

Land Transport Rule: Frontal Impact 2001

Rule 32006/1

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AMENDMENTS

Land Transport Rule: Frontal Impact Amendment 2005 (Rule 32006/2)

Land Transport Rule: Frontal Impact Amendment 2008 (Rule 32006/3)

Objective of the rule

Land Transport Rule: Frontal Impact 2001 is one of a series of rules that sets safety requirements and standards for systems and components in motor vehicles operating in New Zealand. This rule provides that the performance of a motor vehicle in relation to frontal impact must not be impaired by such factors as corrosion or structural damage; and requires specified vehicles to comply with an approved frontal impact standard. Frontal impact vehicle standards set the level of protection that must be provided for a vehicle's driver and passengers in a frontal impact crash. The features that provide this protection work in conjunction with each other and make up a frontal impact protection system.

This rule updates and replaces Land Transport Rule: Frontal Impact 1997, which came into force on 1 January 1998.

Land Transport Rule: Frontal Impact 1997 required that for a passenger car to be registered in New Zealand it had to meet an approved frontal impact standard if manufactured on or after 1 March 1999. Vehicles manufactured before 1 March 1999 did not have to meet a frontal impact standard.

This rule requires passenger cars first certified for entry into service in New Zealand, on or after 1 April 2002, to comply with an approved frontal impact standard (unless inspected at the border before 1 February 2002). The aim of this change was to speed up the introduction of safer frontal impact protection systems by requiring compliance with frontal impact standards for all passenger cars imported into New Zealand regardless of the date on which they were manufactured. This is intended to ensure that safer vehicles would enter the New Zealand fleet. Passenger cars first registered outside New Zealand 20 years or more before the date of their first certification for entry into service in New Zealand do not have to comply with this requirement.

The wording of the provisions on airbags has also been amended. Generally, airbags must not be permanently removed or made inoperable if a vehicle was originally fitted, when manufactured, with an airbag designed to protect occupants in a frontal impact crash.

The rule also enables the Director of Land Transport to specify requirements for components critical to the performance of a vehicle in a frontal impact collision, including approval by the Director of manufacturers of these components, and labelling of parts to make it clear which vehicles may be fitted with the components.

As with the 1997 rule, the general safety requirements consolidate and, in effect, roll-over relevant provisions of the Traffic Regulations 1976.

The approved vehicle standards and the Low Volume Vehicle Code are "incorporated by reference" in accordance with section 165 of the Land Transport Act 1998 so that they are effectively part of the rule. A choice of international standards provides flexibility within agreed safety parameters, and enables New Zealand to align with world best practice.

Land Transport Rule: Frontal Impact 2001 states who is responsible for ensuring compliance with its requirements: operators, repairers, modifiers, certifiers, manufacturers and retailers. This links the rule to relevant provisions of the Land Transport (Offences and Penalties) Regulations 1999 (see in particular, regulation 3 in conjunction with Schedule 1).

The rule is an essential element of the safety framework governing motor vehicles in New Zealand. It links with, and provides a means of assessment for, Land Transport Rule: Vehicle Standards Compliance 1998, which sets procedures for vehicle certification for registration, in service fitness and other purposes.

Extent of consultation

Land Transport Rule: Frontal Impact 1997 underwent a three-and-a-half-year period of extensive consultation, beginning in March 1994, with industry groups, interested government agencies and the public. The consultation undertaken by the Land Transport Safety Authority (LTSA) included the holding of formal and informal meetings with representatives, interested groups and individuals.

Formal consultation began on 31 March 1999 with the release of the yellow (public consultation) draft of this revised rule, together with the drafts of other revised rules for vehicle standards, to about 800 interested organisations and individuals. The availability of the yellow draft was publicised in 15 metropolitan and regional daily newspapers, the *New Zealand Gazette*, *Te Maori News*, the *Rural Bulletin* and industry publications. The draft rule was sent to overseas libraries and transport authorities and was also accessible at the LTSA's website. The LTSA received five submissions specifically on the yellow draft of this rule. Other submissions related generally to all the revised rules for vehicle standards released at that time.

In June 2001, the Vehicle Safety Proposals Consultation Paper was mailed out to more than 900 interested organisations and individuals. There were three proposals in the paper that related to frontal impact. Eighty-six submissions were received on the proposal to require all passenger cars entering the New Zealand fleet to comply with frontal impact standards, 55 submissions were received on the proposal to require all damaged or deployed airbags to be replaced and 77 submissions were received on the proposals relating to the supply and use of replacement parts. The final consultation draft of Land Transport Rule: Frontal Impact was released in June 2001 and 59 submissions were received, of which 46 were identical.

Issues identified in submissions were taken into account in redrafting this rule before it was submitted to Cabinet and to the Minister of Transport for signature.

Part 1 Rule requirements

(r 1.1 to r 4.7)

Section 1 Application

1.1 Title

This rule is Land Transport Rule: Frontal Impact 2001.

1.2 Scope of the rule

1.2(1) This rule applies to all motor vehicles except vehicles of Classes AB, TA, TB, TC, and TD in Table A in Part 2.

1.2(2) This rule specifies frontal impact protection requirements:

- (a) with which a motor vehicle must comply so as to be operated on a road; and
- (b) that are, for the purposes of Land Transport Rule: Vehicle Standards Compliance [2002], the applicable requirements for frontal impact protection systems.

1.3 Date when rule comes into force

1.3(1) This rule revokes and replaces Land Transport Rule: Frontal Impact 1997, which came into force on 1 January 1998.

1.3(2) This rule comes into force on 1 April 2002.

1.4 Application of rule provisions

1.4(1) If there is a conflict between a provision of this rule and the corresponding provision of a document incorporated by reference in the rule, the provision of the rule applies.

1.4(2) If there is a conflict between a provision of this rule and a provision of Land Transport Rule: Vehicle Standards Compliance [2002], the provision of Land Transport Rule: Vehicle Standards Compliance [2002] applies.

Section 2

Vehicle standards and other safety requirements

2.1 Application of requirements

2.1(1) A motor vehicle must comply with the relevant requirements in Table 2.1 or Table 2.2.

Table 2.1 — Requirements for motor vehicles that are not low volume vehicles

| Class | Motor vehicles first certified for entry into service in New Zealand before 1 April 2002, or first certified for entry into service in New Zealand on or after 1 April 2002 but inspected at the border before 1 February 2002 | | Motor vehicles first certified for entry into service in New Zealand on or after 1 April 2002 and inspected at the border on or after 1 February 2002 |
|---|--|--|---|
| | Manufactured before 1 March 1999 | Manufactured on or after 1 March 1999 | |
| MA | General safety requirements | General safety requirements and approved vehicle standard ¹ | General safety requirements and approved vehicle standard ^{2, 3} |
| MB, MC | General safety requirements | General safety requirements | General safety requirements and, if manufactured on or after 1 October 2003, an approved vehicle standard ² |
| LA, LB1, LB2, LD, LE1, MD1, MD2, MD3, MD4, ME, NA, NB, NC | General safety requirements | General safety requirements | General safety requirements |

| | | | |
|--------------------------------------|---|--|--|
| Class | Motor vehicles first certified for entry into service in New Zealand before 1 April 2002, or first certified for entry into service in New Zealand on or after 1 April 2002 but inspected at the border before 1 February 2002 | | Motor vehicles first certified for entry into service in New Zealand on or after 1 April 2002 and inspected at the border on or after 1 February 2002 |
| | Manufactured before 1 March 1999 | Manufactured on or after 1 March 1999 | |
| Motor vehicles not in Table A | General safety requirements | General safety requirements | General safety requirements |

Note:

¹Except for vehicles that do not have to comply with an approved vehicle standard because 2.1(3)(a) or (b) applies.

²[For vehicles that do not have to comply with an approved vehicle standard, see 2.1(7)].

³Footnote revoked.

Table 2.2 — Requirements for low volume vehicles¹

| | |
|---------------------------|---|
| Class | Light motor vehicle last modified on or after 1 January 1992 and certified as a low volume vehicle |
| Low volume vehicle | General safety requirements and Low Volume Vehicle Code |

Note:

¹The concept of low volume vehicles and hence certification for such vehicles was not initiated until after 1991. A motor vehicle last modified before 1 January 1992 does not have to comply with the Low Volume Vehicle Code, provided the vehicle has been continuously registered in New Zealand. It must, however, comply with the general safety requirements in 2.2.

- 2.1(2) Subclause 2.1(3) applies to motor vehicles first certified for entry into service in New Zealand before 1 April 2002, or first certified for entry into service in New Zealand on or after 1 April 2002 but inspected at the border before 1 February 2002.
- 2.1(3) A vehicle of Class MA manufactured on or after 1 March 1999 must comply with a version of an approved vehicle standard, unless:
- the vehicle is manufactured before the phase-in date for the model, or model variant, of that vehicle in the relevant standard-setting jurisdiction or as specified in the standard; or
 - the model, or model variant, of that vehicle is not required by that standard itself to comply fully with that standard.
- 2.1(4) Subclauses 2.1(5) and 2.1(6) apply to motor vehicles first certified for entry into service in New Zealand on or after 1 April 2002 and inspected at the border on or after 1 February 2002.
- 2.1(5) A vehicle of Class MA in 2.1(4) must comply with a version of an approved vehicle standard in 2.3(2)
- 2.1(6) A vehicle of Class MB or Class MC first manufactured on or after 1 October 2003 must comply with a version of an approved vehicle standard, as specified in 2.3.
- 2.1(7) Subclauses 2.1(5) and 2.1(6) do not apply to:
- a motor vehicle first registered outside New Zealand 20 years or more before its date of first certification for entry into service in New Zealand; or
 - a motor vehicle that has been certified as a low volume vehicle[; or]
 - [a motor vehicle of Class MA, MB or MC whose gross vehicle mass exceeds 2500 kg; or]
 - [a motor sport vehicle; or]
 - [an immigrant's vehicle; or]
 - a special interest vehicle that is:
 - not operated in a transport service; and
 - 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.

2.2 General safety requirements

- 2.2(1) Subject to 2.4(3), 2.4(4) and 2.4(5), the performance of a motor vehicle in relation to protecting occupants in a frontal impact collision must not be reduced below a safe tolerance of its state when manufactured or modified, by any factors,

including corrosion, structural damage, material degradation, inadequate repair, the fitting of additional equipment, or the removal of equipment.

- 2.2(2) In assessing whether the general safety requirements in 2.2(1) have been complied with, a person specified in section 4 may take into account:
- (a) the function of the additional equipment fitted to the motor vehicle after manufacture, and the measures taken to minimise the risk of injury from the equipment;
 - (b) evidence that the motor vehicle is within the manufacturer's operating limits.

2.3 Approved vehicle standards

- 2.3(1) A frontal impact protection system must comply, if specified in Table 2.1, with a version, as specified in 2.3(4), of one of the approved vehicle standards in 2.3(2).
- 2.3(2) The approved vehicle standards for frontal impact protection systems are:
- (a) *Directive 96/79/EC of the European Parliament and of the Council of 16 December 1996 on the protection of occupants of motor vehicles in the event of a frontal impact [which, for the purpose of occupant protection in the event of a frontal impact, amends the Council Directive of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (70/156/EEC)];*
 - (b) *UN/ECE Regulation No. 94 Uniform provisions concerning the approval of vehicles with regard to the protection of the occupants in the event of a frontal collision (E/ECE/324-E/ECE/TRANS/505/Rev.1/Add 93);*
 - (c) *Federal Motor Vehicle Safety Standard No. 208, Occupant Crash Protection in Passenger Cars, Multipurpose Passenger Vehicles, Trucks and Buses;*
 - (d) *Australian Design Rule 69, Full Frontal Impact Occupant Protection;*
 - (e) *Australian Design Rule 73, Offset Frontal Impact Protection;*
 - (f) *Technical Standard for Occupant Protection in Frontal Collision (Japan).*

Approved vehicle standards include amendments to standards

- 2.3(3) An approved vehicle standard in 2.3(2) includes all amendments to that standard, some of which may apply to classes of vehicle additional to those covered by the original standard.

Version of vehicle standards

- 2.3(4) A frontal impact protection system must comply with the version of an approved vehicle standard that is:
- (a) applicable in the relevant standard-setting jurisdiction to the date of manufacture of the motor vehicle or as specified in the standard; or
 - (b) a more recent version of that standard if the safety performance of the vehicle is not adversely affected.

Compliance with vehicle standards

- 2.3(5) A frontal impact protection system complies for the purpose of this rule with an applicable approved vehicle standard or the Low Volume Vehicle Code if:
- (a) it complied with that standard or the Code when manufactured or modified; and
 - (b) it is currently within safe tolerance of its state when manufactured or modified.
- 2.3(6) A frontal impact protection system in a low volume vehicle must comply, as specified in Table 2.2, with the requirements of the Low Volume Vehicle Code that are applicable to the date of certification or recertification of the motor vehicle as a low volume vehicle.

2.4 Airbags

- 2.4(1) This clause applies only to airbags designed to protect occupants in the event of a frontal impact crash.
- 2.4(2) Except as otherwise provided in this clause, an airbag and its operating system must not be removed from a motor vehicle or rendered inoperable.
- 2.4(3) An airbag may be removed temporarily for the purpose of repair (either to the airbag or to another part of the motor vehicle to which it is attached) or replacement.
- 2.4(4) If the retention of an airbag could pose a risk of serious injury if the airbag is deployed, the airbag and its operating system may be rendered inoperable in, or removed from, a motor vehicle:
- (a) that has been modified to accommodate the needs of a person with a disability; or
 - (b) that has had extensive modifications made to its frontal impact structure, for specialist use.
- 2.4(5) An airbag may be rendered inoperable in, or removed from, a motor vehicle 14 years or more after the date on which the vehicle was first registered in any country, provided that the vehicle is then certified in accordance with 2.4(6) or 2.4(7) (as applicable).
- 2.4(6) A light motor vehicle whose airbag and airbag operating system have been removed or rendered inoperable under 2.4(4) or 2.4(5) must be certified in accordance with the Low Volume Vehicle Code.
- 2.4(7) A heavy motor vehicle whose airbag and airbag operating system have been removed or rendered inoperable under 2.4(4) or 2.4(5) must be certified by a specialist certifier in accordance with Land Transport Rule: Vehicle Standards Compliance [2002].

- 2.4(8) A switch may be installed in a motor vehicle to render an airbag temporarily inoperable, and the switch may be activated in circumstances where the deployment of an airbag could pose a risk of serious injury, provided that the switch:
- (a) was installed as original equipment by the vehicle manufacturer; or
 - (b) is retrofitted and certified in accordance with the Low Volume Vehicle Code.
- 2.4(9) A motor vehicle must not have a sign, light or other device that indicates it is fitted with an airbag, if it is not fitted with an airbag.
- 2.4(10) If a device specified in 2.4(9) is not able to be readily removed, a label that indicates an airbag has been removed must be permanently attached in a prominent location where it is clearly visible to any occupant in the seating position previously protected by the airbag.
- 2.4(11) A motor vehicle must not have a light or other device indicating an airbag operating system is operable if it is inoperable.
- 2.4(12) An airbag warning-light system, if fitted by a vehicle manufacturer, must remain operational.

2.5 Replacement components for vehicle repair

A replacement component of a frontal impact protection system that is manufactured, stocked or offered for sale for fitting to a motor vehicle to be operated on a New Zealand road must not prevent a motor vehicle from complying with this rule.

Section 3

Modification and repair

3.1 Modification

A modification to a motor vehicle that affects its frontal impact performance:

- (a) must not prevent the vehicle from complying with this rule; and
- (b) must be certified as specified in Land Transport Rule: Vehicle Standards Compliance [2002].

3.2 Repair

A repair to a component or a group of components that affects a motor vehicle's frontal impact performance must comply with Land Transport Rule: Vehicle Repair 1998 and must not prevent the vehicle from complying with this rule.

Section 4

Responsibilities

4.1 Responsibilities of operators

A person who operates a motor vehicle must ensure that the vehicle complies with this rule.

4.2 Responsibilities of repairers

A person who repairs a motor vehicle so as to affect its frontal impact performance must ensure that the repair:

- (a) does not prevent the vehicle from complying with this rule; and
- (b) complies with Land Transport Rule: Vehicle Repair 1998.

4.3 Responsibilities of modifiers

A person who modifies a motor vehicle so as to affect its frontal impact performance must:

- (a) ensure that the modification does not prevent the vehicle from complying with this rule; and
- (b) notify the operator if the vehicle must be inspected and, if necessary, certified, because there is reason to believe it is:
 - (i) a light motor vehicle that has been modified to become a low volume vehicle; or
 - (ii) a heavy motor vehicle that has been modified so as to adversely affect its safety performance or compliance with this rule.

[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.]

4.5 Responsibilities of manufacturers and retailers

A person may manufacture, stock or offer for sale a component intended for fitting to a motor vehicle to be operated on a New Zealand road, only if the component:

- (a) complies with this rule; and
- (b) if used to repair a vehicle, does not prevent a vehicle, its structure, systems, components or equipment from complying with this rule; and
- (c) if of a type specified in 4.6, complies with any requirements specified in accordance with 4.6(2).

4.6 Functions and powers of the [Agency]

4.6(1) [The Agency] may, by notice in the Gazette, specify types of replacement components of frontal impact protection systems for the purposes of this clause, if [the Agency is satisfied that] this is necessary to ensure that the components comply with 2.5.

4.6(2) In a notice given under 4.6(1), the [Agency] may specify any of the following requirements that are to apply to those types of component:

- (a) if the component is new, that the component be made by a manufacturer approved by the [Agency];
- (b) if the component is second-hand, that:

- (i) the salvaged component be from a motor vehicle that was registered in a jurisdiction named in the notice; and
 - (ii) the component be approved for the purposes of repair of a motor vehicle by a person appointed by the [Agency];
 - (c) that a person in 4.5 provide a label or supply information specifying the vehicle make and model to which the component may be fitted.
- 4.6(3) [The Agency] may direct a person in 4.5 to recall replacement components, if [the Agency is satisfied that] the components do not comply with 2.5, and direct that that person bear the costs associated with the recall.
[Note: A breach of a responsibility in this section is an offence, as provided in the Land Transport (Offences and Penalties) Regulations 1999, and is subject to a penalty as specified in those regulations.]
- [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.]

[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.]

Part 2 Definitions

[Act means the Land Transport Act 1998.]

[Agency means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003]

approved vehicle standard means a vehicle standard in 2.3(2).

certifier: *Definition Revoked*

[certify has the same meaning as in Part 2 of Land Transport Rule: Vehicle Standards Compliance 2002.]

Class in relation to vehicles, means a category of vehicle of one of the Groups A, L, M, N and T, as specified in Table A: Vehicle classes.

[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.]

[Director: *Definition Revoked*]

EEC, EC are abbreviations for directives of the European Economic Community and, later, the European Communities.

Federal Motor Vehicle Safety Standard is a vehicle standard of the United States of America.

frontal impact protection system means a set of associated parts, components, and systems incorporated in a motor vehicle to protect occupants in a frontal impact collision.

gross vehicle mass means either:

- (a) the maximum permitted mass of a vehicle, which includes the mass of the accessories, the crew, the passengers and load, and is, unless (b) applies, the gross vehicle mass specified (subsequent to the latest modification, if any) by the manufacturer of the vehicle; or
- (b) if a person approved for the purpose by the [Agency] determines that the gross vehicle mass should differ from that specified by the manufacturer, taking into account evidence on the capability of the systems and components of the vehicle, or the effects of any modification, that mass determined by that person.

heavy motor vehicle means a motor vehicle that is either:

- (a) of Class MD3, MD4, ME, NB, NC, TC or TD; or
- (b) a vehicle (not of a class in Table A: Vehicle classes) with a gross vehicle mass that exceeds 3500 kg.

[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.]

Light motor vehicle means a motor vehicle of any class except one defined as a "heavy motor vehicle".

Low volume vehicle means a motor vehicle of a class in Table A: Vehicle classes, other than Class MD3, MD4, ME, NB, NC, TC or TD, that is:

- (a) manufactured, assembled or scratch-built in quantities of 200 or less at any one location in any one year, by a manufacturer whose total production of motor vehicles does not exceed 200 units over the same period, and where the construction of the vehicle directly or indirectly affects compliance of the vehicle with any of the vehicle standards prescribed by New Zealand law; or

- (b) modified uniquely, or in quantities of 200 or less at any one location in any one year, in such a way as to affect the compliance of the vehicle, its structure, systems, components, and equipment, with a legal requirement relating to safety performance applicable at the time of the modification.

Low Volume Vehicle Code means the code of the Low Volume Vehicle Technical Association Incorporated.

Manufacturer's operating limits means:

- (a) in relation to a motor vehicle, the allowance provided by the vehicle manufacturer in terms of performance capability and dimensions, relative to deterioration, malfunction or damage beyond which the safe performance of the vehicle, as defined by the vehicle manufacturer, is compromised; and
- (b) in relation to a system, component or item of equipment, incorporated in or attached to a vehicle, the allowance provided by the system, component or equipment manufacturer in terms of performance capability and dimensions, relative to the deterioration, malfunction or damage, beyond which the safe performance of the system, component or item of equipment (and consequently the vehicle) is compromised.

[mobility device means—

- (a) a vehicle that—
- (i) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
 - (ii) is powered solely by a motor that has a maximum power output not exceeding 1 500 W; or
- (b) a vehicle that the [[Agency]] has declared under section 168A(1) of the [[Act]] to be a mobility device.]

Modify in relation to a motor vehicle, means to change the vehicle from its original state by altering, substituting, adding or removing any structure, system, component or equipment; but does not include repair.

[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).]

motor vehicle means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include:

- (a) a vehicle running on rails;
- (b) *Revoked.*
- (c) a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force;
- (d) a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres;
- (e) a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles;
- (f) a pedestrian-controlled machine.
- [(g) a vehicle that the [[Agency]] has declared is not a motor vehicle under section 168A of the [[Act]];]
- [(h) a mobility device.]

[New Zealand resident means a person who holds a residence permit under the Immigration Act 1987.]

Operate in relation to a vehicle, means to drive or use the vehicle on a road, or to cause or permit the vehicle to be on a road, or to be driven on a road, whether or not the person is present with the vehicle.

Original equipment means equipment fitted by the motor vehicle manufacturer when the vehicle is manufactured.

Phase-in date means the date specified in an approved vehicle standard from which a model, or model variant, of a vehicle must comply with that standard or part of that standard.

Repair means to restore a damaged or worn motor vehicle, its structure, systems, components or equipment; and includes the replacement of damaged or worn structures, systems, components or equipment with equivalent undamaged or new structures, systems, components or equipment.

Safe tolerance means the tolerance within which the safe performance of the vehicle, its structure, systems, components or equipment is not compromised, having regard to any manufacturer's operating limits.

Scratch-built vehicle means a motor vehicle that is either:

- (a) assembled from previously unrelated components and construction materials that have not been predominantly sourced from donors of a single make or model and that, in its completed form, never previously existed as a mass-produced vehicle, although the external appearance may resemble or replicate an existing vehicle; or
- (b) a modified production vehicle that contains less than the following components from a mass produced vehicle of a single make and model:
- (i) 40% of the chassis rails and 50% of the crossmembers, or alternatively 40% of a spaceframe, or 40% of the floorpan of a unitary constructed body, whichever is appropriate; or
 - (ii) for light vehicles, 40% of the bodywork (based on the surface area of body panels but not including the floorpan, internal bracing, subpanels, bulkheads or firewall).

[Special interest vehicle means a Class MA vehicle with a valid special interest permit issued in accordance with Schedule 2.]

Technical Standard means a Japanese domestic vehicle standard issued by the Japanese Ministry of Land, Infrastructure and Transport and translated into, and published in, English by the Japan Automobile Standards Internationalization Center (JASIC) in the *Automobile Type Approval Handbook for Japanese Certification*.

[Transport service has the same meaning as in section 2(1) of the Act.]

UN/ECE is an abbreviation for a regulation of the United Nations Economic Commission for Europe.

[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.]

Vehicle standard means a technical specification with which a motor vehicle, its structure, systems, components or equipment must comply, and which is adopted by:

- (a) the New Zealand Standards Council; or
 (b) any international, national or regional organisation with functions similar to the New Zealand Standards Council.

Table A — Vehicle classes

| Class | Description |
|---------------------------------|---|
| AA (Pedal cycle) | A vehicle designed to be propelled through a mechanism solely by human power. |
| AB (Power-assisted pedal cycle) | A pedal cycle to which is attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts. |
| LA (Moped with two wheels) | A motor vehicle (other than a power-assisted pedal cycle) that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h. |
| LB (Moped with three wheels) | A motor vehicle (other than a power-assisted pedal cycle) that: (a) has three wheels; and (b) either: (i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or (ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h. |
| LB 1 | A Class LB motor vehicle that has one wheel at the front and two wheels at the rear. |
| LB 2 | A Class LB motor vehicle that has two wheels at the front and one wheel at the rear. |
| LC (Motor cycle) | A motor vehicle that: (a) has two wheels; and (b) either: (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h. |
| LD (Motor cycle and side-car) | A motor vehicle that: (a) has three wheels asymmetrically arranged in relation to the longitudinal median axis; and (b) either: (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h. |
| Side-car | A car, box, or other receptacle attached to the side of a motor cycle and supported by a wheel. |
| LE (Motor tri-cycle) | A motor vehicle that: (a) has three wheels symmetrically arranged in relation to the longitudinal median axis; and (b) has a gross vehicle mass not exceeding one tonne; and (c) either: (i) has an engine cylinder capacity exceeding 50 ml; or (ii) has a maximum speed exceeding 50 km/h. |
| LE 1 | A Class LE motor vehicle that has one wheel at the front and two wheels at the rear. |
| LE 2 | A Class LE motor vehicle that has two wheels at the front and one wheel at the rear. |

| Class | Description |
|--|--|
| Passenger vehicle | A motor vehicle that: (a) is constructed primarily for the carriage of passengers; and (b) either: (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne. |
| MA (Passenger car) | A passenger vehicle (other than a Class MB or Class MC vehicle) that has not more than nine seating positions (including the driver's seating position). |
| MB (Forward control passenger vehicle) | A passenger vehicle (other than a Class MC vehicle): (a) that has not more than nine seating positions (including the drivers seating position); and (b) in which the centre of the steering wheel is in the forward quarter of the vehicle's total length. |
| MC (Off-road passenger vehicle) | A passenger vehicle, designed with special features for off-road operation, that has not more than nine seating positions (including the drivers seating position), and that: (a) has four-wheel drive; and (b) has at least four of the following characteristics when the vehicle is unladen on a level surface and the front wheels are parallel to the vehicle's longitudinal centre-line and the tyres are inflated to the vehicle manufacturers recommended pressure: (i) an approach angle of not less than 28 degrees; (ii) a breakover angle of not less than 14 degrees; (iii) a departure angle of not less than 20 degrees; (iv) a running clearance of not less than 200 mm; (v) a front axle clearance, rear axle clearance, or suspension clearance of not less than 175 mm. |
| Omnibus | A passenger vehicle that has more than nine seating positions (including the drivers seating position). An omnibus comprising two or more non-separable but articulated units shall be considered as a single vehicle. |
| MD (Light omnibus) | An omnibus that has a gross vehicle mass not exceeding 5 tonnes. |
| MD 1 | An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and not more than 12 seats. |
| MD 2 | An omnibus that has a gross vehicle mass not exceeding 3.5 tonnes and more than 12 seats. |
| MD 3 | An omnibus that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 4.5 tonnes. |
| MD 4 | An omnibus that has a gross vehicle mass exceeding 4.5 tonnes but not exceeding 5 tonnes. |
| ME (Heavy omnibus) | An omnibus that has a gross vehicle mass exceeding 5 tonnes. |
| Goods vehicle | A motor vehicle that: (a) is constructed primarily for the carriage of goods; and (b) either: (i) has at least four wheels; or (ii) has three wheels and a gross vehicle mass exceeding one tonne. For the purpose of this description: (a) a vehicle that is constructed for both the carriage of goods and passengers shall be considered primarily for the carriage of goods if the number of seating positions multiplied by 68 kg is less than 50% of the difference between the gross vehicle mass and the unladen mass; (b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods; (c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle. |

| Class | Description |
|---------------------------|---|
| NA (Light goods vehicle) | A goods vehicle that has a gross vehicle mass not exceeding 3.5 tonnes. |
| NB (Medium goods vehicle) | A goods vehicle that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 12 tonnes. |
| NC (Heavy goods vehicle) | A goods vehicle that has a gross vehicle mass exceeding 12 tonnes. |
| Trailer | A vehicle without motive power that is constructed for the purpose of being drawn behind a motor vehicle. |
| TA (Very light trailer) | A single-axled trailer that has a gross vehicle mass not exceeding 0.75 tonnes. |
| TB (Light trailer) | A trailer (other than a Class TA trailer) that has a gross vehicle mass not exceeding 3.5 tonnes. |
| TC (Medium trailer) | A trailer that has a gross vehicle mass exceeding 3.5 tonnes but not exceeding 10 tonnes. |
| TD (Heavy trailer) | A trailer that has a gross vehicle mass exceeding 10 tonnes. |

Part 3

Schedules

(r 1 to r 7)

*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 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);
 - (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.

Note 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.

- 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.

Publisher's Note

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