

Land Transport Rule: Operator Licensing 2007

Rule 81001

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AMENDMENTS

- Land Transport Rule: Operator Licensing Amendment 2008 (Rule 81001/1)
- Land Transport Rule: Operator Licensing Amendment 2009 (Rule 81001/2)
- Land Transport Rule: Operator Licensing Amendment 2010 (Rule 81001/3)
- Land Transport Rule: Operator Licensing Amendment (No 2) 2010 (Rule 81001/4)
- Land Transport Rule: Operator Licensing Amendment 2011 (Rule 81001/5)
- Land Transport Rule: Operator Licensing Amendment (No 2) 2011 (Rule 81001/6)
- Land Transport Rule: Operator Licensing Amendment 2012 (Rule 81001/7)
- Land Transport Rule: Operator Licensing Amendment 2014 (Rule 81001/8)

Objective of the Rule

Land Transport Rule: Operator Licensing 2007 (the Rule) sets out the requirements for obtaining and retaining a licence to operate a passenger, rental, vehicle recovery, or goods service. It also contains requirements that apply to transport service drivers, “dial-a-driver” service drivers, hirers of rental service vehicles, and approved taxi organisations (ATOs).

The overall aim of the Rule is to establish a fair and consistent framework for the licensing of transport operators. The Rule takes into account the environment in which commercial transport services operate and the wider community’s need for mobility and access to transport services, while ensuring that transport operators provide a service that is safe and secure for their passengers and for other road users.

The procedures and criteria that the [New Zealand Transport Agency] must follow or apply in licensing transport operators, contained in the *Transport Services Licensing Act 1989* and regulations made under that Act, have been reviewed and were updated in the *Land Transport Amendment Act 2005* (the amendment Act). Within the framework of the amendment Act, the Rule sets out the procedures, criteria, and standards that must be met when applying for, or holding, the different classes of transport service licence (TSL), and the requirements for ATOs.

The development of the Rule followed on from a comprehensive review of the operator licensing system carried out in consultation with transport and other interested groups (see *Extent of consultation*). The Rule takes into account, and acts on a number of, the recommendations made by the Office of the Auditor General following its review of the effectiveness of controls over the taxi industry.

The large majority of requirements in the Rule, however, have been carried over from the *Transport Services Licensing Act* and regulations. The changes that have been made in the Rule are intended to make the licensing system more effective and safer, to formalise current practice, to clarify requirements and, where appropriate, to address industry concerns and submissions. Changes to key aspects of the transport licensing requirements are summarised below.

Certificate of Knowledge of Law and Practice (CKLP)

- A person who has been disqualified (for up to 10 years) from holding or obtaining a TSL, or from having any control of a transport service, is required to pass the appropriate CKLP examination when reapplying for a TSL (either as a licence holder or a person who is to have control of the service).
- [The New Zealand Transport Agency] may require the holder of a CKLP or a person in control of an ATO to pass or re-sit a CKLP examination [if the New Zealand Transport Agency] believes that they do not have adequate relevant knowledge of the laws and practices relevant to the transport service being operated.

Notification of changes

- The Rule requires a body corporate that holds a TSL to [notify the New Zealand Transport Agency] of a change in its name or business address. ATOs must also notify changes to their business address and telephone number.

Certificate of responsibility

- The Rule requires the owner of a vehicle to obtain a “certificate of responsibility” from another person who is using that vehicle under a TSL, and who might be liable to prosecution if an offence is committed in relation to the use of the vehicle in that service. It also requires the driver of a vehicle operated under a certificate of responsibility to carry a copy of the certificate and to produce it for inspection by an enforcement officer.

Display of TSL number

- To assist in enforcing transport operator legislation, the Rule requires that the TSL number be displayed in addition to the operator identification information currently required to be displayed on goods service vehicles, large and small passenger service vehicles, and vehicle recovery service vehicles.

Requirement to notify application for transport service licence

- The requirement to notify publicly an application for a passenger service licence or a vehicle recovery service licence has been removed.

Small passenger service vehicles

- The major change is the categorising of transport services using small passenger service vehicles into taxi, shuttle, private hire, and other services, and the specifying of the requirements that apply to each of these categories of service.
- The Rule contains a number of changes to the driver identification (ID) card requirements aimed at ensuring that passengers are better able to identify a driver.

Taxi services

- The Rule gives ATOs greater responsibility for the standards met by their members, including strengthening the process for reporting complaints of serious improper behaviour by drivers. It also clarifies the requirements covering the use of signage and the registration of fares, and sets out the requirement for ATOs to run a 24-hour/seven-day service.
- The Rule strengthens the requirements relating to the holding of area knowledge certificates (AKCs) in the Auckland and Wellington metropolitan areas. It removes the need for AKCs in small towns, and allows some flexibility in setting AKC boundaries. The Rule [allows the New Zealand Transport Agency] to require a person who demonstrates inadequate English speaking skills, despite having passed an AKC, to either pass an English test or complete a course that is [approved by the New Zealand Transport Agency].
- ATO and vehicle information in Braille must now be displayed on the inside of the front passenger door of a taxi.

Rental services

- The rules governing the operation of rental services have been reduced and simplified. As a consequence, applicants for, and holders of, a rental service licence do not have to hold a CKLP.
- Subject to certain conditions, the Rule provides for a rental service operator to charge an infringement fee, which has been incurred by a hirer for speeding and other specified offences, to the hirer’s credit card. The rental service operator may also charge an administration fee to cover the cost of debiting the card.

Vehicle recovery services

- Holders of a vehicle recovery service licence will be held responsible for the conduct of their drivers and employees at their business location. The Rule also requires that a driver of a vehicle recovery service vehicle be required to behave in an “orderly and civil manner” while operating a vehicle recovery service.

Dial-a-driver services

- Drivers of vehicles operating a “dial-a-driver” service are now required to hold a photographic ID card and to wear this in a readily visible position. This requirement aligns them with drivers of other small passenger service vehicles.

Exempt passenger services

- The requirements exempting the operators of certain passenger services from holding a TSL have been clarified to remove anomalies and to take into account the current needs of health providers, schools, incorporated charitable organisations, and other organisations, who operate a passenger service.
- The current exemption for carpooling for travel to or from a workplace has been widened to include carpooling for all activities operated under genuine cost-sharing arrangements.

The *Land Transport Act 1998* (the Act) requires that Rules may not be inconsistent with New Zealand’s international obligations concerning land transport safety. The Rule is consistent with New Zealand’s international obligations in this area.

The Rule has been subjected to economic analysis. The majority of the Rule's provisions do not impose additional compliance costs on transport service operators and drivers because they are largely rolled over from existing legislation.

New requirements with significant cost impacts are those relating to the display of Braille signs in taxis and AKC requirements for taxi drivers in Auckland and Wellington. The requirements as originally proposed have been scaled back in order to lower compliance costs. A small number of requirements will result in cost savings to the industry. Some provisions, such as the requirement to display a TSL number for some transport service vehicles, will result in some additional expense for operators.

Extent of consultation

Following preliminary discussions with key stakeholders, the former Land Transport Safety Authority initiated a review of the transport services licensing system, with the release, in December 1998, of the discussion document *Transport Services Operator Licensing Review*. This document did not contain specific policy proposals but outlined the key issues relating to the licensing of transport services, for public feedback on these issues and on a range of possible options.

In May 2001, the Land Transport Safety Authority released another discussion document, *Courtesy Vehicle Services*, for public comment. This document was posted on the Authority's website, along with a list of its preferred policy proposals. The proposals took into account submissions made by industry groups and the public on the earlier discussion document and made recommendations to government. Cabinet approved the recommendations in October 2003.

Some of the changes proposed to transport services licensing policy required amendment of the Act. Those changes were passed into law in the amendment Act, which received the royal assent on 21 June 2005. Land Transport New Zealand consulted on the requirements that are contained in the Rule in the yellow (public consultation) draft, which was released in May 2006.

The yellow draft was made available to about 700 organisations and individuals who had registered their interest in the Rule. The availability of the yellow draft was publicised in metropolitan and selected regional daily newspapers, *Te Karere National News* and the *New Zealand Gazette*. The draft was also made available, together with Questions and Answers, on the Land Transport NZ website.

Land Transport NZ received 76 submissions on the draft Rule. The comments were taken into account in redrafting the Rule before it was submitted to Cabinet, and to the Minister for Transport Safety for signature.

Part 1 Rule requirements

(r 1.1 to r 12.1)

Section 1 Application

1.1 Title

This Rule is *Land Transport Rule: Operator Licensing 2007*.

1.2 Scope

This Rule applies to:

- (a) a holder of, and an applicant for:
 - (i) a passenger service licence;
 - (ii) a rental service licence;
 - (iii) a vehicle recovery service licence;
 - (iv) a goods service licence; and

[Note: "Goods service licence", "passenger service licence", "rental service licence", and "vehicle recovery service licence" are defined terms.]
- (b) a driver of:
 - (i) a small passenger service vehicle that is operating or ought to be operated under a passenger service licence;
 - (ii) a vehicle recovery service vehicle that is operating or ought to be operated under a vehicle recovery service licence;
 - (iii) a goods service vehicle that is operating or ought to be operated under a goods service licence; and
- (c) a dial-a-driver service driver who is operating or ought to be operating under a passenger service licence; and
- (d) a hirer of a rental service vehicle; and
- (e) an approved taxi organisation.

[Note: "Approved taxi organisation", "dial-a-driver service", "goods service vehicle", "passenger service vehicle", "rental service vehicle", "small passenger service vehicle", and "vehicle recovery service vehicle" are defined terms.]

[1.2A Exemption from operating under goods service licence

A forklift is an exempt goods service vehicle for the purposes of this Rule.]

1.3 Fees

A person must pay the appropriate fee or fees (if any) for any application, amendment, approval or exemption in respect of a provision of this Rule, that is specified in, or assessed in accordance with, any regulation made under the Act.

1.4 Date when Rule comes into force

1.4(1) *Subclauses 4.2(8) and 4.2(9)* come into force on 1 October 2008.

1.4(2) The rest of this Rule comes into force on 1 October 2007.

Section 2 *Transport service licence*

2.1 Application for transport service licence

An application from a person or organisation for a transport service licence must be made on a form approved by the [Agency] and include:

- (a) the applicant's full name (that is, the individual or organisation name, and trading or trust name if applicable);
- (b) if the applicant is a natural person, the applicant's date of birth;
- (c) the applicant's business or residential address;
- (d) the full name and address of any person who is to have control of the service;
- (e) the class or classes of transport service licence applied for;
- (f) a statement signed by the applicant that, to the best of the applicant's knowledge and belief, all the information given by the applicant is correct and that the applicant is not disqualified from holding or obtaining a transport service licence;
- (g) other information as required by the [Agency].

[Note: "transport service licence" and "control" are defined terms.]

2.2 Certificate of knowledge of law and practice

2.2(1) This clause does not apply to an applicant for, or holder of, a rental service licence or a passenger service licence for operating a dial-a-driver service.

2.2(2) A person is entitled to obtain, or continue to hold, a transport service licence only if that person, or another person who has or is to have control of the service, holds a certificate of knowledge of law and practice applicable to the transport service being operated.

[Note: "Transport service" is a defined term.]

2.2(3) Despite 2.2(2), the [Agency], having regard to the limited or infrequent nature of the service, or proposed service, may waive the requirement for a licence applicant or holder to comply with 2.2(2) for whatever limited period and subject to any conditions that the [Agency] may determine.

2.2(4) For the avoidance of doubt, a person who holds, or was deemed to hold, a certificate of knowledge of law and practice before 1 October 2007 is deemed to hold a certificate of knowledge of law and practice applicable to the transport service being operated.

2.2(5) The content of a certificate of knowledge of law and practice test (and any revision to the content of the test), the test provider, and the form of the certificate of knowledge of law and practice must be approved by the [Agency].

2.2(6) A holder of a transport service licence, or a person in control of a transport service, must pass the test to hold a certificate of knowledge of law and practice if he or she:

- (a) has been disqualified from holding or obtaining a transport service licence or from having any form of control of a transport service; and
- (b) reapplies for the licence at the end of the disqualification period.

2.2(7) *Subclause 2.2(6)* applies even if another person is to have control of the service and that person already holds a certificate of knowledge of law and practice.

2.2(8) If [the Agency is satisfied on reasonable grounds] that the holder or deemed holder of a certificate of knowledge of law and practice does not have an adequate knowledge of the laws and practices concerning the safe and proper operation of the transport service to which the licence relates, [the Agency may] require the holder to pass the test for a certificate of knowledge of law and practice applicable to that transport service.

2.2(9) A requirement issued by the [Agency] under 2.2(8) must state:

- (a) the grounds on which the requirement is based; and
- (b) the date by which:

- (i) the test must be satisfactorily completed; and
- (ii) the holder must produce evidence to the [Agency] of the satisfactory completion of the test.

2.2(10) Failure to satisfactorily complete the test under 2.2(8) invalidates the licence holder's certificate of knowledge of law and practice and the holder's transport service licence may then be suspended in accordance with *section 30U* of the Act.

2.3 Transport service licence holder to notify [Agency] of certain changes

2.3(1) A holder of a transport service licence must:

- (a) notify the [Agency] of a change of name of the holder of the licence (resulting from, but not limited to, marriage, civil union, or declaration of change of name), which must be supported by documentation to this effect;
- (b) notify the [Agency] of a change in the person or persons having control of the service;
- (c) notify the [Agency] of a change in the business or residential address of:
 - (i) the holder of the licence; or
 - (ii) the person or persons having control of the service.

2.3(2) If a holder of a transport licence is a body corporate, the person or persons having control of the service must notify the [Agency] of:

- (a) a change in the natural person or persons (not being bodies corporate) who, in fact, have control of that body corporate;
- (b) a change in the residential address of that person or persons;
- (c) a change in the business address of that person or persons;
- (d) a change of name of the body corporate (resulting from, but not limited to, merger, amalgamation, or dissolution), which must be supported by documentation to this effect;
- (e) a change in status of the body corporate including, but not limited to, merger, amalgamation, or dissolution, which must be supported by documentation to this effect.

[Note: "Notify" is a defined term.]

2.3(3) The notification in 2.3(1) or 2.3(2) must be given either:

- (a) before the change occurs; or
- (b) not later than 14 days after it has occurred.

2.3(4) The notification in 2.3(1) or 2.3(2) must include any other identification information that the [Agency] requires.

2.3(5) The notification in 2.3(1)(c)(ii) or 2.3(2)(a) is not required if the person having control of the service:

- (a) is an elected member of a local authority, and has control of the service or business in that capacity only; or
- (b) is an officer of the State services or of a Crown agency or local authority, and has control of the service or business in that capacity only, unless the [Agency], by notice in writing to the holder of the licence, requires it.

2.4 Transport service licence card where person operates vehicle under licence

2.4(1) The Agency may issue a transport service licence card, relating to a valid transport service licence, to the operator of a vehicle subject to transport service licensing requirements upon completion of an application form (if applicable) in a form approved by the Agency, and on payment of any fee (if applicable).

2.4(2) The operator of a vehicle subject to transport service licensing requirements must (except in the case of a trailer) display the appropriate transport service licence card and comply with the requirements in this section if the vehicle is:

- (a) a taxi;
- (b) a shuttle;
- (c) a vehicle recovery service vehicle;
- (d) a goods service vehicle;
- (e) a large passenger service vehicle.

[Note: The person operating the service may be liable to be prosecuted if an offence is committed in relation to the use of the vehicle in that service.]

[[2.4(3) Despite 2.4(2), a holder of a passenger service licence who operates a taxi service or shuttle service must ensure that every taxi or shuttle used under the licence displays either:

- (a) the transport service licence card specified in 2.4(1); or

- (b) his or her transport service licence number:
 - (i) comprising the letters “TSL” followed by the number in a 48 point minimum, plain font;
 - (ii) on the outside of the vehicle on both forward doors;
 - (iii) in a position clearly visible to a person standing beside the vehicle;
 - (iv) in a contrasting colour to the background on which it is displayed.]]]

2.5 Replacement of transport service licences and other documents

2.5(1) The [Agency] may issue a duplicate transport service licence or other document issued by the [Agency] to a person whose licence or other document has been lost, destroyed, stolen, defaced, or mutilated, or has become illegible.

[Note: “Licence or other document” is a defined term.]

2.5(2) The [Agency] must not issue the duplicate licence or other document unless:

- (a) the previous licence or document is surrendered to the [Agency]; or
- (b) the [Agency] is satisfied, by the production of evidence that may be required by the [Agency], that the licence or document has been lost, destroyed, or stolen.

2.5(3) A transport service licence or other document for which a duplicate has been issued under 2.5(1) must, if subsequently found by or returned to the licensee or person to whom the duplicate was issued, be returned immediately to the [Agency].

2.5(4) If a licence is amended, a new licence incorporating the amendment must be issued.

[2.6 Surrender of transport service licences and card

2.6(1) The holder of a transport service licence that is amended, revoked, surrendered or suspended must return the licence and any associated transport service licence card to the Agency within seven days of being ordered to do so by the Agency.

2.6(2) The holder of a transport service licence or the driver of any vehicle operated under that licence must surrender any transport service licence card on demand to an enforcement officer if:

- (a) the applicable transport service licence is revoked, surrendered or suspended; or
- (b) the enforcement officer believes on reasonable grounds that the card is not related to the applicable transport service.]

[2.7 Transport service licence and cards property of Agency

A transport service licence and any associated transport service licence card are the property of the Agency.]

[2.8 General requirements

A special interest vehicle must not be used in a transport service.]

Section 3

Requirements for small passenger service vehicles, drivers, and services

3.1 Requirements for all small passenger service vehicles

A holder of a passenger service licence under which a small passenger service vehicle is operated and a driver of a small passenger service vehicle must comply with:

- (a) the applicable requirements in this section; and
- (b) the requirements in *sections 4, 5, 6, and 7*, whichever applies.

[Note: Taxis, shuttles and private hire vehicles are all small passenger service vehicles.]

3.2 Driver identification

3.2(1) A person may not drive a small passenger service vehicle, other than an ambulance operated by an ambulance service, unless that person is the holder of, and displays, a current driver identification card.]

3.2(2) An application for a driver identification card must be made in accordance with *clause 36* of the *Land Transport (Driver Licensing) Rule 1999*.

3.2(3) The form of a driver identification card must comply with *clause 65* of the *Land Transport (Driver Licensing) Rule 1999*.

3.2(4) A driver identification card must:

- (a) contain a recent photograph of the driver; and

- (b) display a unique identifier, being a name comprising a combination of letters approved by the [Agency], with numbers assigned by the [Agency] if required to distinguish duplicate names, so that they are:
 - (i) sufficiently memorable to be easily recalled by users of the service provided by the driver; and
 - (ii) appropriate to identify the driver from other drivers in any transport service; and
- (c) display other information or material that may be required by the [Agency].

[Note: “Driver identification card” and “unique identifier” are defined terms.]

- 3.2(5) Despite 3.2(4)(b), a driver identification card issued before 1 October 2007 that displays an identification name comprising a combination of numbers, or a combination of letters and numbers, is valid until the next date of the identification card’s renewal.
- 3.2(6) A driver identification card is current for a period not exceeding five years, but the [Agency] may extend, by notice in writing, its currency for a period not exceeding 12 months.
- 3.2(7) A holder of a passenger service licence under which a small passenger service vehicle is operated, and every person driving that vehicle, must ensure that the driver’s driver identification card:
 - (a) complies with 3.2(3) and (4); and
 - (b) is displayed in the vehicle in accordance with 3.2(8).
- 3.2(8) The driver identification card must be displayed where it is directly facing passengers, in a central and vertical position, so that a front or rear seated passenger can easily see the photograph and the unique identifier in sufficient detail to allow accurate identification of the driver as the holder of the card.
- 3.2(9) *Subclause 3.2(8)* applies at any time that the vehicle is available for hire, whether or not there is a hirer in the vehicle.

3.3 Duties and conduct of drivers

Circumstances in which driver may refuse to accept hiring of the vehicle and any passenger

- 3.3(1) A driver may refuse to accept a person as a passenger, or refuse to continue the hiring of the vehicle by a person, if:
 - (a) the driver believes, on reasonable grounds, that his or her personal safety would be, or is, threatened or endangered; or
 - (b) the person:
 - (i) appears to be under the influence of alcohol or drugs; or
 - (ii) is in a filthy condition; or
 - (iii) is consuming food or drink; or
 - (iv) is noisy, violent, or is disturbing the peace; or
 - (v) is accompanied by an animal, unless that person has a disability and the animal is a guide dog, a companion dog or a hearing ear dog, or if the guide dog, companion dog or hearing ear dog is a dog under training.

[Note: “Guide dog”, “companion dog”, and “hearing ear dog” are defined terms.]

- 3.3(2) A driver may refuse to accept a hire if:
 - (a) the hirer has failed to pay the fare due for a previous hire and that fare is not paid before the commencement of the new hire; or
 - (b) the driver has sought prepayment of the fare but has been refused; or
 - (c) the vehicle is being used in a registered service, and the prospective hire is not consistent with that service.

[Note: “Registered service” is a defined term.]

Duties of drivers relating to fares

- 3.3(3) A driver of a small passenger service vehicle must, if asked by a prospective hirer about the scale or basis of the fare, state the correct scale or basis of the fare (including extra charges and inclusive of GST, if charged) that applies to the hiring.
- 3.3(4) A driver of a small passenger service vehicle must, at the end of a hiring, demand no more than the exact amount of the registered fare and other charges (if any) payable for the hiring, less a deduction of any prepayment made by the hirer.
- 3.3(5) A driver of a small passenger service vehicle must, on request by a hirer, issue an itemised receipt to the hirer for a fare paid by the hirer, indicating:
 - (a) the fare; and

- (b) any special charges; and
- (c) the driver's unique identifier as it appears on the identification card; and
- (d) the vehicle registration plate details; and
- (e) the GST number (if GST is charged); and
- (f) the name of the approved taxi organisation (for taxis); and
- (g) the date of hire.

Duties of drivers relating to luggage

3.3(6) Subject to 3.3(7), a driver of a small passenger service vehicle must:

- (a) when requested by the hirer, carry in or on the vehicle a reasonable quantity of luggage; and
- (b) take reasonable care of the luggage; and
- (c) secure the luggage in a manner that prevents its loss or damage.

3.3(7) A driver of a small passenger service vehicle is not required to carry, in or on the vehicle, luggage that:

- (a) would endanger the safe driving and handling of the vehicle; or
- (b) cannot be reasonably or conveniently carried in or on the vehicle without causing damage to the vehicle; or
- (c) is of a dirty or objectionable nature.

3.3(8) A driver of a small passenger service vehicle must, immediately after the termination of each hiring, check the vehicle for property that may have been left in the vehicle.

3.3(9) A driver of a small passenger service vehicle must, if any property is found in the vehicle, notify his or her office immediately and, unless it is claimed, deliver it to a police station within 24 hours.

3.3(10) A driver of a small passenger service vehicle must not place or carry or allow to be placed or carried in or on the vehicle any substance of an offensive nature.

Duties of drivers relating to obstruction of other small passenger service vehicles or road

3.3(11) A driver of a small passenger service vehicle that is not immediately available for hire must not allow that vehicle to be parked in a place or manner that is likely to impede or interfere with the operation of another small passenger service vehicle that is available for hire.

3.3(12) Subject to 3.3(13), a driver of a small passenger service vehicle must not stop the vehicle on a road longer than is reasonably necessary for the purpose of loading or unloading luggage, picking up or setting down passengers, or for any other lawful purpose.

3.3(13) Subclause 3.3(12) does not apply to a small passenger service vehicle that is:

- (a) on a designated stand; or
- (b) lawfully parked; or
- (c) waiting for a hirer who has already hired the vehicle.

[Note: "Designated stand" is a defined term.]

3.3(14) An enforcement officer or a parking warden may, at the expense of the owner of the small passenger service vehicle, arrange for the removal of a vehicle parked in contravention of 3.3(11) or 3.3(12).

Other duties of drivers

3.3(15) A driver of a small passenger service vehicle must be clean, and conduct himself or herself in an orderly and civil manner, while engaged in the operation of the vehicle.

3.3(16) A driver of a small passenger service vehicle at a designated stand must remain constantly in immediate attendance of his or her vehicle, unless the driver is absent for a reasonable cause.

3.3(17) A driver of a small passenger service vehicle must not carry, in the vehicle, passengers, the number of whom exceeds the lesser of:

- (a) the maximum number prescribed by the certificate of loading; or
- (b) the number of seats provided.

3.4 Advertising material

A holder of a passenger service licence must not allow a small passenger service vehicle to be used in the service if there is any advertising material on the outside or on the inside of the vehicle that:

- (a) is applied to glazing; or

- (b) may impede vision from or into the vehicle; or
- (c) may obscure a notice, sign, or other matter required by this Rule or any other enactment to be displayed in or on the vehicle.

3.5 Complaints register

- 3.5(1) A holder of a passenger service licence under which a small passenger service vehicle is operated (other than a holder who is a member of an approved taxi organisation) must ensure that a register of complaints is maintained.
- 3.5(2) A register of complaints must be maintained in respect of:
- (a) the vehicles used; and
 - (b) the services provided; and
 - (c) the drivers involved in operating the services.
- 3.5(3) An approved taxi organisation must keep a single register of complaints containing the details in 3.5(2) for all its members and their drivers.
- 3.5(4) When a complaint is entered in the complaints register, that entry must be retained in the register for at least two years.
- 3.5(5) The complaints register must be available for inspection at any reasonable time by an enforcement officer.
- 3.5(6) The complaints register must, as far as practicable, record the following matters:
- (a) the name and position of the person taking the initial complaint;
 - (b) the name, address, and contact telephone number of the complainant;
 - (c) the date, time, and location of the event or matter complained of;
 - (d) the name or description of the person complained of;
 - (e) details of the complaint;
 - (f) details of the response to, or action taken in respect of, the complaint;
 - (g) the method by which, and the date on which, the complainant was notified of the response to or action taken in respect of the complaint;
 - (h) the name and position of the person who took action in response to the complaint, if different from the person taking the initial complaint.
- 3.5(7) If a complaint is in writing, the original written complaint must be retained as part of, or as an attachment to, the complaints register.

Section 4 *Taxi services*

[4.1 General requirements

- 4.1(1) A holder of a passenger service licence, who operates a taxi service, and a driver of a taxi must comply with the requirements in this section and *section 3*.
- 4.1(2) A holder of a passenger service licence may not operate a taxi service under that licence unless the licence holder is a member of an approved taxi organisation.]

4.2 Operator identification

- 4.2(1) A holder of a passenger service licence who operates a taxi service must ensure that the following information is clearly displayed on the inside and the outside of every taxi used under the licence, in a form approved by the [Agency]:
- (a) the name, business location, and telephone number of the approved taxi organisation to which the licence holder belongs; and
 - (b) the unique fleet number assigned by the approved taxi organisation to the vehicle.
- [Note: “Business location” is a defined term.]
- [4.2(2) A holder of a passenger service licence must ensure (except in the case of a trailer) that, on any taxi operated under that licence, the appropriate transport service licence card:
- (a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and
 - (b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
 - (c) is clearly legible and visible at all times.]

- 4.2(3) The information required by 4.2(1) ... must be clearly displayed in a contrasting colour to the background on which it is displayed.
- 4.2(4) The information required by 4.2(1) must be displayed on the inside of a vehicle in a prominent position at the front of the vehicle, so that a passenger can easily read it.
- 4.2(5) In addition to the requirements in 4.2(1), the name of the approved taxi organisation to which the licence holder belongs and the unique fleet number assigned by the approved taxi organisation to the vehicle must be positioned on the inside on the rear left-hand passenger door, so that a passenger seated in the rear of the vehicle can easily read it.
- 4.2(6) The information required by 4.2(1) ... to be displayed on the outside of a vehicle must be positioned on the forward doors on both sides of the vehicle.
- 4.2(7) The information required by 4.2(1) to be displayed on the inside and the outside of a vehicle ... may be removed, with the consent of the hirer, while the vehicle is hired and being used in connection with a ceremony such as a funeral or wedding.
- 4.2(8) A holder of a passenger service licence who operates a taxi service and the driver of the taxi must, in addition to the identification required under 3.2 and 4.2(1) to 4.2(7), ensure that the following information is provided in Braille:
- (a) the name of the approved taxi organisation; and
 - (b) the unique fleet number assigned to the taxi; and
 - (c) the approved taxi organisation's telephone number for complaints.
- 4.2(9) The information in Braille must be displayed on the inside of [a left-hand] passenger door, in a form and position approved by the [Agency].

4.3 Taxi roof signs

- 4.3(1) A holder of a passenger service licence must ensure that every taxi being operated under the licence has a taxi roof sign fitted on its roof that displays the word "TAXI" and indicates whether or not the vehicle is available for hire.
- 4.3(2) The sign required by 4.3(1) must be approved by the [Agency] for use by that approved taxi organisation and be fitted in a position approved by the [Agency].
- 4.3(3) A person must not drive a taxi that is available for hire during the hours of darkness unless the sign required by 4.3(1) is illuminated.
- [Note: "Hours of darkness" is a defined term.]
- 4.3(4) The sign required by 4.3(1) may be removed, with the consent of the hirer, while the vehicle is hired and being used in connection with a ceremony such as a funeral or wedding.

4.4 Duties of driver relating to hiring

- 4.4(1) A taxi driver may cruise for hire on a road, provided that the driver:
- (a) drives the vehicle at a speed that does not impede or interfere with traffic; and
 - (b) displays a "for hire" sign.
- 4.4(2) A taxi driver must, subject to 3.3(1), 3.3(2), 4.4(4), and 4.4(5), accept:
- (a) any hiring offered while the vehicle is available for hire; and
 - (b) the hirer as a passenger and any other person that the hirer may require the driver to accept, up to the maximum number prescribed by the certificate of loading or the number of seats provided (whichever is the lesser).
- 4.4(3) A taxi driver must not allow any person, except the hirer and persons that the hirer permits, to ride in the vehicle.
- 4.4(4) A taxi driver must not pick up or set down a passenger if this would create a traffic hazard or impede traffic flow.
- 4.4(5) A taxi driver must not accept a hire, other than by a means of telecommunication, within 20 metres of a designated stand:
- (a) on which a taxi is available for hire; and
 - (b) that is on the same side of the road as the driver of the vehicle at the time the prospective hire arises.
- 4.4(6) A taxi driver must, if a multiple tariff meter is in operation, inform the hirer when a change in the tariff setting is being made.
- [4.4(7) A taxi driver must notify the approved taxi organisation at the time when he or she logs on and logs off.]

4.5 Taxi stands

- 4.5(1) A taxi driver may take up position at a stand designated for taxis, or an area designated for small passenger service vehicles, if the taxi is available for hire.

- 4.5(2) A taxi driver must take the first vacant position on the stand behind the last vehicle.
- 4.5(3) When a taxi on the stand ahead of the driver moves, the taxi driver must immediately move his or her vehicle into the position vacated.
- 4.5(4) A taxi driver must accept the first hire offered, whether or not the driver's vehicle is first on the stand, unless there is a lawful reason to refuse the hire.
- 4.5(5) A taxi driver must comply with any bylaws relating to the stand.

4.6 Multiple hiring

- 4.6(1) A taxi driver may allow the simultaneous use of the vehicle by more than one hirer in accordance with this clause.
- 4.6(2) A taxi driver wishing to undertake a multiple hire must first request the existing hirer to share, without substantial departure from the most advantageous route to the existing hirer's destination, the use of the vehicle with the prospective hirer and any passenger accompanying the prospective hirer.
- 4.6(3) If the existing hirer has agreed to a multiple hire, he or she may still object to sharing the vehicle with a prospective hirer and any accompanying passengers once the existing hirer has seen them, and the multiple hire may not then include the prospective hirer or person objected to.
- 4.6(4) If the existing hirer agrees unconditionally to the request, the taxi driver may then authorise the use of the vehicle by the other hirer and any accompanying passengers.
- 4.6(5) A taxi driver who undertakes a multiple hire may charge any fare that is agreed with the multiple hirers after any multiple hire discount that is registered with the [Agency] has been deducted, provided that each hirer pays no more than the metered fare that would have been payable by that hirer if he or she had been:
 - (a) travelling alone; or
 - (b) if applicable, travelling with accompanying passengers who were not also hirers.
- 4.6(6) This clause does not apply to a taxi that is operating in accordance with a fare schedule registered with the [Agency] that does not include provision for multiple hiring.

4.7 Schedule of fares, charges, and multiple hire discounts on outside of vehicle

- 4.7(1) A holder of a passenger service licence who operates a taxi service must ensure that a schedule of fares, charges, and multiple hire discounts is displayed on the outside of a taxi being used under the licence.
- 4.7(2) The schedule required by 4.7(1) must comply with the format and specifications in *Schedule 2* of this Rule.
- 4.7(3) The schedule must be clearly displayed on the outside of the front passenger door of the vehicle.
- 4.7(4) A person must not drive a taxi if that vehicle does not have the schedule displayed on it.
- 4.7(5) The schedule may be removed, with the consent of the hirer, while the vehicle is hired and being used in connection with a ceremony such as a funeral or wedding.
- 4.7(6) All fare-related items in the schedule must be inclusive of GST, if charged.

4.8 Schedule of fares, charges, multiple hire discounts and complaints procedure on inside of vehicle

- 4.8(1) A holder of a passenger service licence who operates a taxi service must display a schedule containing the information specified in 4.8(3) inside every taxi being used under the licence so as to be readily visible to all passengers.
- 4.8(2) The schedule required by 4.8(1) must comply with the format and specifications in *Schedule 2* of this Rule.
- 4.8(3) The schedule must state:
 - (a) fares, charges, and multiple hire discounts; and
 - (b) the circumstances in which extra charges may be made and the maximum amount of those charges; and
 - (c) the name and telephone number of the approved taxi organisation to which complaints may be made; and
 - (d) that complaints may also be made to the [Agency]; and
 - (e) the address and telephone number of the [Agency]; and
 - (f) the date the fares were registered with the [Agency].
- 4.8(4) A person must not drive a taxi that is available for hire or is being hired if that vehicle does not have displayed in it a schedule containing the information specified in 4.8(3).
- 4.8(5) The schedule may be removed, with the consent of the hirer, while the vehicle is hired and being used in connection with a ceremony such as a funeral or wedding.
- 4.8(6) All fare-related items in the schedule specified in 4.8(3) must be inclusive of GST, if charged.

4.9 Fares, charges, and multiple hire discounts to be registered with [Agency]

- 4.9(1) The fares, charges, and multiple hire discounts referred to in 4.7 and 4.8 must be registered with the [Agency] before being displayed in or on a taxi.
- 4.9(2) A person must not display in or on a taxi any fare, charge, or multiple hire discount that has not been registered with, and acknowledged in writing by, the [Agency].

4.10 Fare system

- 4.10(1) A taxi driver must not charge a fare that exceeds the fare or fares stated in the fare schedule registered with the [Agency].
- 4.10(2) An agreement to pay a different fare from that shown on the meter is enforceable only if the agreed fare is less than that shown on the meter.
- 4.10(3) An agreement to pay a fare at a rate exceeding a fare registered with the [Agency] is not enforceable in respect of the excess.
- 4.10(4) Nothing in this clause prevents the charging or enforceability of any fare under an agreement if:
- it is in respect of a multiple hire that complies with 4.6(5); or
 - the service provided includes services beyond those normally provided by a taxi (such as grooming and decorating for a wedding); or
 - the agreement is with an approved taxi organisation entered into for the purposes of providing or guaranteeing special services or availability of services.

4.11 Meters and other equipment

- 4.11(1) A meter must not be used until it has been tested, sealed, and certificated by the [Agency] or a person authorised, by notice in writing, by the [Agency].
- [4.11(1A) Despite 4.11(1), (7) and (8), a meter is only required to be sealed if the Agency or a person authorised, by notice in writing, by the Agency determines that a seal is necessary to protect the meter from unauthorised interference.]
- 4.11(2) The form of the certificate issued under 4.11(1) must be approved by the [Agency].
- 4.11(3) A taxi driver must carry the certificate in the vehicle and ensure that it is produced on demand to an enforcement officer.
- 4.11(4) A taxi driver or a holder of a passenger service licence who operates a taxi service must not operate a taxi, or allow it to be operated, unless it is fitted with a meter that:
- complies with 4.11(1); and
 - is in good working order and condition; and
 - correctly registers, as it accrues, the charge for the hire of the vehicle, in accordance with 4.7 and 4.8.
- 4.11(5) A taxi driver must:
- start the meter as soon as one of the following occurs:
 - the vehicle has been hired and the journey has started; or
 - the hirer has become aware of the vehicle's arrival (except if the hirer becomes aware of the vehicle's arrival at a time earlier than that for which the vehicle was ordered);
 - unless (d) applies, keep the meter operating throughout the period of hiring and not stop the meter or cause or permit it to be stopped until the hiring has ended;
 - stop the meter immediately at the end of the hiring or part of the hiring during which the meter must be operated, but continue to display the fare until payment is made;
 - stop the meter if the vehicle is stopped by an enforcement officer or is involved in an accident or becomes disabled, and must not restart the meter until the journey resumes;
 - ensure that the face of the meter is sufficiently illuminated during a period of hire so that the meter may be easily read at any time by the hirer.
- 4.11(6) **A taxi driver must not:**
- use a meter with intent to deceive; or
 - operate the vehicle if the meter has been tampered with.

4.11(7) A holder of a passenger service licence who operates a taxi service must:

- (a) maintain the meter in good working order and condition and have it tested, sealed [if required to be sealed], and certificated by the [Agency] or a person authorised by the [Agency] at intervals not greater than six months apart;
- (b) ensure that, if the meter ceases to register or is in any other way out of order, or whenever [a seal, where required,] is broken or not in place:
 - (i) the driver stops plying for hire (unless authorised by an enforcement officer); and
 - [(ii) the meter is repaired before being tested, sealed if required to be sealed, and certificated by the Agency or a person authorised by the Agency.]
- (c) ensure that the meter is retested, sealed [if required to be sealed], and certificated by the [Agency] or a person authorised by the [Agency] before the vehicle carries any passengers for hire:
 - (i) following any alterations made to the vehicle or to the size of the tyres or fittings attached to the vehicle that may affect the accuracy of the meter; or
 - (ii) if any changes are made to the fare rates.

4.11(8) If, after testing or inspection, the meter is found to be not registering or to be registering incorrectly, the licence holder must ensure that, unless authorised by an enforcement officer, the vehicle is not available for hire until the meter has been repaired, sealed [if required to be sealed], and certificated to the satisfaction of the [Agency] or a person authorised by the [Agency].

4.11(9) An enforcement officer who is in uniform or who produces evidence of identity as an enforcement officer may stop a taxi for any purpose connected with this clause, and inspect the vehicle and inspect or test a meter or any other equipment fitted to the vehicle.

4.11(10) An enforcement officer may, in writing, direct a person operating a taxi to proceed immediately, or at a specified time, to any place in order that the vehicle or any equipment in it may be inspected or tested by the [Agency] or a person authorised by the [Agency].

4.12 Drivers to use the most advantageous route to hirer

Subject to 4.6, a taxi driver must, unless requested or agreed by the hirer, travel from the place the hirer enters the vehicle to the intended destination of the hirer without any unnecessary deviation from the route that is most advantageous to the hirer.

4.13 Area knowledge certificates

- 4.13(1) The [Agency] may, by a Deed of Approval, approve a person or organisation to issue an area knowledge certificate.
- 4.13(2) A person must not cause or permit a taxi driver to accept a hire in any of the areas specified in *Schedule 4* unless the driver holds an area knowledge certificate or certificates for that area.
- 4.13(3) An area knowledge certificate must relate specifically to an operating area (as notified to the [Agency] under 8.1(h)) of the approved taxi organisation for which the applicant intends to drive.
- 4.13(4) If the boundary of an area is not specified in *Schedule 4*, the boundary of the local authority or authorities applies.
[Note: "Local authority" is a defined term.]
- 4.13(5) A taxi driver who holds an area knowledge certificate for an area whose boundary is altered by any amendment to *Schedule 4* is deemed to hold an area knowledge certificate for that altered area.
- 4.13(6) A taxi driver in Auckland or Wellington must hold all of the area knowledge certificates for the applicable area, as specified in *Schedule 4*.
- 4.13(7) A taxi driver who can show evidence of holding an area knowledge certificate for an area in Auckland or Wellington, as specified in *Schedule 4*, for 12 months or more before 1 October 2007 is deemed to comply with 4.13(6).
- 4.13(8) A taxi driver who has been driving in Auckland or Wellington for less than 12 months before 1 October 2007 must hold all of the area knowledge certificates for the applicable area by 1 April 2008.
- 4.13(9) A taxi driver must not accept a hire in any area specified in *Schedule 4*, unless the driver holds an area knowledge certificate applicable to that area.
- 4.13(10) The area knowledge certificate test, and any revisions to the test, must be approved by the [Agency].
- 4.13(11) If [the Agency is satisfied on reasonable grounds] that a taxi driver, including a driver who has already passed an area knowledge test, does not have an adequate knowledge of any operating area of the approved taxi organisation for which he or she is driving, [the Agency may] require the driver to take an area knowledge test for that area.

- 4.13(12) If [the Agency is satisfied on reasonable grounds] that a taxi driver is not able to demonstrate the ability to communicate in English, [the Agency may] require the driver to take an English language test or complete a course that is [approved by the Agency].
- 4.13(13) A requirement issued by the [Agency] under 4.13(11) or 4.13(12) for a taxi driver to take an area knowledge test or an English language test or complete a course must state:
- (a) the grounds on which the requirement is based; and
 - (b) the area or areas specified in *Schedule 4* to which the area knowledge relates (if applicable); and
 - (c) the date by which:
 - (i) the area knowledge test or an approved English language test or course must be satisfactorily completed; and
 - (ii) the driver must produce evidence to the [Agency] of the satisfactory completion of the test or course; and
 - (d) that failure to pass the test or satisfactorily complete the course may result in revocation of the driver's area knowledge certificate under 4.13(14).
- 4.13(14) The [Agency] may revoke the area knowledge certificate of a taxi driver who fails to pass an area knowledge certificate test by the specified date.
- 4.13(15) Failure to comply with the [Agency]'s requirement to undertake an approved English language test or course is an offence.
- 4.13(16) An area knowledge certificate must be in a form approved by the [Agency].
- 4.13(17) An area knowledge certificate must not be issued unless the applicant has passed a test approved by the [Agency], which must be conducted in English.
- 4.13(18) The [Agency] may suspend or revoke an approval to issue an area knowledge certificate given to a person or organisation if the [Agency] considers that the holder of the approval has failed to meet the standard stated in the Deed of Approval granted under 4.13(1).

Section 4A
In-vehicle security cameras

[4A.1 In-vehicle security camera systems

- 4A.1(1) This clause applies to an in-vehicle security camera system in a taxi that is:
- (a) currently in use, or available for use, as a taxi but not at other times; and
 - (b) used by a taxi driver to accept a hire in an area listed in *Schedule 5* unless that hire is as described in 4A.1(4).
- 4A.1(2) A person must not cause or permit a taxi driver to accept a hire in an area listed in *Schedule 5* unless the taxi is fitted with an in-vehicle security camera system that:
- (a) has been approved by the Agency; and
 - (b) is operating; and
 - (c) has an unobscured view of the interior of the taxi.
- 4A.1(3) A taxi driver must not accept a hire in an area listed in *Schedule 5* unless the taxi is fitted with an in-vehicle security camera system that:
- (a) has been approved by the Agency; and
 - (b) is operating; and
 - (c) has an unobscured view of the interior of the taxi.
- 4A.1(4) Despite 4A.1(2) and 4A.1(3), a taxi driver may accept a hire that was booked prior to the commencement of the hire and has a destination that is outside of the areas listed in *Schedule 5*.
- 4A.1(5) An in-vehicle security camera must be visible to passengers and fitted so as to record facial images of persons sitting in a normal manner in any seating position.
- 4A.1(6) A person must not interfere with, or cause or permit interference with, an in-vehicle security camera system, in a manner that is likely to prevent or impede the proper working of the system.
- 4A.1(7) A notice to advise passengers of the operation of the in-vehicle security camera system must be clearly and prominently displayed inside the vehicle.

- 4A.1(8) A notice or sign that indicates the vehicle is fitted with an in-vehicle security camera system must be clearly and prominently displayed on the outside of the front passenger door of the vehicle.
- 4A.1(9) An in-vehicle security camera system that is fitted to a taxi before 1 February 2011 is deemed to be an approved system until 1 February 2012.
- 4A.1(10) Despite 4A.1(2) and 4A.1(3), a taxi may be operated without an approved in-vehicle security camera system before 1 August 2011.]

[4A.2 Approval of in-vehicle security camera systems

- 4A.2(1) A person may apply to the Agency for approval of an in-vehicle security camera system for use in a taxi.
- 4A.2(2) An application under 4A.2(1) must be made on a form approved by the Agency and include:
- (a) the system specifications; and
 - (b) details of how the system is installed; and
 - (c) any other information or equipment requested by the Agency.
- 4A.2(3) The fee for an application under this clause is:
- (a) prescribed under *regulation 6* of the *Transport Services Licensing Regulations 1989*; and
 - (b) specified in *Schedule 1* of those regulations.
- 4A.2(4) The Agency may approve, with or without conditions, an application made under 4A.2(1) if it is satisfied that the camera system meets the minimum specifications set out in Schedule 6.
- 4A.2(5) The Agency must give notice of an approval of an in-vehicle security camera system to the applicant and publish a list of approved systems.]

[4A.3 Material recorded by in-vehicle security camera systems

- 4A.3(1) This clause applies to material recorded by an in-vehicle security camera system described in 4A.1(1).
- 4A.3(2) A person must not access material recorded by and stored in an in-vehicle security camera system unless they are a person in 4A.3(3), 4A.3(4) or 4A.3(5).
- 4A.3(3) A police employee, or a person acting under the direction, or authorisation, of a police employee, may access an in-vehicle security camera system in the execution of police duties.
- 4A.3(4) A person identified in an approved taxi organisation's operating rules as authorised to access, delete, copy or use material recorded by an in-vehicle security camera system may access the system for one of the following purposes:
- (a) to provide information to a police employee for law enforcement purposes;
 - (b) to manage personal information in accordance with the *Privacy Act 1993*;
 - (c) to investigate a complaint that has been recorded in the register of complaints referred to in 3.5(2);
 - (d) to repair, maintain, test or assess the operation of the camera system.
- 4A.3(5) A person authorised in writing by an approved taxi organisation may access material recorded by an in-vehicle security camera system, that is installed in a taxi operated by a member of that organisation, for the purpose of maintaining, testing or repairing the system.
- 4A.3(6) Material recorded by an in-vehicle security camera system must be retained for at least 168 hours.]

Section 5 *Shuttle services*

5.1 General requirements

- 5.1(1) A holder of a passenger service licence who operates a shuttle service, and a driver of a shuttle, must comply with the requirements in this section and *section 3*.
- [Note: "Shuttle" and "shuttle service" are defined terms. Requirements relating to shuttles are now separated from the requirements relating to other transport services.]
- 5.1(2) A shuttle may use a stand designated for shuttles only or areas designated for small passenger service vehicles (unless the stand is designated for taxis only).
- 5.1(3) A shuttle may not be fitted with any sign on the roof of the vehicle.
- 5.1(4) A shuttle may not use a taxi meter to determine a fare.
- 5.1(5) A shuttle may not cruise for hire.
- 5.1(6) A shuttle must be available for the shared use of unassociated passengers.

5.2 Operator identification

- 5.2(1) A holder of a passenger service licence who operates a shuttle service must ensure that the licence holder's name, business location, and telephone number are clearly displayed, in a form approved by the [Agency], on the inside and outside of the shuttle.
- [5.2(2) A holder of a passenger service licence must ensure (except in the case of a trailer) that, on any shuttle operated under that licence, the appropriate transport service licence card:
- (a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and
 - (b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
 - (c) is clearly legible and visible at all times.]
- 5.2(3) The information required by 5.2(1) ... must be displayed in a contrasting colour to the background on which it is displayed.
- 5.2(4) The information required by 5.2(1) must be displayed on the inside of a vehicle in a prominent position at the front of the vehicle, so that a passenger can easily read it.
- 5.2(5) The information required by 5.2(1) to be displayed on the outside of a vehicle must be positioned on both sides of the vehicle.
- 5.2(6) *Revoked.*

5.3 Duty of driver relating to hiring

Except if 3.3(1) or 3.3(2) applies, if a driver of a shuttle is on duty and available for hire, he or she must accept:

- (a) any hiring of the vehicle for the shared use of other passengers; and
- (b) the hirer as a passenger.

5.4 Shuttle journeys

- 5.4(1) A shuttle service must be operated to or from a registered starting or end point.
- 5.4(2) Either the starting or end point of a shuttle service must be an airport, or a bus or ferry terminal, or a railway station.
- 5.4(3) Before commencing a shuttle service, a holder of a passenger service licence who operates a shuttle service must register the shuttle service and the general area of operation with the [Agency].
- [5.4(4) The Agency must:
- (a) acknowledge the registration under 5.4(3) in writing; and
 - (b) advise the regional council of any region in which the shuttle service is to operate of:
 - (i) the registration of the shuttle service; and
 - (ii) the general area of operation of the shuttle service.]
- 5.4(5) The shuttle driver must carry a copy of the [Agency]'s acknowledgement of the registration and must produce it without delay for inspection on demand by an enforcement officer.
- 5.4(6) A shuttle passenger may be uplifted:
- (a) at an airport, or a bus or ferry terminal, or a railway station; or
 - (b) at any point, provided that the passenger is set down only at an airport, or a bus or ferry terminal, or a railway station.

5.5 Information to be displayed or carried

- 5.5(1) A shuttle driver may only charge a fare that has been registered with the [Agency] or that has been agreed with the prospective passenger or passengers.
- 5.5(2) A holder of a passenger service licence who operates a shuttle service must ensure that a detailed fare schedule (inclusive of GST, if charged) is carried in a shuttle or shuttles being used under the licence.
- 5.5(3) A notice for prospective passengers advising that a detailed fare schedule is available on request from the driver must be displayed in a readily visible position on the inside or outside of a shuttle.
- 5.5(4) A shuttle driver must produce to a prospective passenger a detailed fare schedule when requested to do so.
- 5.5(5) A notice for prospective passengers must be displayed in a readily visible position on the inside of a shuttle:
- (a) stating the name and telephone number of a person to whom complaints may be made; and
 - (b) advising that complaints may also be made to the [Agency]; and

(c) stating the address and telephone number of the [Agency].

5.5(6) The schedule required by 5.5(2) must state:

- (a) the pre-determined fare per person; and
- (b) the circumstances in which extra charges may be made and the maximum amount of those charges.

5.5(7) A person may not drive a shuttle that is available for hire, unless:

- (a) the vehicle displays the notices containing the information required by 5.5(3) and 5.5(5); and
- (b) the driver carries a schedule containing the information specified in 5.5(6).

5.5(8) All fare-related items in the schedule required by 5.5(2) must be inclusive of GST, if charged.

5.6 Shuttle stands

5.6(1) A shuttle driver whose vehicle is available for hire must take up position at a designated shuttle stand, or at an area designated for small passenger service vehicles (unless the stand is designated for taxis only).

5.6(2) A shuttle driver must take the first vacant position on the stand behind the last vehicle.

5.6(3) When a shuttle ahead of the driver on the stand moves, the shuttle driver must immediately move his or her vehicle into the position vacated.

5.6(4) A shuttle driver must comply with any bylaws relating to the stand.

5.7 Fares and charges to be registered with [Agency]

5.7(1) Before commencing a shuttle service, the fares and charges referred to in 5.5(6) must be registered with, and acknowledged in writing by, the [Agency].

5.7(2) The fares registered with the [Agency] must be inclusive of GST, if charged.

5.7(3) A driver of a shuttle must not charge a fare that exceeds the fare (or scale of fares) registered with the [Agency].

5.7(4) An agreement to pay a different fare is enforceable only if the agreed fare is less than the fare registered with the [Agency].

5.7(5) A representative of a group of shuttle operators may register a uniform fare schedule with the [Agency] on behalf of the group, provided that:

- (a) the members of the group operate in the same specified area; and
- (b) the representative provides to the [Agency] the name and passenger service licence number of each operator.

Section 6 Private hire services

6.1 General requirements

6.1(1) A holder of a passenger service licence who operates a private hire service and a driver of a private hire vehicle must comply with the requirements in this section and *section 3*.

[Note: "Private hire service" and "private hire vehicle" are defined terms. Requirements relating to private hire services are now separated from the requirements relating to other transport services.]

6.1(2) A private hire vehicle may not [be on the road for the purpose of accepting a casual hire (whether the vehicle is cruising, stopped, standing or parked)].

6.1(3) A private hire vehicle may not be fitted with any sign on the roof of the vehicle.

6.1(4) A private hire vehicle must be [booked in advance].

6.1(5) A driver of a private hire vehicle may not use a taxi meter to determine a fare.

6.1(6) A driver of a private hire vehicle may only charge a set fare or an hourly rate agreed with the prospective passenger at the time of booking.

6.1(7) Before commencing a private hire service, a private hire service operator must register with the [Agency] details of the nature of the private hire service and the general area of operation.

6.1(8) The Agency must:

- (a) acknowledge the registration under 6.1(7) in writing; and
- (b) advise the regional council of any region in which the private hire service is to operate of:
 - (i) the registration of the private hire service; and
 - (ii) the general area of operation of the private hire service.]

6.2 Operator identification

A driver of a private hire vehicle must carry in the vehicle the full name, business location, telephone number, and transport service licence number of the licence holder, and a copy of the [Agency's] acknowledgement of registration under 6.1(8), and must produce these details without delay for inspection on demand by an enforcement officer.

6.3 Designated stands

- 6.3(1) A driver of a private hire vehicle may take up a position at a designated vehicle stand for small passenger service vehicles (unless the stand is designated for taxis or shuttles only) if the private hire vehicle is waiting for a ... passenger [who has been booked in advance].
- 6.3(2) A driver of a private hire vehicle must comply with any bylaws relating to the stand.

*Section 7**Other services using a small passenger service vehicle***7.1 General requirements**

- 7.1(1) This section applies to a holder of a passenger service licence who operates a passenger service using a small passenger service vehicle that is not being operated in a taxi, shuttle, [ambulance,] or private hire service.
[Note: "Passenger service" is a defined term.]
- 7.1(2) Before commencing a service referred to in 7.1(1), an operator must register with the [Agency] details of the nature of the service and the general area of operation and must seek the [Agency's] approval of the service.
- 7.1(3) The [Agency] must acknowledge in writing the registration under 7.1(1), and may impose conditions under which the service is to be operated.
- 7.1(4) The driver of the vehicle must carry a copy of the [Agency's] approval and must produce it without delay for inspection on demand by an enforcement officer.

[7.2 Driver identification

A driver of a small passenger service vehicle that is not otherwise being operated in a taxi, shuttle, private hire or ambulance service must comply with the requirements in 3.2.]

7.3 Other duties of drivers

A driver of a small passenger service vehicle that is not otherwise being operated in a taxi, shuttle, or private hire service must be clean, and must conduct himself or herself in an orderly and civil manner, while engaged in the operation of the service.

*Section 8**Approved taxi organisations***8.1 Application requirements**

An application from a person or an organisation to be an approved taxi organisation must be on a form approved by the [Agency] and include:

- (a) the full name of the proposed taxi organisation;
- (b) the business address of the proposed taxi organisation;
- (c) the telephone number or numbers by which the services of the proposed taxi organisation may be booked;
- (d) the full name of any person who is to be a person in control of the proposed taxi organisation;
- (e) the full name of the person who is to have control of the proposed taxi organisation and who holds the proposed taxi organisation's certificate of knowledge of law and practice for approved taxi organisations;
- (f) a statement signed by the applicant stating that, to the best of the applicant's knowledge and belief, all information given by the applicant is correct and the applicant is not disqualified from being a person in control of an approved taxi organisation;
- (g) details of the applicant's proposed signage;
- (h) the proposed area or areas of operation;
- (i) a copy of the applicant's proposed operating rules;
- (j) details of the applicant's proposed telecommunications system;
- (k) other information as required by the Director.

[Note: "Signage" is a defined term.]

8.2 Public notice of application

- 8.2(1) A notice of application, in a form approved by the [Agency], to be an approved taxi organisation must be published twice, at an interval of not more than seven days, in a local newspaper or newspapers approved by the [Agency].
- 8.2(2) The notice must specify the name of the applicant and the names of the natural persons who are to have control of the proposed taxi organisation.
- 8.2(3) The [Agency] may not grant an application to be an approved taxi organisation until at least 14 days have elapsed following the date of the first publication of the notice.

8.2A Approval of taxi organisations

- 8.2A(1) If satisfied that the application meets the requirements in *section 30Q* of the Act and *section 8* of this Rule, the Agency must confirm approval by notice in writing to the applicant.
- 8.2A(2) A person must not purport to act as an approved taxi organisation without a current approval.]

8.3 Certificate of knowledge of law and practice for approved taxi organisations

- 8.3(1) A person is entitled to obtain, or continue to hold, an approval to be an approved taxi organisation only if that person, or another person who has or is to have control of the service, holds a certificate of knowledge of law and practice for approved taxi organisations.
- 8.3(2) At least one of the persons who has or is to have control of an approved taxi organisation must hold a certificate of knowledge of law and practice for approved taxi organisations.
- [8.3(3) Despite *8.3(1)* and *8.3(2)*, the Agency, having regard to the limited or infrequent nature of the service or proposed service, may waive the requirement for person to hold a certificate of knowledge of law and practice for approved taxi organisations, subject to such conditions that the Agency considers appropriate.]
- 8.3(4) A person in control of an approved taxi organisation before 1 October 2007 is deemed to be a holder of a certificate of knowledge of law and practice for approved taxi organisations.
- 8.3(5) The content of a certificate of law and practice test for approved taxi organisations (and any revision to the content of the test), the test provider, and the form of the certificate of knowledge of law and practice must be approved by the [Agency].
- 8.3(6) A person in control of an approved taxi organisation must pass the test to hold a certificate of knowledge of law and practice for approved taxi organisations if he or she has had an approval granted under *section 30Q* or *30P* of the Act and revoked under *section 30R* and reapplies to be an approved taxi organisation.
- 8.3(7) If [the Agency is satisfied on reasonable grounds] that the holder of a certificate of knowledge of law and practice for approved taxi organisations does not have an adequate knowledge of the laws and practices concerning the safe operation of the organisation to which the approval relates, [the Agency may] require the holder to pass another test for a certificate of knowledge of law and practice for approved taxi organisations.
- 8.3(8) Failure to satisfactorily complete the test under *8.3(7)* invalidates the holder's certificate of knowledge of law and practice and the holder's approval may then be revoked in accordance with *section 30R* of the Act.

8.4 Approved taxi organisation's operating rules

- 8.4(1) An approved taxi organisation must submit to the [Agency], for the [Agency's] approval and before the change occurs, a copy of every amendment to the organisation's approved operating rules.
- 8.4(2) The [Agency] may approve rules and changes submitted under *8.4(1)* if satisfied that the rules or amended rules are likely to give the organisation adequate control over its members and their drivers.
- 8.4(3) An approved taxi organisation must ensure that its members and their drivers comply with the organisation's approved operating rules.
- [8.4(4) An approved taxi organisation must comply with the organisation's approved operating rules.]
- [8.4(5) A member of an approved taxi organisation, the holder of a passenger service licence who operates a taxi and the driver of a taxi must all comply with the operating rules of the relevant approved taxi organisation.]
- [8.4(6) An approved taxi organisation's operating rules must include the details of the telecommunications system through which its services are made available to the public.]
- [8.4(7) If any of an approved taxi organisation's members operates a taxi to which *4A.1(1)* applies, the approved taxi organisation's operating rules must include:
- (a) procedures for the operation of an in-vehicle security camera system, including the means of compliance with the rules, how the camera system will be initially and periodically checked, maintained and repaired, how the recorded material will be handled, and how access to it will be controlled; and

- (b) details of the telecommunications system through which its emergency alert and response facility will be provided; and
- (c) procedures for managing an emergency alert received from a driver, including sending notification to the police and establishing a two-way communication with the driver, and notifying the approved taxi organisation.]

[8.4(8) An approved taxi organisation to which 8.4(7) applies that held a current approval immediately before 1 February 2011 may continue to operate under its approved operating rules until all required changes to its operating rules have been approved by the Agency in accordance with 8.4(1) or until 1 August 2011, whichever occurs first.]

8.5 Operating requirements

8.5(1) An approved taxi organisation must:

- (a) ensure that each of its members who operates a taxi service holds a passenger service licence; and
- (b) ensure that the services of its members who operate taxis are available to the public:
 - (i) 24 hours a day and seven days a week, through a telecommunications system approved by the [Agency]; or
 - (ii) for a lesser period or in some other manner as may be specified by the [Agency] as the condition of an exemption granted under 8.7(2); and
- (c) ensure that, as soon as practicable after the signage has been approved by the [Agency], the telephone number (or numbers) relating to each approved signage is advertised in [a publicly available] telephone directory covering the area in which the service operates; and
- (d) assign unique fleet numbers to the vehicles of its members; and
- (e) maintain a register of:
 - (i) licence holders who are members of the organisation and their passenger service licence numbers; and
 - (ii) drivers who are members of the organisation or are employed by members of the organisation or by the organisation itself, their driver licence numbers, and the area knowledge certificate or certificates they hold; and
 - [(iii) the unique fleet number assigned by the organisation to each vehicle, the registration plate details of that vehicle, and whether the vehicle is fitted with an in-vehicle security camera and if it is, the date of fitting and the identification of the system fitted.]
 - (iv) the number of vehicles operated by each member; and
- (f) maintain the register of complaints referred to in 3.5(2) and comply with the requirements in 3.5(3) to 3.5(7); and
- (g) ensure that its members and their drivers hold appropriate area knowledge certificates as required by 4.13; and
- (h) ensure that its members and their drivers maintain an adequate knowledge of the organisation's current operating area, and have an appropriate ability to communicate in English; and
- (i) ensure that each driver who is a member of the organisation or who is employed by a member of the organisation or by the organisation itself holds:
 - (i) a current driver licence; and
 - (ii) a current passenger (P) endorsement issued in accordance with *clause 27* of the *Land Transport (Driver Licensing) Rule 1999*; and
 - (iii) a current driver identification card; and
- (j) notify the [Agency] of a change in any person in control, not later than 14 days after a change has occurred; and
- (k) notify the [Agency] of a change in its business address or telephone number, not later than 14 days after a change has occurred; and
- (l) report to the [Agency], as soon as reasonably practicable, and in any case not later than 48 hours after the termination, the full name and driver licence number of a driver who is a member, or is employed by a member, of an approved taxi organisation and whose membership or employment has been terminated because of improper behaviour, including, but not limited to, violence, assaults, sexual offences, or driving while under the influence of alcohol or drugs; and
- (m) report to the [Agency], as soon as reasonably practicable, and in any case not later than 48 hours after a complaint is lodged with the organisation, any complaints that are of a serious nature (including behaviour specified in (l)), together with any follow-up action that has been taken or is being taken to address each complaint; and

- (n) provide the [Agency] with all information that is relevant to the complaints reported to the [Agency] as required by (m); and
 - (o) record the log-on and log-off times of each of its drivers, and retain those records for 12 months; and
 - (p) make the register required by 8.5(1)(e) available at reasonable times during normal business hours for inspection on demand by an enforcement officer; and
 - (q) ensure that its members only display signage that is currently approved by the [Agency] in accordance with section 30Q(1)(g) of the Act for use by that organisation, and display the fare schedule and a telephone number in respect of that signage; and
 - (r) ensure that its members discontinue using signage that has been replaced by new or altered signage; and
 - (s) ensure that a change made to an approved signage, or to any additional signage, is approved by the [Agency]; and
 - [(t) ensure that if any one of its members is operating a taxi to which 4A.1(1) applies, the telecommunications system includes a telephone number for calls from the public that:
 - (i) connects to a person at a fixed location; and
 - (ii) is published in a publicly available telephone directory; and]
 - [(u) ensure that, if any one of its members is operating a taxi to which 4A.1(1) applies:
 - (i) the taxi is equipped with equipment to enable two-way telecommunications between the taxi driver and the person in subparagraph (t)(i), while the taxi is operating in the area; and
 - (ii) an approved in-vehicle security camera system has been fitted to that taxi in such a manner as to be fit for purpose; and]
 - [(v) ensure that a taxi to which 4A.1(1) applies, has an in-vehicle security camera system that is fully operational and the taxi driver is reminded, when logging on, to ensure that the camera is operating and has an unobscured view of the interior of the taxi; and]
 - [(w) ensure that all material recorded by an in-vehicle security camera system, in a taxi to which 4A.1(1) applies, is protected from unauthorised access; and]
 - [(x) not authorise a taxi driver to have unsupervised access to material recorded by an in-vehicle security camera system while that driver was driving the taxi; and]
 - [(y) ensure that every driver who is a member of the organisation or is employed by a member of the organisation or by the organisation itself, and who drives a taxi to which 4A.1(1) applies, is provided with an emergency alert and response facility that:
 - (i) is easily and quickly activated by the taxi driver; and
 - (ii) initiates a two-way communication with a person able to arrange assistance; and
 - (iii) establishes the identity of the driver or the taxi; and
 - (iv) establishes the location of the driver or the taxi; and]
 - [(z) ensure that the person who receives an emergency alert from a driver knows what to do and is able to respond, as required by the approved operating rules, in that event; and]
 - [(aa) ensure that every driver who operates a taxi to which 4A.1(1) applies is competent to operate the in-vehicle security camera system fitted to it.]
- 8.5(2) The [Agency] may only approve more than one signage for an approved taxi organisation if the services offered under each signage are clearly distinguishable by locality or type of service.
- 8.5(3) For the avoidance of doubt, if an approved taxi organisation has more than one signage approved by the Director for use by that approved taxi organisation before 1 October 2007, the signage may continue in use until replaced by new or altered signage.
- 8.5(4) Any approved signage that has been replaced by new or altered signage is null and void and its use must be discontinued.
- [8.5(5) An approved taxi organisation that held a current approval immediately before 1 February 2011 does not have to comply with 8.5(1)(t), (u), (v), (y), (z) and (aa) until all required changes to its operating rules have been approved by the Agency in accordance with 8.4(1) or until 1 August 2011, whichever occurs first.]

8.6 Fare schedules of organisations

- 8.6(1) An approved taxi organisation must register with the [Agency]:

- (a) a fare, charge, and multiple hire discount schedule (inclusive of GST, if charged) for each signage approved by the [Agency] for that organisation, irrespective of whether the vehicles are operated under a licence held by the organisation or under licences held by members of the organisation; and
 - (b) a uniform fare, charge, and multiple discount schedule for all taxis operated by the organisation or by members of the organisation, the fares of which must be inclusive of GST, if charged; or
 - (c) a uniform fare, charge, and multiple hire discount schedule for each approved taxi signage operated by the organisation, the fares of which must be inclusive of GST, if charged.
- 8.6(2) An agreement between operators of small passenger service vehicles to comply with a schedule required by 8.6(1), or by rules that require compliance with that schedule, and the enforcement of that schedule, is authorised for the purposes of the *Commerce Act 1986*.

8.7 Other requirements

- 8.7(1) An approved taxi organisation must notify to the [Agency] any changes made to its operating area or areas.
- 8.7(2) [The Agency may], in respect of a taxi service provided by an approved taxi organisation in a particular region, exempt the organisation from the requirements in 8.5(1)(b)(i) if, [the Agency is satisfied], following consultation with the applicable regional council, public demand does not require that level of service.
[Note: "Regional council" is a defined term.]
- 8.7(3) An exemption granted under 8.7(2) may:
- (a) be subject to conditions that the [Agency] may specify;
 - (b) be granted, revoked, or modified by the [Agency] at any time, after giving such notice and such opportunity to make submissions on the matter as may be reasonable in all the circumstances to:
 - (i) the approved taxi organisation concerned; and
 - (ii) any other approved taxi organisation that may be affected by the proposed grant, revocation, or modification of the exemption.
- [8.7(4) The Agency must advise the regional council of any region in which an approved taxi organisation is to operate of:
- (a) the approved taxi organisation's operating area or areas; and
 - (b) any changes made to its operating area or areas.]

[8.7(5) The Agency must advise the relevant regional council of an exemption granted under 8.7(2).]

Section 9 Rental services

9.1 Register of vehicles and hirers

- 9.1(1) A holder of a rental service licence must:
- (a) keep a register of vehicles and hirers; and
 - (b) ensure that the following details of every hire are entered in the register:
 - (i) the make, model, and vehicle registration plate details of the vehicle;
 - (ii) the date and time of the commencement of the vehicle hire;
 - (iii) the full name and address of the hirer of the vehicle.

[Note: "Rental service" is a defined term.]

- 9.1(2) A holder of a rental service licence must, if requested by the [Agency] to do so, produce without delay for inspection by an enforcement officer, the register required in 9.1(1) containing the transactions for the three years preceding the date of that request.

9.2 Obligations of rental service licence holder

- 9.2(1) A holder of a rental service licence and a hirer of a rental service vehicle operated under that licence must enter into a written agreement for the hire of the vehicle.
- 9.2(2) The agreement referred to in 9.2(1) must, in addition to the requirements specified in 9.3, include the terms set out in:
- (a) *clauses 1 to 10 of Schedule 3*; and
 - (b) *clause 11 of Schedule 3*, if the holder of a rental service licence intends to charge an infringement fee to the hirer's credit card for an offence in 9.5(2).
- 9.2(3) A holder of a rental service licence must ensure the hirer receives at least one copy of the agreement.

- 9.2(4) A holder of a rental service licence must, if requested to do so by the hirer, explain the provisions and content of the hire agreement to the hirer.
- 9.2(5) A holder of a rental service licence must ensure that a prospective hirer or any person who is to drive the rental service vehicle holds a current and valid driver licence that is appropriate for the vehicle that he or she wishes to hire.

9.3 Hirer's liability for use of vehicle

- 9.3(1) The agreement must state the following:
- (a) that the hirer of a rental service vehicle must not use or allow the vehicle to be used for the transport of passengers for hire or reward unless the vehicle is hired with the knowledge of the rental service licence holder for use in a passenger service licensed under *Part 4A* of the Act; and
 - (b) that the hirer of a rental service vehicle must not:
 - (i) sublet or hire the vehicle to any other person;
 - (ii) allow the vehicle to be operated outside his or her authority;
 - (iii) operate the vehicle, or allow it to be operated, in circumstances that constitute an offence against *section 56, 57, or 58* of the Act;
 - (iv) operate the vehicle or allow it to be operated in a race, speed test, rally, or contest;
 - (v) operate the vehicle or allow it to be operated in breach of the Act, ... *Land Transport (Road User) Rule 2004*, or any other Act, regulations, rules, or bylaws relating to road traffic;
 - (vi) operate the vehicle or allow it to be operated for the transport of more than the number of passengers or more than the gross vehicle mass specified in the certificate of loading for the vehicle;
 - (vii) drive or allow the vehicle to be driven by any person, if at the time of driving, the driver is not the holder of a current driver licence appropriate for the vehicle.

[Note: "Gross vehicle mass" is a defined term.]

- 9.3(2) A hirer must ensure that a copy of the agreement is:
- (a) kept in the vehicle throughout the term of the hire; and
 - (b) produced without delay for inspection on demand by an enforcement officer.

9.4 Insurance of a hired vehicle

- 9.4(1) Before entering into an agreement for hire of a rental service vehicle, a holder of a rental service licence must offer vehicle insurance to the prospective hirer.
- 9.4(2) A prospective hirer does not have to accept the insurance cover offered by the holder of a rental service licence.
- 9.4(3) If a prospective hirer does not accept the insurance cover offered by the holder of a rental service licence, the prospective hirer must provide alternative vehicle insurance cover that is comparable with the insurance cover offered by the licence holder.
- 9.4(4) If a prospective hirer's own insurance cover is not comparable with the insurance cover provided by the holder of a rental service licence, the licence holder has the right to refuse to hire the vehicle to the prospective hirer.

9.5 Hirer's liability for infringement fees

- 9.5(1) A holder of a rental service licence may charge an infringement fee to a hirer's credit card if:
- (a) that fee arises from an offence that is listed in *9.5(2)*; and
 - (b) the offence is committed during the period of hire; and
 - (c) the hirer is notified in the rental service agreement of the liability for an infringement fee for an offence in *9.5(2)*.
- 9.5(2) The offences referred to in *9.5(1)* are:
- (a) an offence detected by approved vehicle surveillance equipment that is:
 - (i) a speeding offence; or
 - (ii) an offence in respect of failure to comply with the directions given by a traffic signal; or
 - (iii) a toll offence; or
 - (b) parking in any portion of a road in breach of any bylaw of a road controlling authority or *Part 6* of the *Land Transport (Road User) Rule 2004*.

[Note: "Approved vehicle surveillance equipment" is a defined term.]

- 9.5(3) A holder of a rental service licence may not charge an infringement fee to a hirer's credit card unless the hirer has been notified in the rental service agreement of:
- (a) the liability for an offence in 9.5(2); and
 - (b) the licence holder's undertaking to send a copy of the infringement notice and a copy of the reminder notice as soon as is practicable; and
 - (c) the hirer's right to challenge, complain about, query or object to the alleged offence to the issuing enforcement authority; and
 - (d) the hirer's right to seek a court hearing (within 56 days from the date of issue of the infringement notice or 28 days from the date of issue of the reminder notice).
- 9.5(4) At the time of hiring, the holder of a rental service licence must obtain confirmation in writing from the hirer that the hirer has been notified of the information specified in 9.5(3).
- 9.5(5) Unless 9.5(6) applies, before debiting a hirer's credit card for an infringement fee for an offence in 9.5(2), a holder of a rental service licence must:
- (a) forward a copy of the infringement notice, and of the rental service agreement, to the permanent address provided by the hirer in the rental service agreement, within five working days of receipt of the infringement notice; and
 - (b) notify the hirer that if the licence holder receives a reminder notice for that offence, the holder will debit the hirer's credit card for the amount of the infringement fee.
- 9.5(6) If a holder of a rental service licence does not receive an infringement notice for an offence in 9.5(2) committed during a period of hire, but receives a reminder notice for that offence, the licence holder must:
- (a) forward a copy of the reminder notice, and of the rental service agreement, to the permanent address provided by the hirer in the rental service agreement, within five working days of receipt of the reminder notice; and
 - (b) notify the hirer that the holder will be debiting the hirer's credit card for the amount of the infringement fee.
- 9.5(7) The holder of a rental service licence may charge an administration fee, which must be specified in the rental service agreement, to cover the cost of debiting the hirer's credit card.
- 9.5(8) The holder of a rental service licence must keep copies of the infringement notice, reminder notice and the rental service agreement for six months from the date of the latest notice.
- 9.5(9) The holder of a rental service licence must remit any infringement fee paid by the hirer to the appropriate enforcement authority as soon as is practicable.

Section 10

Vehicle recovery services

10.1 Operator identification

- 10.1(1) A holder of a vehicle recovery service licence must ensure that the following information is clearly displayed on both the inside and the outside of every vehicle used under the licence, in a form approved by the [Agency]:
- (a) the name, business location, and contact telephone number of the licence holder; and
 - (b) the name of any vehicle recovery service organisation of which the holder is a member.
- [Note: "Vehicle recovery service" is a defined term.]
- [10.1(2) A holder of a vehicle recovery service licence must ensure (except in the case of a trailer) that, on any vehicle recovery service vehicle operated under that licence, the appropriate transport service licence card:
- (a) is displayed, facing outwards, on the inside of the windscreen, as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and
 - (b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
 - (c) is clearly legible and visible at all times.]
- 10.1(3) The information required by 10.1(1) ... must be displayed in a contrasting colour to the background on which it is displayed.
- 10.1(4) The information required by 10.1(1) ... to be displayed on the outside of the vehicle must be clearly positioned on the forward doors of both sides of the vehicle.
- 10.1(5) *Revoked.*

10.2 Operator responsibility

A holder of a vehicle recovery service licence is responsible for the conduct of his or her drivers and employees based at the licence holder's business location in respect of that vehicle recovery service.

10.3 Driver identification

- 10.3(1) A driver of a vehicle recovery service vehicle must wear, in a readily visible position, his or her driver identification card that complies with *10.1(3)* and *10.1(4)*.
- 10.3(2) An application for a driver identification card must be made in accordance with *clause 36* of the *Land Transport (Driver Licensing) Rule 1999*.
- 10.3(3) The form of a driver identification card must comply with *clause 65* of the *Land Transport (Driver Licensing) Rule 1999*.
- 10.3(4) A driver identification card must:
- (a) contain a recent photograph of the driver; and
 - (b) display a unique identifier, being a name comprising a combination of letters approved by the [Agency], with numbers assigned by the [Agency] to distinguish duplicate names, so that they are:
 - (i) sufficiently memorable to be easily recalled by users of the service provided by the driver; and
 - (ii) appropriate to identify the driver from other drivers in any transport service; and
 - (c) display other information or material that may be required by the [Agency].
- 10.3(5) A driver identification card is current for a period not exceeding five years, but the [Agency] may extend, by notice in writing, its currency for a period not exceeding 12 months.

10.4 Driver behaviour

A driver of a vehicle recovery service vehicle must behave in an orderly and civil manner at all times while engaged in the operation of a vehicle recovery service.

10.5 Driver responsible for behaviour of passengers

- 10.5(1) Except in respect of persons specified in *10.5(2)*, a driver of a vehicle recovery service vehicle is responsible for ensuring that any passenger the driver allows in the vehicle does not engage in threatening or improper behaviour.
- 10.5(2) The persons referred to in *10.5(1)* are:
- (a) any person who was an occupant of a vehicle being towed;
 - (b) any other person who holds a licence entitling that person to drive a vehicle recovery service vehicle;
 - (c) the holder of the vehicle recovery service licence or a person having control of the service and named as such on the licence.
- 10.5(3) Regardless of any lack of fault on the driver's part, a driver of a vehicle recovery service vehicle is in breach of *10.5(1)* if any passenger for whom he or she has responsibility engages in threatening or improper behaviour while the passenger is in the vehicle, or in the vicinity of the vehicle:
- (a) when the vehicle is attending a crash or breakdown; or
 - (b) in any other situation in which the vehicle's services may be required.

10.6 Driver to comply with direction of enforcement officer or ambulance officer

- 10.6(1) A driver of a vehicle recovery service vehicle must, if so directed by an enforcement officer, a fire officer, or an ambulance officer, move himself or herself, and the vehicle, away from the immediate vicinity of a crash scene.
- 10.6(2) The driver of a vehicle recovery service vehicle must ensure the removal of a person who has arrived at the crash as a passenger in the vehicle (other than a person listed in *10.5(2)(a)* to *(c)*), if an enforcement officer, a fire officer, or an ambulance officer directs that person's removal.
- 10.6(3) A driver of a vehicle recovery service vehicle is in breach of *10.6(2)* if the passenger fails to comply with that direction, regardless of any lack of fault on the part of the driver.

10.7 Advertising material

A holder of a vehicle recovery service licence must not allow a vehicle recovery service vehicle to be used in the service if there is advertising material on the outside or the inside of the vehicle that:

- (a) is applied to glazing; or
- (b) may impede vision from or into the vehicle; or
- (c) may obscure a notice, sign, or other matter required by this Rule or other enactment to be displayed in or on the vehicle.

10.8 Animals prohibited

- 10.8(1) Subject to 10.8(2), a holder of a vehicle recovery service licence and a driver of a vehicle recovery service vehicle used in the service must not allow an animal to be transported in or on that vehicle at any time when the vehicle is being used or is available for use in the service.
- 10.8(2) The following animals may be carried in or on a vehicle recovery service vehicle:
- an animal that was in a vehicle involved in the crash or breakdown or other situation that the vehicle recovery service vehicle was attending;
 - any stock involved in a crash if it is appropriate for that stock to be transported by the vehicle from the scene of the crash.

10.9 Tow authority

- 10.9(1) A vehicle recovery service vehicle may not tow a vehicle unless a tow authority has been completed and is carried in the vehicle recovery service vehicle, and can be produced on demand to an enforcement officer.

[Note: "Tow authority" is a defined term.]

- 10.9(2) A tow authority must be in a form approved by the [Agency] and must contain the following:
- the make, model, colour, and vehicle registration plate details of the vehicle being moved;
 - the date, time, and place of pick-up;
 - the intended place of set down (and the actual place of set down, if different);
 - the time of set down, to be completed on set down;
 - the name, address, and, where practicable, the signature of the person ordering the vehicle to be moved;
 - the name, address, and signature of the driver of the vehicle recovery service vehicle;
 - an indication of whether the reason for the vehicle being moved was a crash, breakdown, vehicle impoundment, or an unauthorised parking of the vehicle.

[Note: *Land Transport Rule: Work Time and Logbooks* provides for tow authorities to be maintained as an alternative to logbooks.]

10.10 Restriction on moving of vehicles by vehicle recovery service

- 10.10(1) Subject to 10.10(2), a person may not move a vehicle using a vehicle recovery service vehicle unless the tow authority has been signed by:
- a driver or a person claiming or appearing to be the owner of the vehicle, or a representative of the owner; or
 - an enforcement officer or parking warden; or
 - the owner or a representative of the owner of any land or a building, if the vehicle is being towed from his or her land or building that is not a road.
- 10.10(2) If a person listed in 10.10(1) is not available, the driver of the vehicle recovery service vehicle must record the name, address, and contact telephone number of the person who requested that the tow be undertaken.

10.11 Tows to be without deviation or delay

A driver of a vehicle recovery service vehicle towing a vehicle must tow that vehicle to the place of intended set down without unnecessary delay or deviation from the shortest available route, unless otherwise instructed by:

- the driver or owner of the vehicle; or
- a person claiming to be a representative of the owner of the vehicle; or
- an enforcement officer or emergency service organisation officer.

10.12 Prevention of damage or loss

A holder of a vehicle recovery service licence and a driver of a vehicle recovery service vehicle must take all reasonable precautions to prevent loss of or from, or damage to, a vehicle that is being or has been towed under the licence.

10.13 Register of tows

- 10.13(1) A holder of a vehicle recovery service licence must maintain a register comprising, in chronological order, all the tow authorities completed in respect of each vehicle recovery service vehicle operated under the licence.
- 10.13(2) A tow authority must be included in the appropriate register within 18 hours after the completion of the tow to which it relates.

- 10.13(3) The register must be made available, at any reasonable time during the 12 months following the latest date to which it refers, for inspection by:
- (a) an enforcement officer; and
 - (b) a person authorised by the [Agency] to collect transport-related statistics who produces evidence of that authority.

10.14 Complaints register

- 10.14(1) A holder of a vehicle recovery service licence under which one or more vehicle recovery service vehicles are operated must ensure that a register of complaints referred to in 3.5(2) is maintained and must comply with the requirements in 3.5(4) to 3.5(6).
- 10.14(2) A complaint does not have to be entered in the register unless the complaint is signed and in writing.
- 10.14(3) The original written complaint must be retained as part of, or as an attachment to, the complaints register.
- 10.14(4) When a complaint is entered in the complaints register, that entry must be retained in the register for at least two years.
- 10.14(5) The register must be available for inspection at any reasonable time by an enforcement officer.

Section 11 Other services

[11.1 Goods service vehicles

Operator identification

A holder of a goods service licence must ensure (except in the case of a trailer) that, on any goods service vehicle operated under that licence, the appropriate transport service licence card:

- (a) is displayed, facing outwards, on the inside of windscreen and as close as practicable to the bottom right-hand corner of the windscreen, or the first right-hand side window beyond the right-hand door, when viewed from the outside and front of the vehicle; and
- (b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
- (c) is clearly legible and visible at all times.]

11.2 Large passenger service vehicles

[Operator identification]

- 11.2(1) A holder of a passenger service licence must ensure (except in the case of a trailer) that, on any large passenger service vehicle operated under that licence the appropriate transport service licence card:
- (a) is displayed, facing outwards, on the inside of the windscreen and as close as practicable to the bottom right-hand corner of the windscreen, when viewed from the outside and front of the vehicle; and
 - (b) in vehicles that do not have a windscreen, is affixed as close as practicable to the registration plate; and
 - (c) is clearly legible and visible at all times.]

11.2(2) *Revoked.*

11.2(3) *Revoked.*

11.2(4) *Revoked.*

11.2(5) *Revoked.*

Complaints register

- 11.2(6) A holder of a passenger service licence under which a large passenger service vehicle is operated must ensure that a register of complaints referred to in 3.5(2) is maintained and must comply with the requirements in 3.5(4) to 3.5(7).

11.3 Dial-a-driver service

Operator identification

- 11.3(1) A driver who drives in a dial-a-driver service must carry the full name, business location, telephone number, and transport service licence number of the licence holder, and must produce these details without delay for inspection on demand by an enforcement officer.

Driver identification

- 11.3(2) A person may not drive in a dial-a-driver service unless that person is the holder of, and wears in a readily visible position, a current driver identification card.

- 11.3(3) An application for a driver identification card must be made in accordance with *clause 36* of the *Land Transport (Driver Licensing) Rule 1999*.
- 11.3(4) The form of a driver identification card must comply with *clause 65* of the *Land Transport (Driver Licensing) Rule 1999*.
- 11.3(5) A driver identification card must:
- (a) contain a recent photograph of the driver; and
 - (b) display a unique identifier, being a name comprising a combination of letters approved by the [Agency], with numbers assigned by the [Agency] to distinguish duplicate names, so that they are:
 - (i) sufficiently memorable to be easily recalled by users of the service provided by the driver; and
 - (ii) appropriate to identify the driver from other drivers in any transport service; and
 - (c) display other information or material that may be required by the [Agency].
- 11.3(6) A driver identification card is current for a period not exceeding five years, but the [Agency] may extend, by notice in writing, its currency for a period not exceeding 12 months.
- 11.3(7) A holder of a passenger service licence under which a dial a-driver service is operated must ensure that the driver's driver identification card:
- (a) complies with *11.3(4)* and *11.3(5)*; and
 - (b) is worn in a readily visible position by the driver of the vehicle.

Complaints register

- 11.3(8) A holder of a passenger service licence under which a dial-a-driver service is operated must ensure that a register of complaints referred to in *3.5(2)* is maintained and must comply with the requirements in *3.5(4)* to *3.5(7)*.

Section 12

Exempt passenger services

12.1 Exempt passenger services

- 12.1(1) The following passenger services are exempt services for the purposes of the Act and this Rule:
- (a) a passenger service operated by, or under the control of, a district health board, local authority, an incorporated charitable organisation, or an incorporated organisation registered under the *Charities Act 2005*, provided that:
 - (i) the vehicle used is designed or adapted to carry 12 or fewer persons (including the driver); and
 - (ii) the vehicle used is provided by the organisation or the driver; and
 - (iii) the driver is either a volunteer or a staff member of the organisation whose primary responsibility is not driving; and
 - (iv) the only payment made by the organisation to a driver who provides the vehicle is for reimbursing that person for the cost of running the vehicle, and does not include payment for the driver's service; and
 - (v) the only payment made by the passenger is for reimbursing the organisation or the driver for the cost of running the vehicle, and does not include payment for the driver's service;
 - (b) a passenger service where persons are transported under a cost-sharing arrangement between occupants of a vehicle designed or adapted to carry 12 or fewer persons (including the driver);
[Note: "Cost-sharing arrangement" is a defined term.]
 - (c) a passenger service where:
 - (i) the vehicle used is a large passenger service vehicle that is hired from a person who holds both a passenger service licence and a rental service licence; and
 - (ii) the only payments made in respect of the hire of the large passenger service vehicle to the hirer are payments reimbursing that person for the costs of hiring and running the vehicle, and does not include payment for the driver's service;
 - (d) a passenger service provided by a person providing a home or community support service, provided that:
 - (i) the vehicle is designed or adapted to carry 12 or fewer persons (including the driver); and
 - (ii) transport is provided to clients as an incidental part of the service; and
 - (iii) a fee or fare is not required of the client for the provision of transport;
 [Note: "Home or community support service" is a defined term.]

- (e) a passenger service using a vehicle designed to carry 12 or fewer persons (including the driver), provided by an organisation offering liquor, meals, or refreshments for consumption on licensed premises, where a fee or fare is not required of its passengers;
 - (f) a passenger service that involves the transporting of school children by parents or caregivers in a vehicle designed or adapted to carry 12 or fewer persons (including the driver) in return for a Ministry of Education private transport allowance, including cases in which that allowance is pooled and paid to the conveying parent or caregiver;
 - [(g) a passenger service that involves the transporting of children and their escorts to or from any school, kindergarten, play-centre, or other institution providing pre-school education, or to or from any activity of any one of those institutions, provided that:
 - (i) the vehicle is designed or adapted to carry 12 or fewer persons (including the driver); and
 - (ii) the vehicle used is provided by the institution or by the driver; and
 - (iii) the driver is a staff member of the institution, or a person approved by the institution, or a parent or caregiver of one of the children being carried; and
 - (iv) the only payment in respect of that service made by the institution to a driver who provides the vehicle is for reimbursing that person for the cost of running the vehicle, and does not include payment for the driver's service;]
 - (h) a passenger service that is carried on exclusively for the purpose of providing relief or assistance during a state of emergency declared under the *Civil Defence Emergency Management Act 2002*, where:
 - (i) the service has been requested or ordered by a Controller under the *Civil Defence Emergency Management Act 2002*; and
 - (ii) the service is under the control of that Controller;
 [Note: "Controller" is a defined term.]
 - (i) a passenger service that is carried on exclusively for the purpose of performing any public service or providing assistance to the civil power in time of emergency within the meaning of *section 9* of the *Defence Act 1990*;
 - (j) a passenger service that is carried on by any part or member of the Armed Forces on active service within the meaning of *section 44* of the *Defence Act 1990*;
 - [Note: "Armed forces" is a defined term.]
 - (k) a passenger service that is carried on exclusively for the purpose of undertaking a class 3 search and rescue operation, where:
 - (i) the service has been requested by a Search and Rescue Co-ordination Centre established under *section 14B* of the *Civil Aviation Act 1990*; and
 - (ii) the service is under the control of that Centre;
 - (l) a passenger service that is carried on exclusively for the purpose of providing relief or assistance during a pollution emergency that is being dealt with under the *Maritime Transport Act 1994*.
 - [(m) a passenger service provided by the Department of Corrections for transporting lawfully detained persons and their escorts, provided that:
 - (i) the vehicle is designed or adapted to carry 12 or fewer persons (including the driver); and
 - (ii) the vehicle is owned and operated by the Department; and
 - (iii) the only payment made by the passenger is for reimbursing the Department for the cost of running the vehicle.]
- 12.1(2) An organisation in *12.1(1)(a)*, *12.1(1)(d)*, or *12.1(1)(g)* may receive funding for the transport service from third parties or donations in respect of the service.
- 12.1(3) If a passenger service vehicle is used in the circumstances specified in *12.1(1)(c)*, the vehicle is deemed to be operating under the licensee's passenger service licence.
- 12.1(4) An organisation in *12.1(1)(e)* may receive voluntary donations in respect of the service.

Part 2 Definitions

Act means the *Land Transport Act 1998*.

Ambulance service means a service that complies with the requirements in *NZS 8156:2002 Ambulance Sector Standard*.

approved taxi organisation means a taxi organisation approved or deemed to be approved by the [Agency] under this Rule or the Act or the regulations.

Approved vehicle surveillance equipment means vehicle surveillance equipment of a kind approved by the Minister of Police, by notice in the *Gazette*.

Armed forces means the Navy, the Army, and the Air Force collectively; and includes any branch, corps, command, formation, unit, or other part of the Armed Forces; but does not include any part of the cadet forces.

Authority: *Definition Revoked*

Business location in relation to any matter required by the Act or this Rule to be displayed on any vehicle, means:

- (a) in the case of a licence holder, operator, or approved taxi organisation which has its base location in an urban area, the location of that base by reference to the town or city, and the suburb (if any), in which it is situated; or
- (b) in any other case, any description of location by which the base location of the licence holder, operator, or organisation can be easily identified, whether by reference to any road and area, or by reference to the nearest urban area.

Companion dog means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog.

Control in relation to a transport service or a proposed or approved taxi organisation, means direct or indirect control of the management of the whole or part of the transport service or taxi organisation by a shareholding or the holding of any position (however described) in the management of the whole or part of the transport service or taxi organisation that gives the person a significant influence on the operation of the whole or part of the service or organisation (whether or not other persons are also involved).

Controller means the person who is the National Controller in accordance with *section 10*, or a Group Controller appointed under *section 26*, of the *Civil Defence Emergency Management Act 2002*.

Cost-sharing arrangement includes (but is not limited to) fuel costs and reasonable wear and tear of a vehicle; but does not include any infringement fee incurred in the course of the journey, or compensation for the driver's travelling time.

Designated stand means an area designated by a road controlling authority as an area in which a specified category of small passenger service vehicle that is indicating its availability for hire may wait for hire.

Dial-a-driver service means a passenger service in which the carriage of passengers is [facilitated] using the vehicle provided by one of the passengers ... and the driver is paid for the carriage or [for the transport of the passenger's vehicle]; but does not include a service in which a vehicle is driven by a private chauffeur.

Director: *Definition Revoked*

Driver identification card has the same meaning as it has in the *Land Transport (Driver Licensing) Rule 1999*.

Emergency service means the New Zealand Police, New Zealand Fire Service, or an ambulance service.

Enforcement authority has the same meaning as it has in *section 2(1)* of the Act.

Enforcement officer means:

- (a) a sworn member of the Police;
- (b) a non-sworn member of the Police who is authorised for the purpose by the Commissioner of Police;
- (c) a person who is appointed to that office by warrant under *section 208* of the Act or who holds that office by virtue of that Act.

Goods service

- (a) means the carriage of goods on any road, whether or not for hire or reward, by means of a motor vehicle whose gross laden weight is 6000 kg or more; and
- (b) includes the letting on hire of a motor vehicle whose gross laden weight is 6000 kg or more by a person who drives the vehicle or provides a driver for the vehicle, where the motor vehicle is used for the carriage of goods; but
- (c) does not include:
 - (i) a vehicle recovery service; or
 - (ii) a service involving the carriage of goods for personal domestic purposes where the service is not operated for more than a total of seven days in any 12-month period; or
 - (iii) any carriage of goods by a passenger service vehicle where the carriage is part of a contract for the carriage of passengers or where the carriage is of such small amounts of goods, or occurs so infrequently, that it does not form a significant part of the overall operations of the vehicle; or
 - (iv) the use of trucks by motor vehicle traders (within the meaning of *section 7* of the *Motor Vehicle Sales Act 2003*) to carry goods for demonstration and sale purposes; or
 - (v) the use of vintage vehicles to carry goods for display purposes; or
 - (vi) the use of trailers towed by small passenger service vehicles to carry passengers' luggage; or
 - (vii) any service specified as an exempt goods service in the regulations or the rules.

Goods service licence means a licence granted or deemed to be granted under *subpart 3 of Part 4A* of the Act that authorises its holder to carry on a goods service.

Goods service vehicle

- (a) means a motor vehicle used or capable of being used in a goods service for the carriage of goods; but
- (b) does not include a vehicle specified as an exempt goods service vehicle in the regulations or the rules.

Gross laden weight has the same meaning as it has in *section 2(1)* of the Act.

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.

GST means Goods and Services Tax.

Guide dog means a dog certified by the Royal New Zealand Foundation of the Blind as being a guide dog or a dog under training as a guide dog.

Health practitioner has the same meaning as it has in *section 5(1)* of the *Health Practitioners Competence Assurance Act 2003*.

Hearing ear dog means a dog certified by Hearing Dogs for Deaf People New Zealand Trust as being a hearing ear dog or a dog under training as a hearing ear dog.

Home or community support service means a health or disability support service provided in the environment of a person's home or in their community, by individuals working as support workers or health practitioners accountable to a home or community support service provider.

Hours of darkness means:

- (a) a period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or
- (b) any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 100 metres.

[In-vehicle security camera system means a system of one or more cameras installed in a vehicle and associated components, whether in the vehicle or not, that:

- (a) records images of the occupants of the vehicle; and
- (b) includes any means by which the material recorded by the camera is stored; and
- (c) includes all wiring and connections that may be required for operation of the camera system.]

Large passenger service vehicle means any passenger service vehicle that is designed or adapted to carry more than 12 persons (including the driver).

licence or other document means any transport service licence or other document issued by the [Agency] under this Rule.

[local authority has the same meaning as in *section 5(1)* of the *Local Government Act 2002]*

Motor vehicle has the same meaning as it has in *section 2(1)* of the Act.

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

Notify means to notify in writing.

Parking warden means a parking warden appointed or deemed to be appointed under *[section 128D* of the *Land Transport Act 1998]*.

Passenger service

- (a) means:
 - (i) the carriage of passengers on any road for hire or reward by means of a motor vehicle; and
 - (ii) the carriage of passengers on any road, whether or not for hire or reward, by means of a large passenger service vehicle; and
- (b) includes the carriage of passengers on any road:
 - (i) that involves a specific charge on passengers for transport, including part payments to cover fuel and donations (which are expected as a condition of carriage); or
 - (ii) by a person or organisation that is funded by another person or organisation specifically for the provision of transport; or
 - (iii) in which the carriage of passengers is an integral part of, or reasonably necessary to provide, another service or activity (other than a transport service) for which payment is made; or
 - (iv) in which the carriage of passengers is made using the vehicle provided by one of the passengers and the driver is paid for the carriage; or

- (v) that involves the letting on hire of a vehicle by a person who drives the vehicle or provides a driver for the vehicle if, during the hiring, the vehicle is used for the carriage of passengers; but
- (c) does not include:
 - (i) private ambulance services provided by organisations primarily for their employees, being ambulance services that are available to the general public in an emergency only when public ambulance services cannot provide a service; or
 - (ii) any service using a vehicle that is specified as an exempt passenger service vehicle in the regulations or this Rule; or
 - (iii) any service specified as an exempt passenger service in the regulations or the rules.

Passenger service licence means a licence granted or deemed to be granted under *subpart 3 of Part 4A* of the Act that authorises its holder to carry on a passenger service.

Passenger service vehicle

- (a) means a vehicle used or available for use in a passenger service for the carriage of passengers; but
- (b) does not include:
 - (i) a vehicle used in a dial-a-driver service;
 - (ii) a vehicle specified as an exempt passenger service vehicle in the regulations or the rules.

Private hire service means a passenger service carried on by means of a private hire vehicle or vehicles.

Private hire vehicle means a motor vehicle that:

- (a) is a small passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver); and
- (b) carries passengers for hire or reward; and
- (c) is pre-booked on an agreed fare basis.

[regional council has the same meaning as in *section 4* of the *Public Transport Management Act 2008*]

[registered service has the same meaning as in *section 4* of the *Public Transport Management Act 2008*]

Rental service means the letting of a motor vehicle on hire for the carriage of passengers (including the driver) or of goods, or both, to a person who drives the vehicle or provides a driver for the vehicle; but does not include:

- (a) the letting of a motor vehicle under a hire purchase agreement or a bailment that is for a period exceeding six months; or
- (b) the hiring of trailers with a gross laden weight not exceeding 3500 kg; or
- (c) any service specified as an exempt rental service in the regulations or the rules.

Rental service licence means a licence granted or deemed to be granted under *subpart 3 of Part 4A* of the Act that authorises its holder to carry on a rental service.

Rental service vehicle means a vehicle used or available for use in a rental service for letting on hire for the carriage of passengers or goods, or both, to a person who drives the vehicle or provides a driver for the vehicle; but does not include a vehicle specified as an exempt rental service vehicle in the Act or the regulations or the rules.

Road controlling authority in relation to a road:

- (a) means the authority, body, or person having control of the road; and
- (b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority.

Shuttle means a motor vehicle that is:

- (a) a small passenger service vehicle that was originally designed to carry no fewer than eight persons and no more than 12 persons (including the driver); and
- (b) used for hire or reward for the carriage of passengers who must begin or end their journey at an airport, or a bus or ferry terminal, or a railway station.

shuttle service means a passenger service carried on by means of a shuttle or shuttles.

signage means signage that is common to the vehicle fleet; and includes an operator's name, business location, contact number, logo (including colour), and a taxi roof sign; but does not include a fare schedule, a unique fleet number, or a transport service licence number.

small passenger service vehicle means any passenger service vehicle that is designed or adapted to carry 12 or fewer persons (including the driver).

[Special interest vehicle has the same meaning as in *Land Transport Rule: Frontal Impact 2001*.]

State services has the same meaning as it has in the *State Sector Act 1988*.

Support worker includes a support worker as described in the *New Zealand Home and Community Support Sector Standard (NZS 8158:2003)* or a mental health community support worker.

Taxi has the same meaning as it has in the Act.

Taxi service means a passenger service carried on by means of a taxi or taxis.

Tow authority means a document that must be completed by the driver of a vehicle recovery service vehicle before towing a vehicle away.

Transport service

- (a) means any goods service, passenger service, rental service, or vehicle recovery service; but
- (b) does not include:
 - (i) a rail service under the *Railways Act 2005*; and
 - (ii) any service specified as an exempt transport service in the regulations or the rules.

transport service licence means any of the following licences granted or deemed to be granted under *subpart 3* of *Part 4A* of the Act:

- (a) a goods service licence;
- (b) a passenger service licence;
- (c) a rental service licence;
- (d) a vehicle recovery service licence.

[Transport service licence card means a card issued by the Agency under this Rule and approved by the Agency as being in the form specified in *Schedule 2*; and includes a label.]

transport service operator means a person who carries on a transport service, whether or not that person employs personnel to assist in doing so on its behalf; but does not include those personnel.

transport service vehicle means any goods service vehicle, passenger service vehicle, rental service vehicle, or vehicle recovery service vehicle; but does not include:

- (a) a vehicle licensed under the *Railways Act 2005*; or
- (b) a vehicle running on self-laying tracks or rollers; or
- (c) a vehicle that operates solely on or in areas to which the public does not have access as of right (whether or not that vehicle is used on a road in connection with that vehicle's inspection, servicing, or repair, or for the purposes of a practical driving test required under any enactment); or
- (d) a vehicle used as a place of abode to the extent that it is not used in a rental service; or
- (e) a vehicle listed as a farm vehicle in *Part 1* of the *Schedule* to the *Land Transport Management (Apportionment and Refund of Excise Duty and Excise Equivalent Duty) Regulations 2004* or in any provisions made in substitution for that schedule; or
- (f) a tractor (being a motor vehicle designed principally for traction at speeds not exceeding 50 km per hour); or
- (g) a forklift (being a motor vehicle designed principally for lifting and stacking goods by means of one or more forks, tines, platens, or clamps); or
- (h) a hearse; or
- (i) a traction engine.

unique identifier means the unique identifier required by *3.2(4)(b)* to be specified on a driver identification card.

vehicle recovery service

- (a) means the towing or carrying on any road of a motor vehicle, irrespective of the size or design of the towing or carrying vehicle, and whether or not the towing or carrying of the vehicle is carried out by a person intending to carry out repairs on the vehicle; but
- (b) does not include:
 - (i) the towing or carrying of any motorcycle or moped; or
 - (ii) the towing or carrying of one motor vehicle by another where:
 - (A) the towing or carrying is not carried out directly or indirectly for reward; and
 - (B) the towing or carrying vehicle is not designed or adapted for the purpose of towing or carrying motor vehicles; or
 - (iii) the towing or carrying of a vehicle by a person who owns the vehicle; or
 - (iv) the towing of disabled vehicles using a rope or flat tow by:
 - (A) a person employed by, or contracted to, a motoring association or insurance company where the towing is limited to removal of the vehicle to a place of safety; or
 - (B) the owner or an employee of a garage or workshop who intends to carry out repairs to the vehicle; or
 - (v) the removal of vehicles by New Zealand Defence Force tow trucks at the request of an enforcement officer; or
 - (vi) routine towing services operated by New Zealand Defence Force personnel in areas where there is no suitable and available commercial towing service nearby; or
 - (vii) any service where the [Agency] has provided the transport service operator with a written notice that:
 - (A) must be carried in the vehicle used in the service; and
 - (B) specifies that the nature of the service is such that the carriage of vehicles should be treated as the carriage of goods; or
 - (viii) any service specified as an exempt vehicle recovery service in the regulations or the rules.

vehicle recovery service licence means a licence granted or deemed to be granted under *subpart 3* of *Part 4A* of the Act that authorises its holder to carry on a vehicle recovery service.

vehicle recovery service vehicle

- (a) means a vehicle used or available for use in a vehicle recovery service for towing or carrying on a road any motor vehicle; but
- (b) does not include any vehicle specified as an exempt vehicle recovery service vehicle in the regulations or the rules.

Part 3—Schedules

Schedule 1

Certificate of responsibility (*Revoked*)

[Refer 2.4]

Schedule 2

Display of operator or taxi information

(cl 1 to cl 5.)

For the purposes of this Schedule, information to be displayed must use Times New Roman or Arial, or an equivalent plain font.

1 Fare schedule to be displayed on outside of taxis

[Refer 4.7]

- (a) Minimum dimensions of sign
 - 29.5 cm x 6 cm.
- (b) Minimum sizes and style of lettering
 - “MAXIMUM FARES”: 30 point, all capitals, bold;
 - “Notified to the [New Zealand Transport Agency] [Month/Year]”: 30 point, normal;
 - “FLAGFALL”: 30 point, all capitals, bold;
 - “TARIFF 1” and “TARIFF 2”: 30 point, all capitals, bold;
 - “Waiting time” and cost: 30 point normal;
 - All other lettering: 18 point normal.
- (c) Sample layout of diagram

MAXIMUM FARES: Notified to the [New Zealand Transport Agency] [Month/year]		
FLAGFALL	\$X.XX	[Record here details of any
TARIFF 1	\$X.XX per km	multiple hire discounts and any other
		charges]
TARIFF 2	\$X.XX per km	
Waiting time	XXc per minute	
	Tariff 1 applies between [time] and	Tariff 2 applies between [time] and
	[time]	[time]
	Member of [ATO name]	[Record here if GST is not charged]

2 Fare schedule and complaints information to be displayed inside taxis

[Refer 4.8]

If you have a complaint about the operation of this taxi service contact either: <i>Name and telephone number of approved taxi organisation or address and telephone number of the nearest office of the New Zealand Transport Agency.</i>	[In this space, give details of all fares and charges and discounts for multiple hires and the date of fare registration.]	[Display unique fleet number as assigned by ATO.]
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- (a) Minimum size of sign
 - 29.5 cm x 6 cm.
- (b) Minimum size and style of lettering
 - 16 point normal.

3 Complaints information to be displayed inside a shuttle

[Refer 5.5(5)]

<p>If you have a complaint about the operation of this service, contact either:</p> <p><i>Name and telephone number of your shuttle organisation or address and telephone number of nearest office of the New Zealand Transport Agency.</i></p>	<p>[Display unique fleet number]</p>
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- (a) Minimum size of sign
 - 29.5 cm x 6 cm.
- (b) Minimum size and style of lettering
 - 16 point normal.

4 Statement of fare schedule availability to be displayed on a shuttle

[Refer 5.5(3)]

- (a) Minimum size of sign
 - 29.5 cm x 6 cm.
- (b) Minimum size and style of lettering
 - 16 point normal.

5. Transport Service Licence Card

[Refer 4.2(2), 5.2(2), 10.1(2), 11.1, 11.2]

- A. The card must show:
 - (a) the Transport Service Licence number
 - (b) the name of the Transport Service Licence holder
 - (c) a unique identification number
 - (d) the type of Transport Service Licence
 - (e) a barcode containing the information in (a) to (d)
- B. The card may show:
 - (f) such background and colours and security features as the Agency considers necessary to protect the integrity of the licence.]

Schedule 3 Rental service agreement

(cl 1 to cl 11)

[Refer 9.2(2)]

A rental service agreement must contain the information specified in *clauses 1 to 10* of this Schedule. If the rental service operator intends to charge any infringement fee to the hirer's credit card, the rental service agreement must also contain the information specified in *clause 11* of this Schedule.

1 The parties

- (a) the full name and address of the rental service operator;
- (b) the transport service licence number of the operator;
- (c) the telephone number that the hirer can call to contact the rental service operator during the period of hire;
- (d) the full name, permanent address, and temporary address (if applicable) of the hirer.

2 The vehicle

- (a) the make and model of the vehicle;
- (b) the vehicle registration plate details.

3 The term of the hire

- (a) the date and time of commencement of the vehicle hire;
- (b) the date and time by which the vehicle must be returned to the rental service operator;
- (c) the place or places to which the vehicle may be returned.

4 Authorised drivers

- (a) the full name, [full] address, [date of birth,] and telephone number of the person taking possession of the vehicle at the commencement of the hire and that person's driver licence number, the licence's expiry date, and issuing jurisdiction of the licence;
- (b) the full names and/or descriptions of persons who are permitted to drive the vehicle;
- (c) any restrictions on persons who may drive the vehicle.

5 Hire charges

- (a) the hire rate;
- (b) a clear statement of whether the hire rate is hourly, daily, weekly, or monthly;
- (c) whether any penalty or charges for late return or adjustments for early return are or may be payable;
- (d) details of all charges that the hirer will be required to pay.

6 Hirer's obligations and restrictions

- (a) details of the hirer's obligations and restrictions in relation to the driving, parking, and use of the vehicle;
- (b) details of the hirer's obligations in relation to the vehicle itself, such as any obligations to maintain fuel, coolant and oil levels, and tyre pressures;
- (c) what the hirer is to do if any warning light in the vehicle is activated;
- (d) the hirer's obligation to advise the owner of the vehicle if the vehicle is damaged.

7 Accidents and vehicle repairs

- (a) what the hirer is to do if there is an accident involving the vehicle;
- (b) what the hirer is to do if the vehicle breaks down or needs repair;
- (c) the obligations of the rental service operator and the hirer if the vehicle requires repair or replacement.

8 Insurance

- (a) that insurance cover is provided by the rental service operator but the hirer may make his or her own insurance arrangements provided they are approved by the operator;
- (b) if insurance cover is to be provided by the rental service operator:
 - (i) details of the insurance premiums, if separate from the hire charge;
 - (ii) the extent of the hirer's liability for loss or damage;
 - (iii) the amount of excess that is applicable.

9 Cancellation of the hire agreement

- (a) the circumstances in which the rental service operator or the hirer may cancel the hire agreement;
- (b) the obligations of the rental service operator and the hirer on cancellation of the hire agreement.

10 Hirer's liability for use of vehicle

The information specified in 9.3(1).

11 Hirer's liability for infringement fees

- (a) the circumstances as specified in 9.5(1) under which the hirer will be liable for infringement fees;
- (b) the hirer's rights under 9.5(3);
- (c) the specific amount of an administration fee to cover the cost of debiting the hirer's credit card.

[Schedule 4**Areas for which an area knowledge certificate is required**

[[Auckland metropolitan:]]

[[The area within the Metropolitan Urban Limits as defined in the Auckland Regional Policy Statement issued by Auckland Council, including Auckland International Airport and its precinct but excluding Waiheke Island, Orewa and Whangaparaoa.]]

Blenheim:

Blenheim Ward.

Christchurch metropolitan:

Christchurch City excluding Banks Peninsula Ward

Dunedin:

Mosgiel-Taieri Ward, Waikouaiti Coast-Chalmers Ward, Cargill Ward, Hills Ward, South Dunedin Ward, Green Island/Saddle Hill Ward and the Dunedin International Airport and its precinct.

Gisborne:

Gisborne Ward.

Hamilton:

Hamilton City and Hamilton Airport and its precinct.

Hastings:

Hastings Ward and Havelock North Ward.

Invercargill:

Invercargill District.

Kapiti:

Paraparaumu Ward, Waikanae Ward and Paekakariki/Raumati Ward.

Levin:

Levin Ward.

Masterton:

Masterton Urban Ward.

Napier:

Napier City.

Nelson:

Nelson City.

New Plymouth.

New Plymouth City and the New Plymouth Airport and its precinct.

Palmerston North:

Papaioea Ward, Takaro Ward, Hokowhitu Ward, and Awapuni Ward.

Pukekohe:

Pukekohe Ward.

Queenstown:

Queenstown urban area and the Frankton District.

Rotorua:

Rotorua urban area including the Ngongataha area, and the Rotorua Airport and its precinct.

Taupo:

Taupo Ward.

Tauranga:

Otumoetai-Bethlehem Ward, Te Papa-Welcome Bay Ward and Mount Maunganui-Papamoa Ward.

Timaru:

Timaru Ward.

Wanganui City:

Wanganui City Ward.

Wellington metropolitan:

Hutt City, Upper Hutt City, Porirua City and Wellington City.

Whakatane:

Whakatane-Ohope Ward.

Whangarei:

Okara Ward and Denby Ward.]

[Schedule 5

Areas for which an in-vehicle security camera system and an emergency alert and response facility are required for a taxi

[Refer 4A.1(1)]

Whangarei	Okara Ward and Denby Ward.
[[Auckland metropolitan]]	[[The area within the Metropolitan Urban Limits as defined in the Auckland Regional Policy Statement issued by Auckland Council, including Auckland International Airport and its precinct but excluding Waiheke Island, Orewa and Whangaparoa.]]
Hamilton	Hamilton City and Hamilton Airport and its precinct.
Tauranga	Otumoetai-Bethlehem Ward, Te Papa- Welcome Bay Ward and Mount Maunganui- Papamoa Ward.
Rotorua	Rotorua urban area including the Ngongataha area, and the Rotorua Airport and its precinct.
Gisborne	Gisborne Ward.
Napier	Napier City.
Hastings	Hastings Ward and Havelock North Ward.
Palmerston North	Papaioea Ward, Takaro Ward, Hokowhitu Ward, and Awapuni Ward.
New Plymouth	New Plymouth City and the New Plymouth Airport and its precinct.
Whanganui	Whanganui City Ward.
Wellington	Hutt City, Upper Hutt City, Porirua City and Wellington City.
Nelson	Nelson City.
Christchurch	Christchurch City excluding Banks Peninsula Ward.
Dunedin	Mosgiel-Taieri Ward, Waikouaiti Coast- Chalmers Ward, Cargill Ward, Hills Ward, South Dunedin Ward, Green Island/Saddle Hill Ward and the Dunedin International Airport and its precinct.
Queenstown	Queenstown urban area and the Frankton District.
Invercargill]	Invercargill District.]

[Schedule 6

Specifications for in-vehicle security camera system

[Refer 4A.2(4)]

An in-vehicle security camera system must have the following minimum function and design features:

1. The camera system must record and securely store images and enable the retrieval of those images for copying, viewing and printing.

2. The camera must be designed to be fitted inside a taxi in a position that:
 - (a) is clearly visible to persons seated in the vehicle; and
 - (b) enables it to record the faces of all persons seated in the taxi.
3. The recorded images must be of a sufficient quality to enable facial identification of all occupants seated in the taxi, in all lighting conditions including complete darkness.
4. The camera system must record images at a rate of at least one image per second.
5. The recorded images must contain a unique and unambiguous identification of the camera, the taxi it belongs to, and accurate time and date information.
6. The camera system must be marked with a unique means of identification.
7. The camera system must be capable of storing images for at least 168 hours.
8. The camera system must undertake regular self- testing in order to check that it is recording and storing images.
9. The camera must have a system status indicator, that is clearly visible to the vehicle's driver and that indicates when the system is operating and when the system has detected that it is not recording or storing images or both.
10. The camera system must create an automatic log of activity including accessing of recorded material and modifying settings.
11. The recorded images must be protected from unauthorised access.
12. The camera system must not interfere with other electronic devices or systems likely to be found in a taxi and must not be adversely affected by a vehicle's electrical system.
13. The camera system must meet all operating requirements, including storage of images, without the need for any manual processes during normal operation.]

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