

Temporary extension of expired vehicle inspection documents during Covid-19 lockdown period

1. What does this new legislation do?

In order to be able to drive legally on public roads, drivers must have a current driver licence and valid vehicle certifications (including Warrants of Fitness (WoF) and Certificates of Fitness (CoF)). These requirements are enforced by NZ Police and Local Government parking wardens.

The legislation recognises that because of the COVID-19 Alert Level 4 (AL4), through no fault of their own, many New Zealanders are unable to keep these documents up-to-date.

The following documents would be deemed valid from the day the legislation is in force, for a period of up to six months:

- WoFs and CoFs, driver licences, and vehicle certifications issued under the Vehicle Standards Compliance Rule that expired on or after 1 January 2020
- endorsements for driver licences that expired on or after 1 March 2020.

It also enables a temporary suspension of the requirement to display a valid vehicle licence (Rego) if the vehicle licence expired on or after 1 January 2020.

The new legislation provides additional clarity and supplements guidance issued by the Ministry of Transport on 27 March 2020:

www.transport.govt.nz/assets/Import/Uploads/About/transport-key-messages.pdf.

2. Why is the Government providing this extension?

During a period of restricted activity, people should not be unnecessarily constrained from travelling to access essential services solely because a transport document has expired.

Public transport, along with taxis and other similar small passenger services, remain available in some areas. However, these do not provide an alternative travel option for people living outside of the main centres to undertake essential journeys (eg to collect groceries or obtain healthcare).

Additionally, current advice is that people who are unwell or suspected of having COVID-19 and who must travel, should use private motor vehicles: covid19.govt.nz/help-and-advice/for-travellers/public-transport/ (as at 30 March 2020). If that's not possible, people should call Healthline for guidance ([0800 358 5453](tel:08003585453)).

3. Why was 1 January 2020 chosen as the cut-off expiry date?

WoFs and CoFs, driver licences, and some vehicle certifications that expired on or after 1 January 2020 would be eligible for the extension. This date was chosen because it provides a brief grace period for people who were unable to renew documents shortly before the COVID-19 restrictions.

The Government considers that it is appropriate to allow some vehicles and drivers to use the road network who might not otherwise be able. This is because the response to COVID-19 means that the public does not have access to the services necessary to enable them to comply with the law. It recognises that they may still need access to a private vehicle, which is regarded as a critical lifeline at this time, and this should be without fear of committing an offence.

4. Why do endorsements for driver licences have different provisions?

There are additional requirements that need to be satisfied before someone can obtain an endorsement for a driver licence. These include a recent course certificate (eg for moving dangerous goods), a medical certificate and/or a Police vetted 'fit and proper person' check (eg for drivers of passenger services or driving instructors).

The 1 March 2020 eligibility date for expired driver endorsements was chosen because of these additional requirements. In some instances, endorsements may not have been renewed earlier in the year due to a person's inability to meet the required threshold, and should therefore not be extended due to potential public safety risks.

5. Will this extension pose a safety risk?

The changes do not alter the separate legal requirements that a vehicle must be safe to operate, and that drivers must obey the road rules and be medically fit to drive.

There is a general requirement that vehicles are safe and maintained in the condition appropriate for the issue of a WoF or CoF. This means that, for example, it remains an offence for a vehicle's tyres to have less than a minimum amount of tread of 1.5mm, or headlights that do not work, even if a the vehicle has a current WoF or CoF. There is also a range of other matters that vehicles must comply with to remain safe, including requirements for certification of modifications.

Vehicle owners are advised to self-inspect their vehicles using the TWIRL procedure (tyres, windscreen, wipers, mirrors, indicators, rust and lights) to assess their vehicle's safety, using the guidance on Waka Kotahi's website: www.nzta.govt.nz/vehicles/choosing-the-right-vehicle/check-your-car-safety-basics/

All drivers must also continue to comply with all other road rules, as set out in Land Transport (Road User) Rule 2004, as well as any relevant restrictions of their license (eg learner licence restrictions and zero alcohol licences). Any licence suspensions will also continue to apply.

The NZ Police will continue to ensure drivers are acting safely and with care on the roads. Police have indicated it will continue to enforce these requirements. However, the Police's interest is ensuring the safety of anyone traveling for essential purposes, not in issuing infringement notices.

6. Will this allow people who have had their licence disqualified to drive legally or vehicles that have been ordered off the road to be used?

No. All existing licence suspensions, disqualifications and revocations for driver licences and all prohibitions on operating a vehicle issued by NZ Police will continue to apply.

7. Does this mean people who received an infringement for operating a vehicle before the legislation came into effect do not have to pay this?

No. The new legislation is not retrospective and does not address any previous infringements. It only addresses travel that happens after the legislation comes into effect.

If a person was issued an infringement notice for any of these offences after AL4 was declared but before the legislation came into effect, they should contact NZ Police. NZ Police have discretion to waive infringements before they are paid.

8. How many documents were due to expire?

Data from Waka Kotahi indicates that around 1.4 million driver licences and vehicle certification documents would expire between 24 March 2020 (the start of AL4) and 17 May 2020 (about a month after the currently planned end of AL4).

This includes:

- 600,000 WoFs and CoFs
- 800,000 vehicle licences
- 40,000 driver licences
- 12,500 endorsements.

9. What does the new legislation mean for insurance claims?

The new legislation removes the uncertainty over the legal status of key transport documents that are relevant in case of a vehicle insurance claim. This will provide clarity on their status. However, decisions on any individual claim will remain at the discretion of the individual insurance company, taking into account specific circumstances.

10. How long have motorists got to comply after AL4 is lifted?

A six month extension (from the day the legislation is in force) was chosen as the maximum amount of time that will be allowed for vehicles and drivers to come into compliance again.

This period ensures that there is adequate capacity at testing and inspection sites to manage the additional testing. It also recognises that different parts of New Zealand may have different levels of alert, or that there may be a future period of AL4, after the current one is lifted.

The extension will allow people and businesses whose financial situation might be strained following the lockdown to better manage their cash flows by not having to come in to compliance immediately.

However, the legislation allows for Waka Kotahi to set deadlines that are earlier than six months for when expired documents would need to be renewed. It will also give consideration to prioritising the renewal of some documents (eg heavy vehicle CoFs) ahead of other vehicles based on any safety risks. Waka Kotahi will contact document holders once it has set a timeline.

11. If I update my vehicle licence (Rego) later, will I pay a reduced amount?

Because vehicle licensing is continuous, the licence expiry date will not be altered by the extension, even if the vehicle was not being used during AL4. This means owners will still need to pay for their licence including for the period of the extension, but do not need make the payment (or display an up-to-date label) during the extension period.

For example, if a person's annual vehicle licence expired in March 2020, and services resumed in April 2020, they would need to pay for their licence renewal in April, backdated to March 2020. They would then pay for the following year's licence renewal in March 2021.

Vehicle licences can still be renewed online during AL4 at: <https://transact.nzta.govt.nz/transactions/RenewVehicleLicence/entry>. Labels will be mailed to the vehicle owner but postage may take longer.

12. What are the other transport certification documents that are also affected?

As well as WoFs and CoFs a number of other more technical documents that mainly apply to heavy vehicles will also expire over AL4 and will be extended by up to six months. These include

- a record of determination, or other form of certification issued under the Land Transport Rule: Vehicle Standards Compliance 2002
- alternative fuel inspection certificates
- in-service conditional permits,
- specialist certifications with expiry dates (eg. some LT400 certifications including drawbars, drawbeams, and log bolsters) Annex B conditional permits
- Annex C conditional permits