



Ministry of **Transport**
TE MANATŪ WAKA

WELLINGTON, NEW ZEALAND

PURSUANT to Section 152 and 158 of the Land Transport Act 1998

I, **Harry James Duynhoven**, Minister for Transport Safety,

HEREBY make the following ordinary rule:

Land Transport Rule: Operator Licensing Amendment

SIGNED AT Wellington

This *30th* day of *September* 2008

Harry James Duynhoven
Minister for Transport Safety

Land Transport Rule Operator Licensing Amendment 2008

Rule 81001/1

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Email: info@nzta.govt.nz

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Land Transport Rule
Operator Licensing Amendment 2008

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Objective of the Rule

Land Transport Rule: Operator Licensing Amendment 2008 (the amendment Rule) amends *Land Transport Rule: Operator Licensing 2007* (the Rule), which sets out the requirements for obtaining and retaining a licence to operate a passenger, rental, vehicle recovery or goods service, and contains requirements that apply to transport service drivers, 'dial-a-driver' service drivers, hirers of rental service vehicles and approved taxi organisations (ATOs).

The objective of the amendment Rule is to make a number of changes that will improve the operation of the system for licensing transport service operators, set up under the *Land Transport Act 1998*.

The amendment Rule requires vehicles that are used in specified transport services and are subject to transport licensing to continuously display a Transport Service Licence (TSL) card. The aim of the TSL card is to enable Police enforcement officers and NZ Transport Agency compliance staff to identify correctly the operator of the vehicle. It is intended that this will, in turn, facilitate the accurate collection of 'event' information for the Operator Rating System, and will allow this information to be applied to produce a safety rating that is a fair and accurate indicator of the overall compliance level of an individual operator with safety legislation.

The amendment Rule contains two changes relating to taxi services. The specified local areas in *Schedule 4* of the Rule for which a taxi driver was required to hold an area knowledge certificate (AKC) in order to accept a hire did not necessarily equate to the areas in which drivers worked and with which they needed to be familiar. The amendment Rule provides for areas covered by an AKC to more closely align to the areas in which drivers work. *Section 30P(4)* of the *Land Transport Act 1998* prohibits the operation of a taxi service unless the licence holder belongs to an ATO. The inclusion of this requirement in the amendment Rule allows

enforcement officers to require someone to stop operating a taxi service if they are not a member of an ATO and, consequently, are not subject to the operating standards required of members of an ATO.

The amendment Rule prohibits a special interest vehicle, as defined in *Land Transport Rule: Frontal Impact Amendment 2008*, from being used in a transport service. This is aimed at reducing the risk to road safety from these vehicles, which may provide reduced protection to their occupants in a crash because they do not comply with an approved frontal impact standard.

The amendment Rule corrects *subclause 8.3(3)*, which gave the Director of Land Transport the discretion to waive the requirement for an applicant for a TSL from belonging to an ATO. The waiver should have been from the requirement to hold a Certificate of Knowledge of Law and Practice.

Extent of consultation

A public consultation (yellow) draft of the amendment Rule was released in February 2008. The then Land Transport New Zealand advised approximately 700 organisations and individuals who had indicated their interest in the Rule of the release of the yellow draft, and sent copies to key industry and other groups. Land Transport New Zealand publicised the availability of the draft amendment Rule in the metropolitan daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin, and in the *New Zealand Gazette*. The draft was also made available, together with Questions and Answers, on the Land Transport New Zealand website.

Land Transport New Zealand received 15 submissions on the draft Rule. The comments were taken into account in redrafting the Rule before it was submitted to Cabinet, and to the Minister for Transport Safety for signature.

Section 1 **Application**

1.1 **Title**

1.1(1) This Rule is *Land Transport Rule: Operator Licensing Amendment 2008*.

1.1(2) The Rule amends *Land Transport Rule: Operator Licensing 2007*.

1.2 **Date when Rule comes into force**

1.2(1) *Subclause 2.4(1) and 4.3* come into force on a date to be notified in the *Gazette* in accordance with *section 160(3)* of the Act.

1.2(2) The rest of the Rule comes into force on 1 August 2009.

Section 2 **Amendments relating to transport service licences**

2.1 **Transport service licence card where person operates vehicle under licence**

Section 2 is amended by revoking *clause 2.4* and substituting the following clause:

“2.4 Transport service licence card where person operates vehicle under licence

“2.4(1) The Agency may issue a transport service licence card, relating to a valid transport service licence, to the operator of a vehicle subject to transport service licensing requirements upon completion of an application form (if applicable) in a form approved by the Agency, and on payment of any fee (if applicable).”

“2.4(2) The operator of a vehicle subject to transport service licensing requirements must (except in the case

of a trailer) display the appropriate transport service licence card and comply with the requirements in this section if the vehicle is:

- “(a) a taxi;
- “(b) a shuttle;
- “(c) a vehicle recovery service vehicle;
- “(d) a goods service vehicle;
- “(e) a large passenger service vehicle.

“[Note: The person operating the service may be liable to be prosecuted if an offence is committed in relation to the use of the vehicle in that service.]”

2.2 Surrender of transport service licences and cards

Section 2 is amended by revoking *clause 2.6* and substituting the following clause:

“2.6 Surrender of transport service licences and cards

“2.6(1) The holder of a transport service licence that is amended, revoked, surrendered or suspended must return the licence and any associated transport service licence card to the Agency within seven days of being ordered to do so by the Agency.”

“2.6(2) The holder of a transport service licence or the driver of any vehicle operated under that licence must surrender any transport service licence card on demand to an enforcement officer if:

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

2.3 Other amendments

Section 2 is amended by adding the following clauses:

“2.7 Transport service licence and cards property of Agency

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

“2.8 General requirements

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

2.4 Taxi services

2.4(1) *Section 4* is amended by revoking *clause 4.1* and substituting the following clause:

“4.1 General requirements

“4.1(1) A holder of a passenger service licence, who operates a taxi service, and a driver of a taxi must comply with the requirements in this section and *section 3*.”

“4.1(2) A holder of a passenger service licence may not operate a taxi service under that licence unless the licence holder is a member of an approved taxi organisation.”

2.4(2) *Clause 4.2* is amended by revoking *4.2(2)* and substituting the following subclause:

“4.2(2) A holder of a passenger service licence must ensure (except in the case of a trailer) that, on any taxi operated under that licence, the appropriate transport service licence card:

“(a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and

“(b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and

“(c) is clearly legible and visible at all times.”

2.4(3) *Subclause 4.2(3)* is amended by omitting “and 4.2(2)”.

2.4(4) *Subclause 4.2(6)* is amended by omitting “and 4.2(2)”.

2.4(5) *Subclause 4.2(7)* is amended by omitting “, and by 4.2(2) to be displayed on the outside of the vehicle,”.

2.5 Shuttle services

2.5(1) *Clause 5.2* is amended by revoking *subclause 5.2(2)* and substituting the following subclause:

“5.2(2) A holder of a passenger service licence must ensure (except in the case of a trailer) that, on any shuttle operated under that licence, the appropriate transport service licence card:

“(a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and

“(b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and

“(c) is clearly legible and visible at all times.”

2.5(2) *Subclause 5.2(3)* is amended by omitting “and 5.2(2)”.

2.5(3) *Subclause 5.2(6)* is revoked.

2.6 Certificate of knowledge of law and practice for approved taxi organisations

Clause 8.3 is amended by revoking *subclause 8.3(3)* and substituting the following subclause:

“8.3(3) Despite 8.3(1) and 8.3(2), the Agency, having regard to the limited or infrequent nature of the service, or proposed service, may waive the requirement for a person to hold a certificate of knowledge of law and

practice for approved taxi organisations, subject to such conditions that the Agency considers appropriate.”

2.7 Vehicle recovery services

2.7(1) *Clause 10.1* is amended by revoking *subclause 10.1(2)* and substituting the following subclause:

“10.1(2) A holder of a vehicle recovery service licence must ensure (except in the case of a trailer) that, on any vehicle recovery service vehicle operated under that licence, the appropriate transport service licence card:

“(a) is displayed, facing outwards, on the inside of the windscreen, as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and

“(b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and

“(c) is clearly legible and visible at all times.”

2.7(2) *Subclause 10.1(3)* is amended by omitting “and 10.1(2)”.

2.7(3) *Subclause 10.1(4)* is amended by omitting “and 10.1(2)”.

2.7(4) *Subclause 10.1(5)* is revoked.

2.8 Goods services

Section 11 is amended by revoking *clause 11.1* and substituting the following clause:

“11.1 Goods service vehicles

“Operator identification

“A holder of a goods service licence must ensure (except in the case of a trailer) that, on any goods service vehicle operated under that licence, the appropriate transport service licence card:

- “(a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, or on the first right-hand side window beyond the right-hand door, when viewed from the outside and front of the vehicle; and
- “(b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
- “(c) is clearly legible and visible at all times.”

2.9

Large passenger services

Clause 11.2 is amended by revoking *subclauses 11.2(1)* to *11.2(5)* and substituting the following subclause:

“Operator identification

“11.2(1) A holder of a passenger service licence must ensure (except in the case of a trailer) that, on any large passenger service vehicle operated under that licence, the appropriate transport service licence card:

- “(a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and
- “(b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
- “(c) is clearly legible and visible at all times.”

Section 3 Amendments to definitions

3.1 Insertion of new definitions

Part 2 is amended by inserting, in their appropriate positions, the following definitions:

“**Special interest vehicle** has the same meaning as in *Land Transport Rule: Frontal Impact 2001*.”

“**Transport service licence card** means a card issued by the Agency under this Rule and approved by the Agency as being in the form specified in *Schedule 2*; and includes a label.”

Section 4 Amendments to Schedules

4.1 Amendment to *Schedule 1, Certificate of responsibility*

Schedule 1 of Part 3 is revoked.

4.2 Amendment to *Schedule 2, Display of operator or taxi information*

Schedule 2 of Part 3 is amended by revoking “5. Display of Transport Service Licence Number (a) to (c)” and substituting the following:

“5. **Transport Service Licence Card**

[Refer 4.2(2), 5.2(2), 10.1(2), 11.1, 11.2]

“A. The card must show:

“(a) the Transport Service Licence number

“(b) the name of the Transport Service Licence holder

“(c) a unique identification number

“(d) the type of Transport Service Licence

“(e) a barcode containing the information in (a) to (d)

“B. The card may show:

“(f) such background and colours and security features as the Agency considers necessary to protect the integrity of the licence.”

4.3

Amendment to Schedule 4, Areas for which an area knowledge certificate is required

Part 3 is amended by revoking *Schedule 4* and substituting the following *Schedule 4*:

“Areas for which an area knowledge certificate is required

Ashburton:
Ashburton Ward.

Auckland metropolitan:
North Shore City, Waitakere City, Auckland City,
Manukau City, and Papakura City.

Blenheim:
Blenheim Ward.

Christchurch metropolitan:
Christchurch City excluding Banks Peninsula Ward.

Dunedin:
Mosgiel-Taieri Ward, Waikouaiti Coast-Chalmers
Ward, Cargill Ward, Hills Ward, South Dunedin
Ward, Green Island/Saddle Hill Ward and the
Dunedin International Airport and its precinct.

Gisborne:
Gisborne Ward.

Hamilton:
Hamilton City and Hamilton Airport and its precinct.

Hastings:
Hastings Ward and Havelock North Ward.

Invercargill:
Invercargill District.

Kapiti:
Paraparaumu Ward, Waikanae Ward and
Paekakariki/Raumati Ward.

Levin:
Levin Ward.

Masterton:
Masterton Urban Ward.

Napier:
Napier City.

Nelson:
Nelson City.

New Plymouth.
New Plymouth City and the New Plymouth Airport
and its precinct.

Palmerston North:
Papaioea Ward, Takaro Ward, Hokowhitu Ward, and
Awapuni Ward.

Pukekohe:
Pukekohe Ward.

Queenstown:
Queenstown urban area and the Frankton District.

Rotorua:
Rotorua urban area including the Ngongataha area, and
the Rotorua Airport and its precinct.

Taupo:
Taupo Ward.

Tauranga:
Otumoetai-Bethlehem Ward, Te Papa-Welcome Bay
Ward and Mount Maunganui-Papamoa Ward.

Timaru:
Timaru Ward.

Wanganui City:
Wanganui City Ward.

Wellington metropolitan:
Hutt City, Upper Hutt City, Porirua City and
Wellington City.

Whakatane:
Whakatane-Ohope Ward.

Whangarei:
Okara Ward and Denby Ward.”