

# MINO-436 Application of the Road User Charges Act 2012 to Heavy Hydrogen Electric Vehicles

12 August 2022

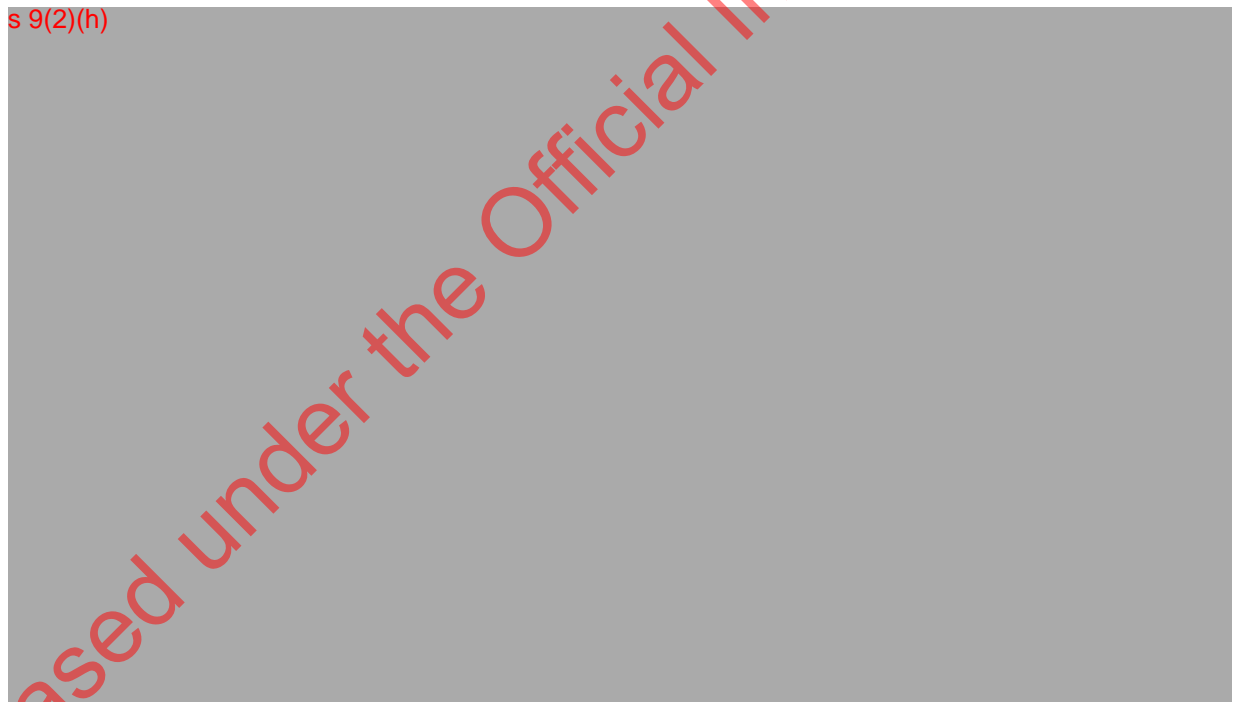
Providing a summary of the legal advice Waka Kotahi NZ Transport Agency has received regarding the application of section 37A of the Road User Charges Act 2012 (the RUC Act) to heavy hydrogen electric vehicles, which are soon to be imported to New Zealand by Hyundai.

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**Waka Kotahi has received independent legal advice stating that the section 37A RUC exemption applies to heavy hydrogen electric vehicles:**

- Section 37A provides a mechanism to exempt heavy electric vehicles from Road User Charges (RUC). Heavy Electric RUC Vehicles are defined as having:
  - A gross vehicle mass of more than 3,500kg; and
  - Motive power wholly or partly derived from an external source of electricity.

s 9(2)(h)



**The boundaries of the exemption are unclear:**

- The use of “*derived from an external source of energy*” will require a factual assessment of new types of fuels as they come to market. At this point, a very small proportion of the heavy vehicle fleet run on alternative fuel; however, this will grow over time.

**Heavy Electric RUC Vehicles can only be operated under Transport Service Licence:**

- If necessary, Waka Kotahi can undertake an audit of operators of heavy vehicles running on alternative fuels using section 198 of the Land Transport Act 1998. Not paying RUC is a factor Waka Kotahi considers when undertaking an assessment to determine whether an operator is fit and proper to hold a Transport Service Licence.

**Waka Kotahi has informed Hyundai that they are eligible for the RUC exemption:**

- Hyundai has imported around six heavy hydrogen electric vehicles which would be eligible for the exemption. Waka Kotahi will consider what further material will need to be provided to ensure the industry is aware of the exemption.

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