

Small passenger services guide

Small passenger service requirements for operators, drivers, facilitated cost-share providers and dial-a-driver services.



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Waka Kotahi NZ Transport Agency

Published October 2019

978-1-98-856110-3 (online)

978-1-98-856109-7 (print)

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Waka Kotahi NZ Transport Agency

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This publication is also available on the Transport Agency's website at www.nzta.govt.nz

DISCLAIMER

This guide is provided to assist small passenger service operators and drivers (including third party facilitated cost-sharing and dial-a-driver services) by providing information to help maintain a safe, compliant, and professional transport industry.

This document deals with special passenger service licensing provisions but is not an exhaustive list of topics, and does not purport to contain nor be the source of the law.

Information can become outdated, especially in print format. The reader must ensure the information contained in this booklet is current. Up to date information can be found at www.nzta.govt.nz.

People applying guidance in this booklet must ensure compliance with all relevant legislation and regulations.

For additional information, advice or support please contact your local Transport Agency office.

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Passenger service rules

Taxis, shuttles, and private hire services are treated the same and are all known simply as **small passenger services (SPS)**. There are also some specific rules for third party facilitated cost-sharing and dial-a-driver services.

A small passenger service is where passengers are carried for hire or reward in a vehicle that has 12 seats or less (including the driver) and includes third party facilitated cost-sharing and dial-a-driver services.

SMALL PASSENGER SERVICE LICENCE (SPSL)

If you operate a passenger service using a vehicle that has 12 seats or less (including the driver) you need an SPSL. A large passenger service licence (LPSL) is required to operate a vehicle that has 13 seats or more (including the driver) whether or not the passengers are being carried for hire or reward. If you operate both types of vehicles you will need to hold both an SPSL and an LPSL. You only need to hold a Certificate of Knowledge of Law and Practice for an LPSL.

A facilitator is a type of operator that enables drivers and passengers to connect by electronic or other means (does not include the mere provision of an answering or call service). A facilitator must also hold an SPSL.

If you need a new small or large passenger service licence you must apply to the Transport Agency. An application pack is available on our website www.nzta.govt.nz/resources/transport-service-licence-application/.

The driver of a small passenger service must either have their own SPSL or drive on behalf of, or be facilitated by, an SPSL holder. On behalf of means someone that is contracted to drive for the SPSL holder, usually an employee (paid a salary or wages) but could also be a contractor paid a fee for the hours worked. The driver must be operating as part of the licence holder's business and not be in business in their own right. Where a driver is in business for themselves they must have their own SPSL.

A facilitated service is one where the driver and passenger are put in touch with each other via electronic or other means, for example using an app or a website. A driver in a facilitated service may hold their own SPSL or drive under the facilitators SPSL.

DRIVER LICENCE PASSENGER (P) ENDORSEMENT

The driver of a vehicle being operated in a small passenger service (except for a facilitated cost-share) must hold a passenger (P) endorsement on their driver licence and have a current ID card. To obtain a P endorsement you must have held a full class of driver licence (other than class 6) for at least 2 years, be medically fit to drive, and be a fit and proper person. More information and an application pack can be found on our website www.nzta.govt.nz/driver-licences/getting-an-endorsement/getting-an-endorsement-pvio/applying-for-a-passenger-p-endorsement.

SOME SERVICES ARE EXEMPT FROM THE RULES

Some passenger services are exempt from these rules in certain circumstances. This includes traditional carpooling, services operated by a district health board, home or community support services, armed forces, preschool education providers, and during a state of emergency. Each has specific requirements that must be met to qualify as an exempt service. For full details please refer to section 6 of the Land Transport Rule: Operator Licensing 2017 (www.nzta.govt.nz/resources/rules).

OPTIONS IN ADDITION TO THE MINIMUM LEGAL REQUIREMENTS

Operators are free to choose options in addition to the minimum legal requirements. For example, you don't have to have a taxi or 'for hire' roof lights, display your company name on the door, have signs in braille or display your prices, but you can still choose to have these if you think your business would benefit from it. As another example you are not required by law to have a panic alarm system or in some cases an in-vehicle security camera, but you can still choose to have these if you think it improves safety.

WORKING IN A COLLECTIVE OR GROUP

Operators are free to organise and market their services or business however they wish, either as a group or individually. The only transport service licensing requirement is that the operator must hold an SPSL.

DIFFERENT BUSINESS STRUCTURE TYPES

Operators have a choice of business structures – the most common are sole-trader, partnership and registered company. The SPSL must be held by the operator of the service, for example if the service is run by a registered company, the company must hold an SPSL.

More information on business structures can be found on the Ministry of Business, Innovation and Employment website: www.business.govt.nz/getting-started/taking-the-first-steps/choosing-the-right-business-structure/.

OPERATING LIMITS

Provided the service is operated safely and in compliance with the applicable laws, operators are free to choose what type(s) of small passenger service they wish to provide, the times that their service will be available, and the location(s) that the service will operate.

SAFETY COMES FIRST

The safety of passengers, drivers and vehicles is very important. The rules are designed to ensure safety is managed by requiring core safety checks, including that drivers that have a passenger endorsement and that small passenger service vehicles have a current certificate of fitness (CoF).

This guide contains more information on the things an operator or driver **must** do, and recommendations for things that you may **choose** to do (good practice) to play your part in ensuring the safety of drivers, passengers and other road users.

Operators with poor safety and compliance standards can expect increased scrutiny

You should keep safety top of mind when making any decisions about delivering your services



Drivers

The following requirements and guidance apply to all drivers of small passenger services (except drivers in a facilitated cost-share service). Requirements and guidance specific to particular small passenger service driver types follow.

Requirements

Work time

Work time limits and rest time requirements **must be complied with** – including keeping your logbook up to date.

- Please refer to the *Work time and logbooks for small passenger service drivers* for more details (available on the Transport Agency website).

Logbooks

You **must maintain an approved logbook** and record all work time duties, including work at any other employment.

- Please refer to the *Work time and logbooks for small passenger service drivers* for more details (available on the Transport Agency website).

Driver licence

All drivers must hold a **current valid driver licence**.

Smoking

No one is allowed to smoke inside a small passenger service vehicle, under the Smoke-free Environments Act 1990.

Receipts

You **must be able to issue a receipt for the trip or cause a receipt to be issued** (including GST if registered). This can be manual or electronic.

Additional guidance

Child restraints

Child restraints (car seats) are not required but if available they must be used.

Panic alarms

Panic or duress alarms are not required. If one is installed in your vehicle we recommend you know how to operate it and have it tested regularly.

Area knowledge

We recommend you familiarise yourself with the area you are operating in and/or have GPS facilities available.

DRIVING IN A SMALL PASSENGER SERVICE

Requirements for driving in a small passenger service

In addition to the requirements on page 5 there are also the following requirements for drivers in a small passenger service, including drivers in a facilitated service (excluding dial-a-driver and facilitated cost-sharing). If you are also the SPSL holder please also refer to the *Operators* on page 11.

Parking for hire

When doing hail work, or operating from a small passenger service vehicle stand in one of main urban areas listed, you **must have an in-vehicle security camera operating or only accept pre-registered passengers**. Please refer to page 14 for more details about in-vehicle cameras . including a list of the areas and exemptions. You must also comply with any local bylaws regarding parking. Refer to page 16 for more information on registered passengers.

You can only take up a position at a designated small passenger service vehicle stand **if your vehicle is available for hire**. You must remain with your vehicle.

Accepting a hire

You **must accept the first hire unless there is a lawful reason to refuse**. For example, you believe that your personal safety is at risk; or the service you work for is one that only provides services to registered passengers (such as through an app). You must take the best route for the passenger unless the passenger asks for something else, or the trip has more than one passenger with different drop off points.

In-vehicle cameras and registered passengers

If the service operates in one of the urban areas specified in the Operator Licensing Rule 2017, you are required to have an in-vehicle camera **or** to only provide services to registered passengers. Please refer to page 14 for more details including a list of the areas and exceptions.

Transport service licence

You must hold a small passenger service licence (SPSL) or be driving on behalf of someone who holds one (eg you are an employee or a contractor).

The **correct SPSL label** must be displayed on the inside of the windscreen, as close as possible to the bottom of the passenger's side so the label can be seen from the outside. In vehicles that do not have a windscreen the label must be displayed as close as possible to the registration plate.

Driver licence endorsement

You **must hold a P endorsement**.

You **must be, and continue to be, a fit and proper person** if you hold a P endorsement.

The Transport Agency decides who is a fit and proper person.

ID card

Once your P endorsement is approved you will be issued an ID card. This **must be displayed** in a fixed central and vertical position at the front of your vehicle visible to all passengers, for example on the dashboard. If you change vehicles, the card must be displayed in the new vehicle.

Fares

Drivers must agree the scale or basis of the trip with the passenger before the trip (including applicable extra charges and GST). For example, you can agree to a total price or use an agreed distance or time rate. At the end of the trip you cannot charge any more than the agreed amount, including deductions for any pre-payment made by the passenger.

Vehicle compliance

Your vehicle must have a **current certificate of fitness (CoF)** and be in a safe and roadworthy condition. We recommend that you complete a daily pre-trip inspection before starting work to ensure the vehicle and any equipment is in good repair and is compliant. Please refer to the vehicle walk-around inspection pages beginning on page 9 for more information.

Child-locks

Approved child-lock stickers are required to be displayed near the outside door handle if the child safety lock has not been removed or permanently disabled. That is, there needs to be a sticker on each door near the handle that has a working child-lock.

Additional guidance

Signs

Where an in-vehicle camera is being used the vehicle must have a notice clearly visible on the outside of the front passenger door and another inside in a prominent position advising passengers that the camera is operating.

Fares

The display of fares or fare schedules is not required.

Roof lights

If you choose to have a roof light it must be securely fitted to the vehicle and comply with vehicle lighting rules. For example, it must not display a red light to the front or white light to the rear, and can't dazzle, confuse or distract other drivers.

DRIVING IN A DIAL-A-DRIVER SERVICE

Requirements for driving in a dial-a-driver service

In addition to the requirements listed on page 5 there are also the following requirements for dial-a-driver drivers.

Transport service licence

Dial-a-driver services must hold an SPSL but are not required to display it on vehicles operating under the licence.

Driver licence endorsement

You **must hold a P endorsement** if you are the driver of the customer's vehicle

You **must be, and continue to be, a fit and proper person** if you hold a P endorsement. The Transport Agency decides who is a fit and proper person.

ID card

The P endorsement ID card must be displayed so it is clearly visible to the front seat passenger such as on a lanyard worn around the neck or pinned to a jacket.

Chase vehicle driver

The driver of the chase vehicle must hold the appropriate driver licence class for the vehicle being driven but is not required to hold a P endorsement or display an ID card.

Vehicle compliance

Vehicles used in support of a dial-a-driver service must have a **current warrant of fitness (WoF)**. We recommend the same pre-trip inspection be completed of the customer's vehicle before commencing the journey to ensure it is safe to operate including that it has a current WoF or CoF.

Additional guidance

In-vehicle cameras

Dial-a-driver services are exempt from the in-vehicle camera requirements.

DRIVING IN A FACILITATED COST-SHARE SERVICE

Requirements driving in a facilitated cost-share service

Drivers in a facilitated cost-share service must drive for a person who holds an SPSL or must have their own SPSL. The SPSL label does not need to be displayed. Drivers must have a current drivers licence and the vehicle being driven must have a current warrant of fitness. Drivers are not required to have a P endorsement, keep a log book, or comply with work time rules.

Vehicle walk-around inspection

Daily or pre-trip walk-around inspections only take a few minutes and can help ensure your vehicle is safe, roadworthy, and compliant. Drivers can include additional checks such as for cleanliness and of any additional equipment installed.

Operators of multiple vehicles are encouraged to also conduct regular inspections or even surprise checks periodically. Operators could incorporate additional checks on other equipment such as making sure the in-vehicle security camera is operating correctly (where fitted), or to check any meter or measuring device for accuracy. Operators should keep a record of these checks and could include these on the operation register.

THE ADVANTAGES OF A DRIVER WALK AROUND INSPECTION

It is important to understand the importance of a walk around check. It benefits both the business and other road users. Advantages can include:

- reducing the risk of an accident, injury or death
- ensuring the vehicle is safe to use
- identifying and reporting minor faults before they become major ones
- reducing risk to other road users.

WHEN SHOULD A DRIVER WALK AROUND INSPECTION BE CARRIED OUT?

Driver walk around inspections should be carried out:

- at every on-duty start time
- after every rest stop
- after an emergency stop
- at regular intervals if travelling on uneven surfaces, steep slopes, winding roads, etc.

A responsible driver will take the time to understand why it is important to inspect each item and recognise when an item is due for retesting, servicing, replacing or renewing.

Small passenger service vehicle walk-around check

Inside

- Wipers/washers
- Windscreen (clean and no damage)
- Mirrors (adjustment)
- Horn
- Sun-visor
- Seatbelts
- Service brake pedal (firm)
- Park brake lever (travel not excessive)
- Driver controls
- Driver's vision (GPS etc)
- Clean and tidy

Outside

- Headlights (dip and full beam)
- Indicators (left and right)
- Park lights
- Tail lights
- Brake lights
- High level stop light
- Reflectors
- Mirrors (Condition)
- Battery secure
- Leaks - oil or water
- Exterior clean
- Wheels (no damage and securely fitted)
- Tyres (condition and tread depth)

- Security camera operating (where fitted)
- Security camera sign (prominent position)

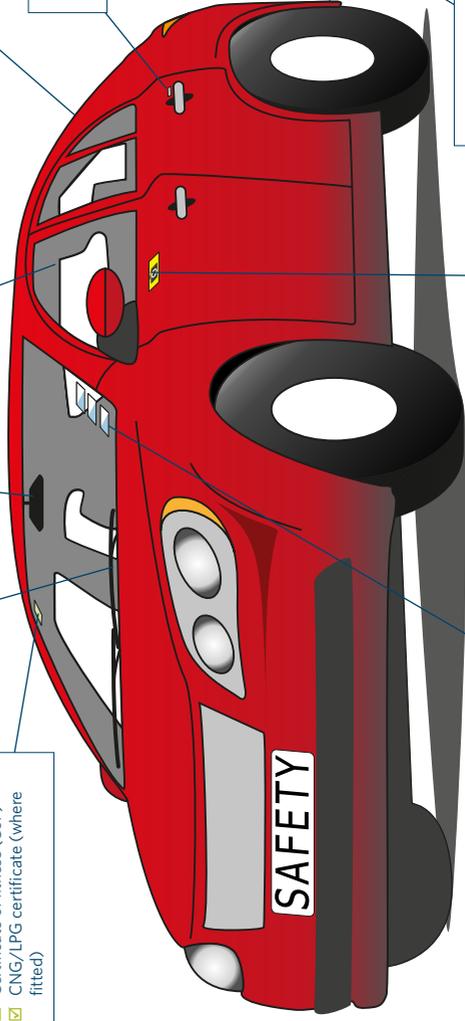
- ID card clearly displayed

- Certificate of fitness (CoF)
- CNG/LPG certificate (where fitted)

- Cargo barrier or restraints fitted and secure (where required)

- Boot**
- Spare wheel secured
 - Equipment stowed securely
 - Lifting jack and wheel brace secured
 - Clean and tidy

- Child safety locks warning sticker (if applicable)



- Licence label
- TSL Label
- Certificate of loading
- RUC (where required)

- Security camera sign (where fitted)

- Tow bar manufacturers label (where fitted)

Operators

The following requirements apply to all operators of small passenger services. Requirements and guidance specific to particular small passenger service operator types follow.

Make sure you also read the *Drivers* section starting on page 5 and the *Good practice* section starting on page 17.

Requirements for all operators

TRANSPORT SERVICE LICENCE	The operator must hold a small passenger service licence (SPSL).
LIVE IN NEW ZEALAND	Either a person in control of the service or an official representative must live in New Zealand . A New Zealand representative is someone who has the authority to engage with the Transport Agency on matters relating to compliance with the legislation and can accept service of legal documents on behalf of the operator. The details of the person(s) in control and the New Zealand representative (where appointed) must be notified to the Transport Agency.
FIT AND PROPER	Anyone in control, or deemed to be in control, of the service must be, and continue to be, a fit and proper person to be granted and hold an SPSL. This also applies to the New Zealand representative. A fit and proper person check is undertaken by the Transport Agency.
NOTIFYING THE TRANSPORT AGENCY	An SPSL holder must notify the Transport Agency of any of the following changes before they happen, or if that isn't possible, within 14 days: <ul style="list-style-type: none"> ▪ name change of SPSL holder ▪ change of any person who is to have control of the service ▪ change of address of the business location, or the home address of the SPSL holder or any person in control ▪ change to a company status (eg merger, amalgamation or dissolution) ▪ if the representative nominated as residing in New Zealand changes.
PROVIDING ASSISTANCE	If required, you must assist the Transport Agency and NZ Police in investigations and audits.
METERS	If you use a meter or measuring device of any kind to calculate a fare you must ensure it is accurate .

OPERATING A SMALL PASSENGER SERVICE

The following outlines the requirements for operators or facilitators of a small passenger service (excluding facilitated cost-sharing). Licence holders may be both an operator of a small passenger service and a driver in the service.

Requirements for small passenger service operators

TRANSPORT SERVICE LICENCE	The relevant SPSL label must be displayed in any vehicle operating under that service. The label must be displayed on the windscreen, as close as possible to the bottom of the passenger's side so the label is visible from the outside. In vehicles that do not have a windscreen the label must be displayed as close as possible to the registration plate.
VEHICLE COMPLIANCE	You must ensure that vehicles have a current certificate of fitness (CoF) and that you keep evidence that proves this is being done. Please refer to page 17 for ideas on what evidence records might look like. Vehicles used in a dial-a-driver service need only have a current warrant of fitness (WoF). This includes the customer's vehicle.
DRIVER COMPLIANCE	You must make sure that drivers have a valid passenger (P) endorsement, ID card, and are complying with work time rules. You must keep evidence that prove this is being done. Please refer to page 17 for ideas on what evidence records might look like.
PASSENGER COMPLAINTS	Passengers can lodge complaints to you and you must keep a record of these for at least two years. Your records must be available for inspection when requested by an enforcement officer. Please refer to page 17 for ideas on what a complaints register might contain.
SERIOUS COMPLAINTS	You must advise the Transport Agency of any serious improper behaviour. This includes you, anyone driving for you, on behalf of, or in connection with the service you offer. This includes (but is not limited to) violence, assault, sexual offences, and driving while under the influence of alcohol or drugs. If you are unsure whether the event is 'serious' we recommend you contact the Transport Agency anyway.
IN-VEHICLE CAMERAS AND REGISTERED PASSENGERS	If the service operates in one of the urban areas specified in the Operator Licensing Rule 2017, you are required to have an in-vehicle camera or to only provide services to registered passengers. Please refer to page 14 for more details including a list of the areas and exemptions.

Additional guidance

RECEIPTS	Drivers must be able to issue receipts for trips or cause a receipt to be issued. This can be manual or electronic and must include GST (if registered). We recommend any receipt include the driver's name or unique ID.
FARES	Drivers must agree the basis or scale of the fare with the passenger before starting the trip. If you use a meter or any kind of measuring device to calculate the fare it must be accurate, and we recommend you keep evidence of this.
CHILD RESTRAINTS	Child restraints (car seats) are not compulsory, but you can choose to provide them.

OPERATING A DIAL-A-DRIVER SERVICE

In addition to the requirements listed on page 9, there is also the following requirement for dial-a-driver drivers.

Requirements for dial-a-driver service operators

TRANSPORT SERVICE LICENCE	Dial-a-driver services must hold an SPSL but are not required to display it on vehicles operating under the licence.
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OPERATING A FACILITATED COST-SHARE SERVICE

This is a service where a third party arranges contact between passengers and drivers in return for the driver being reimbursed. The third party operator can charge a fee, and drivers are reimbursed at a cost-sharing rate set by the Minister of Transport that reflects fuel costs and vehicle wear and tear. Payments to the driver cannot include payment for travelling time, any infringement fees incurred during the journey, or registration and licensing costs.

Requirements for facilitated cost-share service operators

PAYMENTS	Payments to drivers must be within the cost-sharing rate set by the Minister of Transport (\$0.73 per kilometre as at 1 October 2017).
RECORDS	The facilitator must maintain the following records for 12 months and provide these records to the Transport Agency on request: <ul style="list-style-type: none"> • payments to the driver • payments made by the passengers to the facilitator • distance travelled in each trip.

Additional guidance

TRANSPORT SERVICE LICENCE	You are not required to display your SPSL, but you must hold one.
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In-vehicle security cameras and registered passengers

Small passenger service vehicles operating in the urban areas listed below must operate an approved in-vehicle camera **or** only provide services to registered passengers (such as those registered through an app). There are rules for each option, and a service can have both.

17 LISTED URBAN AREAS WHERE IN-VEHICLE CAMERAS ARE REQUIRED

- Whangarei
- Auckland
- Hamilton
- Tauranga
- Rotorua
- Gisborne
- Napier
- Hastings
- New Plymouth
- Whanganui
- Palmerston North
- Wellington
- Nelson
- Christchurch
- Dunedin
- Queenstown
- Invercargill

For more details on boundaries please refer to Schedule 2 Land Transport Rule: Operator Licensing 2017 (www.nzta.govt.nz/resources/rules).

SERVICES EXEMPT FROM THE IN-VEHICLE CAMERA OR ONLY REGISTERED PASSENGERS REQUIREMENTS

The following do not need to comply with either the in-vehicle camera or only registered passengers requirements:

- dial-a-driver operators
- facilitated cost-share operators
- special occasion vehicle hire services (eg weddings or school balls)
- short duration package tour services (eg three-day sightseeing tours)
- government services under a long-term contract
- specialist services offered on a chartered basis (eg limousine chartered for 24 hours, chartered education services).

IN-VEHICLE SECURITY CAMERA SYSTEMS MUST BE TRANSPORT AGENCY APPROVED

If you choose the in-vehicle camera system option the vehicle cannot be used to accept a hire unless the system has been approved by the Transport Agency, is operating properly, and the camera is mounted so it has a clear view of the inside of the vehicle. Approved camera systems are published on the Transport Agency website www.nzta.govt.nz/in-vehicle-camera. You can also apply to the Transport Agency for approval of a new system.

If you normally do not work in any of the listed urban areas and do not have a camera installed, you may go into these areas to collect a pre-booked fare provided the destination is outside any of the listed urban areas.

A sign or notice that an in-vehicle camera is operating must be clearly displayed on the outside of the front passenger door, and inside the vehicle in a prominent position.



WHO CAN ACCESS IN-VEHICLE CAMERA SYSTEMS

The information recorded by an in-vehicle camera system can only be accessed by:

- a member of the Police or a person acting for a member of the Police conducting official Police duties
- a person identified and authorised by the SPSL holder who is accessing the system to provide information to the Police, manage personal information in accordance with the Privacy Act 1993, or to repair/test/assess the operation of the camera system.

Recordings of the trip must be retained for at least 168 hours (seven days) after completion of the trip.

Security cameras promote driver safety and also provide benefits for passengers. For this reason, the Transport Agency considers that in any of the 17 listed urban areas where in-vehicle cameras are required, the default position for any driver accepting a 'walk-up casual passenger' is for the vehicle to have a working security camera of an approved type. The only exemptions to this are when the driver is driving one of the specified exempt services, or carrying properly registered passengers.

OPERATING WITH REGISTERED PASSENGERS

If you operate in one of the listed urban areas and don't have an in-vehicle camera, either you are operating an exempt service (pages 14–15) or your passengers must be registered. The purpose of this alternative to having an in-vehicle camera is to ensure that a driver and passenger can be identified and located if an investigation into an incident is necessary. Security cameras can serve as a deterrent to improper behaviour inside the vehicle by providing reliable and accurate identification evidence when required to authorised persons, including the NZ Police.

A registered passenger service must:

- only offer trips to passengers who have already registered with the operator as a user of the service
- make information about the driver available to the registered passenger, and information about the registered passenger available to the driver (such as names and photographs), prior to the trip commencing
- keep, for at least 168 hours (seven days) **after** the trip is completed, information about both the driver and the registered passenger and also a record of the journey (the start and finish times and their locations, and possibly the route itself).

The following details are the minimum the Transport Agency expects to be collected from, and retained on, a registered passenger:

- name
- contact address
- contact phone number
- email address (if applicable).

Without a working approved camera, no driver can accept casual, walk-up passengers

THE REGISTRATION PROCESS MUST BE ROBUST AND RELIABLE

Since vehicles with registered passengers aren't required to have a security camera, information regarding driver and passenger details and the trip itself need to be as robust and reliable as reasonably practicable.

- This means that **registering at the point the trip is about to start is not acceptable** as these are unlikely to be recorded and retained in a secure manner.
- The **information should be stored independently of the small passenger service vehicle** itself – and needs to have a verification process for the information provided (eg like through app-based registrations).
- **A notebook entry held by the driver would not be considered compliant** as it includes no verification opportunity and could be easily interfered with should a passenger not wish to leave identification evidence in the small PSV (eg a passenger could assault a driver and steal the notebook).

Good practice

OBLIGATIONS OF SMALL PASSENGER SERVICE OPERATOR

A small passenger service operator has an obligation to keep a register of complaints, and to make sure that:

- drivers have a current passenger endorsement and ID card
- drivers comply with work time requirements
- vehicles have a current certificate of fitness (CoF)
- you keep evidence of all these things.

The rules do not give specific details on how to do these things. While this allows you to be flexible and have systems that suit your operation, here are some 'good practice' suggestions that may help compliance.

CURRENT PASSENGER ENDORSEMENT AND ID CARD RECORDS



We recommend operators take a photograph of or photocopy these documents and keep these for their records. Check the driver has the correct class of driver licence for the vehicle they will be driving and note the driver licence number, any special conditions, and expiry dates especially for their P endorsement and ID card. Before the endorsement or ID card expires you should check that a replacement has been obtained and make a record of the new details. You could also consider joining

TORO – see page 20 for more information.

ENSURE VEHICLES HAVE A CURRENT CERTIFICATE OF FITNESS (COF)



Operators should inspect all vehicles and make sure they have a current CoF before starting in the service. Take a note of the CoF expiry date and keep your records updated as new CoFs are obtained. It is good practice to also periodically inspect vehicles to ensure they are safe, roadworthy, clean and tidy. You can also check camera operation (where applicable) at the same time. You should record the dates of any checks and note any issues, making sure any problems are fixed and checked.

DRIVERS COMPLYING WITH WORK TIME

We recommend operators conduct regular checks of drivers' logbooks and compare entries against other records such as GPS or job records where available. If a despatch or GPS system is used these can also be checked to monitor for work time compliance. You could also consider having drivers use electronic logbooks which can provide simple management reporting tools. Operators must be aware if drivers have other employment and ensure this is also being accounted for to make sure drivers are not exceeding work

time limits. The date of any checks should be recorded, for example putting your initials and date on the last logbook page checked, or recorded separately on a register or check sheet. Operators must take action where issues are identified and this should also be recorded.

MAINTAIN A SINGLE REGISTER

We recommend you maintain a single register of your vehicles, drivers and the evidential records mentioned above. This is easily done using an electronic spreadsheet or manually. There are also increasing options for fleet management software programs that may suit larger fleets. Registers can be as simple or detailed as needed depending on the size of your operation, and be added to over time as your business grows. This ensures all relevant information is in one place and you can easily monitor for things such as CoF and P endorsement expiry dates. It also makes it easy to comply if an enforcement officer asks for evidence that you are meeting your obligations.

Some ideas of the things that could be recorded in your register:

- vehicle registration number
- vehicle type
- licence label type (T or L, not G)
- certificate of fitness (CoF) expiry
- driver's name
- driver licence number
- driver licence expiry date
- any driver licence special conditions
- ID card expiry date
- dates of any checks or inspections that are made and by whom, for example when a driver gets a licence renewal, when a new CoF is obtained, or when a work time check is done
- any comments or notes of issues found and the date these were checked as being fixed.

Sample register

Small Passenger Service Operator		AC Limited	Small Passenger Service Operator Licence No:		TSL 46778
Driver name	D/Licence No:	D/Licence Expiry Date	Date Driver Licence Renewal Checked	Passenger Endorsement Expiry Date	Date Passenger Endorsement Renewal Checked
Peter Smith	AF 578232	09-08-2017	10-8-2017	05-05-2017	06-05-2017
Alan Franks	AF 234563	02-09-2017		07-07-2017	08-07-2017

Sample of part of a spreadsheet style register

KEEPING A REGISTER OF COMPLAINTS

Operators must keep a record of all customer complaints for a period of two years and show it to an enforcement officer if asked. This is easily done using an electronic spreadsheet or can also be done manually. We recommend having a record of complaints that contains the following information:

- name, address, and contact details of the person making the complaint
- date, time, and location of the event
- the identity of the driver/vehicle
- the details of the complaint
- the name of the person taking the complaint and the date/time it was received
- what action has been taken as a result of the complaint and who took that action
- a record that the complainant has been advised of the result
- any documents such as the letter or a printout of the complaint, and any letter or email communication with the complainant.

Chain of responsibility

A person who influences driver behaviour and compliance can be held accountable if this results in non-compliance with traffic rules and laws. A conviction for a chain or responsibility offence can result in a fine of up to \$25,000. Operators or anyone else can be held accountable if their behaviour results in a driver:

- exceeding speed limits
- breaching work time or rest time rules
- failing to maintain a logbook or comply with logbook requirements.

Operators cannot abdicate their responsibility or any issues, and must be proactive to ensure safety and compliance in their business.

TSL labels

The SPSL label for the operator of the service must be displayed in any vehicle being operated under that licence

SPSL labels confirm who is operating the vehicle and that the operator has an SPSL. The label shows authorities who is taking responsibility for the service so you must ensure the correct label is displayed.

- Where you are in business for yourself and have your own licence – display your own SPSL label.
- Where you are driving on behalf of a licence holder (as an employee or contractor) – display the SPSL label of the operator you are working for.
- Where you are driving in a facilitated service – display your own SPSL label if you have your own licence, otherwise display the facilitators SPSL.
- Where you drive under more than one SPSL, you need to display the licence that is applicable to the journey at that time.

Other than when someone is driving on your behalf, it is illegal to sell, loan, hire or otherwise allow any other person to use your SPSL label.

You should keep a record of the serial number on each SPSL label and the registration number of the vehicle it is in so you know where all your labels are. You could include these details in your operation register. If any of your SPSL labels have been lost, stolen, or misused, advise the Transport Agency immediately.



Fatigue

Operators must manage the work environment in such a way that driver fatigue does not become a factor in workplace accidents and incidents. These accidents and incidents include vehicle crashes that can range from minor vehicle damage (like a clipped outside mirror), through major damage to vehicles or property, to serious injury and even death.

Fatigue is more than being tired – it's physical and/or mental exhaustion, to the extent people are no longer effective or safe at work. Driver fatigue is recognised as a significant hazard in the workplace and, like any workplace hazard, the first priority must be to eliminate it. If this cannot be done then minimization must follow. It cannot be simply ignored. Everybody has a responsibility to ensure no driver is allowed to drive while fatigued.

When a driver is fatigued, their judgement and decision making become badly affected and their reactions are slower than normal. A driver who is fatigued is less able to judge how tired they are, meaning the risk of falling asleep at the wheel is greater, which can have fatal consequences. Commercial drivers and their employers need to be aware of fatigue, how to recognise and how to prevent it.

FATIGUE WARNING SIGNS



RESTLESSNESS



BLINKING
FREQUENTLY



YAWNING



EXCESSIVE SPEED
CHANGES



BRAKING TOO LATE



FORGETTING LAST KMS



DROWSINESS



CENTRE-LINE DRIFT

THE CAUSES OF FATIGUE

Body clock factors

- Working when you would normally be asleep
- Sleeping when you would normally be awake.

Sleep factors

- Getting less than the normal amount of sleep
- Getting poor sleep.

Work factors

- Working very long or extended hours
- No time to recover from work.

Health factors

- Medical sleep problems
- General health and lifestyle issues.

TIPS FOR MANAGING FATIGUE

Make sure drivers understand and comply with work time rules and rest time requirements

- Reinforce the legal requirements with drivers and provide education where needed.
- Monitor and take action where issues are identified.

Involve your drivers

They can help identify and work out how to manage work risks as they have useful operational knowledge.

- Make sure drivers know they can make suggestions, ask questions or raise concerns.
- Make sure drivers know the signs and symptoms of fatigue so they know what to look out for.

Educate and support life management skill development

Obesity, heart disease, diabetes, and sleep disorders can be common in the transport industry and have an impact on fatigue.

Operators can promote better health management and take action where they suspect a health issue is having an effect of safety performance. Make sure drivers get adequate time off for rest and are encouraged to have plenty of good quality sleep, eat healthy meals, get some exercise, and get professional medical help where necessary.

Check that drivers are not taking medication that might contribute to fatigue

Some prescription medication can cause drowsiness. Encourage drivers to check any prescription medication for warnings and talk to their pharmacist or doctor. There may be alternatives available.

If they need to take medication that causes drowsiness you will need to consider what work duties they are safety able to perform. See “Alcohol and drug use” on page 24 for more information how medication can affect driver safety.

Provide appropriate work environment, tools, and facilities

Provide access to facilities such as toilets, showers, healthy meals, and accommodation where appropriate. Consider things like vehicle cabins, seating, controls, equipment, and low noise levels to support driver health and comfort.

Be aware of other employment and ensure this is taken into consideration

If a driver has other employment make sure they are recording all work time in their logbook and their total work time is accounted for when considering if they are legally able to, and safe to drive.

Monitor and manage logbook records

- Have a system to collect driver's logbooks regularly (within 14 days at the latest) and make sure drivers comply. Check for omissions and errors (this could be random or periodic), and compare against other records to check accuracy (eg GPS, fuel, or loading records).
- Take action where problems are found and keep a record of this.
- File logbook pages by book and page number and make sure you have a complete record.

Employers must keep logbook records for 12 months and be able to produce them to an enforcement officer if asked.

For additional information including a downloadable drivers booklet: www.nzta.govt.nz/commercial-driving/commercial-safety/work-time-and-logbook-requirements/

Consider technology advances

GPS, in-cab telematics, fatigue detection and electronic logbooks can improve safety and efficiency by allowing a greater level of monitoring for fatigue.

Set achievable schedules and rosters

This is so that your drivers can adhere to the speed limits and work time requirements, and are not pressured to drive when fatigued. You also need to consider other work duties might add to fatigue such as administration, loading or unloading, depot/yard work, and servicing and maintenance duties.

Alcohol and drug use

The effect of alcohol and (illegal) drugs on drivers and the impact on road safety is well known. Operators must ensure that they do not deploy drivers who are, or they suspect are, under the influence of alcohol or drugs.

Prohibiting the use of alcohol and drugs in company vehicles can be included in employment contracts or in company policies and procedures, with options for employment and random testing available.

MEDICATION AND DRIVING IMPAIRMENT

Many prescribed medications (or those purchased over-the-counter) can impair driving, as can many drugs. Yet substance impaired driving is not something many people are aware of or understand how to manage.

While it's unsafe to drive when taking medication that impairs a driver's ability, it's also against the law to drive when impaired. Drivers can fail workplace drug testing due to several common types of medication (either over-the-counter or prescription).

If drivers aren't fully alert they could be a danger to themselves and other road users. It's important for them to know which of their medications may impair driving, and they should be encouraged to talk honestly with their doctor or pharmacist about them (and anything else they are taking). Research shows your chances of having a crash if you're impaired by medication are much higher than previously thought. The risk multiplies if they mix alcohol with medication or drugs that may impair driving, and both could impact on fatigue.

Operators and drivers should be aware of these common symptoms:

- feeling drowsy/sleepy
- blurred vision
- headache
- feeling weak
- slowed reactions
- dizziness
- nausea, feeling sick
- unable to focus or pay attention
- being easily confused
- slurred speech
- having trouble forming a sentence
- feeling wired and overconfident (this may not be noticed by the driver).



Duties for logbooks and transport records

Employers, facilitators, and self-employed drivers must keep the following records for 12 months from the date the record is made:

- Time records, records of payments to the driver, and employment or contractual records relating to the driver.
- Accommodation records and receipts relevant to the transport service or transport service vehicle.
- Fuel records and receipts for relevant transport service vehicles.
- Logbook pages (employer copy for employed/facilitated drivers or own copy if self-employed).

Employers, facilitators and self-employed drivers must be able to make the above records available for immediate inspection on demand by an enforcement officer.

Operators may also be required to maintain additional records for the purposes of road user charges (RUC). Please refer to the *Road user charges handbook* available on the Transport Agency website for details.

More information on work time and logbooks for drivers and operators can be found here:

www.nzta.govt.nz/commercial-driving/commercial-safety/work-time-and-logbook-requirements/.

Electronic logbooks

Logbooks must be approved by the Transport Agency to ensure they meet all recording and records keeping requirements. Though traditionally paper based, approved electronic logbooks (e-logbooks) using tablet or mobile devices are now also available. E-logbooks provide an improved method for drivers to manage their own work time, are much simpler, have greater accuracy, and provide a better management overview to monitor and control fatigue risk and compliance.

Operators and drivers must keep in mind that while the method of recording work time is different to a paper based logbook, the same recording and compliance requirements as the paper-based system still apply. This needs to be taken into account in how e-logbooks are deployed in your vehicles. This includes:

- enabling the driver to easily record all work time (not just drive time)
- enabling the driver to record work time from more than one employer
- ensuring the system is available for use and minimum requirements can be met when

outside data coverage areas

- ensuring the driver can produce their logbook immediately on demand
- ensuring the driver can meet logbook records retention requirements, and can produce past records for inspection on request.

The Transport Agency recommends that each driver has their own e-logbook device which is the best way to ensure minimum requirements can be met at all times.



The approved e-logbook systems can be found at:
www.nzta.govt.nz/commercial-driving/commercial-safety/work-time-and-logbook-requirements/electronic-driver-logbooks/

For more information on worktime and logbooks, refer to the *Worktime and logbooks factsheet and guides* at:
www.nzta.govt.nz/resources/factsheets/02/

Fit and proper

Transport operators must meet a minimum standard of behaviour. We call this being fit and proper. Transport operators undergo a fit and proper assessment as part of their TSL application. Drivers holding a class 2–5 drivers licence do not have the assessment when they begin driving for employment, but both drivers and operators must maintain good standards of behaviour, including demonstrating good safety practices.

A fit and proper review can be undertaken at any time, which depending on the type of licence can include:

- criminal history
- criminal activity relating to the transport service
- any serious behavioural problems
- any transport related offences (including infringements)
- complaints made in relation to the transport service
- history of persistent failure to pay traffic fines or road user charges
- anything else the NZ Transport Agency thinks is relevant.

The NZ Transport Agency can revoke a transport service licence and disqualify the person/s in control from obtaining a transport service licence or having any form of control of any transport service for up to 10 years. A driver can be disqualified from holding any commercial class of drivers licence for up to 10 years.

TORO – Transport Organisation Register Online

The Transport Organisation Register Online (TORO) is a free, independent, internet-based system that SPSL holders (or any transport service licence holder) can use to check that only current licensed drivers are driving in their service. It also allows SPSL holders to monitor their drivers' licence status and activities. TORO users must obtain the written consent of each driver they wish to monitor.

TORO services are provided free of charge.

If you would like to join TORO, send an email to toro@nzta.govt.nz with your postal address details and we will send you an information pack.

TORO provides the following information:

- the licence classes and endorsements that a driver holds
- the status of the driver licence
- details of any conditions on a driver licence
- if a driver's passenger endorsement is about to expire
- if a warning letter has been issued because they have exceeded 50 demerit points
- if a suspension letter has been issued because they have exceeded 100 demerit points.

You can also view and maintain your own company list of drivers – adding new drivers and removing drivers who are no longer associated with the service.

INFORMATION FOR DRIVERS

There is no legal obligation on you to give consent to your employer so they can access your information via TORO. If you do not wish to give your consent please discuss this with your employer. If you do consent you will be provided a form to sign which your employer must keep on your employment file for six months after you leave.

Section 199(4) and 199(6) of the Land Transport Act 1998 specify that certain information from the driver licence register can be released to people other than the licence holder. In addition, some of the information not covered by the Land Transport Act 1998 can be released under the Privacy Act 1993, if you consent to that release.

To find out more go to www.nzta.govt.nz/toro

Health & Safety at Work Act 2015

The healthy and safe workplace starts with identifying and understanding what your work-related health and safety risks are; particularly those that have the potential to cause people serious injury or illness. It then involves doing what is reasonable, what is practical and what you are able to do to eliminate or, where they can't be eliminated, minimise those risks. This is what we refer to as proportionate risk management.

Your focus should be on managing your business's most significant risks before managing less serious risks. Your work activities should be reviewed on an ongoing basis to identify any new risks that need to be managed.

HSWA is consistent with transport regulations requiring transport operators to do what is reasonably practicable to ensure the health and safety of their own workers, and anyone else who may be put at risk by the work activity. This includes ensuring you have safe vehicles and safe and healthy drivers.

It is important that companies and individuals understand their roles, duties, and key principles under HSWA and ensure they discharge their duties properly.

PERSON CONDUCTING A BUSINESS OR UNDERTAKING (PCBU)

Typically this is the registered company, or in the case of a sole trader the individual who owns and runs the work activity. A PCBU has the **primary duty of care** to ensure **so far as reasonably practicable** the health and safety of workers and others.

WHAT DOES REASONABLY PRACTICABLE MEAN?

Reasonably practicable means that which is or was at a particular time, reasonably able to be done taking into account relevant matters including:

- the likelihood of hazard or risk occurring
- the degree of harm that might result
- what the person knew or ought to have known about the risk and ways it could be eliminated or minimised
- the availability and suitability of ways to eliminate or minimise the risk

Health and safety leadership is critical. It requires a focus from the top just like any other business risk, and managing it well is good for both your business and workers.



For more information go to: www.nzta.govt.nz/medication
or email medication@nzta.govt.nz.

- the cost to eliminate or minimise the risk (including whether the cost is grossly disproportionate to the risk).

OFFICER

An officer is someone in a specified governance role such as a director or partner, or someone in a governance position that significantly influences the management of the business, such as a CEO. An officer must exercise **due diligence** to ensure the PCBU complies with its duties. This means exercising all care and skill expected of any reasonable person in the same position.



For more information go to

<https://worksafe.govt.nz/managing-health-and-safety/>.



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