

# Volunteer drivers

## and exempt passenger services

### Passenger services

Most services that transport people must have a passenger service licence and meet legislative requirements. Most passenger service drivers also need to have a passenger endorsement on their driver licence.

However, some services that use volunteer drivers may be exempt from some passenger service requirements.

### Who is a volunteer driver?

If you're not paid for your service as a driver, you're a volunteer. This means passengers aren't charged for your time, or for any costs not associated with the journey. If the vehicle carries 12 people or less, you usually won't need a passenger (P) endorsement.

If you charge passengers for facilitating a journey but your drivers aren't paid for their time, for example, facilitated carpooling, you must hold a small passenger service licence (SPSL), but your drivers don't need a P endorsement.

### Exempt services

The Land Transport Rule: Operator Licensing 2017 (the Operator Licensing Rule) sets out the passenger services that don't need a passenger service licence.

### Small passenger services

Small passenger services use vehicles designed or adapted to carry 12 people or less – including the driver.

### Exempt organisations

Small passenger services operated by or under the control of a district health board, local authority, an incorporated charitable organisation, or an incorporated organisation registered under the Charities Act 2005 are exempt where:

- the vehicle used is provided by the organisation or the driver
- the driver is either a volunteer or a staff member of the organisation whose main responsibility isn't driving
- no payments are made for the driver's service
- the only payments made by the organisation to a driver who provides the vehicle is for reimbursing the driver for vehicle running costs
- the only payment made by the passenger to the organisation or driver is for vehicle running costs.

### Other exempt services

Other exempt small passenger services include:

- traditional carpooling, such as arrangements between friends or neighbours to share transport, and carpooling organised by local authorities.
- a small passenger service provided by a person offering a home or community support service, where:
  - transport is provided to clients as an incidental part of the service
  - the client doesn't pay a fee or fare for the transport.
- transporting school children by parents or caregivers in return for a Ministry of Education private transport allowance.
- transporting children and their escorts to or from any activity of a school, kindergarten, play-centre or other kind of pre-school education, where:
  - the vehicle is provided by the institution or the driver
  - the driver is an institution staff member or approved person, or a parent or caregiver of one of the children being carried
  - the only payment made by the institution to a driver who provides the vehicle is for reimbursing vehicle running costs
  - no payments are made for the driver's service.
- a free ride service provided by an organisation offering liquor, meals or refreshments on licensed premises.

### Large passenger services

Large passenger services use vehicles designed or adapted to carry more than 12 people – including the driver.

Exempt large passenger services are where:

- the vehicle is hired from a person who holds both a large passenger service licence and a rental service licence, and
- the only payments made are for the cost of hiring and running the vehicle
- no payments are made for the driver's service.

For the full list of exempt passenger services, see section 6 of the Operator Licensing Rule.

## Who isn't exempt?

Passenger services operating small vehicles for hire or reward must have an SPSL and their drivers must hold a P endorsement.

Owners or operators of vehicles seating more than 12 people, including the driver, such as buses and large vans must have large passenger service licence (LPSL).

Volunteers who drive these vehicles must have a P endorsement on their licence. If you drive without an endorsement, insurance companies can refuse a claim and you can be prosecuted.

Under certain conditions exemptions may apply when these vehicles aren't being operated as a passenger service. Call us on 0800 822 422 for advice on your specific situation.

## Definition of hire or reward

Hire means there's compensation for carrying passengers or freight, but the carrier doesn't actually need to make a profit.

Reward is usually where one person does a useful service for another person, and is given recompense (reward) for that service. It includes cases where there is no obligation to pay. Reward is not just an alternative word for hire.

While hire or reward is not defined in law, the term has been interpreted through case law. This is what courts have decided when they've been asked to determine if someone has broken the law or not. The case law interpretation is very broad.

## Legislation for transporting passengers

- The Land Transport Act 1998 covers situations where people are transported as part of a service offered by others and defines when an SPSL or LPSL is required.
- The Operator Licensing Rule sets out the requirements for an operator of a transport service.
- The Vehicle Standards Compliance Rule 2002 requires that vehicles used in a passenger service must pass a more comprehensive safety check.
- The Passenger Service Vehicles Rule 1999 sets out what the requirements are for passenger service vehicles.
- The Land Transport (Driver Licensing) Rule 1999 requires drivers of motor vehicles operated in a passenger service to hold a P endorsement on their driver licence.

Go to [legislation.govt.nz](http://legislation.govt.nz) or

[nzta.govt.nz/resources/rules](http://nzta.govt.nz/resources/rules) to find out more.

Copies of the legislation are also available from some libraries and bookshops that sell legislation.

## The vehicle

Vehicles used under either an SPSL or an LPSL have to meet higher safety requirements than other vehicles. They must:

- undergo six-monthly certificate of fitness (CoF) inspections instead of a warrant of fitness inspection
- be inspected by an approved certifier to make sure they meet all the applicable requirements in the Passenger Service Vehicle Rule.

## Where can I find out more?

Go to [nzta.govt.nz/work-time-and-logbook-requirements](http://nzta.govt.nz/work-time-and-logbook-requirements) or see Factsheet 02: *Work time and logbooks*.

Go to [nzta.govt.nz/passenger-service-vehicles](http://nzta.govt.nz/passenger-service-vehicles) or see Factsheet 15: *Passenger service vehicles*.

Go to [nzta.govt.nz/using-a-passenger-service](http://nzta.govt.nz/using-a-passenger-service) or see Factsheet 21: *Rights and responsibilities of small passenger service drivers*.

Go to [nzta.govt.nz/applying-for-a-passenger-p-endorsement](http://nzta.govt.nz/applying-for-a-passenger-p-endorsement) or see Factsheet 42: *P endorsements for carrying passengers*

Go to [nzta.govt.nz/commercial-driving/transport-service-licences](http://nzta.govt.nz/commercial-driving/transport-service-licences) or see Factsheet 47: *Transport Service Licences* (including passenger service licences).

Go to [nzta.govt.nz/running-a-passenger-service](http://nzta.govt.nz/running-a-passenger-service) or see Factsheet 78: *Passenger services: licences and requirements*.

If you require more information, please call us on 0800 822 422, or email [info@nzta.govt.nz](mailto:info@nzta.govt.nz)



This factsheet is a general guide only. It doesn't replace legal advice, and your exact requirements will depend on current legislation.

Make sure you have the most up-to-date version of this factsheet by checking [www.nzta.govt.nz/factsheets](http://www.nzta.govt.nz/factsheets)

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0800 822 422

[info@nzta.govt.nz](mailto:info@nzta.govt.nz)

Waka Kotahi NZ Transport Agency,  
Private Bag 11777, Palmerston North 4442