

Land Transport (Road User) Amendment Rule [2009]

Questions and Answers

What Rule is being amended?

This amendment Rule will make changes to the *Land Transport (Road User) Rule 2004* (the Road User Rule).

When will the amendment Rule come into force?

The amendment Rule (and all its provisions) will come into force on 1 November 2009. Until that date the existing Road User Rule requirements will continue to apply.

What does the Road User Rule do?

The Road User Rule sets out requirements for the safe and efficient use of roads by road users (ie, drivers, riders, passengers, pedestrians and those leading or riding animals).

What changes will be made in the amendment Rule?

A significant change in the amendment Rule addresses road safety risks arising from the use of hand-held mobile phones while driving. The number of crashes associated with mobile phone use has increased steadily over the last five years.

Evidence exists that using a mobile phone while driving affects driving performance, and can substantially increase the risk of a crash, because of 'driver distraction'. One study has shown that using a mobile phone while driving can increase a driver's risk of being involved in a crash by up to four times. Recent research has also shown the danger in texting and driving.

The full list of provisions in the amendment Rule covered in this document are:

- 1) the ban on the use of hand-held mobile phones when driving
- 2) the use of special vehicle lanes by vehicles not otherwise allowed on them
- 3) the correct wearing of seatbelts
- 4) the use of headlamps on moped and motorcycles during the day
- 5) allowing cyclists to make a hook turn
- 6) the use of mopeds or motorcycles on footpaths by postal services
- 7) the rights and duties of users of mobility devices and wheeled recreational devices
- 8) exemptions from arm signalling for cyclists at roundabouts
- 9) towing speeds for vehicles without a rigid towing system
- 10) parking a vehicle on the road margin
- 11) child safety locks in taxis
- 12) the use of blue beacons on vehicles
- 13) pedestrians waiting at pedestrian crossings
- 14) passenger service vehicles at level crossings
- 15) the use of safety chains on light trailers
- 16) requirements for cycle lights (must be visible for 100m)
- 17) priorities for use of shared paths by road users
- 18) Road Controlling Authorities' marking of stopping places/stands
- 19) responsibility for the use of seat belts on buses

When will this amendment Rule come into effect?

The amendment Rule will come into effect on 1 November 2009.

1. Ban on the use of hand-held mobile phones while driving

What will be the extent of the proposed ban?

The Rule has been amended to:

- ban the use of hand-held mobile phones and other telecommunications devices, such as Blackberry devices and Personal Digital Assistants (PDAs), while driving (including using these devices to text or email);
- exempt the use of hands-free mobile phones and two-way radios; and
- allow genuine emergency calls to be made where it is impracticable to pull over to make a call.

How is a mobile phone defined in the Rule?

In the amendment Rule a 'mobile phone' is defined as follows:

- Includes a portable electronic device whose functions include being a telephone
- Does not include a CB radio
- Does not include any other kind of two-way radio
- Does not include an earpiece or mouthpiece that is connected, physically or otherwise, to a mobile phone to allow a driver to use the phone without holding or manipulating it.

Can calls be made using hands-free systems?

While driving, a driver may use a mobile phone to make, receive or end a phone call only if they do not have to hold or manipulate the phone in doing so. Or, provided the mobile phone is securely mounted to the vehicle, if the driver manipulates the phone infrequently and briefly. However, drivers must not create, send, or read a text message or use a mobile phone in any other way.

Can calls and texts be sent if a driver is stuck in traffic?

If a driver is stuck in traffic due to the road ahead being blocked, for example because of an accident, they may use their mobile phone to make, send and receive calls and text messages. But this does not apply when drivers are stationary in the normal flow of traffic, such as approaching intersections, traffic lights or roadworks.

What vehicles does this amendment relate to?

The provision banning drivers from using hand-held mobile phones in the Amendment Rule applies to all vehicles and includes cyclists, motorcyclists and riders of mopeds.

What is driver distraction?

'Driver distraction' occurs when a driver's attention is diverted from the task of driving by an object, person, event or activity that is secondary or unconnected to the main task of driving. A large body of research shows that distractions inside a vehicle impair driving performance and safety. Driving is a complex task and requires the use and coordination of various skills – physical, cognitive and sensory. The more a driver's attention is diverted away from the task of driving, the greater is the risk of crashing. The research on driver distraction shows that risk increases as the task becomes more complex, time-consuming and frequent.

Why are mobile phones deemed a high-risk driving distraction?

Using a mobile phone while driving adds to an already complex task. It involves the driver mastering several different types of physical actions and requires a high degree of cognitive attention. When used while driving, mobile phones can cause distraction by taking a driver's eyes off the road (e.g. when reading a text message), drawing their attention away from the driving task (e.g. when talking), and physically interfering with vehicle control (e.g. when reaching to answer the phone while steering).

How does using a mobile phone differ from other forms of driver distraction?

'Traditional' distractions, like talking to passengers, tuning the radio, smoking, eating etc, can be modified or reduced during dangerous or demanding traffic situations. For example, passengers are aware of the road environment and will generally let the conversation lapse during a dangerous or complicated driving situation, allowing the driver to concentrate fully on their driving. A person on the other end of a mobile phone, however, would not be aware of any potential hazards and will often continue to talk, distracting the driver at critical moments.

How does using a mobile phone impact on a person's driving performance?

Being distracted can impact on a driver's performance in several ways including:

- slowing reaction times;
- impairing the ability to maintain an appropriate and predictable speed and lane position;
- impairing hazard detection and response;
- impairing judgment and perception of gaps in traffic; and
- reducing general awareness of other traffic.

What research is there to back this up?

There have been many studies carried out on this subject. A British study¹ showed that drivers' reaction times to hazards were, on average, 50% slower when using a mobile phone than under normal driving conditions.

What is the extent of mobile phone use in New Zealand?

A survey conducted in 2004² showed that approximately 65% of New Zealanders owned a mobile phone. Fifty-seven percent of those surveyed used a mobile phone, at least occasionally, while driving.

What other areas of concern are there around mobile-phone-related driver distraction?

As the capabilities of mobile phones continue to expand, there will be even further opportunities for drivers to be distracted. Already, mobile phones can be used to talk, read and send text messages, take photos, download and play video clips from the internet, navigate the driver to chosen destinations and perform other functions.

How great is the risk from texting while driving?

A recent study in Western Australia showed that the risk of having a crash increased fourfold when drivers used their phones to send text/SMS messages. There has been a steady rise in the number of people texting while driving, especially among young drivers. A study conducted by Telstra in Australia in 2003 concluded that one in six drivers regularly send text messages when driving. Another study showed that drivers spent 400 percent more time with their eyes off the road when text messaging than when they were not texting.

What measures are available to reduce mobile phone-related crashes?

Legislation, enforcement and raising public awareness can all be used to help reduce crashes. A combination of all of these is likely to be the most effective option for changing driver behaviour and reducing crashes. It is also in line with the approach taken in the best performing road safety countries such as Australia, the Netherlands and the United Kingdom.

¹ Bruns, PC, Parkes, A, Burton, S, Smith RK, Burch, D. *How dangerous is driving with a mobile phone?: benchmarking the impairment to alcohol*. Crowthorne, Eng: TRL Ltd. A study conducted by the Transport Research Laboratory (TRL) for Direct Line Insurance

² Sullman, MJM and Baas, PH (2004) *Mobile phone use amongst New Zealand drivers. Transportation Research Part F: Traffic Psychology and Behaviour*, 7, (2), pp. 95-105

Why not rely on just using information and education campaigns to raise awareness about mobile phones as a cause of driving distraction?

While these campaigns will increase awareness among drivers, they are unlikely to change attitudes or behaviour to stop a driver engaging in distracting activity while driving.

International experience has shown that information and education campaigns increase awareness of a road safety problem, but that achieving widespread and lasting driver behaviour change requires legislative measures as well.

Why not leave things as they were?

Maintaining the status quo was no longer an option as mobile-phone-related crashes are increasing, and public concern about this issue is growing. When using a mobile phone while driving is banned in New Zealand, there will be a real incentive for drivers to stop the practice entirely.

What else is being done about driver distractions?

The NZ Transport Agency is looking at a number of educational initiatives to raise awareness about the wider issue of driver distraction.

The Road Safety Trust is also working to raise awareness about issues of distraction, including the danger of using mobile phones while driving.

The government is currently developing Safer Journeys, a road safety strategy to take New Zealand through to 2020. In August 2009, it will be seeking public feedback on a discussion document that sets out road safety issues and actions for addressing them, including driver distraction.

What are the benefits of a ban on using hand-held mobile phones when driving?

A specific ban will make enforcement easier by allowing the Police to issue infringements (instant fines and demerit points) instead of having to prove careless or inconsiderate driving charges via the Court system.

Currently, these charges are normally laid only in relation to serious crashes.

Banning the use of hand-held phones while driving also brings New Zealand into line with the legal requirements of the best-performing road safety jurisdictions. All Australian states and at least 45 countries (including most countries in the European Union) have legislation banning the use of mobile phones while driving.

The most important benefit will be the expected decrease in crashes.

What penalties will there be for using a hand-held mobile phone while driving?

An infringement fee of \$80, and 20 demerit points, will be the penalty for those breaching the ban on using mobile phones while driving.

What support is there for this ban?

Consultation carried out as part of the development of the Road User Rule in 2002-2003 showed broad support for a ban on using hand-held mobile phones while driving. More recently, there has been growing public support for a ban, and the NZ Automobile Association (76%) and Research New Zealand (86%) polls have confirmed this. Vodafone and Telecom have also come out in support of such a ban.

Why not ban the use of hands-free mobile phones as well?

Mobile phones are an essential business tool, particularly for tradesmen and small businesses, many of whom would be economically disadvantaged without the ability to be contacted while travelling. Mobile phones also provide safety and personal security benefits. A total ban could compromise these benefits.

What are the risks with using hands-free mobile phones?

Research shows that, although the risk of a crash is reduced when using a hands-free phone while driving, the risk of crashing while using a hands-free kit is still higher than when not using a phone at all. This is because the driver using a phone can be distracted by concentrating on the conversation rather than on the road. Some studies have suggested that banning hand-held mobile phone use could reinforce the mistaken belief that hands-free devices present a very low safety risk, and give a false impression that they are entirely safe to use while driving. One way of helping to dispel that perception, will be to ensure that educational messages emphasise the risks associated with *all* mobile phone use while driving.

What are the costs associated with implementing this ban?

There will be enforcement costs associated with banning the use of hand-held mobile phones when driving. These include infringement fee processing and collection costs, and the possible cost of diverting Police enforcement away from other activities.

What costs are people likely to face?

The main expense for people who need to be able to use a phone while driving would be the purchase of suitable hands-free kits for their vehicles. The costs of these kits start at about \$40 each. The preferred alternative, however, would be for drivers to choose to pull over safely to take calls on their mobile phone or to use a messaging option.

2. Use of special vehicle lanes

What is the Rule amendment relating to the use of special vehicle lanes?

When drivers need to cross a special vehicle lane to turn left or get to a parking space they must do it in the minimum length of the lane necessary but no more than 50 metres.

What is a special vehicle lane?

A special vehicle lane is a lane defined by signs and markings that is restricted to a specific class or classes of vehicles. They include bus lanes, transit lanes and cycle lanes.

How will road users know where 50m starts?

A distance of 50 metres is roughly equivalent to 10 car lengths.

What penalties will there be for those breaching this provision of the Rule?

The existing penalty for those using a special vehicle lane incorrectly will apply. This is an infringement fee of \$150.

3. The correct wearing of seat belts

What is the Rule amendment relating to the correct wearing of seat belts?

This amendment states, and clarifies, that seat belts must be worn 'correctly'. This means 'as the manufacturer intended', so the user is properly restrained.

Why does this clarification need to be made?

Police have been concerned about the number of people they have observed not wearing their seat belt properly, although the seat belt has been securely fastened. The placement of the seatbelt in these cases has often not provided any protection for the occupant and may have exposed them to greater risk of injury in a crash.

4. Headlamps on mopeds and motorcycles

How is the Rule amended in relation to the use of headlamps on motor cycles and mopeds?

Mopeds and motorcycles riders are required to ride with their headlamps on or, if fitted, daytime running lamps, during daylight hours. This requirement applies only to riders of mopeds or motorcycles manufactured after 1 January 1980.

Why will this Rule amendment be made?

Motorcycle casualties (fatalities plus serious and minor injuries) have increased by almost 80 percent since 2001. While some of the growth in casualties might have been expected as a result of the 28 percent increase in motorcycles being licensed over the same period, the large increase in casualties is a concern.

Furthermore, in that period the cost of fuel rose, and continuing fluctuations in the cost of fuel, may make motorcycle ownership and use attractive. It is important that best-practice motorcycle safety initiatives are put in place to deal with this growing road safety problem.

What penalties will there be for those breaching this provision of the Rule?

The proposed penalty will be an infringement fee of \$100.

What else is being done to improve the safety of motorcyclists?

Motorcyclist safety has been proposed as a high priority for Safer Journeys road safety strategy to take us through to 2020. From August to 2 October 2009, the public's views will be sought on several road safety issues, including motorcycle safety, and possible actions for addressing them. Following public consultation a final strategy will be released in December 2009.

5. Cyclists permitted to do a hook turn

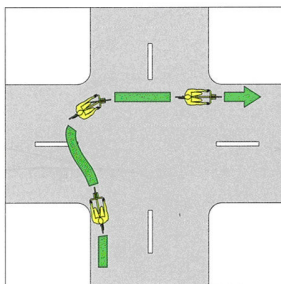
What is the Rule amendment relating to cyclists being permitted to do a hook turn?

Cyclists will now be permitted to do a hook turn at intersections when turning right unless there is a sign prohibiting the manoeuvre.

What is a hook turn?

A hook turn allows cyclists to turn right at intersections safely by:

- proceeding from the left-hand side of the road across part of the intersection to a point in the appropriate lane of the side road;
- then either waiting for a suitable gap on the through road or, where there are signals, waiting until the signals change to green; and,
- then proceeding across the intersection, effectively completing a right turn.



Why will the hook turn be permitted?

It is often difficult for cyclists, particularly those who are inexperienced or otherwise less able, to make a right turn at major junctions. In these circumstances they are often required to move from the extreme left of the approach road to the centre across two or more lanes of traffic.

6. Mopeds or motorcycles on footpaths by postal services**What is the Rule amendment relating to the use of motorcycles and mopeds on a footpath for delivery to letter boxes?**

An exception is made in the amendment Rule to allow a road controlling authority to permit mopeds or motorcycles to be used on footpaths for delivering newspapers, mail or other printed material to letterboxes.

Who will have to give way?

The moped or motorcycle rider will have to give way to pedestrians, mobility devices or wheeled recreational devices being used on the footpath. However, a pedestrian and a rider of a mobility device or wheeled recreational device is not allowed to unduly hinder a moped or motorcycle being used legally on the footpath for delivering newspapers, mail or other printed material to letterboxes.

What speed is appropriate for moped or motorcycle riders on footpaths?

The riders must not operate at a speed that constitutes a hazard to other footpath users and must operate the vehicle in a careful and considerate manner. 10 km/h or less is the recommended speed in areas which are shared by vehicles and pedestrians.

Why will this Rule amendment be made?

Postal delivery people now deliver a lot more bulky items than in the past. The extra weight involved has made postal delivery by walking or cycling more difficult. In many cases, delivery people are also servicing longer postal routes. There are also safety implications involved when postal delivery people walk or cycle when delivering mail on roads with high volumes of traffic moving at high speed, and where there are inadequate facilities for walking or cycling. Postal delivery, by mopeds or motorcycles, overcomes many of these concerns.

7. Users of wheeled recreational devices at traffic signals**What is the Rule amendment relating to the use of mobility devices and wheeled recreational devices at traffic signals?**

This provision states that at traffic signals, riders of mobility devices and wheeled recreational devices using footpaths will have the same priorities and obligations as pedestrians.

What are the priorities and obligations of pedestrians at traffic signals?

These include:

- on the green person symbol, pedestrians can walk across the roadway;
- while a flashing red person symbol is displayed, pedestrians can complete walking across the roadway;
- while a steady or flashing red person symbol is displayed, pedestrians cannot enter the roadway until a green person symbol is showing;
- where there are no pedestrian signals, pedestrians cannot enter the roadway while a steady full round yellow or red light is displayed until a steady full round green light is showing; and
- while a steady green, yellow or red arrow is displayed, pedestrians must not enter the roadway.

Drivers are obliged to give way to pedestrians lawfully crossing or about to cross the road from one footpath to another, so this provision now also applies to riders of mobility devices and wheeled recreational devices.

What are mobility devices and wheeled recreational devices?

These include motorised wheelchairs and similar devices, skateboards and foot-propelled scooters. The full definitions from the Rule are set out below.

A mobility device is a vehicle that:

- is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and
- is powered solely by a motor that has a maximum power output not exceeding 1 500 W; or
- a vehicle that the Agency has declared under section 168A(1) of the Land Transport Act 1998 to be a mobility device.

A wheeled recreational device:

- means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and
- includes a conveyance to which are attached 1 or more auxiliary propulsion motors that have a combined maximum power output not exceeding 300 W.

8. Signalling requirements for cyclists at roundabouts

What is the Rule amendment regarding signalling requirements for cyclists at roundabouts?

This Rule amendment provides an exception from arm (hand) signalling for cyclists at roundabouts where signalling is not practicable.

Why is this Rule amendment being made?

Roundabouts, particularly those that are multi-laned, can be difficult for cyclists to negotiate. This can be made more difficult if a cyclist attempts to comply with the signalling requirements set down in the previous rules.

The previous requirement was for a cyclist, intending to turn right, to signal as they approach a roundabout to continue to signal into the roundabout if they are turning right, and then signal left from the last exit before the one they intend to use until they leave the roundabout. This is not only physically demanding, but it also, potentially, places the cyclist at greater risk of losing control in an often-dangerous environment.

How would a cyclist indicate when turning right at a roundabout when the amendment is made?

Cyclists should still try to give other road users around them clear indication of their intentions. Wherever possible, cyclists should signal their intention to turn right as they enter the roundabout (on multi-lane roundabouts they will often be crossing a lane at this stage).

9. Speed for vehicles towing without a rigid towing system

What is the Rule amendment relating to the speed for vehicles towing without a rigid towing system?

This provision states that vehicles towing another vehicle without a rigid towing system will have to drive at a maximum of 50km/h.

Why is this Rule amendment being made?

Non-rigid towing systems (e.g. ropes, straps, chains and other flexible materials) typically have the strength required to pull a vehicle that is normally propelled by mechanical power. These systems, however, provide only limited control of the towed vehicle and do not transmit any braking forces from the towing vehicle to the towed vehicle.

The position and distance between the two vehicles are largely controlled by the driver of the towed vehicle. This driver of the towed vehicle must react to the behaviour of the driver of the towing vehicle, who can see the road ahead.

The typical time for a fully alerted person to see and react is about 0.5 seconds. This does not take into account the correctness of the response or the time it might take for the response to take effect. At 50 km/h, a vehicle travels a distance of 7 metres in 0.5 seconds, and this is more than the length of a typical flexible tow system. Note, the maximum distance permitted between a towing and towed vehicle is 4 metres.

Any speed above 50 km/h significantly increases the risk that the driver of the towed vehicle will not be able to react in time to avoid colliding with the towing vehicle. This could have uncertain and potentially serious outcomes for the drivers involved or other road users nearby.

Most drivers towing like this will operate at speeds at or below 50km/h. Although there is some risk even at this speed, 50 km/h is considered an appropriate limit to apply.

What penalties will there be for those breaking the speed limit?

It is proposed that existing penalties for exceeding the speed limit will apply. Infringement fees for speeding increase progressively from \$30 for speeds less than 10 km/h over the limit, to a maximum fine of \$630 for speeds up to 50 km/h over the limit.

If the driver's speed is more than 50 km/h over the limit they could be charged with careless, dangerous or reckless driving. At more than 40 km/h above the speed limit they could incur a 28-day licence suspension which could lead to the vehicle being seized and impounded for 28 days.

In addition, for Police Officer issues notices, demerit points are imposed progressively depending on the level over the applicable speed limit, for example 10 demerit points if the limit is exceeded by not more than 10 km/h, 20 for speeds over 10 km/h above the limit but not more than 20 km/h.

10. Parking on the road margin

What is the Rule amendment relating to parking a vehicle on the road margin?

The rule has been amended to ensure drivers who park their vehicles on the road margin do not damage ornamental grass plots, shrubs or flower beds laid out or planted there.

Why is this Rule amendment being made?

This amendment will increase the opportunities for local councils to be able to enforce the above provision.

What penalties will there be for those breaching the Rule?

Existing penalties for parking offences will apply. This is an infringement fee of \$40.

11. Child safety locks in taxis

What is the Rule amendment relating to child safety locks in taxis?

This amendment allows small passenger service vehicles, such as taxis, to retain child safety locks provided that a sign, approved by the NZTA, is displayed at the outer door handle.

These safety locks can only be used at the request of the passenger, or a person who has responsibility for the passenger.

Why is this Rule amendment being made?

When *Land Transport Rule: Passenger Service Vehicles 1999* (the PSV Rule) was drafted in the late 1990s, concerns were raised about passengers possibly being locked in, or feeling trapped, if a taxi was equipped with child safety locks that were activated.

However, the taxi industry maintains that there are sometimes circumstances in which child safety locks are useful, (for instance, when transporting children with behavioural problems, who might open the doors). The industry asked that they be allowed to retain child safety locks, if fitted, provided that a sign was displayed next to the door handle explaining that the locks had been fitted as original equipment.

Currently, specific exemptions have been required for each case with these cars displaying signs next to the outer door handles. The amendment Rule will remove the need to gain a specific exemption.

12. The use of blue beacons on vehicles

What is the Rule amendment relating to the use of blue beacons on vehicles?

Certain officers, with statutory power to stop drivers, will be allowed to have blue beacons installed on vehicles they use in their official duties. This applies specifically to customs officers, fisheries officers and marine reserve officers.

Why is this Rule amendment being made?

The law did not allow some officials, who have statutory powers to stop drivers (such as fisheries officers), to install and operate beacons on their vehicles. This hampered the ability of these enforcement officials to signal drivers to pull over and had the potential to create safety risks.

Displaying a blue beacon will provide a clear signal that the enforcement official has the power to require a driver to stop a vehicle and should improve the safety of those involved and other road users in the area.

13. Pedestrians waiting at pedestrian crossings

What is the Rule amendment relating to pedestrians at pedestrian crossings?

Drivers will be required to give way to pedestrians who are obviously waiting to cross at a pedestrian crossing.

Why is this Rule amendment being made?

Requiring drivers to give way to pedestrians who are obviously waiting to cross at a pedestrian crossing gives more priority to pedestrians. It will also bring New Zealand into line with other jurisdictions including Australian states, the United Kingdom and a number of other European countries.

What penalties will there be for those breaching this provision of the Rule?

Existing penalties for failing to give way to a pedestrian on a pedestrian crossing will apply. This is an infringement fee of \$150.

14. Passenger Service Vehicles at level crossings (and reclassification)

What is the Rule amendment relating to passenger service vehicles at level crossings?

This Rule amendment removes the need for small passenger service vehicles (those designed with no more than 12 seats) to stop at level crossings controlled by active warning devices

(flashing lights and bells, and barrier arms) except when the warning devices are activated. It will also remove the need for large passenger service vehicles (designed to carry more than 12 people) to stop at those level crossings controlled by flashing red lights when the red lights are not flashing.

Passenger service vehicle in this case now refers to heavy vehicles used for this purpose such as buses, it does not include taxis, shuttle buses or other small passenger service vehicles.

Why is this Rule amendment being made?

Currently all vehicles must stop at level crossings if there is:

- a stop sign
- flashing red signals
- barrier arms.

However, currently passenger service vehicles also have to stop at level crossings if there is:

- A give way sign
- Red signals that are not flashing.

Incidents have been reported of motorists taking unsafe evasive action to avoid a bus that has stopped, or is about to stop, in accordance with the previous requirements. Drivers were not aware that the bus had to stop by law when the red lights weren't flashing.

When this amendment Rule comes into force, drivers of large passenger service vehicles will not need to stop where red signals are installed if they are not flashing.

15. The use of safety chains on light trailers

What is the Rule amendment relating to passenger the use of safety chains on light trailers?

This Rule amendment clarifies that when towing a trailer fitted with a safety chain – the chain must be used.

Why is this Rule amendment being made?

In light of a number of safety-related issues that have arisen, this Rule amendment emphasises clearly the requirement to safely and securely attach trailers to the towing vehicle.

What penalties will there be for those breaching this provision of the Rule?

Existing penalties for towing a trailer without an adequate coupling will apply. This is an infringement fee of \$150.

16. Requirements for cycle lights

What is the Rule amendment relating to cycle lights?

This Rule amendment states that cycle lights must now be visible for 100 metres rather than be required to light the road up to 100m ahead.

Why is this Rule amendment being made?

Cycle lights rarely provide sufficient light in a downward direction to illuminate the road ahead. However, most modern lights are able to meet the requirement for being visible from a distance of 100 metres.

What penalties will there be for those breaching this provision of the Rule?

The amendment Rule will clarify the minimum performance required of a cycle headlamp. It does not change the existing requirement to use a vehicle's headlamp during the hours of darkness. The penalty for breach of that requirement is an infringement fee of \$150.

17. Priorities on shared paths

What is the Rule amendment relating to shared paths?

This Rule amendment clarifies the responsibilities of users of shared paths.

Why is this Rule amendment being made?

With the increasing availability of shared paths, concern was expressed that users (cyclists, pedestrians, and riders of mobility devices and wheeled recreational devices) were not sure of their obligations.

Even though some users may have 'priority', no one can unreasonably impede the movement of other users.

What is a shared path?

A shared path means an area of road, separated from a roadway, that has been defined by the road controlling authority as a path to be shared by a specified range of road users which would typically, but not exclusively, include pedestrians, mobility devices, wheeled recreational devices and cycles.

What penalties will there be for those breaching this provision of the Rule?

New penalties are proposed, which depend on whether the offence is one that can be committed by a pedestrian or not.

It is proposed that existing penalties that apply to pedestrians will apply to use by a person of a shared path without care/inconsiderately/in hazardous manner and failure to give priority on a shared path. These are not infringement offences, and will be subject to a maximum fine of \$35 on summary conviction.

It is proposed that there will be an infringement fee of \$100 for a person who rides a cycle, mobility device or wheeled recreational device on a shared path at a hazardous speed.

18. Road controlling authorities marking stopping places/stands

What is the Rule amendment relating to Road controlling authorities marking stopping/standing?

Road controlling authorities that limit stopping places or "stands" for a specific type of vehicle have to mark these places if practicable.

Why is this Rule amendment being made?

The Rule amendment will allow for situations where marking is not practicable such as on grass, metal surfaces, etc. Road controlling authorities however must indicate the restricted stopping or parking by installing appropriate traffic signs showing the limits of the restricted area.

19. The use of seat belts on buses

What is the Rule amendment relating to the use of seat belts on buses?

This amendment more clearly stipulates that bus drivers in vehicles with passenger seat belts are not responsible for ensuring passengers wear them, except for the passenger in the seat next to them.

Why is this Rule amendment being made?

There is effectively no change to the law here but rather it is intended to state the Rule provision clearly.

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How will the NZ Transport Agency make sure people know what their responsibilities under the amendment Rules?

To raise the public's awareness of this law change, an information campaign, including advertising, will commence before the amendment Rule is implemented. Overseas experience has shown that publicised enforcement is needed to achieve widespread long-term compliance.

A letter outlining the changes to the Rules will be sent to groups and individuals who expressed an interest in the Rule that are being amended. Stakeholder and industry groups likely to be directly affected by specific amendments will also receive information on the changes.

How can I obtain a copy of the amendment Rule?

A copy of the final amendment Rule will be available for purchase from selected bookshops that sell legislation or direct from Legislation Direct, telephone (04) 568 0005. The Rule, together with information material, will also be available on the Land Transport NZ website at www.landtransport.govt.nz/rules.

How can I obtain further information about the amendments?

Further information about the amendment Rule may be obtained by calling the NZ Transport Agency Contact Centre on Freephone 0800 699 000.

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