

## Exemptions from the Graduated Driver Licensing System

Exemptions from the Graduated Driver Licensing System are assessed on a case by case basis. When assessing exemptions from the Graduated Driver Licensing System, section 166 of the Land Transport act 1998 is taken into consideration.

### 166 Agency may grant exemptions

- (1) The Agency may, if the Agency considers it appropriate and upon such conditions as the Agency considers appropriate, exempt a person, vehicle, rail vehicle, or land transport related service from a specified requirement in a rule made under this Part.
- (2) Before granting an exemption under this section, the Agency must be satisfied in the circumstances of each case that the risk to safety will not be significantly increased by the granting of the exemption and that—
  - (a) the requirement has been substantially complied with and that further compliance is unnecessary; or
  - (b) the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement; or
  - (c) the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or
  - (d) events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case.
- (3) The number and nature of exemptions granted under subsection (1) must be notified in the *Gazette* at intervals not longer than 3 months.
- (4) Nothing in this section applies in a case where a rule specifically provides that no exemptions are to be granted, but in other cases nothing in the rules limits or affects the Agency's powers under this section.

While taking into consideration the above legislation, the New Zealand Transport Agency will look at the below factors when assessing an exemption application as all of the below can help determine if there will be a risk to road safety to the applicant and other road users when considering the granting of an exemption.

- The timeframe the applicant has held their **current** class of licence for, for example, if the applicant has only held a class of licence for less than 3 months, the NZTA may not be satisfied that enough on road experience has been gained to allow them to travel outside of the conditions of their licence, in this instance, a defensive driving course or a driving assessment may be requested if it is deemed appropriate.
- Any traffic offences that have been incurred on the applicants licence within the last two years.
- Any previous licence tests that have either been stopped by a Testing Officer or where an applicant has failed a test.
- The distance requested for travel and if fatigue could be a factor if requesting to drive between 10pm – 5am.