

WELLINGTON, NEW ZEALAND

PURSUANT to Sections 152, 155(a), 155(b) and 166(4) of the Land
Transport Act 1998

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

HEREBY make the following ordinary rule:

Land Transport Rule: Frontal Impact Amendment

SIGNED AT Wellington

This *Eighth* day of *April* 2008



Harry James Duynhoven
Minister for Transport Safety

Land Transport Rule
Frontal Impact Amendment 2008
Rule 32006/3

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Land Transport Rule

Frontal Impact Amendment 2008

Rule 32006/3

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Objective of the Rule

Land Transport Rule: Frontal Impact Amendment 2008 (the amendment Rule) amends *Land Transport Rule: Frontal Impact 2001*, which requires vehicles to be designed and constructed so as to help protect vehicle occupants in the event of a frontal impact crash.

The objective of the amendment Rule is to improve the system for approving the entry into New Zealand of certain vehicles that do not comply with frontal impact standards.

Under the previous requirements, non-compliant vehicles could be certified and registered for use on New Zealand roads only if they were granted an exemption. The Rule provides for the following vehicles to be considered for entry into New Zealand, subject to conditions, without the need for an exemption:

- vehicles imported by immigrants and returning New Zealand citizens and residents, commonly known as ‘baggage vehicles’ or ‘immigrants’ vehicles’;
- motor sport vehicles;
- special interest vehicles; and
- passenger vehicles with a gross vehicle mass exceeding 2.5 tonnes.

Under the amended Frontal Impact Rule, a vehicle owner is still able to apply for an exemption from complying with an approved frontal impact standard; however, no exemptions are available from the conditions that apply to immigrants’ and special interest vehicles.

The amendment Rule defines each of these categories of vehicle and sets out the process and

criteria for an applicant wishing to bring vehicles into New Zealand. Consideration has been given to the impact that the Rule may have on land transport safety.

In the case of special interest vehicles:

- the Rule places ownership conditions on the applicant to ensure that the vehicle is owned by a vehicle enthusiast, and is not being imported for commercial gain; and
- the Rule introduces an annual quota to reduce the risk of fatalities or injuries from crashes involving these potentially, non frontal impact-compliant vehicles.

Finally, the amendment Rule updates definitions and terminology to bring the Frontal Impact Rule into line with other legislation, including other Rules.

Extent of consultation

Formal public consultation on the amendment Rule began in December 2006 when Land Transport New Zealand released the yellow (public consultation) draft. Approximately 630 organisations and individuals who had indicated their interest in the Rule were advised of the release of the yellow draft, and copies were sent to key industry and other groups. Land Transport NZ publicised the availability of the draft amendment Rule in metropolitan and selected regional daily newspapers, *Te Karere National News* and the *New Zealand Gazette*. The draft was also made available, together with Questions and Answers, on the Land Transport NZ website.

Land Transport NZ received 35 submissions on the draft amendment Rule. Comments received on the

draft Rule were taken into account in redrafting the Rule.

Following redrafting, Land Transport NZ summarised the key post-consultation Rule changes and sought comments on the proposed changes from groups and individuals who had made submissions on the yellow draft. The comments received (which generally supported the proposals) were taken into account in finalising the Rule.

The Rule was submitted to Cabinet, before being signed by the Minister for Transport Safety.

Section 1 Application

1.1 Title

1.1(1) This Rule is *Land Transport Rule: Frontal Impact Amendment 2008*.

1.1(2) This Rule amends *Land Transport Rule: Frontal Impact 2001*.

1.2 Date when Rule comes into force

This Rule comes into force on 8 May 2008.

Section 2 Amendments relating to frontal impact

2.1 Scope of the Rule

Paragraph 1.2(2)(b) is amended by omitting “1998” and substituting “2002”.

2.2 Application of Rule provisions

Subclause 1.4(2) is amended by omitting “1998” wherever it appears and substituting in each case “2002”.

2.3 Application of requirements

Subclause 2.1(7) is amended by adding “; or” at the end of *paragraph (b)* and adding the following paragraphs:

- “(c) a motor vehicle of Class MA, MB or MC whose gross vehicle mass exceeds 2500 kg; or
- “(d) a motor sport vehicle; or
- “(e) an immigrant’s vehicle; or
- “(f) a special interest vehicle that is:
 - “(i) not operated in a transport service; and
 - “(ii) in the case of a vehicle registered in New Zealand for less than four years, registered in the name of the person who obtained the initial special interest vehicle permit for that vehicle, or their lawful successor or successors.

“[Note: ‘Motor sport vehicle’, ‘immigrant’s vehicle’ and ‘special interest vehicle’ are defined terms.]”

2.4 Requirements for motor vehicles that are not low volume vehicles

The second footnote to *Table 2.1* is revoked and the following footnote is substituted:

“For vehicles that do not have to comply with an approved vehicle standard, see *2.1(7)*.”

2.5 Airbags

Subclause 2.4(7) is amended by omitting “1998” and substituting “2002”.

2.6 Modification

Paragraph 3.1(b) is amended by omitting “1998” and substituting “2002”.

2.7 Responsibilities of certifiers

Section 4 is amended by revoking 4.4 and substituting the following heading and clause:

“4.4 Responsibilities of vehicle inspectors and inspecting organisations

“A vehicle inspector or inspecting organisation must not certify a motor vehicle under *Land Transport Rule: Vehicle Standards Compliance 2002* if they have reason to believe that the vehicle does not comply with this Rule.”

2.8 Functions and powers of the Director

Clause 4.6 is amended by adding the following subclauses:

“4.6(4) The Director may, by notice in the *Gazette*, appoint an organisation or organisations having expertise in requirements for vehicles used in motor sport competition, to issue motor sport authority cards for the purpose of this Rule.

“4.6(5) The Director may, by notice in the *Gazette*, appoint an organisation or organisations to process applications for specific motor vehicles to be identified as immigrants’ vehicles for the purposes of 2.1(7)(e).

“4.6(6) The Director may not grant exemptions, under *section 166* of the Act, from the requirements of *Schedule 1* or *Schedule 2*.”

2.9 Responsibilities in relation to declarations

Section 4 is amended by inserting the following clause:

“4.7 Responsibilities in relation to declarations

“No person may knowingly make a false declaration for the purposes of:

“(a) *paragraph 2 of Schedule 1;*

“(b) *paragraph 2 of Schedule 2.*”

Section 3 Amendments to definitions

3.1 Insertion of new definitions

Part 2 is amended by inserting the following definitions in their appropriate alphabetical order:

“**Act** means the *Land Transport Act 1998*.”

“**Company car** means a vehicle that is:

“(a) made available to an employee by reason of his or her employment; and

“(b) is available for his or her private use.”

“**Historic value** means having great and lasting importance.”

“**Immigrant’s vehicle** means a Class MA, MB or MC motor vehicle that is:

“(a) imported into New Zealand by:

“(i) a person entitled under the *Immigration Act 1987* to take up permanent residence;

“(ii) a New Zealand citizen or New Zealand resident who has 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

“(b) identified in writing and in accordance with *Schedule 1*, by the Director or by an organisation appointed by the Director under 4.6(5), as being an immigrant’s vehicle.”

“**Inspecting organisation** has the same meaning as in *Part 2 of Land Transport Rule: Vehicle Standards Compliance 2002*.”

“**Motor sport vehicle** means a Class MA or Class MC motor vehicle that is:

“(a) used in motor sport competition; and

“(b) operated in accordance with the conditions of a valid motor sport authority card issued to that vehicle by an organisation in 4.6(4).”

“**New Zealand resident** means a person who holds a residence permit under the *Immigration Act 1987*.”

“**Special interest vehicle** means a Class MA vehicle with a valid special interest permit issued in accordance with *Schedule 2*.”

“**Transport service** has the same meaning as in *section 2(1)* of the Act.”

“**Vehicle identification number** or VIN means a group of letters and numbers, consisting of 17 characters, that is affixed to the vehicle and that complies with the requirements of one of the following:

“(a) *ISO 3779*; or

“(b) *Australian Design Rule 61/01*; or

“(c) *Chapter 565 of the Code of Federal Regulations 49*.”

“**Vehicle inspector** has the same meaning as in *Part 2 of Land Transport Rule: Vehicle Standards Compliance 2002*.”

3.2 Substitution of definitions

3.2(1) *Part 2* is amended by revoking the definition of **certify** and substituting the following definition:

“**Certify** has the same meaning as in *Part 2 of Land Transport Rule: Vehicle Standards Compliance 2002*.”

3.2(2) *Part 2* is amended by revoking the definition of **Director** and substituting the following definition:

“**Director** means the Director of Land Transport appointed under *section 186* of the Act.”

3.3 Amendments to existing definitions

3.3(1) *Part 2* is amended by omitting “*Land Transport Act 1998*” from *paragraph (g)* of the definition of **motor vehicle** and substituting “Act”.

3.3(2) *Part 2* is amended by omitting “*Land Transport Act 1998*” from *paragraph (b)* of the definition of **mobility device** and substituting “Act”.

[Note: The definition of ‘motor vehicle’ in the Frontal Impact Rule was amended by the *Land Transport Amendment Act 2005*, and the definition of ‘mobility device’ was inserted in the Rule by that Act.]

3.4 Revocation of definition

Part 2 is amended by revoking the definition of **certifier**.

Section 4 Schedules

4.1 Insertion of new schedules

The Rule is amended by inserting the following schedules:

“Schedule 1, Immigrants’ vehicles

Application for identification of vehicle as immigrant’s vehicle

1. To have a vehicle identified as an immigrant’s vehicle, an applicant must:

(a) apply to the Director, or to an organisation appointed by the Director under 4.6(5), before the vehicle is certified for entry into service in New Zealand; and

(b) pay the appropriate fee or fees (if any) specified in accordance with regulations made under the Act.

2. The applicant must:

(a) be a New Zealand citizen, a New Zealand resident or a person entitled under the *Immigration Act 1987* to take up permanent residence; 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 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 declaring 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 for at least a 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.

Identification of immigrant's vehicle

3. The Director, or an organisation appointed by the Director under 4.6(5), may identify a vehicle in writing as an immigrant's vehicle if the vehicle is a Class MA, MB or MC motor vehicle and the applicant:

(a) is a New Zealand citizen, a New Zealand resident or a person entitled under the *Immigration Act 1987* to take up permanent residence; and

(b) has never had any other vehicle identified as an immigrant's vehicle; and

(c) makes a declaration in accordance with *paragraph 2(h)*; and

(d) has paid the appropriate fee or fees (if any) specified in accordance with regulations made under the Act.

Conditions of use

4. 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 (although additional names may also appear on the registration documents).

5. The applicant may not operate the vehicle in a transport service.

Transitional and savings

6. A New Zealand citizen or New Zealand resident may apply for identification of a vehicle as an immigrant's vehicle if:

(a) the vehicle was border inspected:

(i) on or after 1 April 2002; and

(ii) before 8 May 2008; and

(b) but for *paragraph 2(c)*, the vehicle would be identified as an immigrant's vehicle.

Interpretation

7. To avoid doubt, in this *Schedule*, “arrival in or return to New Zealand” means 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 vehicle permits

Application for special interest vehicle permit

1. To obtain a special interest vehicle permit, an applicant must:

(a) apply to the Director before the vehicle is certified for entry into service in New Zealand; and

(b) pay the appropriate fee or fees (if any) specified in accordance with regulations made under the Act.

2. An application for a special interest vehicle permit must:

(a) include the vehicle's VIN or chassis number; and

(b) include a declaration made by the applicant declaring 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 and reward; and

- (iv) the applicant will not sell or lease the vehicle to a third party within four years of the vehicle's first registration in New Zealand; and
- (v) the vehicle will not be operated in a transport service; and
- (vi) the applicant has not been granted a special interest vehicle permit in the last two years; and

(c) contain such other information as the Director considers necessary to support the application.

Issue of special interest vehicle permit

3. Subject to *paragraph 5*, the Director may issue a special interest vehicle permit in respect of a Class MA motor vehicle if:

(a) the Director considers that the vehicle will be owned as a collector's item and:

- (i) is of historic value; or
- (ii) meets three of the four requirements set out in *paragraph 4*; and

(b) the applicant:

- (i) is a New Zealand citizen or a New Zealand resident; and
- (ii) has another vehicle for primary use that is a Class MA, MB, MC or NA vehicle that is registered in the applicant's name, is leased by the applicant or is a company car; and
- (iii) has not been issued with a special interest vehicle permit in the last two years; and

- (iv) does not have any other special interest vehicle registered in his or her name; and
- (v) has made an application in accordance with *paragraphs 1 and 2*; and
- (vi) has paid the appropriate fee or fees (if any) specified in accordance with regulations made under the Act.

4. For the purpose of *paragraph 3(a)(ii)*, the Director must consider that the vehicle meets three of the following four requirements:

(a) the vehicle (or its make, model and submodel) is identified as being a collector's item in one of following magazines (or its respective website):¹

- (i) Australian Classic Car Magazine;
- (ii) Car and Driver Magazine (US);
- (iii) Automobile Magazine (US);
- (iv) MOTOR Magazine (Australia);
- (v) Motor Trend Magazine (US);
- (vi) New Zealand Autocar Magazine;
- (vii) New Zealand Classic Car Magazine;
- (viii) Road and Track Magazine (US);
- (ix) Top Gear Magazine (UK);
- (x) Top Gear NZ Magazine;
- (xi) Unique Cars Magazine (Australia);

¹ This is not intended to be an exhaustive list of magazines in which special interest vehicles are featured but rather it is a list of magazines in which any genuine special interest vehicle is expected to feature.

(xii) WHEELS Magazine (Australia);

(b) the vehicle's make and model has been (or was) manufactured in annual volumes of 20,000 units or less;

(c) the vehicle is, and was manufactured as:

(i) a two-door coupe; or

(ii) a convertible;

(d) the vehicle is, and was manufactured as, a high performance vehicle.

5. The Director may not issue more than 200 special interest vehicle permits in any calendar year.

6. A special interest vehicle permit ceases to be valid if the vehicle is not inspected at the border or certified for entry within six months after the date of issue.

7. To avoid doubt, a special interest vehicle permit that ceases to be valid in the calendar year in which it was issued shall not be counted for the purposes of *paragraph 5*."