

# Legislation



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## The following is a brief listing of traffic legislation introduced since 1965.

Further information can be obtained from Transport and Land Transport Amendment Acts, the Driver Licensing Rule, the annual reports of the Ministry of Transport and Land Transport New Zealand, Transport Law published by Butterworths and Brooker's Law of Transportation.

- 1965** (1) All new motor cars, station wagons and light trucks must be fitted with safety belts.
- 1967** (1) Introduction of the demerit points system.  
(2) Driving at an "unreasonably slow speed" became a traffic offence.
- 1969** (1) Introduction of breath and blood alcohol tests.  
(2) Introduction of parking infringement system.  
(3) Minimum tread depth for pneumatic tyres prescribed.
- 1971** (1) Speeding Infringement System introduced.
- 1972** (1) Compulsory testing for blood alcohol of accident victims at hospitals.  
(2) Compulsory fitting and wearing of safety belts for certain drivers and front seat passengers 15 years and over in light vehicles registered since 1965.
- 1973** (1) Safety helmets compulsory for motor cyclists and pillion riders at all speeds, previously (from 1956) they were only compulsory if travelling in excess of 30 mph (50 km/h).  
(2) Maximum open road speed limit reduced from 55 mph to 50 mph (80 km/h) as part of fuel conservation measures. Effective from 4 December 1973.
- 1975** (1) Seat belt requirements (see 1972 above) extended to motor vehicles registered on or after 1 January 1955.  
(2) Change over to metric speed limits and road signs.
- 1977** (1) New traffic regulations. (Traffic Regulations 1976) came into effect bringing major changes to give way rules, intersections and pedestrian crossings.
- 1978** (1) Introduction of evidential breath testing. Lowering of permissible blood alcohol level from 100 milligrams of alcohol per 100 millilitres of blood to 80 milligrams per 100 millilitres. Tougher criteria for issue of limited licences to disqualified drivers.
- 1979** (1) Age for compulsory seat belt use lowered to 8 years old.
- 1980** (1) Introduction of Traffic Infringement Systems to speed up processing of minor traffic offences plus notices of prosecution servable on roads.
- 1981** (1) Traffic Regulations 1976 heavily amended to provide legal framework for safe installation and inspection of alternative fuel systems.
- 1983** (1) The Transport Amendment Act (No. 2) 1983. Introduced to provide an orderly phase-out of the 150-km rail protection by allowing shippers, upon payment of a long distance haulage fee, to use road transport in circumstances in which they were previously required to use rail. Effective from 1 November 1983.  
(2) The Transport Amendment Act (No. 3) 1983. Allowing the Court to make an order requiring a person, convicted twice or more in a five year period of specific alcohol or drug related traffic offences, to attend an Assessment Centre and for disqualification from holding or obtaining a driver's licence until the Secretary for Transport makes an order removing that disqualification. Effective from 1 December 1983.
- 1984** (1) Regulations governing the approval and use of child restraints introduced.
- 1985** (1) The open Road Speed Limit was increased from 80 km/h to 100 km/h for all vehicles except Heavy Motor Vehicles (speed limit now 90 km/h), articulated vehicles (90 km/h) and vehicles towing trailers (80 km/h). Effective from 1 July 1985.

- 1986** (1) Staggered relicensing of motor vehicles and provision for lifetime drivers' licences introduced.  
(2) Strict liability for carriage of insecure loads came into effect (1 February).
- 1987** (1) Increased powers of arrest for traffic officers, new driving hours and logbook requirements for professional drivers, graduated licensing system and increased penalties for unlicensed driving introduced (1 August).
- 1988** (1) Lowering the legal breath alcohol level from 500 µg/l to 400 µg/l and the removal of the officers right to require a blood sample in certain circumstances. Increased maximum monetary penalty for serious traffic offences and an increase in the level of infringement fees payable for a number of offences. Introduction of community based sentences as a substitute for disqualification. Increased powers for enforcement officers dealing with offenders who fail to stop.  
(2) Introduction of class C roads and the removal of the class II road classification. Revised maximum weights for heavy motor vehicles.
- 1989** (1) Introduction of the Transit New Zealand Act.  
(2) Introduction of the Transport Services Licensing Act.  
(3) Introduction of a new schedule of infringement fees to cover a wide range of minor offences and road user charges infringements. Increased fees for speeding infringements.  
(4) Traffic enforcement officers given power of entry onto private property for the purposes of undertaking drink driving procedures.  
(5) Assumption of national traffic enforcement control by the Ministry of Transport.  
(6) Introduction of new regulations governing the transport of hazardous substances.
- 1990** (1) Amendment made to the Transport Act to validate the breath test notice in its existing form.  
(2) Introduction of the Transport (Vehicle Standards) Regulations 1990.
- 1991** (1) There was a change in the driver licence regulations to allow the introduction of the "scratch" driver licence testing forms.
- 1992** (1) The merger of the TSS branch of Land Transport with the NZ Police was implemented 1 July.  
(2) Amendments made to the Transport Act to allow for compulsory breath testing, reduced alcohol limits for under 20 year olds, extended owner liability regime and reduced driving hours regime - all to be brought in over 1993.  
(3) Amendments made to the Transport Services Licensing Act to allow for area knowledge for taxi drivers, the licensing of rail services, 5 year id cards and tighter controls over taxi organisations - all to be implemented during 1993.  
(4) Amendments made to T(V & DR & L) Act to implement the new MVR system in 1994.  
(5) New Railway Safety and Corridor Management Act to come in to force over 1993.  
(6) Amendments made to the Transport Accident Investigation Commission Act to include rail accidents.  
(7) Amendments made to the Local Government Act to simplify procedures for removing abandoned vehicles.  
(8) Amendments made to the Road User Charges Act to implement new RUC system over 1993.
- 1993** (1) Compulsory Breath Testing commenced April 93  
(2) Speed cameras operational October 93  
(3) Changes to demerit point system, including application from date of offence and graduated points for speeding offences.  
(4) Introduction of VIN system for vehicle identification purposes.  
(5) Land Transport Act 1993 created the Land Transport Safety Authority and authorised the making of Rules.
- 1994** (1) Compulsory cycle helmet wearing implemented on 1 January  
(2) Compulsory child restraints for 0-2 year olds from 1 April
- 1995** (1) Compulsory child restraints for 3-5 year olds from 1 April  
(2) Traffic Regulations 1976 amended to provide for reintroduction of light rail/tram services (effective from 20 January 1995).  
(3) Clarification of colours for use in personalised registration plates, new range of numbers for trailers, and new combined trade plate and licence introduced from 1 July 1995.  
(4) Land Transport Amendment Act 1995 introduced new National Land Transport Strategy and Regional Land Transport Strategy, with effect from 1 July 1996.  
(5) Transit NZ Amendment Act 1995 provides for new road funding body, Transfund New Zealand, and revised Safety (Administration) and Roding Programmes regime, from 1 July 1996.

- (6) Clarification of vehicle inspection certificate regime's application to registration, licensing and change of ownership of motor vehicles.
  - (7) Clarification of Police enforcement powers in respect of heavy vehicles and Road User Charges.
  - (8) Amendment to Transport (Vehicle and Driver Registration and Licensing) Act to provide for continuous licensing of motor vehicles (brought into force with effect from 1 Sept 1997).
- 1996**
- (1) Transfund was created as a new crown entity on 1 July 1996 with the principal objective of allocating resources to achieve a safe efficient roading system.
  - (2) The Glazing Rule was gazetted in 1996 to come into effect on 1 Jan 1997. The rule established minimum standards to ensure safe levels of visibility and structural strength for automotive glazing.
- 1997**
- (1) Six vehicle standards rules for impact protection were signed into law in August 1997 to come into effect on 1 January 1998.
- 1998**
- (1) The Land Transport Act 1998 was passed. The Act carried forward the administrative structures and law making processes of the 1993 Act. It incorporates and updates other transport legislation, and makes substantive changes to parts of transport law such as driver licensing, including provision for photographic licences.
  - (2) Vehicle Compliance and Repair Rules were signed into law to come into effect in January 1999.
- 1999**
- (1) Conversion to photographic licences began in May
  - (2) The following three provisions of the Land Transport Act came into force on 1 March.  
Vehicle impoundment for driving while disqualified, suspended or revoked or for driving while forbidden.  
Roadside licence suspension for driving over 50km/h above the posted speed limit, for driving with a blood alcohol level above 160 mg/100 ml or a breath alcohol level above 800µg/l or for refusing a blood test.  
Mandatory licence carriage.
  - (3) Dangerous goods rule came into effect on 3 May.
  - (4) PSV rule came into effect on 1 September.
- 2000**
- 2001**
- (1) The following vehicle standards rules were signed during the year; Door Retention Systems (revised), Interior Impact (revised), Steering Systems (revised), Frontal Impact (revised), External Projections (revised), Head Restraints (revised), and Tyres and Wheels (new rule).
  - (2) The Land Transport (Road Safety Enforcement) Amendment Act 2001 removed legal impediments to the operation of breath testing devices and urban speed cameras. Under the Act, no matter what the result of a breath test, a driver has the right to request a blood sample. Previously this right was limited to drivers with a breath alcohol level of 600µg/l or below. The Police are still required to immediately suspend, for 28 days, the licences of drivers who give an evidential breath test reading that exceeds 800 µg/l even if the driver requests a blood test. If the blood test result is available within the 28 day suspension period and is less than the blood alcohol qualifying level for mandatory licence suspension (ie 160 mg/100 ml), then the suspension ceases to have effect.
- 2002**
- (1) The following vehicle standards rules were signed during the year; Vehicle Standards Compliance (revised), Seats and Seat Anchorages (new), Seatbelts and Seatbelt Anchorages (new), Light Vehicle Brakes (new), and Vehicle Dimension and Mass (new).
- 2003**
- (1) The Land Transport (Unauthorised Street and Drag Racing) Amendment Act created offences for street racing, wheel spinning and pouring slippery substances on the road to allow wheel spinning. Offenders can have their vehicles impounded for 28 days.
  - (2) Setting of Speed Limits Rule was signed on 25<sup>th</sup> February to come into force on a date to be determined by the Minister.
  - (3) The Land Transport Management Act came into force November 2003, replacing provisions in the Transit NZ Act dealing with road construction and maintenance and safety funding.
- 2004**
- (1) Heavy Vehicle Rule was signed to come into effect April 2005. This rule codified and updated existing legislation relating to Heavy Vehicle components and equipment.
  - (2) Vehicle Equipment Rule was signed to come into effect Feb 2005.
  - (3) Vehicle Lighting Rule was signed to come into effect Feb 2005.
  - (4) Road User Rule was signed to come into effect Feb 2005. This rule carried over and updated provisions of the Traffic Regulations 1976.

- (5) Land Transport Management Amendment Act came into effect 1 December 2004, bringing together the bulk of the functions of Transfund and LTSA into one body, Land Transport NZ.

## 2005

- 2006 (1) Several provisions of the Land Transport Amendment Bill 2005 came into effect Jan 2006. These provisions included enhanced targeting of serious and repeat drink drive offenders. For example, mandatory 28 day licence suspension for:
- driving over 40km/h above the posted speed limit
  - driving with a blood alcohol level above 130mg/100ml
  - the second alcohol offence within 4 years
  - the third alcohol offence within 4 years – which also attracts a mandatory 28 day vehicle impoundment.
- (2) The Driver Licensing Amendment Rule took affect Jun 2006 and included changes for older drivers, overseas drivers and commercial drivers.
- (3) Removal of periodic, age based practical driving test for older drivers.