

Legal Torque

A Speedy Solution

- Michael Jamieson -

On 3 May 2004 the maximum legal speed for all heavy vehicles was increased from 80 km/hour to 90 km/hour.

Amendments to the Heavy Motor Vehicle Regulations and the Traffic Regulations permit all heavy vehicles with a gross laden weight of over 3,500 kg to drive at a maximum speed limit of 90 km/hour. This however does not apply to school buses which are still subject to a maximum speed of 80 km/hour.

Currently 84% of the heavy motor vehicle fleet in New Zealand will be subject to the 90 km/hour limit, while 16% will be subject to the 80 km/hour limit.

The change comes as a welcome to many truck drivers who have expressed various safety concerns over the 80 km/hour speed limit. These concerns have included that the 80 km/hour limit does not facilitate smooth traffic flow particularly around city areas.

Moreover many drivers have stated that when approaching a steep gradual rise, the speed they need to get up the rise is sometimes not possible at 80 km/hour, with the result that they are reduced to crawling up the rise.

The Land Transport Safety Authority have said that the increase will benefit general safety on the roads as well as assist police in their monitoring and enforcement of heavy vehicles.

The speed increase will contribute to smoother traffic flows, particularly on open roads. There will be less of a need for other motorists to have

to perform risky overtaking manoeuvres to pass slower trucks and trailers. Further, it is anticipated that motorist frustration at being caught behind slow trucks will be reduced.

Finally, standardising the speed to 90km/h will assist the police more with their enforcement of maximum speed limits. This will encourage heavy motor vehicle drivers to stay within the 90 km/hour speed limit, knowing there is a greater chance of them being caught if they do speed.

The police will also be applying a 5 km/hour discretionary tolerance for all heavy motor vehicles. However, police monitoring will be more strict in respect of speeding.

From May 2004, the police will be taking a more direct and tougher approach to heavy motor vehicles exceeding the maximum speed limit. This will apply not only to the maximum speed limit of 90 km/hour but also to other maximum speed limit zones.

This increase is a relief for many truck drivers and undoubtedly will have a gradual positive impact on the transport industry with respect to having goods delivered on time and without some of the last minute panic (which can often result in speeding). Those drivers with tight deadlines should be able to gain some time because of the increase in speed limits. However, transport operators should note that the monitoring and enforcement of fines on drivers who speed will be rigorous and drivers will not be given the leeway they once were.



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For further information please contact either Michael Jamieson or Catherine Bormans.

Logbooks

A word of caution

- Catherine Bormans -

We are still seeing a large number of people charged with logbook offences due to the operation of the 24 hour period with logbooks.

There still seems to be a general misconception in the industry about the way in which the 24 hour period of a logbook works. Many drivers are of the view that having a 9 hour rest period wipes the slate clean, that is, that the 24 hour period starts at the conclusion of any nine hour break. That is not the case. The 24 hour period does not start from the end of the rest period, it relates to any 24 hour period in the logbook. The limit of 11 hours driving cannot be exceeded in **any** 24 hour period.

Exceeding your driving hours by any amount is an offence for which the penalty is a fine of up to \$2,000 and mandatory disqualification of your types 2 - 5 licences for a minimum of 1 month. If the offence of exceeding driving hours is made out by the police then the mandatory disqualification will apply. There is no exception to this.

But note that the penalty for the offences of omitting material particulars from your logbook and failing to produce your logbook also have a minimum mandatory disqualification period of 1 month for the driver but it is open to you to argue 'special reasons' relating to the offence to avoid the disqualification.



The 'special reasons' must relate to the facts of the offence and arise from the circumstances in which the offence was committed. Special reasons do not relate to the particular circumstances of the driver, for example financial hardship and an impeccable driving history will not be regarded by the courts as special reasons.

It looks likely that the rules relating to logbooks will change soon. We will update you on the changes when they are closer to being a reality.

Truckers Guides to the Law

We have now revised our Truckers Guides to the Law from May 2004. You can view the revised guides by visiting Fortune Manning's website www.fortunemanning.co.nz or NRC's website www.natroad.co.nz

The Truckers Guides consist of:

- 1 The Road User Charges Act 1977;
- 2 Driving hours and logbooks;
- 3 Contracts;
- 4 Transport licensing;

- 5 Infringement Offences (instant fines);
- 6 Carriage of Goods Act 1979;
- 7 Buying a successful business;
- 8 Dangerous Goods;
- 9 Employment Relations Act 2000;
- 10 Vehicle loading and overloading and enforcement officers' powers;
- 11 Protecting assets from creditors;
- 12 Health and Safety in Employment Act 1992;
- 13 The Land Transport Act 1998

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