

# Traffic compliance scheme

## Table of Contents

Table of Contents	2
Policy statement and principles	3
What	3
Why	3
How	3
Guidance on traffic enforcement	4
Factors to consider	4
Written Traffic Warning	4
Traffic compliance	4
Who can offer traffic compliance?	4
Qualification criteria for traffic compliance	6
Offering traffic compliance	8
Drivers under 14 years of age	8
Factors to consider	8
Compliance procedure	8
Special operations	8
Police Infringement Bureau role	9
PIB procedure	9
Traffic compliance scheme breaches	9

## Policy statement and principles

### What

Traffic compliance is an alternative to paying a traffic infringement fee or prosecuting for minor offences that fall within the [qualification criteria](#). The fee associated with an Infringement Offence Notice (ION) can be waived if the offender (owner or driver) supplies evidence to Police, through the Police Infringement Bureau (PIB), that a defect has been remedied or a requirement has been met.

### Why

Traffic compliance is available only for a limited number of minor traffic infringement offences. Traffic compliance allows the offender to achieve compliance through the redirection of the infringement fee, into fixing the faults or problems that caused the infringement to be issued.

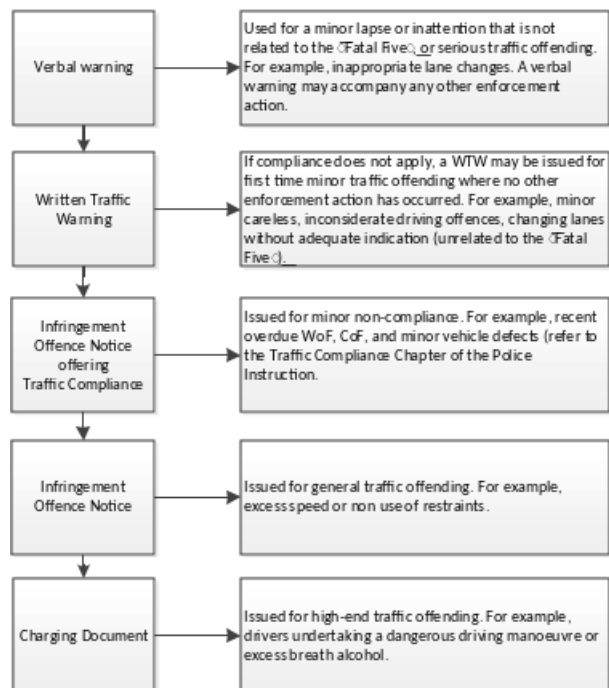
### How

- Warnings should not be issued for offences that are either emerging risks (such as illegal use of cell phones or other devices, otherwise known as “Fatal Five” offences), or pose significant risks such as substantive breaches of graduated licence conditions.
- Both constables and appropriately warranted authorised officers can offer traffic compliance.
- Traffic compliance can be offered for a limited number of minor traffic infringement offences only. Offences where a charging document would be issued are not eligible for the traffic compliance scheme.
- Traffic compliance cannot be offered to people under the age of 14 (infringements must not be issued to those under the age of 14).
- If compliance is offered as part of issuing an ION, the offender must be advised and informed of what they must do to avoid paying the fee. The ION will identify which offence(s) have been offered compliance and details of the compliance period.
- PIB Adjudicators make the decision whether the offender has met the terms of the traffic compliance offer or not.
- The PIB record the ION and the traffic compliance offer. PIB also record and may inform the appropriate district of breaches of the traffic compliance policy.

## Guidance on traffic enforcement

The intervention(s) used by constables is dependent on the individual circumstances, including the nature of the offending committed by a driver. There are four main responses:

- verbal warnings
- written traffic warnings **or** traffic compliance
- infringement offence notices
- charging document.



## Factors to consider

When deciding if offering traffic compliance is appropriate, consider the following:

- What is the history of the offender, including any charge history, demerit history under driver licence, entries in the 'Warnings' node of the NIA person or dossier view and alerts for previous warnings?
- Are there any mitigating or aggravating factors?
- How serious was the incident?
- What are the views of any victims or complainants and the degree of any loss or harm they may be facing?

## Written Traffic Warning

Refer to the '[Written traffic warnings](#)' chapter.

## Traffic compliance

Traffic compliance is an alternative to paying a traffic infringement fee or prosecuting for minor offences that fall within the [qualification criteria](#). It is only available for traffic infringement offences listed in the [qualification criteria table](#). Offences where a charging document would be issued are not eligible for the traffic compliance scheme.

The Traffic Compliance Scheme involves waiving the notice if the offender (owner or driver) supplies evidence to Police, through the Police Infringement Bureau (PIB) that a defect has been remedied or a requirement has been met. Traffic compliance allows the offender to redirect the fee that would have been payable, towards fixing the faults or problems that caused the infringement to be issued. This provides a better road safety outcome.

## Who can offer traffic compliance?

Constables and appropriately warranted authorised officers issuing an infringement offence notice (ION) have the discretion to offer traffic compliance subject to the [qualification criteria](#).



## Qualification criteria for traffic compliance

Constables and Authorised Officers issuing an ION can offer traffic compliance subject to the offender meeting the qualification criteria listed in this table. Offences where a charging document would be issued are not eligible for the traffic compliance scheme (e.g. driving while forbidden).

Offence	Compliance may be offered for...	Compliance conditions	Do not offer compliance for...
<b>Child safety restraints</b>	failing to use an approved child safety restraint for a child under seven years, if one is not fitted or the one fitted is not approved	Allow 14 days to correct the fault.  Offender <b>must</b> provide proof of hire or purchase to ensure item is not borrowed.	Failing to use an approved child safety restraint for a child under seven in a vehicle that has one fitted.
<b>Warrant of fitness (WOF)*</b>	a WOF expired by up to one month	Allow 14 days to obtain a WOF.	WOF has expired by over one month.  No WOF is displayed.
<b>Certificate of Fitness (COF)*</b>	a COF expired by up to seven days	Allow 14 days to obtain a COF.	COF has expired by over seven days.  No COF is displayed
<b>Minor vehicle defects</b>	<ul style="list-style-type: none"> <li>• minor vehicle defects</li> <li>• worn tyre(s)</li> <li>• light fitted but not working</li> <li>• noise or smoke.</li> </ul>	Allow 14 days to correct the fault.	<b>Serious</b> vehicle defects.
<b>Driver licences</b>	<ul style="list-style-type: none"> <li>• drivers licence expired less than 12 months ago</li> <li>• never held an appropriate drivers licence</li> <li>• breach of graduated driver licence conditions</li> <li>• including conditions imposed when transitioning to a New Zealand Driver Licence from a overseas licence**</li> <li>• wrong licence class.</li> </ul>	<p>Allow 28 days to gain appropriate licence.</p> <p>If a licence test appointment is not available in this timeframe, <u>PIB</u> may extend.</p> <p>Consider if a local driver mentoring programme may be a suitable compliance option in the circumstances.</p>	<p>A graduated licence breach if the driver is ineligible to progress GDLS licence classes.</p> <p>A serious breach of a graduated drivers licence conditions.</p>
<b>Cycle helmets</b>	<ul style="list-style-type: none"> <li>• failure to wear an approved helmet</li> <li>• no helmet available.</li> </ul>	<p>Allow 14 days to correct the fault.</p> <p>Offender <b>must</b> provide proof of purchase to ensure item is not borrowed.</p>	Approved helmet is available but not worn.
<b>Cycle lighting</b>	<ul style="list-style-type: none"> <li>• light fitted but not working</li> <li>• no light fitted.</li> </ul>	Allow 14 days to correct the fault.	
<b>Vehicle licensing</b>	<ul style="list-style-type: none"> <li>• vehicle licence expired less than 12 months ago</li> <li>• vehicle has a non-NZTA issued plate on their vehicle.</li> </ul>	Allow 14 days to comply.	

\* It is illegal to drive a vehicle on a road if it does not meet WOF/COF requirements or does not display a current WOF/COF label. A vehicle may only be driven on the road under these circumstances, when safe to do so, if it is being driven

somewhere for repair or to get a new WOF/COF.

\*\* For example, when a person has converted their overseas licence to a New Zealand Drivers Licence with the condition that they must be 'accompanied by a supervisor' until a practical test has been sat. Compliance can be issued to encourage drivers to sit this practical test.

**Note:** The PIB routinely check all vehicles detected speeding, by a speed camera, for a current WOF or COF. Any of these vehicles that does not have a current WOF or COF for a period of seven days, from the date of the speeding offence, will be issued an ION for no evidence of current vehicle inspection. This notice will have a 28 day compliance period, due to additional processing times.

## Offering traffic compliance

### Drivers under 14 years of age

Do not offer traffic compliance to people under the age of 14 years (infringements must not be issued to people under 14 years of age). Refer to the '[Offence notices](#)' chapter for further information on traffic offending by children and young persons

### Factors to consider

To assist in the use of discretion and to make an appropriate decision, you should consider these factors:

- Is this the first offence of this nature or has the offender come to notice for similar offences?
- Does the explanation given appear reasonable?
- Are there any aggravating factors?
- How long has the offender been aware of the fault or problem?
- What is their explanation why nothing has been done in the interim?
- Is the vehicle booked in for repairs or a WOF/COF?

### Compliance procedure

Once the decision is made to offer traffic compliance, these steps should be taken.

Step	Action
1	Complete the <a href="#">ION</a> as normal and select Compliance for the relevant infringement offence(s) - see 'ION procedure' in the ' <a href="#">Offence notices</a> ' chapter.
2	Advise the offender traffic compliance is being offered and explain exactly what they must do to obtain compliance and avoid paying a fine.  Be specific and explain: <ul style="list-style-type: none"> <li>• what has to be fixed</li> <li>• when it has to be fixed by</li> <li>• what to email or send to the <a href="#">PIB</a> to prove the fault has been fixed and</li> <li>• the consequences of failing to comply.</li> </ul>
3	Make it clear to the offender that traffic compliance does not allow them to continue committing the offence. It simply allows time (and money saved by not paying the fee) to correct a fault or defect.
4	Once the offender understands their obligations, write the following details in the 'Notes' section of the <a href="#">ION</a> : <ul style="list-style-type: none"> <li>• the expiry date of the vehicle's WOF (if relevant)</li> <li>• add further information for adjudicators, and check the number of days that compliance is valid for (14 or 28 days depending on the offence) and</li> <li>• ensure the traffic compliance notes clearly indicate which offence the notes relate to.</li> </ul>
5	Give the offender the opportunity to ask final questions.

### Special operations

Districts may run specific traffic compliance operations, offering compliance outside of this policy, only with the approval of the Manager Operations: Road Policing Support.



## Police Infringement Bureau role

### PIB procedure

For traffic compliance the PIB follows these steps.

Step	Action									
1	An ION with traffic compliance details is received by the PIB.									
2	The ION details are entered into PIPS like any other ION, and the final due date for fines payment is calculated.									
3	When an offender accepts the compliance offer and sends PIB proof that the fault has been rectified before the final due date, the PIB refers the ION to an adjudicator. <table border="1" data-bbox="140 577 1513 1041"> <thead> <tr> <th>If the adjudicator...</th> <th>the offence... and...</th> <th></th> </tr> </thead> <tbody> <tr> <td>is satisfied with the rectification proof</td> <td>will be waived</td> <td>a standard waiver letter is sent to the offender.</td> </tr> <tr> <td>is not satisfied with the rectification proof</td> <td>will not be waived</td> <td>a standard non-waiver letter is sent to the offender requiring fine payment by the original final due date. <b>Note:</b> The adjudicator has discretion and may extend this period if the original due date does not allow a reasonable time for the offender to pay the infringement after the non-waiver decision has been made).</td> </tr> </tbody> </table>	If the adjudicator...	the offence... and...		is satisfied with the rectification proof	will be waived	a standard waiver letter is sent to the offender.	is not satisfied with the rectification proof	will not be waived	a standard non-waiver letter is sent to the offender requiring fine payment by the original final due date. <b>Note:</b> The adjudicator has discretion and may extend this period if the original due date does not allow a reasonable time for the offender to pay the infringement after the non-waiver decision has been made).
If the adjudicator...	the offence... and...									
is satisfied with the rectification proof	will be waived	a standard waiver letter is sent to the offender.								
is not satisfied with the rectification proof	will not be waived	a standard non-waiver letter is sent to the offender requiring fine payment by the original final due date. <b>Note:</b> The adjudicator has discretion and may extend this period if the original due date does not allow a reasonable time for the offender to pay the infringement after the non-waiver decision has been made).								
4	If an offender who has been sent a non-waiver letter, does not pay the fine by the final due date, PIB refer the matter to the Ministry of Justice for fines collection.									

### Traffic compliance scheme breaches

If the PIB detects breaches of this traffic compliance policy, they may notify the officer who issued the notice and their immediate supervisor, as to the correct application of the policy and procedures.

**Version number:** 16

**Owner:** NM: Road Policing

**Publication date:** 30/05/2017

**Last modified:** 06/03/2019

**Review date:** 29/09/2019

Printed on : 14/08/2020

Printed from : <http://tenone.police.govt.nz/pi/traffic-compliance-scheme>