

DRAFT

Land Transport Rule Steering Systems Amendment [2009]

Rule 32003/2

Draft for public comment

Land Transport Rules are law produced by Land Transport New Zealand (replaced from 1 August 2008 by the New Zealand Transport Agency) for the Minister of Transport. Rules are drafted in plain language to reach a wide audience. Draft Rules go through an extensive consultation process and are refined in response to consultation.

*This is the yellow (public consultation) draft of **Land Transport Rule: Steering Systems Amendment [2009]** (Rule 32003/2). If you wish to comment on this draft Rule, please see the page headed 'Making a submission'. The deadline for submissions is **21 August 2008**.*

Land Transport Rule

Steering Systems Amendment [2009]

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Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Steering Systems Amendment [2009]*.

1.2 Date when Rule comes into force

This Rule comes into force on [Date].

1.3 Scope of Rule

This Rule amends *Land Transport Rule: Steering Systems 2001*.

Section 2 Amendments to Rule requirements

2.1 Left-hand drive vehicles

Section 2 is amended by inserting the following subclause:

“2.5 Left-hand drive vehicles

Except as provided in the *Schedule*, no left-hand drive vehicle may be certified for entry into service, or operation in service, in New Zealand.”

2.2 Responsibilities in relation to declarations

Section 4 is amended by inserting the following clause:

“4.6 Responsibilities in relation to declarations

No person may knowingly make a false declaration for the purpose of *paragraph 2 of Part II of the Schedule*.”

Section 3 Insertion of definitions

Part 2 is amended by inserting the following definitions in the appropriate place:

“**Agricultural** means connected directly with the operation or management of a farm.”

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

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

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

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

“**Left-hand drive vehicle** means a motor vehicle having the steering column to the left of the longitudinal centre-line of the body of the vehicle.”

“**Mobile crane** does not include a truck mounted with crane apparatus.”

“**New Zealand family trust** means a trust that is established primarily to benefit a natural person:

“(a) for whom the settlor has natural love and affection; and

“(b) who is a New Zealand citizen or New Zealand resident.”

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

“**Vehicle identification number (VIN)** has the same meaning as in *Land Transport Rule: Vehicle Standards Compliance 2002*.”

Section 4 Insertion of schedule

“Schedule Left-hand drive vehicles

PART I: CATEGORIES OF EXEMPTED LEFT-HAND DRIVE VEHICLES

Left-hand drive vehicles of the categories specified in this *Part* of this *Schedule* may be certified for entry into, or operation in, service in New Zealand subject to the conditions specified in relation to the appropriate category.

Category A: Special interest light vehicles less than 20 years old

A Class MA vehicle that:

- (a) has a Category A Left-hand Drive Vehicle Permit issued in accordance with *Part II* of this *Schedule*; and
- (b) was originally manufactured in a country other than New Zealand less than 20 years before the vehicle is certified for entry into New Zealand.

Conditions

1. The vehicle is not operated in a transport service or otherwise for commercial purposes or for hire and reward.
2. If the vehicle has been registered in New Zealand for less than four years, the vehicle is registered in the name of:
 - (a) the person who obtained the initial Category A Left-hand Drive Vehicle Permit for that vehicle, or their lawful successor(s); or
 - (b) a trustee of the family trust that obtained the initial Category A Left-hand Drive Vehicle Permit for that vehicle.
3. 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 a trustee.
4. The registered owner (except in the case of a trustee) has another vehicle for primary use that is a Class MA, MB, MC or NA vehicle that is:
 - (a) registered in the applicant's name;
 - (b) leased by the applicant; or

- (c) a company car.

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

A Class MA, MB, MC or NA vehicle with a gross vehicle mass not exceeding 3.5 tonnes that was originally manufactured in a country other than New Zealand 20 years or more before the vehicle is certified for entry into New Zealand.

Condition

The vehicle is not operated in a transport service.

Category C1 Specialist vehicles

Any motor vehicle with dual steering columns and controls.

Conditions

None.¹

Category C2 Specialist vehicles

Any vehicle used solely or principally as:

- (a) a mobile crane; or
- (b) a vehicle which operates wholly or partly on self-laying tracks; or
- (c) an agricultural tractor or self-propelled agricultural harvesting machine; or
- (d) an earthmoving machine.

Condition

The Agency² confirms in writing that it is satisfied that:

- (a) the operation of the vehicle requires it to be a left-hand drive vehicle; or
- (b) the vehicle is only available as a left-hand drive vehicle.

¹ The following (or a similar) consequential amendment will be proposed to the Land Transport (Road User) Rule 2004 to prescribe the conditions for operating dual control vehicles in New Zealand:

“Dual Steering Controls

“(1) No person may operate a dual-control vehicle from the left-hand drive position unless the vehicle is at that time engaged in activities that require left-hand drive control for operational or safety purposes.

“(2) For the purpose of this clause, “dual-control vehicle” means a vehicle that has steering columns to both the left and to the right of the longitudinal centre-line of the body of the vehicle.”

² The “Agency” replaces the “Director” as of 1 August 2008 as a result of changes to the *Land Transport Act 1998*.

Category C3 Specialist vehicles

Any specialist vehicle that the Agency is satisfied has special characteristics, or is equipped for special operational purposes, such that conversion to right-hand drive is impractical.

Condition

The Agency confirms in writing that it is satisfied that the vehicle has special characteristics, or is equipped for special operational purposes, such that conversion to right-hand drive is impractical.

Category C4 Specialist vehicles

Any motor vehicle that is a purpose-built hearse.

Condition

The vehicle is identified as a hearse by the vehicle manufacturer.

Category D: Vehicles operated by diplomats

Any vehicle that is to be operated by a person who is, for the time being, entitled to any immunity from jurisdiction by or under:

- (a) the *Diplomatic Privileges and Immunities Act 1968*; or
- (b) the *Consular Privileges and Immunities Act 1971*.

Conditions

None.

Category E: Previously exempted vehicles

Any motor vehicle that before [the date this amendment Rule comes into force] was exempted (by notice in the *Gazette* or otherwise) from:

- (a) regulation 70(1) of the *Traffic Regulations 1976*; or
- (b) a previous, substantially corresponding provision.

Conditions

- (1) All of the conditions of the original exemption except:
 - (a) the retention and production of a letter from the Land Transport Safety Authority of New Zealand;

- (b) continuing registration of the vehicle in the name of the importer until it is 20 years old or until conversion to right-hand drive.
- (2) The vehicle must be registered in New Zealand in the name of the original importer for a period of five years from the date of its first registration in New Zealand unless 20 years or more have elapsed since the date of the vehicle's original manufacture.

Category F: Vehicles exempt from registration and licensing

Any motor vehicle that is exempt in accordance with *regulation 3* of the *Transport (Vehicle Registration and Licensing) Regulations 1994* to the extent specified in *Part I* of the *First Schedule* of those regulations.

Conditions

None.

Category G: Former Crown vehicles

Any vehicle that was purchased from the Crown by the owner or by any former owner.

Conditions

None.

Category H: Motorcycles with side cars

Any motorcycle with a side car.

Conditions

None.

PART II: CATEGORY A LEFT-HAND DRIVE VEHICLE PERMITS

Application for Category A Left-hand Drive Vehicle Permit

1. To obtain a Category A Left-hand Drive Vehicle Permit, an applicant must:

- (a) apply to the Agency 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 Category A Left-hand Drive 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, a New Zealand resident or a New Zealand family trust; and
 - (ii) the vehicle will be registered in the applicant's name or if the applicant is a family trust, in the name of one of the trustees; and
 - (iii) the vehicle 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 Category A Left-hand Drive Vehicle Permit in the last two years; and
- (c) contain such other information as the Agency considers necessary to support such an application.

Issue of Category A Left-hand Drive Vehicle Permits

3. Subject to *paragraph 5*, the Agency may issue a Category A Left-hand Drive Vehicle Permit in respect of a Class MA motor vehicle if:

- (a) the Agency considers that the vehicle will be owned as a collector's item and:
 - (i) is of historic value; or

- (ii) is a model that was not manufactured in right-hand drive form and meets three of the four requirements set out in *paragraph 4*; and
- (b) the applicant:
- (i) is a New Zealand citizen, New Zealand resident or New Zealand family trust; and
 - (ii) except in the case of a trust, 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 left-hand drive vehicle permit in the last two years; and
 - (iv) does not have any other Category A left-hand drive vehicle registered in his or her name or, in the case of a family trust, in the name of a trustee; and
 - (v) has made an application in accordance with *paragraphs 1 and 2* of this *Part*; 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 Agency 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):²
 - (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);

² This is not intended to be an exhaustive list of magazines in which vehicles that are collector's items, are featured. Instead, it is list of magazines in which any genuine collectable vehicle is expected to feature.

- (ix) Top Gear Magazine (UK);
 - (x) Top Gear NZ Magazine;
 - (xi) Unique Cars Magazine (Australia);
 - (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 Agency may not issue more than 500 Category A Left-hand Drive Vehicle Permits in any calendar year.

6. A Category A Left-hand Drive 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 Category A Left-hand Drive Vehicle Permit that ceases to be valid in the calendar year it was issued shall not be counted for the purposes of *paragraph 5.*"