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DISALLOWABLE INSTRUMENT



Ministry of Transport
TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

PURSUANT to *sections 152 and 155(b)* of the Land Transport Act 1998, and after having had regard to the criteria specified in *section 164(2)* of that Act

I, Julie Anne Genter, Associate Minister of Transport,

make the following ordinary Rule:

Land Transport Rule: Light-vehicle Brakes Amendment (No 2) 2019

SIGNED AT Wellington

This 12th day of September 2019

A handwritten signature in black ink, appearing to read 'Julie Anne Genter', written over a large, stylized flourish.

Hon Julie Anne Genter

Associate Minister of Transport

Land Transport Rule

Light-vehicle Brakes Amendment (No 2) 2019

Rule 32014/2002/6

Land Transport Rule

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Land Transport Rule

Light-vehicle Brakes Amendment (No 2) 2019

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Objective of the Rule

Land Transport Rule: Light-vehicle Brakes Amendment (No 2) 2019 (the Rule) amends *Land Transport Rule: Light-vehicle Brakes 2002* to require all motorcycles of engine capacity greater than 50 CC entering service in New Zealand after a specified date to be equipped with either an antilock braking system (ABS) or a combined braking system (with some exceptions). It also removes a requirement for twinned-wheel motor tricycles to be fitted with a park brake.

Extent of consultation

The NZ Transport Agency published a draft of the Rule (yellow draft) along with explanatory material on its website for public consultation on 21 March 2019. Notice of the availability of the yellow draft for comment was sent by email or letter to approximately 659 groups and individuals who had registered an interest in the Light-vehicle Brakes Rule. Notices were also published in the New Zealand Gazette and in 5 major metropolitan newspapers. Consultation was open for submissions until 26 April 2019. The NZ Transport Agency received 49 submissions on the yellow draft which were taken into account in finalising the draft Rule. The proposed Rule was then submitted to the Associate Minister of Transport for signing.

Part 1

Rule requirements

Section 1 Preliminary provisions

1.1 Title

This Rule is *Land Transport Rule: Light-vehicle Brakes Amendment (No 2) 2019*.

1.2 Commencement

This Rule comes into force on 1 November 2019.

1.3 Scope of Rule

This Rule amends *Land Transport Rule: Light-vehicle Brakes 2002*.

Section 2 Amendments to Rule requirements

2.1 Clause 2.1 amended (Application of requirements)

After *clause 2.1(2)*, insert:

2.1(2A) In addition to 2.1(1) and 2.1(2) a vehicle in Class LC, LD, or LE must comply with applicable requirements in 2.7.

2.2 Table 2.1 amended (Brakes required on vehicles that are not of Class TA or Class TB)

In *Table 2.1*, the row relating to Class LE, the column relating to Parking brake, after “2.3(15)” insert “except for a vehicle in 2.3(12A).”

2.3 Clause 2.3 amended (Types of brakes)

2.3(1) In *clause 2.3(12)*, replace *paragraph (a)* with:

- (a) a vehicle in one of the following classes, including a vehicle that has been modified as described in 2.1(2):
 - (i) Class LE except for a vehicle described in 2.3(12A);
 - (ii) Class MA;
 - (iii) Class MB;
 - (iv) Class MC;
 - (v) Class MD1;

(vi) Class MD2;

(vii) Class NA;

2.3(2) After *clause 2.3(12)*, insert:

2.3(12A) *Subclauses 2.3(13) and 2.3(14) do not apply to a vehicle of Class LE that has twinned wheels and is not fitted with a device that locks the tilt function at low speed operation.*

2.4 Clause 2.5 amended (Approved vehicle standards for brakes)

After *paragraph 2.5(2)(j)*, insert:

(ja) *Australian Design Rule 33/01 – Brake Systems for Motorcycles and Mopeds;*

2.5 New clause 2.7 inserted (Advanced brake systems for motorcycles)

After *clause 2.6*, insert:

2.7 Advanced brake systems for motorcycles

2.7(1) This clause applies to vehicles of Classes LC, LD, and LE.

2.7(2) A vehicle that is first certified for entry into service in New Zealand on or after 1 April 2020 and before 1 November 2021 must be fitted with an antilock brake system if—

- (a) it is a new vehicle; and
- (b) it is of a model or sub-model that was first manufactured on or after 1 April 2020; and
- (c) it is powered by either—
 - (i) a combustion engine of capacity greater than 125 cubic centimetres; or
 - (ii) an electric powered motor having net power output of greater than 11 kW and a power to weight ratio of greater than 0.1 kW/kg.

2.7(3) A vehicle that is first certified for entry into service in New Zealand on or after 1 November 2021 must be fitted with an antilock brake system if it is powered by either—

- (a) a combustion engine of capacity greater than 125 cubic centimetres; or

- (b) an electrically powered motor having net power output of greater than 11 kW and a power to weight ratio of greater than 0.1 kW/kg.

2.7(4)

A vehicle that is first certified for entry into service in New Zealand on or after 1 April 2020 and before 1 November 2021 must be fitted with either an antilock brake system or a combined brake system if—

- (a) it is a new vehicle; and
- (b) it is of a model or sub-model that was first manufactured on or after 1 April 2020; and
- (c) it is powered by either—
 - (i) a combustion engine of capacity greater than 50 cubic centimetres up to and including 125 cubic centimetres; or
 - (ii) an electrically powered motor having net power output of greater than 4 kW up to and including 11 kW.

2.7(5)

A vehicle that is first certified for entry into service in New Zealand on or after 1 November 2021 must be fitted with either an antilock brake system or a combined brake system if it is powered by either—

- (a) a combustion engine of capacity greater than 50 cubic centimetres up to and including 125 cubic centimetres; or
- (b) an electrically powered motor having net power output of greater than 4 kW up to and including 11 kW.

2.7(6)

A motorcycle that is fitted with an antilock brake system must not have a means of disabling that system unless the motorcycle was originally manufactured with that means of disabling the system.

2.7(7)

2.7(2), 2.7(3), 2.7(4), and 2.7(5) do not apply to—

- (a) an enduro motorcycle; or
- (b) a trial motorcycle; or
- (c) a motorcycle that was first registered in any country before 1 January 1990; or
- (d) an immigrant's vehicle; or
- (e) a vehicle specified in *paragraph (a)* of the definition of 'low volume vehicle' that—

- (i) was not originally fitted with an antilock brake system or a combined brake system; and
 - (ii) has been certified as a low volume vehicle; or
 - (f) a motorcycle for which a special interest motorcycle permit has been granted; or
 - (g) a farm motorcycle.
- 2.7(8) An enduro motorcycle or trial motorcycle may only be used on a road without an antilock braking system or combined braking system that would otherwise be required by 2.7(2), 2.7(3), 2.7(4), or 2.7(5) for the purposes of a sanctioned competition.
- 2.7(9) A farm motorcycle may only be used on a road without an antilock braking system or combined braking system that would otherwise be required by 2.7(2), 2.7(3), 2.7(4), or 2.7(5) if licensed as, and operating on the conditions applying to, a Class B or Class X vehicle within the meaning of *Schedule 1* of the *Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011*.
- 2.6. Clause 4.6 amended (Functions and powers of the Agency)**
After *clause 4.6(3)*, insert:
- 4.6(4) The Agency may, by notice in the *Gazette*, appoint an organisation or organisations to process applications for specific motor vehicles to be identified as immigrant's vehicles for the purposes of clauses 2.1(4)(a) and 2.7(7)(d).
- 4.6(5) The Agency may not grant exemptions, under *section 166* of the Act, from the requirements of *Schedule 1* or *Schedule 2*.
- 2.7. Clause 4.7 inserted (Responsibilities in relation to declarations)**
After *clause 4.6*, insert:
- 4.7 Responsibilities in relation to declarations**
No person may knowingly make a false declaration for the purposes of:
- (a) *paragraph 1.2(h)* of *Schedule 1*;
 - (b) *paragraph 1.2(b)* of *Schedule 2*.
- 2.8. Part 2 amended (Definitions)**
- 2.8(1) In *Part 2*, replace the definition of **Immigrant's vehicle** with:

Immigrant's vehicle means a motor vehicle that has been identified as being an immigrant's vehicle in writing under *Land Transport Rule: Frontal Impact 2001*, *Land Transport Rule: Vehicle Exhaust Emissions 2007*, or in accordance with *Schedule 1* by the Agency or by an organisation appointed by the Agency under 4.6(4).

2.8(2)

In *Part 2* insert in their appropriate alphabetical place:

Agricultural purpose has the same meaning as in *clause 1.6* of the *Land Transport (Road User) Rule 2004*.

Antilock brake system (ABS) means a system that senses wheel slip and automatically modulates the pressure producing the braking forces at the wheel or wheels to limit the degree of wheel slip.

Combined brake system (CBS) means—

- (a) for vehicle classes LA and LC, a service brake system where at least two brakes on different wheels are operated by the actuation of a single control:
- (b) for vehicle classes LB and LE, a service brake system where the brakes on all wheels are operated by the actuation of a single control:
- (c) for vehicle class LD, a service brake system where the brakes on at least the front and rear wheels are operated by the actuation of a single control. If the rear wheel and sidecar wheel are braked by the same brake system, this is regarded as the rear brake.

Enduro motorcycle means a motor vehicle of class LC that has the following properties—

- (a) seat height greater than or equal to 900 mm:
- (b) ground clearance equal to or greater than 310 mm:
- (c) overall gear ratio in highest gear (primary gear ratio x secondary gear ratio in the highest speed x final drive ratio) equal to or greater than 6.0:
- (d) unladen weight less than or equal to 150 kg:
- (e) no seating position for a passenger.

Farm motorcycle means a motor vehicle of class LC that is designed and constructed, and not merely adapted, for agricultural purposes and which has the following properties—

- (a) either—

- (i) an engine capacity less than or equal to 250 cubic centimetres; or
 - (ii) motive power wholly derived from an external source of electricity:
- (b) ground clearance equal to or greater than 220 mm:
 - (c) overall gear ratio in highest gear (primary gear ratio x secondary gear ratio in the highest speed x final drive ratio) equal to or greater than 6.0:
 - (d) unladen weight less than or equal to 150 kg:
 - (e) front wheel outer rim diameter equal to or greater than 482 mm (nominally 19 inches) and larger than rear wheel outer rim diameter.

New Zealand resident means a person who holds a residence class visa under the Immigration Act 2009.

Sanctioned competition means a motorcycling competition sanctioned by the Fédération Internationale de Motocyclisme or its New Zealand affiliate, Motorcycling New Zealand.

Special interest motorcycle means a vehicle of class LC, LD, or LE—

- (a) for which a valid special interest motorcycle permit has been issued in accordance with *Schedule 2*; and
- (b) that has been certified for entry on the basis of a special interest motorcycle permit.

Trial motorcycle means a motor vehicle of class LC that has the following properties—

- (a) seat height less than or equal to 700 mm:
- (b) ground clearance equal to or greater than 280 mm:
- (c) fuel tank capacity less than or equal to 4 litres:
- (d) overall gear ratio in highest gear (primary gear ratio x secondary gear ratio in the highest speed x final drive ratio) equal to or greater than 7.5:
- (e) unladen weight less than or equal to 100 kg:
- (f) no seating position for a passenger.

Twinned wheels means two wheels mounted on the same axle where the distance between the centres of their areas of contact with the ground is equal to or less than 460 mm.

2.9

New Part and Schedule inserted

After *Part 2* insert the Part and Schedules set out in the *Schedule* to this Rule.

Part 2
Schedule
New Part 3 inserted (Schedules)

Part 3
Schedules

Schedule 1
Immigrant's vehicle

- 1 Application for identification of vehicle as an immigrant's vehicle**
- 1.1 An application to have a vehicle identified as an immigrant's vehicle must—
- (a) be made to the Agency, or to an organisation appointed by the Agency under 4.6(4), before the vehicle is certified for entry into service in New Zealand; and
 - (b) be accompanied by the appropriate fee or fees (if any) specified in regulations made under the Act.
- 1.2 The applicant must—
- (a) be a New Zealand citizen or a New Zealand resident; and
 - (b) have lived outside New Zealand for a period of not less than 21 months before the date of his or her arrival in or return to New Zealand; and
 - (c) apply within 18 months of the applicant's arrival in or return to New Zealand; and
 - (d) personally own the vehicle; and
 - (e) have personally owned and registered the vehicle for personal use in a country outside New Zealand for a period of at least one year before the applicant's arrival in or return to New Zealand; and
 - (f) never have had any other vehicle identified as an immigrant's vehicle; and
 - (g) not have imported or be importing the vehicle on behalf of, or for, a third party; and
 - (h) make a declaration that—

- (i) the applicant has resided outside New Zealand for a period of not less than 21 months before the applicant's arrival in or return to New Zealand; and
- (ii) the applicant has personally owned the vehicle, and has registered it for personal use in a country outside New Zealand, for a period of at least one year before the applicant's arrival in or return to New Zealand; and
- (iii) the applicant has never had any other vehicle identified as an immigrant's vehicle; and
- (iv) the applicant has not imported the vehicle on behalf of, or for, a third party; and
- (v) the applicant will not sell or lease the vehicle to a third party within one year after the date on which the vehicle is first registered in New Zealand; and
- (vi) the applicant will not operate the vehicle in a transport service.

2 Identification of vehicle as immigrant's vehicle

The Agency, or an organisation appointed by the Agency under 4.6(4), may identify a vehicle in writing as an immigrant's vehicle if the vehicle is a Class LC, LD, LE, MA, MB, MC, or NA motor vehicle and the applicant—

- (a) is a New Zealand citizen or a New Zealand resident; and
- (b) has never had any other vehicle identified as an immigrant's vehicle; and
- (c) makes a declaration in accordance with *paragraph 1.2(h)*; and
- (d) has paid the appropriate fee or fees (if any) specified in regulations made under the Act.

3 Conditions of use

- (a) the vehicle must be registered in New Zealand in the applicant's name for at least one year after the date on which the vehicle is first registered in New Zealand;
- (b) the applicant may not operate the vehicle in a transport service.

4 Meaning of "arrival in or return to New Zealand"

In this Schedule, "arrival in or return to New Zealand" means the applicant's arrival in or return to New Zealand after having lived outside New Zealand for a period of not less than 21 months.

Schedule 2

Special interest motorcycle permit

1 Application for special interest motorcycle permit

- 1.1 An applicant for a special interest motorcycle permit must—
- (a) apply to the Agency before the vehicle is certified for entry into service in New Zealand; and
 - (b) pay the appropriate fee (if any) specified in regulations made under the Act.
- 1.2. An application for a special interest motorcycle permit must—
- (a) include the vehicle's VIN or chassis number; and
 - (b) include a declaration made by the applicant that—
 - (i) the applicant is a New Zealand citizen or New Zealand resident; and
 - (ii) the vehicle will be registered in the applicant's name; and
 - (iii) the vehicle will be used for personal purposes and will not be operated on the road for commercial purposes or for hire or reward; and
 - (iv) the applicant will not sell or lease the vehicle to a third party within four years of the date of the vehicle's first registration in New Zealand; and
 - (v) the vehicle will not be operated in a transport service; and
 - (vi) a special interest motorcycle permit has not been issued to the applicant in the two years preceding the application; and
 - (c) contain such other information as the Agency considers necessary to support the application.

2 Issue of special interest motorcycle permit

- 2.1 The Agency may issue a special interest motorcycle permit in respect of a Class LC, LD, or LE motor vehicle if—
- (a) the Agency considers that the vehicle will be owned as a collector's item; and
 - (b) either—
 - (i) the vehicle has historic value; or

- (ii) the motorcycle is a model that was manufactured in an annual volume of not more than 20,000 units and was not manufactured with either an antilock brake system or a combined brake system.

2.2 The Agency must not issue a special interest motorcycle permit under this Schedule unless, at the time of making the application, the applicant—

- (a) is a New Zealand citizen or a New Zealand resident; and
- (b) has another vehicle for primary use that is a Class LC, LD, LE, MA, MB, MC, or NA vehicle that is registered in the applicant's name, is leased by the applicant, or is a company vehicle; and
- (c) has not been issued with a special interest motorcycle permit in the last two years; and
- (d) does not have any other special interest motorcycle registered in the applicant's name; and
- (e) has made an application in accordance with this Schedule; and
- (f) has paid the appropriate fee or fees (if any) specified in regulations made under the Act.

2.3 The Agency must not issue more than 100 special interest motorcycle permits in any one calendar year.

3 Validity of special interest motorcycle permit

A special interest motorcycle permit ceases to be valid if the vehicle is not inspected at the border or certified for entry into service in New Zealand within six months after the date on which the permit is issued.