

Compliance

1. **Driver Licence Translation**

The Rental Vehicle Association has partnered with Global Translations this summer, to provide a quick and easy driver licence translation service for operators when renting to overseas visitors.

Pricing is competitive, with a small margin going back to the RVA which will enable us to provide more overall benefit to members.

The service can be accessed at:

[Home | RVA TRANSLATIONS](#)

2. **Digital Drivers licence guidance** – For [digital_driver_licences_guidance pdf](#), click [here](#)

3. **Drivesafe Best Practice Guidelines**

The RVA is please to make this year's DriveSafe collateral available to you online ex the TIA. TIA's in-house comms team and the RVA refreshed the website, guidelines and digitised the brochure. Operator audits are no longer being conducted.

[DriveSafe | New Zealand Driving for International Visitors » Drive Safe](#)

4. **RVA Code of Conduct**

Our Code of Conduct sets out the standards the RVA expects its members to meet in all aspects of the renting of their vehicles. Adherence to the standards set by this Code is a condition of RVA membership. For [code_of_conduct pdf](#), click [here](#).

5. **Fair Trading Act for Operators**

There are obligations rental vehicle operators must follow under New Zealand's Fair Trading Act:

- What you say or imply about your price must be true.
- Your advertised price must be available and main conditions of pricing must be stated outright – to ensure at face value, pricing is not misleading.
- Consumers must not be lead to believe they are receiving limited time offers when a particular price is available regularly.

To view the full article – [fair-trading-act-for-operators pdf](#), click [here](#).

More information on New Zealand's Fair Trading act can be found here: [Fair Trading Act | Consumer Protection](#)

6. **Fair Trading Act for Over-the-Counter Agreements (OTA's)**

False representation claims are ripe in the area of advertised price.

An inaccurate advertised price is a false representation - the advertised price and ticket price must be identical.

Advertised price & ticket price

In a supermarket, the ticket price (ticket price hanging below the product on a shelf) must be honoured even if the price programmed into the scanning system is different. This is due

to the fact that a consumer has decided to purchase the product based on the price they see on the shelf.

Again, because customers might choose products based on price, all prices should include GST as this is a cost all customers are required to pay.

For fair-trading-act-for-otas pdf, click [here](#).

7. Transport Service Licences

Under the Land Transport Act 1998 a transport service license (TSL) needs to be obtained in order to carry on a rental, passenger, goods or vehicle recovery service. There are different types of TSLs for each type of service. A person operating a rental service needs to obtain a rental service license (RSL) and must include their RSL number in their rental vehicle agreements.

The purpose of a TSL is to show that a person has the relevant knowledge of the laws and practices relating to the safe and proper operations of the relevant transport service, and that he or she is 'fit' to operate such service.

The requirement to obtain a TSL applies to the person (which could be an individual or a company) who carries on a transport service. This means that an employee using a work vehicle to carry on the employer's transport service would be operating under the employer's TSL.

Criteria for obtaining a RSL

- Complete a personal details form
- Complete a rental service licence application form
- Pay an application fee of \$449.80
- Provide a copy of a certificate of incorporation
- Pass a 'fit and proper' person assessment, where the applicants criminal history, any transport related offences, any history of behavioural problems or any other matters considered relevant will be taken into account
- Obtain a certificate of knowledge of law and practice

The relevant forms to apply for a RSL can be found on the NZTA website: <https://www.nzta.govt.nz/assets/resources/transport-service-licence-application/docs/rental-service-licence-application.pdf>

Can a hirer rely on the rental car company's transport service licence?

If a hirer of a rental car is using that rental car to provide a further transport service, such as a passenger service, the hirer cannot rely on the rental vehicle operator's TSL. Instead, that hirer must hold and display their own passenger service licence (PSL). This is because although both a RSL and a PSL are types of TSLs, they are different licences and have different requirements. They cannot be used interchangeably.

While for both TSLs, the legal fit and proper person criteria has to be met, the requirement to obtain and hold a certificate of knowledge of law and practice does not apply to operators of rental services. It does however apply to operators of passenger services as such service arguably involves a higher element of public safety.

Therefore, it would be illogical if someone carrying on a passenger service in a rental vehicle could simply rely on the rental operator's RSL which requires less onerous steps to acquire.

The Land Transport Act further prohibits the transferal or lease of a TSL to any person. This again supports the view that a hirer intending to use a rental vehicle for a passenger service must hold a separate PSL, rather than using the operator’s RSL.

Consequences of non-compliance with TSL requirements

It is illegal to operate an unlicensed transport service of any kind. An individual may be fined up to \$10,000 if convicted and may face further fines of up to \$25,000 for subsequent convictions.

An enforcement officer must also seize and authorise the impoundment of a motor vehicle for 28 days if the driver does not hold the appropriate TSL, regardless of who owns the vehicle.

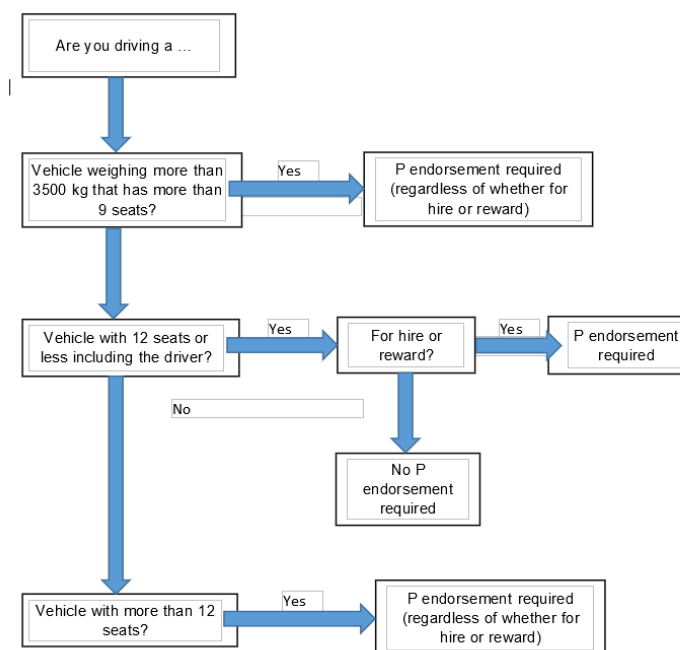
This means that a hirer using a rental vehicle to provide a passenger service without holding a PSL would not hold the appropriate TSL and may result in the rental vehicle being impounded. The rental car company would then be liable to pay the fees and charges for towage and storage of the vehicle.

8. Passenger Services

A customer hiring a rental vehicle in order to provide a passenger service needs to hold a passenger service licence, a passenger endorsement, and needs to be provided with a vehicle that complies with the Passenger Service Vehicle Rule by being certificate of loading certified.

A passenger service means to either carry passengers for hire or reward in a motor vehicle, or to carry passengers in a large passenger service vehicle (which is a vehicle that has more than 12 seats) regardless of whether this is for hire or reward.

When a passenger endorsement is required (click [here](#) for pdf):



Definition of 'hire or reward'

'Hire' means there is specific compensation for carrying passengers or freight, but it is not necessary that the carrier makes a profit.

'Reward' means any 'valuable consideration', usually in situations where one person performs a useful service for some other person, and the person performing the service is given recompense (reward) for that service. It includes cases where there is no obligation to pay.

The following scenarios are examples of 'hire and reward' situations:

- When passengers pay a specific charge that is expected as a condition of carriage, including part payments to cover fuel and donations
- When the person or organisation providing the service receives specific funding to do so (e.g. a Ministry of Health grant to take older people on outings)
- When passengers are carried as an integral part of, or reasonably necessary to provide, another service or activity (other than a transport service) for which payment is made.

9. **Certificates of Loading** (For CoL pdf, click [here](#))

What is a certificate of loading?

A certificate of loading (CoL) is a certificate that states the vehicle's weight ratings, and the maximum number of passengers allowed if it is a passenger service vehicle (PSV). A CoL is needed under both the Vehicle Standards Compliance Rule (VSC Rule) and the Passenger Service Vehicle Rule (PSV Rule). Depending on which rule applies, a CoL will need to record different things.

What vehicles need a CoL?

All vehicles which fall within either the VSC Rule, the PSV Rule, or both, need to have an appropriate CoL in order to get a certificate of fitness.

Relevant to all RVA members, all vehicles used in a rental service, except light rental vehicles (not exceeding 3500 kg) that are not PSVs, need a CoL under the VSC Rule.²

All vehicles that are passenger service vehicles also need a CoL under the PSV Rule.

A PSV is a

- a) Vehicle used in a passenger service (ie a vehicle carrying passengers for hire or reward), no matter how many seats it has; or
- b) Vehicle with more than 12 seats (regardless of whether or not it is used for hire or reward); or
- c) A heavy motor vehicle (exceeding 3500 kg) with more than nine seats (regardless of whether it is used for hire or reward).

VSC CoL

This means that all heavy rental service vehicles, whether or not used in a passenger service, need to have a CoL that meets the VSC Rule. A CoL under the VSC Rule needs to record several loading and weight limits. See appendix A for more information.

PSV CoL

All rental vehicles that also fall within the above definition of a PSV need to meet the requirements of the VSC Rule and the PSV Rule.

The PSV Rule lays out general safety requirements and vehicle standards for all PSVs. It covers the following:

- Entrances and exits
- Aisles (space, steps and ramps)
- Seating
- Emergency exits (locations, signs and design)
- Safety features
- Stability and structural strength
- Certificate of loading

A CoL under the PSV Rule needs to record information on the maximum number of passengers, as well as the information needed under the VSC Rule. See appendix B for more details.

Summary

The following vehicles need to have a CoL that meets both the VSC and PSV Rule:

- All rental vehicles with more than 12 seats whether or not used in a passenger service
- All heavy rental vehicles (gross vehicle mass exceeding 3500 kg) with more than nine seats, whether or not used in a passenger service
- All light rental vehicles (gross vehicle mass not exceeding 3500 kg) that are used in a passenger service and are therefore PSVs

This means the only rental vehicles that do not need a CoL are light vehicles that are not used in a passenger service.

Consequences on rental service operator, hirer and drivers

1. If a rental vehicle is used as a PSV, the hirer has an obligation to tell the rental service operator this to make sure the hired vehicle has the appropriate CoL. A hirer who fails to do this will be in breach of the rental vehicle agreement
2. The hirer of the PSV also needs to have the appropriate passenger service licence, and the driver must have a P endorsement on their driver's licence
3. A hirer who is running a passenger service in a rental vehicle that does not have the right CoL is in breach of the Land Transport Act and may receive an infringement fee of \$600
4. A rental service operator hiring vehicles that do not have the right CoL is in breach of the Land Transport Act and upon conviction may be liable for a fine up to \$2000.

Appendix A

A CoL under the VSC Rule needs to record the following:

- a) Information that identifies the vehicle, including
 - a. Its registration number
 - b. Its make, model and submodel
 - c. Its vehicle identification number or chassis number
- b) Details of the vehicle's
 - a. Gross vehicle mass
 - b. Unladen vehicle mass
 - c. Wheelbase
 - d. Number of axles
 - e. Overdimension information if applicable
 - f. Axle spacings
- c) For a PSV that is a vehicle of Class MD1 or Class MD2, its
 - a. Front-axle weight ratings if available
 - b. Rear-axle group weight ratings if available
 - c. Front-axle tyre designation and tyre capacity
 - d. Rear-axle group tyre designation and tyre capacity.
- d) Relevant endorsements or statements provided for in applicable requirements
- e) Further details and conditions that have been specified for the vehicle's operation.

Appendix B

For a CoL to also meet the PSV Rule, it needs to include the following:

- a) If a vehicle has more than nine seating positions, the maximum axle and/or axle-set masses if available
- b) The maximum roof-rack load
- c) The maximum number of seated adult passengers
- d) The maximum number of standing adult passengers.