

*Submission on
Land Transport Rule 32003/2 Steering System Amendment 2009
15 August 2008*

Complete as per part one of on-line submission form.

On behalf of the Left Hand Drive Enthusiasts Federation (LHDEF).

To: Rules Team
NZ Transport Agency
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From: Left Hand Drive Enthusiasts Federation
PO Box 83-183 Edmonton Auckland.

Confidential Information

No part of our submission is confidential and is available for public dissemination, as well as to other interested parties for comment.

The Left Hand Drive Enthusiasts Federation represents a number of left hand drive enthusiast clubs, associations and individuals including but not limited to Mustang and Corvette clubs, BMW Owners Club, Ferrari Owners' Club, NZ Buick Enthusiast club, American Muscle Car Club, American Classic Car Club, Pukekohe Hot Rod Club, Cadillac La Salle, and N.S.R.A. Further we have become the voice for many additional LHD enthusiasts across New Zealand.

LHDEF Background comments:

The Left Hand Drive Enthusiasts Federation has been active for the past 5 years working with agencies to provide a fair and workable replacement regulation for the existing regulations which expire in June 2009.

We reiterate that there are no known or obvious safety issues with the current left hand drive fleet. In an OIA letter dated 10 November 2004 the then LTSA confirmed,

“As far as the LTSA has researched this topic, there are no reports/discussion documents suggesting that it is inherently less safe to drive a left hand drive vehicle on the road in New Zealand.”

The ability to import and register newer LHD vehicles for enthusiasts will help modernise the NZ-LHD fleet over time and help meet Government emission and safety objectives.

Section 4

Category A: Special Interest Light Vehicles less than 20 years old:

The new legislation removes a significant and in our view, legislatively unjustifiable bias regarding the importation and registration of a newer than 20 year old LHD collectible vehicle. Therefore we are highly supportive of the new Section 4, Category A.

We support the conditions as listed in the Rule, including the provision for trustee ownership, without amendment.

We also support the removal of the 'baggage' vehicle clause.

We agree with the proposed annual quota for 500 LHD SIV and is an acceptable compromise. We recommend that the allocated quota be reviewable over time.

The overview refers to being "imported for the importer's own personal use". Any reference in the Rule or TSD instructions should be clear that this in fact should refer to the first registered NZ owner or applicant, i.e. the person registering the vehicle, which may not necessarily be the importer.

This concept that the vehicle is imported for the importers own personal use is at odds with the fundamental rationale behind the new regulations. That is to regulate the introduction of LHD vehicles into the NZ fleet. (This is a rule for registration, not importation).

The task of importing a vehicle is likely to be too daunting for an enthusiast to attempt alone, in fact many enthusiasts would rather buy a vehicle they can see once in New Zealand as opposed to buying sight unseen and the extra risk that comes with this. The instructions at the compliance end of the process need to remove any requirement that the permit must be in the importers name and instead be in the name of the person first registering the vehicle. The main issue here is that this is not a requirement of the proposed rule, as this can unfairly trap enthusiasts with no benefit to the authorities whatsoever. The important part of the proposed criteria is that the vehicle meets at least three out of four of the SIV criteria and that the person first registering the vehicle (the applicant) in New Zealand does not already own an SIV in his/her name. The annual quota limit will be in place to ensure the overall numbers are controlled.

We have raised this point with the Ministry on several occasions and they agree with the LHDEF that this is not a requirement of the rule and should be removed.

Category B: Light vehicles that are 20 years old or more

We support removing the restriction on an importer/owner only being able to import one LHD vehicle in a twelve month period.

As per our comments in Category A, we note the overview refers to the vehicle being imported for the “importer’s own personal use” when in fact the importer may not be the intended first registered owner in NZ. In the past, this had restricted purchasers from registering an applicable vehicle for the first time because they did not personally import it. So it should be clear in the instruction manual for TSD agents that this refers to the first owner, or name of person first registering the vehicle (the applicant) and not necessarily the importer. It is unfair to place such an administration criteria on bonafide purchases on LHD vehicles that have spent good money to purchase a car of their dreams only to find a clerical issue prevents them registering their car.

We recognise that the amendments to the Rule are designed to cater more broadly for owners of LHD’s and therefore we accept it is appropriate that there be restrictions on not operating such a vehicle in a transport service.

Categories C1, C2, C3, C4 and D. No comment on these categories.

Category E: Previously Exempted Vehicles:

We understand that the new Rules will not be retrospectively applied to LHD vehicles which have been exempted under the existing Rules, and that the Amendment Rule should include a provision for owners of those vehicles.

Categories F, G, H. No comment.

Part II**Application for Category A left-hand-drive Vehicle Permit:**

We endorse the criteria under clause 2, but note subclause (b)(vi) which requires the applicant not to have been granted a Category A Left Hand Drive SIV permit in the last two years. We believe this is unnecessary as subclause (b)(iv) does not allow the owner to sell or lease the vehicle within four years of first NZ registration, and under Section 4, Category A (condition 3) it is a condition of the permit that the owner does not have any other category A left hand drive vehicle registered in his or her name, or if the owner is a family trust, in the name of the trustee.

Issue of Category A left-hand-drive Vehicle Permit:

We suggest removal of unnecessary condition in subclause 3.(b) (iii) “has not been issued with a left hand drive vehicle permit in the last two years” as per above reasoning.

In clause 4, it would be restrictive to list a number of magazines in an attempt to capture what is essential proof of the collectibility or enthusiast following with regard to a specific vehicle.

To future proof this legislation it is proposed that the list be replaced with the following phrase.

Evidence of a Commercial publication (non club or motor vehicle dealer based) that provides enthusiast information, articles and pictures involving the vehicle marque is identified as being a collectors item.

If the magazine list is to be preferred, we seek the removal of *Unique Cars Magazine* (Australia) which is merely a used car trading publication. We suggest NZV8 magazine be included instead as this highlights current and older collectible sports and performance vehicles and is not a cars for sale publication.

While neither Australia or New Zealand is a manufacturer of left hand drive vehicles, this is a New Zealand exemption and as such we would expect New Zealand Enthusiasts magazines to write articles on the sought after left hand drive vehicles that would meet the SIV definitions.

[Note also you could delete Top Gear NZ and MOTOR Australia]

It may be advisable in future proofing the legislation as noted above that it be made clear that the listed magazines are not an exhaustive list, and that applicants submitting other enthusiast syndicated magazines (from any other market), or their respective websites, could also be acceptable as evidence that the vehicle in question meets the collectible criteria.

For example, other acceptable mainstream titles may include Mustang Monthly (US), Corvette Fever(US) and BMW Car Magazine (UK).

Thank you for the opportunity to comment and we request that we continue to be advised of developments in order that we may advise our members and prevent any misunderstanding or rumours around the proposed changes.

Yours sincerely

Jeff Tobin
Left Hand Drive Enthusiasts Federation