

# Land Transport Rule: Head Restraints 2001

Rule 32010/1

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## Objective of the rule

Land Transport Rule: Head Restraints 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. The rule requires that, if head restraints are fitted to motor vehicles, they must be designed and maintained to protect the occupants' heads and necks against whiplash injury in a crash.

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

Two new vehicle standards have been added and a number of drafting changes have been made to ensure consistency among the land transport rules relating to vehicle standards.

Apart from these changes, the structure and scope of the rule have not changed materially. The general safety requirements relate primarily to the maintenance of head restraints.

The approved vehicle standards 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.

This rule applies throughout the on-road life of a motor vehicle by including requirements for repair, modification and other aspects of continuing compliance. 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.

The rule 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).

## Extent of consultation

Land Transport Rule: Head Restraints 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.

The LTSA has received comments on Land Transport Rule: Head Restraints 1997 as part of its ongoing function of consultation with industry groups affected by vehicle standards in general. These comments have been taken into account in producing Land Transport Rule: Head Restraints 2001.

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 several 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. Copies of the draft rule were sent to overseas libraries and transport authorities. The draft rule was also accessible on the LTSA's website. The LTSA did not receive any submissions that related specifically to the yellow draft of this rule, but submissions were received that related generally to all the revised rules for vehicle standards released at that time.

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 4.5)

#### *Section 1*

#### *Application*

### 1.1 Title

This rule is Land Transport Rule: Head Restraints 2001.

### 1.2 Scope of the rule

1.2(1) This rule applies to the head restraints of 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 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 1998, the applicable requirements for head restraints.

### 1.3 Date when rule comes into force

1.3(1) This rule revokes and replaces Land Transport Rule: Head Restraints 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) This rule specifies requirements and approved vehicle standards for head restraints if they are fitted in a motor vehicle, but does not require a vehicle to be fitted with head restraints.

1.4(2) 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(3) If there is a conflict between a provision of this rule and a provision of Land Transport Rule: Vehicle Standards Compliance 1998, the provision of Land Transport Rule: Vehicle Standards Compliance 1998 applies.

## Section 2

### *Vehicle standards and other safety requirements*

#### 2.1 Requirements for motor vehicles with head restraints

A head restraint, if fitted in 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	Manufactured before 1 January 1991	Manufactured on or after 1 January 1991 and before 1 March 1999	Manufactured on or after 1 March 1999
<b>MA, MB, MC, MD1</b>	General safety requirements	General safety requirements	General safety requirements and approved vehicle standard
<b>LA, LB1, LB2, LC, LD, LE1, LE2, MD2, MD3, MD4, ME, NA, NB, NC</b>	General safety requirements	General safety requirements	General safety requirements

**Table 2.2 — Requirements for low volume vehicles<sup>1</sup>**

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

#### Note:

<sup>1</sup>The 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.

#### 2.2 General safety requirements

2.2(1) The external surfaces and padding of a head restraint must not have deteriorated to the extent that the likelihood of injury to an occupant of the vehicle to which it is fitted is increased.

2.2(2) An adjustable head restraint must remain able to be adjusted and locked into position in accordance with the manufacturer's specifications.

2.2(3) In assessing whether the general safety requirements in 2.2(1) and 2.2(2) are complied with, a person specified in section 4 may take into account evidence that the head restraint is within the motor vehicle manufacturer's operating limits.

#### 2.3 Approved vehicle standards

2.3(1) A head restraint 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 head restraints are:

- (a) *Council Directive of 16 October 1978 on the approximation of the laws of the Member States relating to head restraints of seats of motor vehicles (78/932/EEC);*
- (b) *Council Directive of 22 July 1974 on the approximation of the laws of the Member States relating to the interior fittings of motor vehicles (strength of seats and their anchorages) as amended by Commission Directive 96/37/EC of 17 June 1996 (74/408/EEC);*
- (c) *UN/ECE Regulation No. 17, Uniform provisions concerning the approval of vehicles with regard to the seats, their anchorages and any head restraints (E/ECE324-E/ECE/TRANS/505/Rev.1/Add.16);*

- (d) *UN/ECE Regulation No. 25, Uniform provisions concerning the approval of head restraints (headrests), whether or not incorporated in vehicle seats (E/ECE324-E/ECE/TRANS/505/Rev.1/Add 24);*
- (e) *Federal Motor Vehicle Safety Standard No. 202, Head Restraints - Passenger Cars;*
- (f) *Australian Design Rule 22, Head Restraints;*
- (g) *Technical Standard for Head Restraints (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 head restraint 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 motor vehicle is not adversely affected.

*Compliance with vehicle standards*

2.3(5) A head restraint and its components comply for the purpose of this rule with an applicable approved vehicle standard if:

- (a) they complied with that standard when the motor vehicle was manufactured or modified; and
- (b) they are currently within safe tolerance of the state of the head restraint and its components when the motor vehicle was manufactured or modified.

2.3 (6) A head restraint and its components that are manufactured, stocked or offered for sale in New Zealand, and are intended for fitting to a motor vehicle to be operated on a New Zealand road, must not prevent the vehicle from complying with one or more of the approved vehicle standards in 2.3(2), unless specifically designed for a vehicle:

- (a) to which a specified standard does not apply for any reason, for example, because of the vehicle's class or date of manufacture; or
- (b) that is a low volume vehicle.

2.3(7) A head restraint 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.

2.3(8) A motor vehicle must comply with an approved vehicle standard in this rule unless:

- (a) that vehicle was 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
- (b) the model, or model variant, of that vehicle is not required by that standard itself to comply fully with that standard.

### *Section 3*

#### *Modification and repair*

#### **3.1 Modification**

A modification to a motor vehicle that affects a head restraint:

- (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 1998.

#### **3.2 Repair**

A repair to a motor vehicle that affects a head restraint must comply with this rule and with Land Transport Rule: Vehicle Repair 1998.

### *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 head restraint must ensure that the repair:

- (a) does not prevent the motor 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 the safety performance of a head restraint 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 certifiers

A certifier must not certify a motor vehicle under Land Transport Rule: Vehicle Standards Compliance 1998 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 head restraint, or its components, intended for fitting to a motor vehicle to be operated on a New Zealand road, only if the head restraint or its components:

- (a) comply with this rule; and
- (b) do not prevent a repair to a vehicle, its structure, systems, components or equipment from complying with this rule.

[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.]

### Part 2

#### Definitions

[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** means a person appointed by the [Agency] in accordance with Land Transport Rule: Vehicle Standards Compliance 1998.

**Certify** in relation to a motor vehicle, means to verify that the vehicle complies with applicable requirements.

**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.

**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.

**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.

**Head restraint** means a fitting forming part of a vehicle seat intended to restrain occupants' heads from excessive movement in the event of a crash.

**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.

**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 Land Transport Act 1998 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 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 Land Transport Act 1998;]
- [(h) a mobility device.]

**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.

**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).

**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*.

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

**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: <ul style="list-style-type: none"> <li>(a) has two wheels; and</li> <li>(b) either:               <ul style="list-style-type: none"> <li>(i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or</li> <li>(ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.</li> </ul> </li> </ul>
LB (Moped with three wheels)	A motor vehicle (other than a power-assisted pedal cycle) that: <ul style="list-style-type: none"> <li>(a) has three wheels; and</li> <li>(b) either:               <ul style="list-style-type: none"> <li>(i) has an engine cylinder capacity not exceeding 50 ml and a maximum speed not exceeding 50 km/h; or</li> <li>(ii) has a power source other than a piston engine and a maximum speed not exceeding 50 km/h.</li> </ul> </li> </ul>
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:

Class	Description
	(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.
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 driver's 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 driver's 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 driver's 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.

<b>Class</b>	<b>Description</b>
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	<p>A motor vehicle that:</p> <p>(a) is constructed primarily for the carriage of goods; and</p> <p>(b) either:</p> <p>(i) has at least four wheels; or</p> <p>(ii) has three wheels and a gross vehicle mass exceeding one tonne.</p> <p>For the purpose of this description:</p> <p>(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;</p> <p>(b) the equipment and installations carried on special purpose vehicles not designed for the carriage of passengers shall be considered to be goods;</p> <p>(c) a goods vehicle that has two or more non-separable but articulated units shall be considered to be a single vehicle.</p>
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.

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