believe that the inspection and certification of a vehicle has been carried out incorrectly; and
- (c) advise the Director as soon as practicable after they become aware of a defect in a manufacturer's production run or quality control process that may affect the safety performance of a vehicle that has been inspected and certified.

2.4 Delegations

2.4(1) A vehicle inspector or inspecting organisation may not delegate any function or power to carry out inspection and certification activities for which they were appointed, except under conditions specified by the Director in writing.

2.4(2) A delegation by a vehicle inspector or inspecting organisation of any power to carry out inspection and certification activities does not affect the responsibility of the inspector or organisation for the actions of a person acting under that delegation.

2.5 Application for appointment

2.5(1) An application for appointment under 2.2 must:

- (a) be made to the Director on a form specified by the Director; and
- (b) contain such information as required by the Director; and
- (c) be accompanied by the fee prescribed in the *Land Transport (Certification and Other Fees) Regulations 1999*.

2.5(2) In considering an application for appointment under 2.2, the Director must:

- (a) be satisfied that the applicant is a fit and proper person in relation to any of the criteria set out in 2.6 that the Director considers appropriate to the application; and
- (b) give such weight as the Director considers appropriate to the following:
 - (i) the applicant's ability and competence to undertake inspection and certification activities, including qualifications and experience of vehicle inspectors and persons who will be carrying out the activities;
 - (ii) the applicant's arrangements for civil liability insurance and professional indemnity insurance;
 - (iii) subject to 2.5(3), the applicant's degree of financial or professional interest in importing or selling vehicles or vehicle parts, or in modifying or repairing vehicles; and the extent to which that interest, if any, is counterbalanced by other relevant factors;

- (iv) the arrangements considered necessary by the Director to monitor and review the applicant's performance under *section 3*;
 - (v) the number of vehicle inspectors and inspecting organisations already appointed and available in the relevant geographical areas;
 - (vi) the applicant's quality assurance arrangements and performance management systems;
 - (vii) any other information the Director considers relevant.
- 2.5(3) For inspection and certification under *2.2(1)(a), (g), (i) or (j)*, an interest arising from an applicant's activities in modifying, repairing or selling vehicles or alternative fuel systems is not sufficient in itself to result in the applicant being considered unsuitable for appointment.
- 2.5(4) The Director may seek relevant information in relation to *2.5(2)* from:
- (a) an applicant for appointment as a vehicle inspector; or
 - (b) a person who is to carry out inspection and certification activities on behalf of a vehicle inspector or inspecting organisation; or
 - (c) a person who is to carry out inspection and certification activities under a delegation from a vehicle inspector or inspecting organisation; or
 - (d) a person who has, is to have, or is likely to have, control of an inspecting organisation that is to employ a vehicle inspector; or

- (e) a person who has, is to have, or is likely to have, control of all or part of an inspecting organisation.

2.5(5) The Director may obtain, with the consent of the relevant person listed in 2.5(4), additional information about that person relevant to an application for appointment under 2.2.

2.5(6) If an application for appointment under 2.2 is declined, the Director must notify the applicant of this, in writing, with the reasons for the decision to decline the application, and the applicant may appeal against that decision under section 106 of the *Land Transport Act 1998*.

2.6 Fit and proper person criteria

2.6(1) In determining whether an applicant is a fit and proper person for the purposes of this rule, the Director may have regard, and give such weight as the Director considers appropriate, to the following matters:

- (a) the applicant's criminal history, if any;
- (b) any offending by the applicant in respect of transport-related offences, including any infringement offences;
- (c) any complaints made in relation to any transport service provided or operated by the applicant or in which the applicant is involved, in particular, persistent or serious complaints made by users of the service;
- (d) any other matter that the Director considers is appropriate in the public interest.

2.6(2) If the Director proposes to take into account any information that is, or may be, prejudicial to an applicant about whom information has been sought under 2.5(4),

the Director must disclose that information to the applicant and give the applicant a reasonable opportunity to refute or comment on it.

- 2.6(3) Nothing in 2.6(2) requires the Director to disclose any information if such disclosure would be likely to endanger the safety of any person.
- 2.6(4) If the Director does not disclose information in accordance with 2.6(3), the Director must inform the applicant:
- (a) of the fact of non-disclosure; and
 - (b) that they may seek a review of the non-disclosure by the Privacy Commissioner under the *Privacy Act 1993* or by the Ombudsman under the *Official Information Act 1982*.

Section 3 Monitoring and reviewing of performance, and suspension and revocation of appointments

3.1 Procedures for monitoring and reviewing performance

- 3.1(1) The Director may monitor and review the performance of a vehicle inspector or inspecting organisation in complying with the requirements and conditions imposed by the Director under 2.3, including the performance of inspection and certification activities at individual sites.
- 3.1(2) In monitoring and reviewing performance under 3.1(1), the Director may require a vehicle inspector or inspecting organisation to undergo such monitoring and review, and to provide such information as the Director reasonably considers relevant.

3.1(3) A vehicle inspector or inspecting organisation must comply with a requirement from the Director under *3.1(2)*.

3.1(4) A vehicle inspector or inspecting organisation must bear the costs of the monitoring and reviewing of their performance in accordance with any prescribed fee.

3.2 Action following failure to comply with conditions of appointment or with this rule

3.2(1) If the Director has reason to believe that a vehicle inspector or inspecting organisation has failed to comply with any of the conditions of their appointment, or has failed to comply with this rule, the Director may require the inspector or organisation to undergo such an investigation and to provide such information as the Director reasonably considers appropriate.

3.2(2) Subject to *3.2(3)*, if, following an investigation under *3.2(1)*, the Director is satisfied that a vehicle inspector or inspecting organisation has failed to comply with any of the conditions of their appointment, or failed to comply with this rule, the Director may do one or more of the following:

- (a) require that remedial action, such as training, be undertaken by the inspector or organisation;
- (b) suspend the whole or any part of the appointment of the inspector or organisation for a specified period or until specified conditions are met;
- (c) revoke the whole or any part of the appointment of the inspector or organisation.

3.2(3) Subject to *3.3*, before carrying out an action under *3.2(2)(b)* or *(c)*, the Director must notify the vehicle inspector or inspecting organisation in writing of:

- (a) the action that is being considered; and
- (b) the reasons for the action that is being considered; and
- (c) the date by which submissions may be made to the Director in respect of the action that is being considered, which must be at least 21 days after the notice was given; and
- (d) where appropriate, the date on which the action that is being considered will take effect, which, unless the Director determines otherwise, must be at least 28 days after the notice was given.

3.2(4) The Director must provide a copy of a notice given under 3.2(3) to:

- (a) a vehicle inspector or inspecting organisation, if the Director considers that the action that is being considered is likely to have a significant impact on the operations of that inspector or organisation; and
- (b) any other affected person, if the Director considers that the action is likely to have a significant impact on that person.

3.2(5) If a vehicle inspector or inspecting organisation is notified under 3.2(3), they must ensure that all information that they wish the Director to consider in relation to the action that is being considered is received by the Director within the period specified in the notice or within any further period that the Director may allow.

3.2(6) The Director must consider the submissions made and information supplied under 3.2(5), and must:

- (a) decide whether or not to take the action that is being considered; and

- (b) as soon as is practicable, provide written notification to the vehicle inspector or inspecting organisation of:
 - (i) the Director's decision; and
 - (ii) if appropriate, the date on which the action is to take effect; and
 - (iii) if appropriate, the right of appeal under *section 106* of the *Land Transport Act 1998*.

3.2(7) The Director may require a vehicle inspector or inspecting organisation to bear the costs associated with an investigation under *3.2(1)* or remedial action required under *3.2(2)(a)* in accordance with any prescribed fee.

3.2(8) A vehicle inspector or inspecting organisation must comply with a requirement of the Director under *3.2(1)*, *3.2(2)(a)* or *3.2(7)*.

3.3 Immediate suspension or imposing of conditions

3.3(1) Despite *3.2(1)* to *3.2(3)*, if the Director has reason to believe that a vehicle inspector or inspecting organisation has failed to comply with a condition of their appointment or with this rule, and that this presents a significant risk to land transport safety, the Director may suspend, with immediate effect, the whole or any part of the appointment, or impose any conditions on the appointment.

3.3(2) When, under *3.3(1)*, the Director suspends the whole or any part of an appointment, or imposes conditions on the appointment, the Director must notify the vehicle inspector or inspecting organisation in writing of the:

- (a) grounds for the suspension or imposing of conditions;

- (b) fact that the inspector or organisation may make submissions to the Director;
 - (c) right of appeal under *section 106* of the *Land Transport Act 1998*.
- 3.3(3) The Director must, as soon as practicable, consider any submission made under *3.3(2)(b)* and notify the vehicle inspector or inspecting organisation in writing of the result of any such consideration.
- 3.3(4) The Director may at any time withdraw a suspension or condition imposed under *3.3(1)*.
- 3.3(5) A suspension or condition imposed under *3.3(1)* remains in force until the Director has determined the action to be taken and that action has been taken.
- 3.3(6) A person against whom a decision is taken under *3.3(1)* may appeal against that decision under *section 106* of the *Land Transport Act 1998*.

Section 4 Inspection of vehicles at the border

4.1 Application

- 4.1(1) This section applies, at the time of importation into New Zealand, to all vehicles imported on or after 1 March 1999 for operation on a road, except:
 - (a) a new vehicle;
 - (b) a vehicle listed in *6.1(a)* to *(h)*.
- 4.1(2) *Section 213* of the *Land Transport Act 1998* applies to vehicles inspected under this section.

4.2 Inspection requirements

Vehicles to which this section applies must be inspected by a vehicle inspector or inspecting organisation appointed under *2.2(1)(k)* in accordance with requirements and conditions imposed by the Director under *2.3*.

4.3 Information to be recorded

A vehicle inspector or inspecting organisation must record and provide to the Director, or to other persons specified by the Director, the following information about a vehicle inspected under *4.2*.

- (a) its make, model, and vehicle identification number or chassis number; and
- (b) the name and address of its importer; and
- (c) its odometer reading; and
- (d) any obvious defects or damage identified in the inspection; and
- (e) other characteristics of the vehicle relevant to its compliance with *6.4(1)* and *6.5(5)* and other applicable requirements; and
- (f) other details that are specified by the Director.

Section 5 Inspection of vehicles for conditional operation before entering or re-entering service

5.1 Application

- 5.1(1) This section applies to a vehicle to which *section 6* applies that is to be operated, before being certified for entry or re-entry into service, under the conditions in *10.3* and for the purposes in *10.4*.
- 5.1(2) A vehicle fitted with an alternative fuel system that is in working order must not be given a conditional permit unless a vehicle inspector or inspecting organisation appointed under *2.2(1)(j)* has ensured that the vehicle has an alternative fuel installation certificate and a current alternative fuel inspection certificate.

5.2 Inspection requirements and conditions

- 5.2(1) An operator to whom a valid trade plate has been issued may inspect a vehicle for operation under *10.3(1)* on an annex B conditional permit, in accordance with requirements imposed by the Director by notice in the *Gazette*.
- 5.2(2) A vehicle inspector or inspecting organisation appointed under *2.2(1)(b), (d), (e)* or *(f)* may inspect a vehicle for operation under *10.3(2)* on an annex C conditional permit, in accordance with requirements and conditions imposed by the Director under *2.3*.

5.3 Determining whether a vehicle is safe for conditional operation

- 5.3(1) Following an inspection under *5.2(1)*, a vehicle's operator must determine on reasonable grounds whether or not the

vehicle is safe to be operated under the relevant conditions in *10.3(1)*, and only for any of the purposes in *10.4*.

- 5.3(2) Following an inspection under *5.2(2)*, a vehicle inspector or inspecting organisation must determine on reasonable grounds whether or not the vehicle is safe to be operated under the relevant conditions in *10.3(2)*, and only for any of the purposes in *10.4*.

5.4 Record of determination

- 5.4(1) When a vehicle inspector or inspecting organisation has determined under *5.3(2)* whether or not a vehicle is safe to be operated on an annex C conditional permit, the inspector or organisation must make a record of determination that records that the vehicle is either:

- (a) safe to be operated; or
- (b) not safe to be operated.

- 5.4(2) A vehicle inspector or inspecting organisation must retain a record of determination or provide it to the Director, or to a person specified by the Director.

5.5 Conditional permits

- 5.5(1) When a vehicle's operator determines under *5.3(1)* that a vehicle is safe to be operated, the operator must complete an annex A form and complete and sign an annex B conditional permit in accordance with *section 9*.

- 5.5(2) When a vehicle inspector or inspecting organisation determines under *5.3(2)* that a vehicle is safe to be operated, the organisation must issue an annex C conditional permit in accordance with *section 9*.

Section 6 Inspection and certification of vehicles for entry or re-entry into service

6.1 Application

This section applies to all vehicles entering or re-entering service, except:

- (a) a vehicle of Class AB, LA, LB, TA or TB;
- (b) an armoured vehicle used exclusively as equipment of the New Zealand Defence Force;
- (c) a traction engine;
- (d) a mechanically-propelled roller;
- (e) a tractor or a machine, including a trailer, for use solely in agricultural, land management or roading operations, whether for traction or otherwise;
- (f) a vehicle in *Schedule 3(h) to (mm)*;
- (g) a vehicle that is not in *Table A, Schedule 2* or *Schedule 3*, that is similar in design, construction and purpose to a vehicle in *6.1(f)*;
- (h) a vehicle that is registered for use on a road in a country other than New Zealand and that is not going to be in New Zealand for a continuous period of more than 18 months.

6.2 When a vehicle must be certified for entry into service

- 6.2(1) A vehicle to which *section 4* applies must be inspected in accordance with that section before it can be certified for entry into service under *section 6*.
- 6.2(2) A vehicle that has been deregistered in New Zealand must be certified for entry into service under *section 6* before it can re-enter service.
- 6.2(3) A vehicle that has been certified for entry into service more than two years previously but has not entered service must be inspected and certified under *section 6* before it can enter service.
- 6.2(4) A vehicle that has been inspected for entry into service but has not entered service must have a current warrant of fitness or certificate of fitness if operated on trade plates for the purposes of demonstration.
- 6.2(5) If an application for a change of use has been made under *section 16* of the *Transport (Vehicle and Driver Registration and Licensing) Act 1986* and additional requirements apply to the vehicle in its new use, then the vehicle must be inspected and certified under *section 6* before it can re-enter service.

6.3 Inspection and certification of vehicles

- 6.3(1) Before entering or re-entering service, a vehicle must be inspected and certified by a vehicle inspector or inspecting organisation appointed under *2.2(1)(d)*, *(e)* or *(f)*.
- 6.3(2) The inspection and certification of a vehicle under *6.3(1)* must be carried out in accordance with requirements and conditions imposed by the Director under *2.3*.

- 6.3(3) The inspection and certification of a vehicle under *section 6* must include the inspection of associated documents to determine whether or not the vehicle complied with applicable requirements when manufactured.
- 6.3(4) For the purposes of inspection and certification under *section 6*, the Director may require one or more of the following:
- (a) a statement of compliance for a vehicle, or for a specific aspect of a vehicle, that is issued in a format specified by the Director, in accordance with *6.3(5)*, by the vehicle's manufacturer or manufacturer's representative, or by the relevant component manufacturer or component manufacturer's representative, who the Director is satisfied is capable of providing confirmation of compliance with applicable requirements;
 - (b) a compliance plate or compliance label attached to a vehicle, or standards markings on a vehicle's components, issued under the authority of an organisation that the Director is satisfied is capable of providing confirmation of compliance with applicable requirements;
 - (c) a record of a vehicle's history of previous registration that the Director is satisfied confirms compliance with applicable requirements;
 - (d) other relevant documents.
- 6.3(5) A statement of compliance in *6.3(4)(a)* may be issued for a vehicle or for a specific aspect of a vehicle only if the manufacturer or manufacturer's representative, or a relevant component manufacturer or component manufacturer's representative, is able to support the validity of the statement in accordance with any of the following, as appropriate:

- (a) a summary of evidence or a certificate from tests carried out in accordance with the requirements of the approved vehicle standards;
- (b) a type approval issued by a relevant authorised certification organisation in accordance with the approved vehicle standards;
- (c) documents in relation to arrangements for ensuring conformity of production in accordance with the requirements of the approved vehicle standards;
- (d) documents confirming that a deviation of the vehicle or specific aspect of the vehicle from the original source design, resulting from changes to components or manufacturing methods, does not have an adverse effect on compliance with the approved vehicle standards;
- (e) any other requirements specified by the Director.

6.3(6) A vehicle manufacturer or manufacturer's representative, or a relevant component manufacturer or component manufacturer's representative, must comply, within a reasonable time, with any request from the Director to provide the information or document listed in *6.3(5)(a) to (e)*.

6.4 Determining compliance of a vehicle

6.4(1) A vehicle may be certified for entry or re-entry into service only if a vehicle inspector or inspecting organisation has identified the vehicle and has determined, on reasonable grounds, that it:

- (a) is safe to be operated; and
- (b) has been designed and constructed using components and materials that are fit for their

purpose, and is within safe tolerance of its state when manufactured or modified; and

- (c) complies with the applicable requirements; and
- (d) has not suffered water damage as specified by the Director under *11.1*; and
- (e) has undergone specialist inspection and certification if required by *6.5*, and that the specific aspects of the vehicle have been certified.

6.4(2) For the purposes of *6.4(1)(c)*, a vehicle complies with an applicable requirement if it:

- (a) complied with an approved vehicle standard in that applicable requirement when manufactured or modified; and
- (b) is currently within safe tolerance of its state when manufactured or modified.

6.4(3) A vehicle inspector or inspecting organisation, in making a determination under *6.4(1)* must take into account:

- (a) information, if any, about the vehicle recorded under *4.3* of which the inspector or organisation is aware; and
- (b) information obtained from inspecting a vehicle and associated documents under *6.3*; and
- (c) additional relevant information of which the inspector or organisation is aware, if any, about the vehicle issued by a manufacturer, modifier, repairer or other relevant person.

6.5 Specialist inspection and certification

- 6.5(1) Specialist inspection and certification is required for the following specific aspects:
- (a) light vehicle repair specialist inspection and certification by a person appointed under *2.2(1)(h)*, if the vehicle has been repaired because of, or following, significant damage or deterioration to its structure, chassis, body-to-chassis attachment, suspension or occupant protection system;
 - (b) alternative fuel system inspection and certification by a person appointed under *2.2(1)(j)*, if the vehicle is fitted with an alternative fuel system that is in working order;
 - (c) subject to *6.5(3)*, low volume vehicle specialist inspection and certification by a person appointed under *2.2(1)(g)*, if the vehicle is a light vehicle that, since it was manufactured, or last certified for entry, or last certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement;
 - (d) subject to *6.5(3)*, heavy vehicle specialist inspection and certification by a person appointed under *2.2(1)(i)*, if the vehicle is a heavy vehicle that, since it was manufactured, or last certified for entry or for modification, has been modified so as to affect its compliance with an applicable requirement, including modifications to its chassis, brakes, log bolster attachments, towing connections or load anchorages;
 - (e) other specialist inspection and certification in accordance with an applicable requirement or as required by the Director.
- 6.5(2) A vehicle requiring specialist inspection and certification under *6.5(1)* may be certified for entry or re-entry into

service only if it has been certified in accordance with *6.5(5)*.

- 6.5(3) Low volume vehicle specialist inspection and certification, or heavy vehicle specialist inspection and certification, is not required if a modified vehicle:
- (a) has been inspected by a vehicle inspector or inspecting organisation appointed under *2.2(1)(d)*, *(e)* or *(f)* in accordance with requirements and conditions imposed by the Director under *2.3*, and the inspector or organisation is satisfied, on reasonable grounds, that the risk of injury to any person has been minimised; or
 - (b) was modified for the purposes of law enforcement or the provision of emergency services.
- 6.5(4) Specialist inspection and certification of a vehicle under *6.5(2)* and *6.5(5)* must be carried out by a vehicle inspector or inspecting organisation in *6.5(1)*, in accordance with requirements and conditions imposed by the Director under *2.3*.
- 6.5(5) A specific aspect of a vehicle may be certified for compliance with *6.5* if a vehicle inspector or inspecting organisation has identified the vehicle and has determined, on reasonable grounds, that the specific aspect:
- (a) does not compromise the safe operation of the vehicle; and
 - (b) has been designed and constructed using components and materials that are fit for their purpose, and is within safe tolerance of its state when manufactured or modified; and
 - (c) complies with the applicable requirements; and

- (d) has not suffered water damage as specified by the Director under *11.1*.

6.5(6) A specific aspect of a vehicle complies with an approved vehicle standard in an applicable requirement in *6.5(5)(c)* if it:

- (a) complied with that standard when manufactured or modified; and
- (b) is currently within safe tolerance of its state when manufactured or modified.

6.6 Record of determination

6.6(1) When a vehicle inspector or inspecting organisation has determined whether or not a vehicle, or specific aspect of a vehicle, complies with *6.4(1)* or *6.5(5)*, the inspector or organisation must make a record of determination that either:

- (a) certifies that the vehicle or the specific aspect complies; or
- (b) records that the vehicle or the specific aspect does not comply.

6.6(2) A vehicle inspector or inspecting organisation must provide a record of determination to the Director, or to a person specified by the Director.

6.6(3) A vehicle inspector or inspecting organisation must provide written notification of a determination made under *6.6(1)(b)* to the owner of the vehicle.

6.7 Providing the Director with other information

If requested by the Director, a vehicle inspector or inspecting organisation who has made a determination under *6.4(1)* or *6.5(5)* must provide the Director, or a person specified by the Director, with other information about the vehicle inspected.

6.8 Evidence of vehicle inspection

When a record of determination has been made under *6.6(1)(a)*, the inspecting organisation must, in accordance with *section 9*:

- (a) issue evidence of vehicle inspection in the form of a certificate of fitness, for a vehicle in *7.9(a)*; or
- (b) issue evidence of vehicle inspection in the form of a warrant of fitness, for a vehicle in *7.9(b)* or *(c)*; or
- (c) after ensuring that an alternative fuel installation certificate has been issued, issue evidence of vehicle inspection in the form of an alternative fuel inspection certificate, for a vehicle fitted with an alternative fuel system that is in working order.

6.9 Low volume vehicles

When a record of determination has been made under *6.6(1)(a)* certifying a modification to a light vehicle in accordance with the *Low Volume Vehicle Code*, the inspecting organisation must issue a low volume vehicle plate, label or authority card as specified in the Code.

Section 7 Inspection and certification of vehicles for operation in service

7.1 Application

7.1(1) This section applies to all vehicles that are operated in service, except:

- (a) a vehicle of Class AB, LA or LB that does not have a motor or motors with a total power output of more than 2 kW, and is not operated at a speed exceeding 50 km/h;
- (b) an armoured vehicle used exclusively as equipment of the New Zealand Defence Force;
- (c) a traction engine;
- (d) a mechanically-propelled roller;
- (e) a crane fitted with self-laying tracks;
- (f) an excavator fitted with self-laying tracks;
- (g) a tractor or machine used solely in agricultural, land management or roading operations, whether for traction or otherwise, that is not operated at a speed exceeding 30 km/h, together with any trailer operated only while being towed by that tractor or machine;
- (h) a trailer designed exclusively for agricultural purposes and not operated except when being:
 - (i) delivered from a manufacturer to the manufacturer's agent; or

- (ii) taken to or from an agricultural show for display or demonstration purposes; or
 - (iii) taken from one part of a farm to another part of that farm, or from one farm to another farm owned or managed by the same person; or
 - (iv) taken to or from a farm by an agricultural contractor for the purpose of cultivation or harvest other than operations connected with the logging of trees and the cartage of fertiliser or lime or bulk liquids;
- (i) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power;
 - (j) an all-terrain vehicle used:
 - (i) in moving from the operator's place of residence to a road that is not a public highway, when the distance travelled is less than 3 km; or
 - (ii) in connection with its inspection, servicing or repair; or
 - (iii) as an agricultural vehicle.

7.1(2)

A vehicle, when inspected and certified under 7.3, must comply with applicable requirements only as far as is practicable for its design or type, if it is:

- (a) a vehicle in *Schedule 3(i)*, *(m)* to *(u)*, or *(w)* to *(mm)*; or
- (b) a vehicle that is not in *Table A* that is similar in design, construction or purpose to a vehicle in *7.1(2)(a)*.

7.2 Vehicles that may not be certified for operation in service

A vehicle may not be certified for operation in service if it:

- (a) is one to which *section 6* applies and it has not been certified for entry or re-entry into service; or
- (b) has been certified for entry or re-entry into service and:
 - (i) it has not entered service since its last certification for entry or re-entry more than two years previously; or
 - (ii) it has been deregistered since it was last certified for entry or re-entry; or
 - (iii) an application has been made for a change of use under *section 16* of the *Transport (Vehicle and Driver Registration and Licensing) Act 1986* and additional requirements apply to the vehicle in its new use; or
 - (iv) it has been modified in a way that affects its safety performance, without the modification having been certified under *7.5*; or
 - (v) it is a vehicle fitted with an alternative fuel system that is in working order, that does not have a current alternative fuel inspection certificate, or it is a vehicle that has been modified in a way that affects its alternative fuel system without having been certified under *7.3*; or
 - (vi) the most recent record of determination, warrant of fitness, certificate of fitness, alternative fuel inspection certificate,

conditional permit or certificate of loading has been revoked under *11.3*.

7.3 Inspection and certification of vehicles for operation in service

7.3(1) Inspection and certification of a vehicle for operation in service must be carried out by a vehicle inspector or inspecting organisation appointed under *2.2(1)(a)* or *(b)*.

7.3(2) Inspection and certification of a vehicle fitted with an alternative fuel system that is in working order must be carried out by a vehicle inspector or inspecting organisation appointed under *2.2(1)(j)*, who must ensure that the vehicle has an alternative fuel installation certificate before it is issued with an alternative fuel inspection certificate.

7.3(3) The inspection and certification of a vehicle under *7.3(1)* or *7.3(2)* must be carried out in accordance with requirements and conditions imposed by the Director under *2.3*.

7.3(4) The inspection and certification of a vehicle under *7.3(1)* or *7.3(2)* must include the inspection of associated documents and take into account vehicle standards markings, compliance plates and compliance labels in determining whether or not the vehicle or alternative fuel system complies with applicable requirements.

7.4 Determining compliance of a vehicle

7.4(1) A vehicle may be certified for operation in service only if a vehicle inspector or inspecting organisation has identified the vehicle and has determined, on reasonable grounds, that the vehicle:

- (a) is safe to be operated; and

- (b) has been designed and constructed using components and materials that are fit for their purpose, and is within safe tolerance of its state when manufactured or modified; and
- (c) complies with the applicable requirements; and
- (d) has undergone specialist inspection and certification, if required by 7.5, and that the specific aspects of the vehicle have been certified.

7.4(2) For the purposes of 7.4(1)(c), a vehicle complies with an applicable requirement if it:

- (a) complied with an approved vehicle standard in that applicable requirement when manufactured or modified; and
- (b) is currently within safe tolerance of its state when manufactured or modified.

7.4(3) A vehicle inspector or inspecting organisation, in making a determination under 7.4(1), must take into account:

- (a) information obtained from inspecting the vehicle and associated documents under 7.3; and
- (b) additional relevant information, if any, about the vehicle issued by a manufacturer, modifier, repairer or other relevant person of which the inspector or organisation is aware.

7.5 Specialist inspection and certification

7.5(1) Specialist inspection and certification is required for the following specific aspects:

- (a) subject to 7.5(3), low volume vehicle specialist inspection and certification by a person appointed

under 2.2(1)(g), if the vehicle is a light vehicle that, since it was last certified for operation in service or last certified as a low volume vehicle, has been modified so as to affect its compliance with an applicable requirement; or

- (b) subject to 7.5(3), heavy vehicle specialist inspection and certification by a person appointed under 2.2(1)(i), if the vehicle is a heavy vehicle that, since it was last certified for operation in service or last certified for modification, has been modified so as to affect its compliance with an applicable requirement, including modifications to its chassis, brakes, log bolster attachments, towing connections or load anchorages; or
- (c) other specialist inspection and certification in accordance with an applicable requirement or as required by the Director.

7.5(2) A vehicle requiring specialist inspection and certification under 7.5(1) may be certified for operation in service only if it has been certified in accordance with 7.5(5).

7.5(3) Low volume vehicle specialist inspection and certification or heavy vehicle specialist inspection and certification is not required if a modified vehicle:

- (a) is inspected by a vehicle inspector or inspecting organisation appointed under 2.2(1)(a) or (b) in accordance with requirements and conditions imposed by the Director under 2.3 and the inspector or organisation is satisfied, on reasonable grounds, that the risk of injury to any person has been minimised; or
- (b) was modified for the purposes of law enforcement or the provision of emergency services.

7.5(4) Specialist inspection and certification of a vehicle under 7.5(2) and 7.5(5) must be carried out by a vehicle

inspector or inspecting organisation appointed under 2.2 in accordance with requirements and conditions imposed by the Director under 2.3.

7.5(5) A specific aspect of a vehicle may be certified for compliance with 7.5 if a vehicle inspector or inspecting organisation has identified the vehicle and has determined, on reasonable grounds, that the specific aspect:

- (a) does not compromise the safe operation of the vehicle; and
- (b) has been designed and constructed using components and materials that are fit for their purpose, and is within safe tolerance of its state when manufactured or modified; and
- (c) complies with the applicable requirements.

7.5(6) A specific aspect complies with an approved vehicle standard in an applicable requirement in 7.5(5)(c) if it:

- (a) complied with that standard when manufactured or modified; and
- (b) is currently within safe tolerance of its state when manufactured or modified.

7.6 Record of determination

7.6(1) When a vehicle inspector or inspecting organisation has determined whether or not a vehicle or specific aspect of a vehicle complies with 7.4(1) or 7.5(5), the inspector or organisation must make a record of determination that either:

- (a) certifies that the vehicle or the specific aspect complies; or

- (b) records that the vehicle or the specific aspect does not comply.

7.6(2) A vehicle inspector or inspecting organisation must provide a record of determination to the Director, or to a person specified by the Director.

7.6(3) A vehicle inspector or inspecting organisation must provide written notification of a determination made under *7.6(1)(b)* to the owner of the vehicle.

7.7 Providing the Director with other information

If requested by the Director, a vehicle inspector or inspecting organisation who has made a determination under *7.4(1)* or *7.5(5)* must provide the Director, or a person specified by the Director, with other information about the vehicle inspected.

7.8 Determining that a vehicle is safe to be operated subject to conditions

7.8(1) Following an inspection under *7.3*, a vehicle inspector or inspecting organisation may determine, on reasonable grounds, that a vehicle is safe to be operated, subject to specified conditions.

7.8(2) A condition under *7.8(1)* may include a determination that a vehicle:

- (a) that does not comply with requirements for headlamps is safe to be operated, subject to the vehicle not being operated during the hours of darkness;
- (b) that is registered for use on a road in a country other than New Zealand and that is not going to be in New Zealand for a continuous period of more than 18 months, is safe to be operated.

- 7.8(3) A determination under 7.8(1) must take into account information obtained from carrying out an inspection under 7.3 and, if specified by an applicable requirement, or by the Director, relevant specialist inspection and certification under 7.5 and, if appropriate, inspection and certification under 7.3(2).

7.9 Evidence of vehicle inspection

When a record of determination has been made under 7.6(1)(a), the inspecting organisation must, in accordance with *section 9*,

- (a) subject to 7.9(c), issue evidence of vehicle inspection in the form of a certificate of fitness, for a vehicle to which *section 7* applies that is listed in *Schedule 2* but not listed in *Schedule 3*; or
- (b) subject to 7.9(c), issue evidence of vehicle inspection in the form of a warrant of fitness, for a vehicle to which *section 7* applies, other than one in 7.9(a); or
- (c) issue evidence of vehicle inspection in the form of a warrant of fitness for a tractor or machine used solely in agricultural, land management or roading operations, whether for traction or otherwise, that is operated at a speed exceeding 30 km/h; or
- (d) after ensuring that the vehicle has an alternative fuel installation certificate, issue evidence of vehicle inspection in the form of an alternative fuel inspection certificate, for a vehicle fitted with an alternative fuel system that is in working order.

7.10 Conditional permits

When a vehicle inspector or inspecting organisation has determined, under 7.8, that a vehicle in *Schedule 2*:

- (a) that does not comply with all applicable requirements, is safe to be operated subject to specified conditions, the inspecting organisation must issue an in-service conditional permit in accordance with *section 9*,
- (b) that has been registered as a partially completed heavy vehicle, is safe to be operated subject to the conditions in 10.4, the inspecting organisation must issue an annex C conditional permit in accordance with *section 9*.

7.11 Low volume vehicles

When a record of determination has been made under 7.6(1)(a) certifying a modification to a light vehicle in accordance with the *Low Volume Vehicle Code*, the inspecting organisation must issue a low volume vehicle plate, label or authority card as specified in the Code.

Section 8 Verification and recording of vehicle loading and weight limits

8.1 Application

This section applies to vehicles listed in *Schedule 2* and not listed in *Schedule 3* that are operated in service, except for light rental service vehicles that are not passenger service vehicles.

8.2 Pre-requisite for verification and recording of vehicle loading and weight limits

8.2(1) A vehicle's loading and weight limits may be verified and recorded only if a record of determination has been made confirming that the relevant specialist certification has been obtained for a specific aspect of the vehicle, and that aspect has been certified in accordance with *6.5(2)* or *7.5(2)*.

8.2(2) Specialist certifications relevant to *8.2(1)* are:

- (a) low volume vehicle specialist certification by a person appointed under *2.2(1)(g)*, if the vehicle is a light vehicle that, since it was manufactured or last issued with a certificate of loading, has been modified so as to affect its loading and weight limits; and
- (b) heavy vehicle specialist certification by a person appointed under *2.2(1)(i)*, if the vehicle is a heavy vehicle that, since it was manufactured or last issued with a certificate of loading, has been modified so as to affect its compliance with an applicable requirement, including modification to its chassis, brakes, log bolster attachments, towing connections or load anchorages; and
- (c) other specialist certification required by an applicable requirement or by the Director.

8.3 Verification of loading and weight limits

8.3(1) Inspection and certification of a vehicle for a certificate of loading must be carried out by a vehicle inspector or inspecting organisation appointed under *2.2(1)(c)*.

8.3(2) The inspection of a vehicle and associated documents, if any, under *8.3(1)* must be carried out in accordance with requirements and conditions imposed by the Director under *2.3*.

- 8.3(3) The following loading and weight limits must be determined:
- (a) information that identifies the vehicle, including:
 - (i) its registration number; and
 - (ii) its make, model and submodel; and
 - (iii) its vehicle identification number or chassis number; and
 - (b) details of the vehicle's:
 - (i) gross vehicle mass; and
 - (ii) unladen vehicle mass; and
 - (iii) wheelbase; and
 - (iv) number of axles; and
 - (v) overdimension information, if applicable; and
 - (vi) axle spacings; and
 - (c) for a heavy vehicle or a passenger service vehicle that is a vehicle of Class MD1 or Class MD2, details of its:
 - (i) front-axle weight ratings; and
 - (ii) rear-axle group weight ratings; and
 - (iii) front-axle tyre designation and tyre capacity; and

- (iv) rear-axle group tyre designation and tyre capacity; and
- (d) relevant endorsements or statements provided for in applicable requirements; and
- (e) further details and conditions that have been specified for a vehicle's operation; and
- (f) if the vehicle is to be used for towing, as appropriate, the:
 - (i) gross combination mass, braked; and
 - (ii) gross combination mass, unbraked; and
 - (iii) maximum braked towed mass; and
 - (iv) maximum unbraked towed mass.

8.4 Record of loading and weight limits

A vehicle inspector or inspecting organisation must make a record of the loading and weight limits determined under *8.3* and provide this to the Director in a form, and containing information, as specified by the Director.

8.5 Certificates of loading

When a vehicle inspector or inspecting organisation provides a record under *8.4*, the inspecting organisation must issue a certificate of loading in accordance with *section 9*.

Section 9 Evidence of vehicle inspection, conditional permits and certificates of loading

9.1 Scope

This section sets out requirements for:

- (a) warrants of fitness and certificates of fitness issued under *6.8* and *7.9(a), (b) and (c)*;
- (b) annex B and annex C conditional permits issued under *5.5* and *7.10(b)* and in-service conditional permits issued under *7.10(a)*;
- (c) certificates of loading issued under *8.5*;
- (d) alternative fuel inspection certificates issued under *7.9(d)*.

9.2 Evidence of vehicle inspection

A warrant of fitness, a certificate of fitness or an alternative fuel inspection certificate must be issued as evidence of vehicle inspection required for operation of the vehicle under *section 10*.

9.3 Requirements for warrants of fitness, certificates of fitness and alternative fuel inspection certificates

- 9.3(1) A warrant of fitness, a certificate of fitness or an alternative fuel inspection certificate must be in a form, and contain information, as required by the Director.

- 9.3(2) A warrant of fitness, a certificate of fitness or an alternative fuel inspection certificate must specify an expiry date in accordance with 9.5 or 9.11, as applicable.
- 9.3(3) A warrant of fitness or certificate of fitness may be issued only:
- (a) if *section 8* applies, if a vehicle has a current certificate of loading;
 - (b) if a vehicle is a transport service vehicle, if it is being operated under a valid transport services licence.
- 9.3(4) A warrant of fitness, certificate of fitness and alternative fuel inspection certificate must be affixed:
- (a) if a vehicle has a windscreen, to the inside of the windscreen facing outwards, on the same side as the steering wheel;
 - (b) for a trailer, on the back of the vehicle near the registration plate, or on the right-hand side of the vehicle at the rear, or, if this is impracticable, in a position where it can be readily seen;
 - (c) for any other vehicle, in a position where it can be readily seen.

9.4 Conditional permits

- 9.4(1) An annex B conditional permit must be in a form, and contain information including an annex A form, as required by the Director, by notice in the *Gazette*.
- 9.4(2) An annex C conditional permit or in-service conditional permit must be in a form, and contain information, as specified by the Director.

9.5 Expiry dates for warrants of fitness and certificates of fitness

9.5(1) Subject to *9.5(3)*, when a vehicle is certified for operation in service before the sixth anniversary of the date of its first registration in New Zealand or any other country:

- (a) subject to *12.7*, the expiry date for a warrant of fitness is the same day of the month as the reference date in *9.5(4)* or *9.5(5)*, 12 months after that date;
- (b) subject to *9.5(1)(c)*, the expiry date for a certificate of fitness is the same day of the month as the reference date in *9.5(4)* or *9.5(5)*, six months after that date, or an alternative number of months after that date as specified by the Director under *9.8*;
- (c) the expiry date for a certificate of fitness for a Class MA rental service vehicle that was new when first registered in New Zealand is the same day of the month as the reference date in *9.5(4)* or *9.5(5)*, 12 months after that date, and six months for subsequent certificates, unless *9.7(c)* applies.

9.5(2) Subject to *9.5(3)*, when a vehicle is certified for operation in service on or after the sixth anniversary of the date of its first registration in New Zealand or any other country:

- (a) the expiry date for a warrant of fitness is the same day of the month as the reference date in *9.5(4)* or *9.5(5)*, six months after that date;
- (b) the expiry date for a certificate of fitness is the same day of the month as the reference date in *9.5(4)* or *9.5(5)*, six months after that date or an alternative number of months after that date as specified by the Director under *9.8*.

9.5(3) The expiry date specified in *9.5(1)* or *9.5(2)* is the last day of the relevant month, rather than the same day of that

month, if the reference date specified in *9.5(4)* is one of the following dates: 29 February; 31 March; 31 May; 29, 30 or 31 August; 31 October; or 31 December.

9.5(4) The reference date, for the purposes of *9.5(3)*, is the date of issue of the warrant of fitness or certificate of fitness, unless *9.5(5)* applies.

9.5(5) If a warrant of fitness or certificate of fitness is current at the date of inspection under *section 7*, the reference date, for the purposes of *9.5(1)* to *9.5(3)*, is:

- (a) for a warrant of fitness:
 - (i) 14 days after the date of issue of the new warrant, if the expiry date of the current warrant is more than 14 days after the date of issue;
 - (ii) the date of expiry of the current warrant, if the expiry date of the current warrant is 14 days or less after the date of issue of the new warrant;
- (b) for a certificate of fitness:
 - (i) 28 days after the date of issue of the new certificate, if the expiry date of the current certificate is more than 28 days after the date of issue;
 - (ii) the date of expiry of the current certificate, if the expiry date is 28 days or less after the date of issue of the new certificate.

9.6 Expiry dates for conditional permits

- 9.6(1) The expiry date of an annex B conditional permit is a date that is 28 days after the date of completion of the permit under *5.5(1)*.
- 9.6(2) The expiry date of an annex C conditional permit is a date that is six months after the date of issue of the permit.
- 9.6(3) The expiry date of an in-service conditional permit is a date that is 28 days after the date of issue of the permit.

9.7 When warrants of fitness, certificates of fitness, alternative fuel inspection certificates and conditional permits cease to be current

A vehicle's warrant of fitness, certificate of fitness, alternative fuel inspection certificate or conditional permit ceases to be current after its expiry date, or if:

- (a) an enforcement officer gives a notice under *section 115* of the *Land Transport Act 1998* to the driver or owner of the vehicle stating that the vehicle may not be operated until a new warrant, certificate or permit has been issued; or
- (b) the warrant, certificate or permit is revoked under *11.3*; or
- (c) the vehicle is a transport service vehicle that suffers significant damage or deterioration to its structure, chassis, body-to-chassis attachment, suspension or occupant protection system to the extent that is likely to affect the vehicle's compliance with applicable requirements.

9.8 Alternative expiry dates for certificates of fitness

- 9.8(1) The Director may specify a number of months between the reference date and the expiry date specified in *9.5(1)(b)* or *9.5(2)(b)* of a vehicle's certificate of fitness from a minimum of three months to a maximum of nine months.
- 9.8(2) The number of months, in respect of a vehicle specified in *9.8(1)*, must be based on an assessment of the vehicle's risk to safety having regard to information from previous inspections of vehicles operated by the operator of that vehicle.

9.9 Certificates of loading

A certificate of loading for a vehicle issued under *8.5* must contain:

- (a) information that identifies the vehicle, including the vehicle identification number or chassis number; and
- (b) the date on which the certificate was issued; and
- (c) other information relevant to loading and weight specifications specified by the Director.

9.10 Validity of certificate of loading

- 9.10(1) Before issuing a certificate of fitness, a vehicle inspector or inspecting organisation must determine that a current certificate of loading is still valid, if one or more of the following events has occurred since the current certificate of loading was issued:
- (a) the vehicle has been modified so as to require specialist certification under *8.2*;

- (b) the vehicle has been deregistered;
- (c) an application for a change of use has been made under *section 16* of the *Transport (Vehicle and Driver Registration and Licensing) Act 1986* and the requirements for certificates of loading differ in the new use.

9.10(2) If a vehicle inspector or inspecting organisation has determined that a current certificate of loading for a vehicle is no longer valid, they must request the vehicle's operator to surrender the certificate to the Director.

9.11 Expiry dates for alternative fuel inspection certificates

The expiry date of an alternative fuel inspection certificate is the earlier of:

- (a) a date that is 12 months after the date of issue of the certificate, plus up to 14 days of the unexpired portion of the certificate still current; or
- (b) the first date that a cylinder forming part of the alternative fuel system is required to be tested under *regulation 90J* of the *Traffic Regulations 1976*.

9.12 Inspection and certification for in-service fitness at change of ownership

9.12(1) Subject to *9.12(4)*, a person who sells a vehicle that may not be operated on a road without a current certificate of fitness must ensure that it has a current certificate of fitness or current in-service conditional permit at the time of the sale.

9.12(2) Subject to *9.12(4)*, a person who sells a heavy vehicle that may not be operated on a road without a current warrant

of fitness must ensure that it has a current warrant of fitness at the time of the sale.

9.12(3) Subject to *9.12(4)*, a person who sells a vehicle, other than one in *9.12(2)*, that may not be operated on a road without a current warrant of fitness must ensure that it has been certified for in-service fitness within one month before the date of delivery of the vehicle to the purchaser.

9.12(4) *Subclauses 9.12(1), 9.12(2) and 9.12(3)* do not apply if the purchaser undertakes to the seller in writing at the time of delivery of the vehicle that:

- (a) for a vehicle in *9.12(1), 9.12(2) or 9.12(3)* whose certificate of fitness or warrant of fitness is not current, they will not, except for the purpose of obtaining in-service certification, operate the vehicle until it has been inspected and certified for in-service fitness; or
- (b) for a vehicle in *9.12(3)* that has a current warrant of fitness, but was certified one month or more before the date of delivery of the vehicle, they accept that the vehicle has been certified one month or more previously.

Section 10 Operation of vehicles

10.1 Application

This section applies to the operation of vehicles other than those listed in *7.1(1)(a) to (j)*.

10.2 Operation of vehicles with evidence of vehicle inspection or certificates of loading

- 10.2(1) Subject to *10.2(2)* to *10.2(4)*, a person may not operate a vehicle unless:
- (a) the vehicle has a current warrant of fitness or certificate of fitness, as applicable, and, if appropriate, a current alternative fuel inspection certificate or certificate of loading; and
 - (b) the warrant of fitness, certificate of fitness or alternative fuel inspection certificate, as applicable, is displayed on the vehicle in accordance with *9.3(4)*; and
 - (c) the certificate of loading is displayed on the vehicle so that it is readily visible to the driver and, if the vehicle is a passenger service vehicle, to the passengers.
- 10.2(2) Despite *10.2(1)*, a person may operate a vehicle in service after the expiry of a warrant of fitness, a certificate of fitness or an alternative fuel inspection certificate if the vehicle is being operated solely for the purpose of bringing it into compliance and it is safe to be operated for that purpose.
- 10.2(3) Despite *10.2(1)*, a person may operate a vehicle if a conditional permit has been issued in accordance with *9.4*, the permit is carried in the vehicle, and the vehicle is being operated in accordance with *10.3* and *10.4*, or in accordance with *10.5*.
- 10.2(4) Despite *10.2(1)*, a person may operate a vehicle:
- (a) without a current warrant of fitness, certificate of fitness or certificate of loading, if it is operated solely on Matakana Island; or

- (b) without a current certificate of fitness or certificate of loading, if it is a vehicle in *Schedule 2*, and it is operated solely within the Chatham Islands, provided that a current warrant of fitness is displayed on the vehicle in accordance with *9.3(4)*.

10.3 Operation on annex B or annex C conditional permits

10.3(1) A person may not operate a vehicle before it enters or re-enters service on an annex B conditional permit unless:

- (a) the vehicle's operator has fitted a valid trade plate to the vehicle; and
- (b) the vehicle is being operated solely for one or more of the purposes in *10.4*; and
- (c) the distance travelled is not more than 50 km from a location specified by the Director by notice in the *Gazette*, in relation to an annex A form.

10.3(2) A person may not operate a vehicle before it enters or re-enters service on an annex C conditional permit unless:

- (a) the vehicle's operator has fitted a valid trade plate to the vehicle; and
- (b) the vehicle is being operated solely for one or more of the purposes in *10.4*.

10.4 Purposes for conditional operation of a vehicle before entering or re-entering service

The purposes referred to in *5.1(1)*, *5.3*, *10.3* and *10.5* are:

- (a) demonstration of a vehicle;

- (b) delivery of a vehicle;
- (c) completion of construction of a vehicle;
- (d) repair or modification of a vehicle;
- (e) road-testing of a vehicle in connection with inspection and certification;
- (f) evaluation or testing of a vehicle.

10.5 Conditional operation of vehicles in service

- 10.5(1) A person may operate a partially completed heavy vehicle on an annex C conditional permit solely for one or more of the purposes in *10.4*.
- 10.5(2) A person may operate a vehicle in *Schedule 2* on an in-service conditional permit only in accordance with any conditions specified under *7.8(1)*.

10.6 Operation of a low volume vehicle

- 10.6(1) A low volume vehicle plate or label issued under *6.9* or *7.11* must be affixed to the vehicle when it is operated.
- 10.6(2) A low volume vehicle authority card issued under *6.9* or *7.11* must be provided:
- (a) on request, to a vehicle inspector or inspecting organisation for periodic inspection purposes;
 - (b) on request or within seven days of a request, to an enforcement officer for enforcement purposes.

10.7 Surrender of evidence of vehicle inspection, conditional permits and certificates of loading

If evidence of vehicle inspection, a conditional permit or a certificate of loading, issued for a vehicle under this rule, is revoked under *11.3*, the vehicle's operator must surrender it to the Director.

Section 11 Additional powers of the Director

11.1 Water-damaged vehicles

The Director may, by notice in the *Gazette*, specify the extent of water damage that the Director considers would make it impracticable to reasonably determine, by inspection, that a vehicle having suffered that damage is safe to be operated.

11.2 Director may carry out functions of vehicle inspectors and inspecting organisations

The Director may carry out any function specified in this rule as a function of a vehicle inspector or inspecting organisation, including the inspection and certification of vehicles.

11.3 Revocation of evidence of vehicle inspection, conditional permits and certificates of loading

- 11.3(1) The Director may revoke, by giving written notice to a vehicle's operator, evidence of vehicle inspection or a conditional permit issued under this rule if the Director believes, on reasonable grounds, that:

- (a) the vehicle does not comply with applicable requirements; or
- (b) the evidence of vehicle inspection or permit was issued on the basis of an incorrect determination.

11.3(2) The Director may revoke, by giving written notice to a vehicle's operator, a certificate of loading issued for that vehicle under this rule if the Director believes, on reasonable grounds, that the certificate is not valid.

11.4 Reinspection and recertification of vehicles

If a warrant of fitness, a certificate of fitness, an alternative fuel inspection certificate, a conditional permit or a certificate of loading has been revoked under *11.3*, the Director may require in writing that a vehicle inspector or inspecting organisation:

- (a) repeat the inspection and certification of the vehicle in accordance with *section 5* to *section 8*, as applicable; and
- (b) issue, if appropriate, a warrant, certificate, permit or other evidence in accordance with *section 9*; and
- (c) meet the costs of the activities undertaken under *11.4(a)* and *(b)*.

Section 12 Transitional provisions and savings

12.1 Appointments and approvals

Subject to *2.3(2)*, *2.4* and *2.6*, a person who, at the commencement of this rule, is appointed under *Land Transport Rule: Vehicle Standards Compliance 1998*

continues to be appointed in accordance with the conditions of their appointment.

12.2 Inspection and certification requirements

Inspection and certification requirements and conditions imposed on a person appointed under *Land Transport Rule: Vehicle Standards Compliance 1998* are requirements and conditions imposed under this rule.

12.3 Verification and certification

Verifications of compliance and certifications made under *Land Transport Rule: Vehicle Standards Compliance 1998* are determinations under *section 5* to *section 7*, and verifications under *section 8*, of this rule, as appropriate.

12.4 Record of certification

12.4(1) A record of certification made under *Land Transport Rule: Vehicle Standards Compliance 1998* is, as appropriate:

- (a) a record of determination under *6.6* and *7.6*;
- (b) information provided under *6.7*, *7.7* and *8.4*;
- (c) evidence of vehicle inspection under *6.8* and *7.9*;
- (d) a certificate of loading under *8.5*;
- (e) a conditional permit under *7.10*.

12.4(2) A record of certification made under *Land Transport Rule: Vehicle Standards Compliance 1998* that has an expiry date remains in force until that date.

12.5 Exemptions allowing temporary operation of vehicles

Despite *section 5*, a vehicle may continue to be operated under an exemption granted under *section 166* of the *Land Transport Act 1998* for the purposes of allowing a vehicle to be operated temporarily without a record of certification made under *Land Transport Rule: Vehicle Standards Compliance 1998*, until the exemption expires.

12.6 Agricultural vehicles

Despite *7.9(c)*, a tractor or machine used solely in agricultural, land management or roading operations, whether for traction or otherwise, that is operated at a speed exceeding 30 km/h, may be operated on a road with a current certificate of fitness until 1 April 2003.

12.7 When a warrant of fitness for a used imported vehicle ceases to be current

12.7(1) Subject to *9.5(3)*, when, before 1 October 2002, a vehicle is certified for operation in service before the sixth anniversary of the date of its first registration in any country other than New Zealand, the expiry date for a warrant of fitness is the same day of the month as the reference date in *9.5(4)* or *9.5(5)*, six months after that date.

12.7(2) Subject to *9.5(3)*, when, on or after 1 October 2002, a vehicle is certified for operation in service before the sixth anniversary of the date of its first registration in any country other than New Zealand, *9.5(1)(a)* applies.

Part 2 Definitions

- Agricultural** in relation to purposes or operations, means connected directly with the operation or management of a farm.
- All-terrain vehicle** means a special purpose vehicle, with or without motor cycle controls and equipment, that:
- (a) is principally designed for off-road use; and
 - (b) has three or more wheels; and
 - (c) has an engine capacity exceeding 50 ml; and
 - (d) has a gross laden weight of less than 1000 kg.
- Alternative fuel inspection certificate** means evidence of vehicle inspection relating to the periodic in-service inspection and certification of an alternative fuel system.
- Alternative fuel installation certificate** means an inspection and certification document relating to the installation of an alternative fuel system.
- Alternative fuel system** means a system to which *regulations 90A to 90Q* of the *Traffic Regulations 1976* apply.
- Alternative fuel system inspection and certification** means inspection and certification of an alternative fuel system comprising either:
- (a) specialist inspection and certification required for the issuing of an alternative fuel installation certificate; or

- (b) in-service inspection and certification required for the issuing of an alternative fuel inspection certificate.

Annex A form means a form, completed by a vehicle's operator, on which addresses between which a vehicle may be operated under *10.3(1)* are listed.

Annex B conditional permit means a conditional permit, in a form specified by the Director under *9.4(1)*, completed under *5.5(1)*.

Annex C conditional permit means a conditional permit, in a form specified by the Director under *9.4(2)*, issued under *5.5(2)* or *7.10(b)*.

Applicable requirement means any requirement specified or incorporated in an Act, regulation, code or rule listed in *Schedule 1* that applies to the design, construction, condition, equipment, modification, repair or maintenance of a specific vehicle.

Approved vehicle standard means a vehicle standard with which a vehicle is required to comply by an applicable requirement.

Authority means the Land Transport Safety Authority of New Zealand continued by *section 184* of the *Land Transport Act 1998*.

Border inspection means the inspection of a vehicle to which *section 4* applies at the time of its importation into New Zealand.

Certificate of fitness means evidence of vehicle inspection issued under *6.8(a)* or *7.9(a)* to a vehicle to which *section 7* applies that is listed in *Schedule 2* but not listed in *Schedule 3*.

Certificate of fitness inspection and certification

means periodic in-service inspection and certification of a vehicle to which *section 7* applies that is listed in *Schedule 2* but not listed in *Schedule 3*.

Certificate of loading

means a certificate issued under *8.5* to a vehicle that requires verification of its loading and weight limits.

Certificate of loading inspection and certification

means inspection and certification of a vehicle, required for the issuing of a certificate of loading.

Certify

means:

- (a) in relation to a vehicle, or specific aspect of a vehicle, to make a record of determination under *6.6(1)(a)* or *7.6(1)(a)* that confirms that the vehicle inspector or inspecting organisation has determined that the vehicle or specific aspect of the vehicle complies with the requirements in this rule; or
- (b) in relation to a vehicle's loading and weight limits, to make a record under *8.4* of the determination under *8.3* of a vehicle's loading and weight limits.

Class

in relation to vehicles, means a category of vehicle of one of the Groups A, L, M, N, and T, as specified in *Table A: Vehicle classes*.

Compliance label

means an attachment to a vehicle in the form of a label that confirms compliance of the vehicle or a specific aspect of the vehicle with requirements in this rule.

Compliance plate	means an attachment to a vehicle in the form of a plate that confirms compliance of the vehicle or a specific aspect of the vehicle with requirements in this rule.
Conditional permit	means a permit issued under <i>5.5</i> or <i>7.10</i> that confirms that a determination has been made that the vehicle is safe to be operated under specified conditions.
Deregistered	means that a vehicle's New Zealand registration has been cancelled in accordance with <i>section 27</i> or <i>section 28</i> of the <i>Transport (Vehicle and Driver Registration and Licensing) Act 1986</i> .
Director	means the Director of Land Transport Safety appointed under <i>section 186</i> of the <i>Land Transport Act 1998</i> .
Enter service	in relation to a vehicle, means to begin to be operated in service on the road in New Zealand for the first time in compliance with registration requirements of the <i>Transport (Vehicle and Driver Registration and Licensing) Act 1986</i> .
Entry inspection and certification	means inspection and certification of a vehicle to which <i>section 6</i> applies that is entering or re-entering service.
Evidence of vehicle inspection	has the same meaning as in the <i>Land Transport Act 1998</i> .
Gross laden weight	has the same meaning as in the <i>Land Transport Act 1998</i> .
Gross vehicle mass	means either: (a) the maximum permitted mass of the vehicle, which includes the mass of the accessories, the crew, the passengers and load, and is, unless <i>(b)</i> applies, the gross vehicle mass specified (subsequent to the latest

modification, if any) by the manufacturer of the vehicle; or

- (b) if a person approved for the purpose by the Director determines that the gross vehicle mass should differ from that specified by the manufacturer, taking into account evidence on the capability of the systems and components of the vehicle, or the effects of any modification, that mass determined by that person.

Heavy vehicle means a vehicle that is either:

- (a) of Class MD3, MD4, ME, NB, NC, TC or TD; or
- (b) a vehicle (not of a class specified in *Table A: Vehicle classes*) with a gross vehicle mass that exceeds 3500 kg.

Heavy vehicle entry inspection and certification means inspection and certification of a heavy vehicle to which *section 6* applies that is entering or re-entering service.

Heavy vehicle specialist inspection and certification means specialist inspection and certification of specific aspects of a heavy vehicle.

Hours of darkness means:

- (a) any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or
- (b) any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 m.

In-service conditional permit

means an inspection and certification document, allowing operation of a vehicle under specified conditions only, issued under *7.10*.

Inspecting organisation

means a person or organisation appointed by the Director under *2.2(1)* who is responsible for inspection and certification outcomes.

Inspection and certification

means the performance of two or more of the following, for the purposes of determining compliance with applicable requirements:

- (a) examining vehicles;
- (b) determining whether or not a vehicle or specific aspect of a vehicle complies with applicable requirements;
- (c) issuing evidence of vehicle inspection, a conditional permit or a certificate of loading;
- (d) recording and making available information about vehicles (including their systems, components, devices, fittings and equipment).

Inspection and certification document

means a document required, produced or issued in the inspection and certification process, including a plate, a label, an electronic record and a check sheet.

Inspection and certification outcome

in relation to a vehicle, means:

- (a) production of a record of determination as appropriate to the inspection and certification activity; or

- (b) provision of other records and information about the vehicle to the Director or other persons; or
- (c) production of evidence of vehicle inspection, conditional permits or certificates of loading.

Land transport document has the same meaning as in the *Land Transport Act 1998*.

Light vehicle means a vehicle except one defined as a 'heavy vehicle'.

Light vehicle repair specialist inspection and certification means specialist inspection and certification of repairs to significant damage or deterioration to the structure, chassis, body-to-chassis attachment, suspension or occupant protection system of a light vehicle.

Low volume vehicle means a vehicle of a class specified in *Table A: Vehicle classes*, other than Class MD3, MD4, ME, NB, NC, TC or TD, that is:

- (a) manufactured, assembled or scratch-built in quantities of 200 or less at any one location in any one year, by a manufacturer whose total production of vehicles does not exceed 200 units over the same period, and where the construction of the vehicle directly or indirectly affects compliance of the vehicle with any of the vehicle standards prescribed by New Zealand law; or
- (b) modified uniquely, or in quantities of 200 or less at any one location in any one year, in such a way as to affect compliance of the vehicle, its structure, systems, components or equipment, with a legal requirement relating to safety performance applicable at the time of the modification.

- Low Volume Vehicle Code** means the Code of the Low Volume Vehicle Technical Association Incorporated.
- Low volume vehicle plate, label or authority card** means a plate, label or authority card issued in accordance with the *Low Volume Vehicle Code*.
- Low volume vehicle specialist inspection and certification** means specialist inspection and certification of a light vehicle as specified in the *Low Volume Vehicle Code*.
- Low volume vehicle type approval** means a type approval for a modification issued in accordance with the *Low Volume Vehicle Code*.
- Make** in relation to a vehicle, means the name given for market identification purposes to a group or groups of vehicles by a company or organisation that owns that name.
- Manufacturer's operating limits** means:
- (a) in relation to a vehicle, the allowance provided by the vehicle manufacturer in terms of performance capability and dimensions, relative to deterioration, malfunction or damage beyond which the safe performance of the vehicle, as defined by the vehicle manufacturer, is compromised; and
 - (b) in relation to a system, component or item of equipment, incorporated in or attached to a vehicle, the allowance provided by the system, component or equipment manufacturer in terms of performance capability and dimensions, relative to the deterioration, malfunction or damage, beyond which the safe performance of the system,

component or item of equipment (and consequently the vehicle) is compromised.

Modify in relation to a vehicle, means to change the vehicle from its original state by altering, substituting, adding or removing any structure, system, component or equipment; but does not include repair.

Motor vehicle means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include:

- (a) a vehicle running on rails;
- (b) an invalid carriage;
- (c) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force;
- (d) a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres;
- (e) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles;
- (f) a pedestrian-controlled machine.

New in relation to a vehicle, means a vehicle that:

- (a) has not been registered and operated in New Zealand or any other country; and
- (b) has not been operated on a road in New Zealand or any other country as a demonstration or courtesy vehicle; and

- (c) has not been used for training or testing purposes; and
- (d) is not a scratch-built vehicle that contains components that have been fitted to a vehicle that has been operated on the road in New Zealand or in any other country.

New light vehicle entry inspection and certification

means entry inspection and certification of a new light vehicle to which *section 6* applies that is entering service.

Operate

in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road or to be driven on a road, whether or not the person is present with the vehicle.

Operation in service

in relation to a vehicle, means to be operated on the road in New Zealand after having been registered in compliance with requirements in the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.

Owner

has the same meaning as in the *Land Transport Act 1998*.

Passenger service vehicle

has the same meaning as in the *Transport Services Licensing Act 1989*.

Record of determination

means a record, in paper or electronic form, that a vehicle or specific aspect of a vehicle complies or does not comply with requirements in this rule.

Re-enter service

in relation to a vehicle previously certified for entry into service on the road in New Zealand that has been deregistered, means to begin to be operated in service again.

- Registered** in relation to a vehicle, means registered under the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.
- Registration number** means the combination of numbers or letters, or numbers and letters on a registration plate, issued under the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.
- Rental service vehicle** has the same meaning as in the *Transport Services Licensing Act 1989*.
- Repair** means to restore a damaged or worn vehicle, its structure, systems, components or equipment; and includes the replacement of damaged or worn structures, systems, components or equipment with equivalent undamaged or new structures, systems, components or equipment.
- Safe tolerance** means the tolerance within which the safe performance of the vehicle, its structure, systems, components or equipment is not compromised, having regard to any manufacturer's operating limits.
- Scratch-built vehicle** means a vehicle that is either:
- (a) assembled from previously unrelated components and construction materials that have not been predominantly sourced from donors of a single make or model and that, in its completed form, never previously existed as a mass-produced vehicle, although the external appearance may resemble or replicate an existing vehicle; or
 - (b) a modified production vehicle that contains less than the following componentry from a mass-produced vehicle of a single make and model:
 - (i) 40% of the chassis rails and 50% of the crossmembers, or alternately 40% of a

spaceframe, or 40% of the floorpan of a unitary constructed body, whichever is appropriate; and

- (ii) for light vehicles, 40% of the bodywork (based on surface area of body panels but not including the floorpan, internal bracing, sub panels, bulkheads or firewall).

Specialist inspection and certification

means inspection and certification of a specific aspect of a vehicle.

Statement of compliance

means a statement in a format specified by the Director confirming that a vehicle or component complied with one or more approved vehicle standards when manufactured.

Trade plate

has the same meaning as in the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.

Transport service vehicle

has the same meaning as in the *Transport Services Licensing Act 1989*.

Type approval

means a document confirming that a specified vehicle model, model variant, or component complies with an approved vehicle standard or with the *Low Volume Vehicle Code*.

Used light vehicle

means a light vehicle, including a light vehicle that has been used for the purpose of demonstration in connection with the sale of a similar vehicle, that has, at any time before being offered or displayed for sale:

- (a) been registered under:
 - (i) the *Transport Act 1962*, or

- (ii) the *Transport (Vehicle and Driver Registration and Licensing Act) 1986*, or
 - (iii) any corresponding legislation in any other country; or
- (b) been used for a purpose not connected with its manufacture or sale.

**Used light
vehicle entry
inspection and
certification**

means inspection and certification of a used light vehicle to which *section 6* applies that is entering or re-entering service.

**Vehicle
identification
number (VIN)**

means a group of letters and numbers consisting of 17 characters that:

- (a) is affixed to a vehicle in accordance with the relevant standard prescribed under *regulation 90V* of the *Traffic Regulations 1976*; and
- (b) is capable of being decoded to provide identifying information about that vehicle.

**Vehicle
inspector**

means an individual appointed by the Director under *2.2(1)* to carry out inspection and certification activities in accordance with requirements and conditions imposed by the Director.

Vehicle recovery

service vehicle has the same meaning as in the *Transport Services Licensing Act 1989*.

**Vehicle
standard**

means a technical specification with which a vehicle, its structure, systems, components or equipment must comply, and which is adopted by:

- (a) the New Zealand Standards Council; or
- (b) any international, national or regional organisation with functions similar to the New Zealand Standards Council.

Warrant of fitness

means evidence of vehicle inspection issued under *6.8(b)*, *7.9(b)* or *7.9(c)* to a vehicle in *7.9(b)* or *7.9(c)*.

Warrant of fitness inspection and certification

means periodic in-service inspection and certification of a vehicle in *7.9(b)* or *7.9(c)*.

Water damage

in relation to a vehicle, means damage to a vehicle's critical safety system as a result of exposure to water.

Table A Vehicle classes

Class	Description
AA (Pedal cycle)	A vehicle designed to be propelled through a mechanism solely by human power.
AB (Power-assisted pedal cycle)	A pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts.
LA (Moped with two wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.
LB (Moped with three wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: (a) has three wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.
LB 1	A Class LB motor vehicle that has one wheel at the front and two wheels at the rear.
LB 2	A Class LB motor vehicle that has two wheels at the front and one wheel at the rear.
LC (Motor cycle)	A motor vehicle that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.

Table A Vehicle classes (continued)

Class	Description
LD (Motor cycle and side-car)	A motor vehicle that: <ul style="list-style-type: none"> (a) has three wheels asymmetrically arranged in relation to the longitudinal median axis; and (b) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.
Side-car	A car, box, or other receptacle attached to the side of a motorcycle and supported by a wheel.
LE (Motor tri-cycle)	A motor vehicle that: <ul style="list-style-type: none"> (a) has three wheels symmetrically arranged in relation to the longitudinal median axis; and (b) has a gross vehicle mass not exceeding one tonne; and (c) either: <ul style="list-style-type: none"> (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h.
LE 1	A Class LE motor vehicle that has one wheel at the front and two wheels at the rear.
LE 2	A Class LE motor vehicle that has two wheels at the front and one wheel at the rear.
Passenger vehicle	A motor vehicle that: <ul style="list-style-type: none"> (a) is constructed primarily for the carriage of passengers; and (b) either: <ul style="list-style-type: none"> (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne.
MA (Passenger car)	A passenger vehicle (other than a Class MB or Class MC vehicle) that has not more than nine seating positions (including the driver's seating position).

Table A Vehicle classes (continued)

Class	Description
MB (Forward control passenger vehicle)	A passenger vehicle (other than a Class MC vehicle): (a) that has not more than nine seating positions (including the driver's seating position); and (b) in which the centre of the steering wheel is in the forward quarter of the vehicle's total length.
MC (Off-road passenger vehicle)	A passenger vehicle, designed with special features for off-road operation, that has not more than nine seating positions (including the driver's seating position), and that: (a) has four-wheel drive; and (b) has at least four of the following characteristics when the vehicle is unladen on a level surface and the front wheels are parallel to the vehicle's longitudinal centre-line and the tyres are inflated to the vehicle manufacturer's recommended pressure: (i) an approach angle of not less than 28 degrees; (ii) a breakover angle of not less than 14 degrees; (iii) a departure angle of not less than 20 degrees; (iv) a running clearance of not less than 200 mm; (v) a front-axle clearance, rear-axle clearance, or suspension clearance of not less than 175 mm.
Omnibus	A passenger vehicle that has more than nine seating positions (including the driver's seating position). An omnibus comprising two or more non-separable but articulated units shall be considered as a single vehicle.
MD (Light omnibus)	An omnibus that has a gross vehicle mass not exceeding 5 tonnes.
MD 1	An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and not more than 12 seats.
MD 2	An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and more than 12 seats.
MD 3	An omnibus that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes.
MD 4	An omnibus that has a gross vehicle mass exceeding 4.5 tonnes but not exceeding 5 tonnes.

Table A Vehicle classes (continued)

Class	Description
ME (Heavy omnibus)	An omnibus that has a gross vehicle mass exceeding 5 tonnes.
Goods vehicle	<p>A motor vehicle that:</p> <p>(a) is constructed primarily for the carriage of goods; and</p> <p>(b) either:</p> <p>(i) has at least four wheels; or</p> <p>(ii) has three wheels and a gross vehicle mass exceeding one tonne.</p> <p>For the purpose of this description:</p> <p>(a) a vehicle that is constructed for both the carriage of goods and passengers shall be considered primarily for the carriage of goods if the number of seating positions multiplied by 68 kg is less than 50% of the difference between the gross vehicle mass and the unladen mass;</p> <p>(b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods;</p> <p>(c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle.</p>
NA (Light goods vehicle)	A goods vehicle that has a gross vehicle mass not exceeding 3.5 tonnes.
NB (Medium goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes.
NC (Heavy goods vehicle)	A goods vehicle that has a gross vehicle mass exceeding 12 tonnes.

Table A Vehicle classes (continued)

Class	Description
Trailer	A vehicle without motive power that is constructed for the purpose of being drawn behind a motor vehicle.
TA (Very light trailer)	A single-axled trailer that has a gross vehicle mass not exceeding 0.75 tonnes.
TB (Light trailer)	A trailer (other than a Class TA trailer) that has a gross vehicle mass not exceeding 3.5 tonnes.
TC (Medium trailer)	A trailer that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 10 tonnes.
TD (Heavy trailer)	A trailer that has a gross vehicle mass exceeding 10 tonnes.

Part 3 Schedules

Schedule 1 Acts, regulations, the Low Volume Vehicle Code and rules

Acts, regulations, the *Low Volume Vehicle Code* and rules that may be applicable to vehicles certified under this rule.

- The *Transport Act 1962*;
- The *Transport (Vehicle and Driver Registration and Licensing) Act 1986*;
- The *Transport Services Licensing Act 1989*;
- The *Land Transport Act 1998*;
- The *Goods Service Vehicle Constructional Regulations 1936*;
- The *Heavy Motor Vehicle Regulations 1974*;
- The *Passenger Service Vehicle Construction Regulations 1978*;
- The *Traffic Regulations 1976, Part V* (only for heavy vehicles) and *Part VII* (for all vehicles);
- The *Transport (Vehicle Standards) Regulations 1990*;
- The *Low Volume Vehicle Code*;
- Land Transport Rules.

Schedule 2 List of vehicles

- (a) Heavy vehicles;
- (b) Passenger service vehicles;
- (c) Rental service vehicles;
- (d) Vehicle recovery service vehicles;
- (e) An articulated combination of vehicles whose maximum combined gross laden weight exceeds 3500 kg;
- (f) Goods service vehicles (as defined in *section 2* of the *Transport Services Licensing Act 1989*) with a gross laden weight that exceeds 3500 kg, other than a vehicle whose gross laden weight exceeds 3500 kg by reason only of the load that the vehicle is, for the time being, carrying including equipment and accessories.

Schedule 3 List of vehicles

- (a) Class MA, MB or MC vehicles that, in the carriage of passengers for hire or reward:
 - (i) are used solely for transporting not more than seven school children; and
 - (ii) do not exceed the designed adult passenger capacity of the vehicle by more than two school children.
- (b) Vehicles that may lawfully be used under the authority of trade plates affixed to them under *section 35* of the *Transport (Vehicle and Driver Registration and Licensing) Act 1986*.
- (c) Vehicles normally propelled by mechanical power while they are being temporarily towed, without the use of their own power, by another vehicle.
- (d) Vehicles used by the New Zealand Defence Force (as defined in the *Defence Act 1990*), that are being used to convey persons who would otherwise use public transport during a period in which any public transport in New Zealand is suspended.
- (e) Motor caravans that:
 - (i) have an original manufacturer's rating of 3750 kg or less; and
 - (ii) were registered in New Zealand before 1 January 1992.
- (f) Vehicles while being used on a road that is not a public highway.

- (g) Vehicles that are used on a public highway only in connection with the inspection, servicing or repair of the vehicle or for the purpose of allowing any person to sit a practical driving test in that vehicle.
- (h) Pedestrian-controlled goods service vehicles.
- (i) Vehicles propelled and supported solely by self-laying tracks.
- (j) Vehicles used on roads only in road construction zones in accordance with notices declaring those zones.
- (k) Vehicles that are used on a road only when crossing or proceeding along a section of the road where the vehicles have been authorised to operate by an authorisation of a road controlling authority that requires:
 - (i) a written agreement by the vehicle's operator or the person for whom the vehicle is being operated, to construct, reconstruct, maintain, or restore to the satisfaction of the road controlling authority all or part of the road used by the vehicle; and
 - (ii) the erection and maintenance of warning devices, signs or control devices as required by the road controlling authority and the Director; and
 - (iii) where the use of the road does not consist solely of the direct crossing of the road, the prior approval of Transit New Zealand.
- (l) All-terrain vehicles that are used on a public highway.

- (m) Motor vehicles exclusively designed and used on a road for driving, carrying or propelling any of the following, which must be permanently attached to the vehicle:
 - (i) aerodrome runway sweepers;
 - (ii) electrical substations;
 - (iii) filters for transformer oil;
 - (iv) log haulers that are stationary when hauling logs;
 - (v) aero engine test benches.
- (n) Tractors owned by a local authority and used exclusively for the construction, maintenance or mowing of stopbanks and the banks of rivers, streams, drains, canals or other watercourses.
- (o) Mobile or movable huts, galleys or similar motor vehicles that are used on a road solely in connection with the construction or maintenance of roads.
- (p) Tractors used exclusively for shunting railway rolling stock.
- (q) Traction engines.
- (r) Forklifts.
- (s) Aerodrome crash fire tenders that are used on a road only in emergencies.
- (t) Trailers while being drawn by a motor vehicle specified in (m) to (s) of this Schedule.

- (u) Motor vehicles, used exclusively in connection with the embarking and disembarking of ships' passengers or for loading and unloading ships' mails, cargo, and passengers' baggage, and used on a public highway only when proceeding unladen from one wharf to another wharf or from its usual place of storage to a wharf and returning to that place of storage.
- (v) Motor vehicles designed exclusively or principally as part of the armament of the New Zealand Defence Force.
- (w) Cable jinkers.
- (x) Front-end loaders.
- (y) Log skidders.
- (z) Tractor cranes.
- (aa) Rough-terrain cranes.
- (bb) Mobile crushing and screening plant machines, which are mounted on trailers.
- (cc) Motor graders.
- (dd) Motor scrapers.
- (ee) Trailer scrapers.
- (ff) Plant for servicing oil-filled cables.
- (gg) Post debarkers.
- (hh) Saw bench apparatus.
- (ii) Forestry chippers.

- (jj) Tree feller bunchers.
- (kk) Trench diggers and excavators.
- (ll) Vehicles that are always used unladen on the road and that are designed exclusively for carrying earth or other bulk materials.
- (mm) Mobile concrete mixers that are mounted on tractors.