

Land Transport (Driver Licensing) Rule 1999: Electric Urban Bus Drivers Class Exemption Notice 2023

Pursuant to section 168D of the Land Transport Act 1998, the Director of Land Transport, after being satisfied of the matters set out in section 168D(3) of that Act, gives the following notice.

1. Title

This notice is the Land Transport (Driver Licensing) Rule 1999: Electric Urban Bus Drivers Class Exemption Notice 2023.

2. Commencement

This notice comes into force on **7 March 2023**.

3. Expiry

This notice expires at the close of **7 March 2025**.

4. Application

This notice applies to any driver of an electric-powered public transport service bus.

5. Interpretation

(1) In this notice –

Act means the Land Transport Act 1998.

Electric-powered means the vehicle is propelled solely by an electric motor including a plug-in electric vehicle or hybrid electric vehicle.

Public transport service bus means a passenger service vehicle that is operating in a public transport service that is identified in or under a regional public transport plan as defined in the Land Transport Management Act 2003.

Rule means the Land Transport (Driver Licensing) Rule 1999.

(2) Any term or expression that is defined in the Act, the Land Transport Management Act 2003, or the Rule and used, but not defined, in this notice has the same meaning as in the respective Act or the Rule.

6. Class exemption

(1) Any driver of a vehicle described in clause 4 of this notice is exempt from schedule 3 of the Rule, but only in relation to the definition of class 2 and 2L. All other definitions continue to apply.

(2) The exemption in subclause (1) is subject to the conditions specified in clause 7 of this notice.

(3) Nothing in this notice affects the application of all other licence classes definitions contained in schedule 3.

7. Conditions applying to drivers relying on this class exemption

(1) Drivers relying on this exemption must apply the following definitions for licence class 2 and 2L.

Classes 2 and
2L

- a. a rigid vehicle with a gross laden weight of more than 6,000kg but not more than 18,000kg
- b. a combination vehicle (other than a combination vehicle that comes within paragraph (d) of the definition of Class 1 licence) that has a gross combined weight of more than 6,000kg but not more than 12,000kg
- c. a combination vehicle (other than a combination vehicle that comes within paragraphs (d) or (f) of the definition of Class 1 licence or paragraph (b) of this definition) consisting of a rigid vehicle (with a gross laden weight of not more than 18,000kg) towing a light trailer
- d. a rigid vehicle with a gross laden weight of more than 18,000kg with not more than 2 axles
- e. a rigid vehicle powered solely by electricity with a gross laden weight of more than 18,000kg but not more than 22,000kg
- f. a tractor with a gross laden weight of more than 6,000kg but not more than 18,000kg, if driven at a speed exceeding 30 kph

Class 2

- a. a special-type vehicle that is a forklift or runs on rollers or self-laying tracks and has a gross laden weight of more than 18,000kg
- b. a special-type vehicle that runs on wheels and has a gross laden weight of more than 6,000kg but not more than 18,000kg, if driven at a speed exceeding 30 kph
- c. a special-type vehicle that runs on wheels and has a gross laden weight of more than 18,000kg, if driven at a speed not exceeding 30 kph
- d. a special-type vehicle that is an agricultural motor vehicle that runs on wheels and has a gross laden weight of more than 6,000kg but not more than 18,000kg, if driven (whether or not the driver holds a special-type vehicle endorsement) at a speed not exceeding 40 kph

Signed at Wellington on this 28th day of February 2023.

KANE PATENA, Director of Land Transport.

Explanatory Note

This note is not part of the notice. This note indicates the notice's general effect and the reasons for it being given.

This notice comes into force on 7 March 2023. It expires at the close of 7 March 2025, and may be amended, replaced, or revoked in accordance with section 168E(2) of the Act.

General effect of the class exemption

The notice grants a temporary class exemption with the effect of allowing drivers of electric-powered public transport service buses (with more than two axles) and a gross laden weight of up to 22,000kg to be driven on a class 2 or 2L driver licence rather than a class 4 or 4L. This includes a class 2L to allow driver training on an electric-powered bus.

In deciding to grant this exemption the Director of Land Transport has considered the matters set out in section 168D(3) of the Act. The Director is satisfied that the exemption is appropriate considering the Agency's objective, the need to maintain or improve land transport safety, and other relevant and appropriate matters. The Director is also satisfied that the exemption is no broader than is reasonably necessary to address the matters that gave rise to it.

Reasons for giving the class exemption

Due to improving availability, range, ease of recharging and cost electric buses are becoming increasingly viable for urban route services to replace diesel fuelled buses. They will, in time, contribute greatly to the government's goal of reducing transport-related carbon emissions particularly where passengers substitute driving private vehicles for public transport.

However electric buses have increased weights from the batteries they carry to ensure adequate range between charges. This added weight places electric buses in the 18-22 tonne weight categories requiring a higher driver licence class (class 4) to drive. This restricts operational flexibility as most new urban bus drivers start with a class 2 only. The higher licence class costs money and time to obtain and many urban areas are currently critically short of drivers. The Director is satisfied that the handling of these slightly heavier electric buses is unchanged from urban-use buses up to 18 tonnes weight which can be driven on a class 2 licence.

The purpose of this class exemption is to allow the driving of electric buses with weights of between 18 tonnes and 22 tonnes (and three axles) by a person holding a class 2 licence rather than require that person to obtain a class 4 licence. All other driving requirements and obligations remain unchanged. This is intended to be a temporary measure providing operators with operational flexibility while new drivers work to obtain a class 4 and pending any consideration of permanent adjustments to current heavy vehicle licence classes.