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WHEEL TORQUE

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Light trailer breakaway brakes

The FOMC is seeking changes to the current rules for light trailer braking systems. Committee member Fred Fellows explains:

Today there are a number of light trailers, mostly caravans, being imported into New Zealand. Many of these are fitted with breakaway brakes.

Under the current Land Transport Light-vehicle Brakes Rule, clause 2.4 (1B) provides that trailers of Class TA or Class TB with a laden weight of not more than 2000kg must be fitted with a safety chain. By comparison, clause 2.4 (4) states that trailers of Class TB with a laden weight of

more than 2000kg but less than 2500kg are not required to be fitted with a safety chain if they are fitted with a breakaway brake instead.

Any equipment fitted to a vehicle, but not required by legislation to be fitted to a vehicle, must be in good operating condition. If it is not in good operating condition it must be repaired or removed from the vehicle. However nothing may be fitted to the vehicle if it is expressly prohibited by legislation. It is not reasonably possible to have a trailer fitted with both safety chains and a breakaway brake and have both adjusted to work as designed and intended.

If a trailer is fitted with a safety chain as well as a breakaway brake and the trailer was to break loose from the towing vehicle, the safety chain would prevent it from running away in any

direction. But the breakaway brake would not function as designed and intended to, and the trailer would be swinging wildly on the safety chain and possibly causing extensive damage to the rear of the towing vehicle and could ultimately result in the driver losing control of the combination. If the trailer did not have the safety chain attached the breakaway brake would have operated and the trailer brought safely to a stop.



Therefore owners of Class TA and light Class TB trailers which have breakaway brakes fitted are required to have them removed, and chains installed, to enable the trailer to comply with the Rule.

The FOMC considers that this is a retrograde step in the interests of safety, and that the breakaway brakes should be able to be retained.

Consequently, we suggest that the Light-vehicle Brakes Rule should be amended to permit trailers of Class TA and Class TB with a laden weight of not more than 2000kg be allowed to dispense with the safety chain if they are fitted with a breakaway brake instead.



The Federation has written to the NZ Transport Agency asking that they consider introducing such an amendment during their next Rule review.

2011 ANNUAL GENERAL MEETING

The FOMC's 16th Annual General Meeting is being held in **Auckland** on Sunday **22 May**, from 10:00am. In a change from our traditional Taupo venue, the executive committee decided last year that AGMs would be rotated around the country in order to give local member clubs the opportunity to attend and have their say. Future AGM's will likely be held in Wellington and Christchurch, and we will probably return to Taupo.

The venue is the Vintage Car Club rooms in Fairfax Avenue, Penrose, and more information has been posted to Member clubs along with subscription renewal notices, or you can download registration and sub forms from www.fomc.org.nz/events

We encourage delegates from our many Auckland-based clubs to attend this year's AGM, especially those who haven't been before. The FOMC is *your* Federation, so if you are interested in the work we do on your behalf, or want to have input, the AGM is your chance. Clubs can send as many delegates as they like. We also welcome new nominees for the committee.

The AGM format features guest speakers in the morning and the formal business after lunch. This year's guest speakers include the **Ministry of Transport** outlining their *Safer Journey's* strategy which has proposals that affect all motorists including significant changes to speed limits and a focus on vehicle safety which is relevant to heritage vehicle owners. The **NZ Transport Agency** will also be present to discuss a review of the WoF regime, including frequency of WoFs which is of particular interest to owners of classic vehicles who travel moderate mileages between six-monthly WoFs. If you can't spare the entire day, feel free to just attend the session that interests you most.

- *For more information, contact secretary@fomc.co.nz*

owners prefer to risk the maximum \$200 fine rather than re-licence it. With the bulk of the licence fee being compulsory ACC levies, the Minister of Transport, Steven Joyce, says its unreasonable for the majority of motorists to subsidise the accident insurance costs of a minority.

"There is a segment of drivers and motorcyclists who put their vehicle license on hold while continuing to drive their vehicle as a way of avoiding payment. That's unfair to other law-abiding motorists. Demerit points can act as a stronger deterrent than fines as repeat offenders will face the loss of their drivers licence," says Mr Joyce.

The fine for one of the more common offences – failing to display a current licence label, even though the owner may have renewed it but forgot to replace it – reduces from \$200 to \$75, with no demerits.

The new penalties apply only to those tickets served personally by a Police officer. The standard \$200 fine still applies to infringements issued by parking wardens, who don't have the power to issue driver licence demerits. Police will also continue to give a person ticketed for the first time with an unlicensed car a two week grace period to license their vehicle, meaning no penalties will apply if they do so within that timeframe.

In another change, owners caught driving a vehicle with its registration on hold will be required to hand in their number plates if they have abused this right in the past. This is to stop owners driving a unlicensed vehicle, in theory because it will be obvious without any plates. Alternatively, the NZTA could refuse the application to put the rego on hold, meaning they will have to pay. And if they don't, they will incur backdated charges and risk the registration being cancelled after two years.

This new penalty caused some upset in the classic car community when the Ministers' press release was issued in early April, with some people (including the media) misinterpreting this as applying to everyone who puts their rego on hold. However, it only applies to those who tell NZTA they don't plan to use the vehicle for at least 3 months, and are then caught doing so more than once.

The changes to penalties are:

LEGISLATION UPDATE

A round-up of planned legislative changes that may affect club members:

Demerits introduced for vehicle rego and licence offences

From 1 May 2011, it will be possible for drivers to receive up to 20 demerit points on their licence for driving an unregistered or unlicensed motor vehicle.

The introduction of demerits, in conjunction with lower fines, is designed to crack down on vehicle owners who deliberately avoid paying their vehicle licence fees. With the cost of licensing some vehicles at over \$600 a year, some

Offence	Current penalty <i>(will continue to apply to offences enforced by parking wardens)</i>	New penalty <i>(only for tickets personally served by a police officer)</i>
Unregistered	\$200	\$150 plus 20 demerit points
No plates affixed	\$200	\$150 plus 20 demerit points
Driving while licence on hold	\$200	\$150 plus 20 demerit points
Unlicensed vehicle	\$200	\$100 plus 15 demerit points
Current licence label not affixed	\$200	\$75

Safer Journey's Bill introduced – young drivers and drink drivers targeted

Parliament is shortly due to sign-off the Land Transport (Road Safety and Other Matters) Amendment Bill which includes a number of changes given priority in last year's *Safer Journey's* road safety strategy to 2020.

The main focus of the Bill is young drivers and drunk drivers, and it includes the following provisions which will be law by the middle of this year:

- raising the minimum driving age from 15 to 16;
- strengthening the Restricted licence test;
- lowering the youth blood alcohol limit (BAC) limit for drivers under 20 years of age from 0.03 (30 milligrams of alcohol per 100 millilitres of blood) to zero;
- introducing alcohol interlocks as a penalty for repeat or serious drink drive offenders;
- repeat drink drive offenders will be subject to a BAC zero limit for 3 years after they receive their licence back;
- increasing penalties for dangerous driving causing death.

Consumer Guarantees Act amendment

The Ministry of Consumer Affairs is proposing to change parts of the Acts governing consumer laws such as the Consumer Guarantees Act (CGA), Fair Trading Act and Auctioneers Act in response to the increased use of internet shopping and online auctions.

Under the current legislation, if for example you buy a fridge or a car off a professional dealer at their yard then you are covered under the CGA, which requires the goods sold to be fit for purpose and of acceptable quality (and in the case of a car, for the title to ownership to be guaranteed), and gives buyers legal redress if they aren't. But if you buy the same goods off the same dealer via TradeMe instead, you are not covered by the CGA (except, confusingly, if you use the 'buy now' or 'fixed price offer' options).

Consumer advocates have long seen this as an anomaly and have sought for the auction exemption to be removed from the CGA. An amendment to the CGA which does exactly this is to be introduced to Parliament shortly. Importantly, it only applies to online auctions or competitive tenders by professional sellers – private sales on TradeMe are unaffected, just as in-person private sales don't come under the Act.

Some dealers argue they need the current auction loophole to dispose of low-value vehicles they could not reasonably guarantee, and suggest that if auctions are included in the CGA they will no longer be able to accept low-value trade-ins.

One does wonder how they used to dispose of unwanted cars before TradeMe came along, and why they can't continue to do this now – for example selling the car to a third party dealer or wrecker, or via an auction house like

Turners ('proper' independent auctions remain exempt under the CGA amendment). Of course, dealers could simply list all known faults of the vehicle and ask the buyer to acknowledge this before completing the transaction (thereby absolving any responsibility for claims relating to these faults).

In any case, the proposed amendment is unlikely to reduce the availability of cars for sale, but it might mean fewer cars sold by dealers via TradeMe, or more dealers refusing trade-ins – meaning owners will have to sell them privately (including via TradeMe!).

The following is a summary of some recent submissions we have completed on Member clubs' behalf:

Driver Licensing Amendment Rule

This Rule contains a number of changes giving effect to some of the initial actions in the Government's *Safer Journey's* strategy, chiefly relating to improving the safety of young drivers and motorcyclists which are high risk groups.

The key changes include introducing competency-based training and assessment (CBTA) programmes for novice motorcyclists. These tailored motorcycle courses will reduce the time required on each licence phase by six months, however the Rule also removes the option of undertaking a generic advanced driving course like DDC.

Other changes include replacing the current 250cc engine capacity restriction for learner and restricted motorcyclists with a power-to-weight ratio restriction of 150kW/tonne, in common with overseas practice, and abolishing the 70km/h speed restriction for novices. Another key change is to introduce a moped licence and removing the option of riding a moped on a car (Class 1 licence); all moped riders must obtain a moped (or motorcycle) licence within three years.

The FOMC's submission supported the changes for novice drivers, and cautiously supported the introduction of a mandatory CBTA (administered by NZTA) although we opposed the consequent removal of the current option of an alternative Defensive Driving course or similar offered by the private sector.

We also fully endorsed the removal of the 70km/h Learner restriction and replacement of the 250cc restriction in favour of a power-to-weight ratio.

Regarding the introduction of a specific moped licence, the FOMC said this made sense for new riders but not experienced moped riders or owners of classic mopeds (bicycles with auxiliary clip-on motors): *"the original collectors' mopeds are ridden by enthusiasts who have often never ridden a full sized motorcycle. To expect these experienced riders to [obtain a moped licence] would be inconvenient to say the least."*

Instead, we suggested that such riders be issued with the new class 6M moped licence provided they have had a Class 1 car licence for at least 5 years and can prove they own a registered moped (not necessarily licensed).

Road User Charges Bill

The FOMC recently prepared a detailed submission on the Road User Charges Bill, which contains a number of proposals to modernise and ostensibly simplify the RUC system recommended in the 2008 independent review. Transport Minister Steven Joyce says the changes are the most significant since the scheme was introduced in 1978.

The key proposal is to change the definition of vehicle weight. Currently operators of heavy vehicles have to estimate the actual gross weight they will carry. The Bill proposes to use the maximum weight the vehicle can carry (the lesser of the vehicle manufacturer's Gross Vehicle Mass or the maximum allowable mass). The Bill preamble suggests this will encourage more efficient loading and can be more easily enforced, but in reality it favours those vehicles that travel consistently with heavy loads at the expense of those that have varying or light loads (e.g. motorhomes, buses and light trucks).

The Bill also proposes to remove the time licence system, and replace the cumbersome process for calculating RUC infringements for light diesels (under 3,500kg) with a flat \$200 fine for vehicles that don't have a current RUC licence (the same fine as having no WoF or registration). The Bill also provides for improvements to facilitate optional electronic Road User Charge systems.

In our submission, the Federation pointed out that the statement of the intent in the Bill, being *"in proportion to the costs that the vehicles generate"* was at complete variance with the body of the Bill, which if implemented as tabled, overrides the fundamental common law principle of fairness and equity by imposing a universal rating charge on all heavy vehicles to their maximum permissible weight with total disregard to vehicle type or use.

"The proposed application of this Bill would throw the principle of user pays out the window. The result, we suggest, is that it will impose additional costs regardless of actual laden use on approximately 70% of the vehicles weighing over 6000kg GVM in NZ."



On behalf of affected Member clubs like the Motor Caravan Association and vintage farm machinery band military vehicle clubs, we highlighted the change to two examples of large motorhomes, where based on current RUC figures, cost increases of more than \$300 per 1,000km were identified. We also presented the example of a heritage truck, where the increase would be in the order of 480%. Our submission said we were concerned that many other examples exist across the commercial and non-commercial fleet.

"This will impose a substantial additional charge on this section of vehicle owners that neither meets the test of paying in proportion to cost or use, or the test of fairness...Most [owners] are retirees and as non-commercial operators cannot recover these large increases. No provision in the Bill has been made to remedy this inequitable situation."

We said the move to a maximum RUC rating on all vehicles over 3500kg will result in a direct cross subsidisation of the long-haul heavy commercial vehicle fleet who enjoy very much higher laden percentages from that of the small operator service sector.

We believe that this Bill attempts to represent a 'one size fits all' scenario. We submitted it does not and will discriminate against most of the small commercial and non-commercial operators within the community.

We suggested that before this Bill proceeds, a clear distinction needs to be made between commercial operators and any other low volume commercial and non-commercial users in order to address the very serious and unjustifiable equity issue this Bill creates.

- *The Federation presented our submission to a public hearing of the Transport & Industrial Relations Select Committee in Wellington on 14 April.*

Omnibus Amendment Rule

The latest Omnibus Amendment Rule contained relatively minor amendments to six Land Transport Rules, including the Vehicle Standards Compliance Rule. The main change is a requirement for mopeds to be visually inspected and to have a Vehicle Identification Number before they can be registered.

The NZTA says that currently, mopeds do not have to have a VIN to enter to the fleet, and consequently they are not inspected for compliance with safety standards. The Rule removes this exception, to stop some motorcycles being fraudulently registered as mopeds, and to ensure they meet minimum safety standards. The addition of a VIN also means that mopeds could be inspected for a WoF, should this be considered in future.



The FOMC's submission did not oppose the VIN proposal, but urged that it not be a retrospective requirement and should be applied from a given date of manufacture: a restored moped being re-registered should not be required to have a VIN plate.

The new Rule comes into effect on 1 July 2011.

- *copies of our submissions can be downloaded from:*
www.fomc.org.nz