

Legal Torque

August 2011 Issue 36

DRIVER LICENCE STOP ORDERS

New legislation will soon be in force which will affect anyone who drives while having overdue traffic fines. The Land Transport Act 1988 is soon to be amended to authorise a new enforcement measure known as a Driver Licence Stop Order ("DLSO").

Currently the Court uses collection measures such as seizing and selling goods and making mandatory deductions from wages and benefits to pay fines. The objective behind the new legislation is to give greater incentive to people to voluntarily pay their fines and reparation.

The key features of DLSOs are:

- Affected people will be those people with outstanding traffic fines. Traffic fines include orders for reparation and offender levies.
- If a person is obliged to pay a traffic fine and has failed to pay it within the time provided or directed, then they will be liable to the imposition of a DLSO.
- The Ministry of Justice will first arrange for a warning notice to be served on the person explaining why they are liable for the imposition of a DLSO and provide details of the unpaid fine to which the liability relates. The warning notice will also state that a DLSO will not be imposed if they pay the unpaid fine in full within 14 days.



Catherine Fisher

Partner

DDI: (+64 9) 915 2412

Email: cathy.fisher@fortunemanning.co.nz

- If, following the expiry of 14 days, the person has still not paid the fine, then a DLSO will be issued and served on the person.
- Once the DLSO is served on a person, that person is suspended from driving. This includes being suspended from driving pursuant to a limited licence and being prohibited from obtaining a licence whilst subject to a DLSO.

Transport Team
Contact Details

Shafraz Khan | Phone 09 915 2422 | Email shafraz.khan@fortunemanning.co.nz
Catherine Fisher | Phone 09 915 2412 | Email cathy.fisher@fortunemanning.co.nz

- The DLSO will remain in effect until the overdue traffic penalties are paid or until the person enters into a time payment arrangement or, in the case of inability to pay, until such time as an alternative sentence is substituted.
- A warning notice or a DLSO must be served on the person in one of the following ways:
 - By delivering it to the individual personally or bringing it to their attention if they refuse to accept it.
 - By leaving it for the person at their place of residence with another person who appears to be of or over the age of 14.
 - By leaving it with someone at the person's place of business or work.
 - By sending it prepaid post addressed to the person at their last known place of residence or business or place of work.
 - If the person has a known electronic address, by sending it to the person at that electronic address.
- If a person is detected driving in breach of a DLSO then the vehicle will be impounded for 28 days.
- If a person is caught driving on a suspended licence then that person can be prosecuted and if convicted, sentenced to a mandatory licence disqualification and possibly fined or imprisoned.
- A person who is suspended pursuant to a DLSO may be eligible to apply for a limited licence.

This is a brief summary only on Driver Licence Stop Orders. For more information on this topic, please contact Cathy Fisher at Fortune Manning on 915 2412, cathy.fisher@fortunemanning.co.nz, or Shafraz Khan on 915 2422, shafraz.khan@fortunemanning.co.nz

Transport Team Shafraz Khan | Phone 09 915 2422 | Email shafraz.khan@fortunemanning.co.nz
Contact Details Catherine Fisher | Phone 09 915 2412 | Email cathy.fisher@fortunemanning.co.nz