



Cabinet Economic Development Committee

Summary

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Mandating Anti-Lock Braking Systems for Motorcycles: Proposed Consultation

Portfolio Associate Transport (Hon Julie Anne Genter)

Purpose This paper seeks agreement to undertake consultation on proposed amendments to the Land Transport Rule: Light-vehicle Brakes 2002 (the Rule) to mandate the fitting of an anti-locking braking system (ABS) on motorcycles over 125cc or a simpler system known as a combined braking system (CBS) on smaller motorcycles.

Previous Consideration On 21 March 2018, DEV agreed to commence the development of a new road safety strategy, and noted a number of actions that are being planned to significantly reduce deaths and serious injuries on New Zealand roads [DEV-18-MIN-0025]. This included further work to confirm the costs and benefits of mandating standards for ABS for motorcycles.

Summary International research has overwhelmingly concluded that ABS has significant safety benefits for motorcyclists. Crashes involving motorcyclists are a disproportionate contributor to deaths and injuries on New Zealand roads. ABS is therefore a highly desirable feature to have fitted to all motorcycles entering the fleet.

It is estimated that around 60 to 70 percent of new motorcycles entering the fleet in 2017 were already fitted with ABS, and that less than 10 percent of used motorcycles entering the fleet had ABS. The proposed amendment, which mirrors recent changes adopted in Australia, would mandate the fitting of ABS to all new motorcycles entering the fleet from 1 November 2019, and to used motorcycles from 1 November 2021 (subject to consultation).

It is proposed that there be an exception for 'collectable' and vintage motorcycles that are not intended for regular use if they are manufactured prior to a certain date. Feedback will be sought on a range of cut-off dates (1 January 1970, 1980 and 1990).

The proposed changes would not affect motorcycles already in the fleet. Officials have concluded that, while theoretically possible, it would be too complex and expensive to introduce a requirement for retrofitting ABS for the existing motorcycle fleet. In addition, motorcycles not intended for on-road use (including trial and endure motorcycles) would not be required to fit ABS, and an exception will be created for motorcycles of any age that are imported by immigrants as part of their household possessions.

Consultation will also be undertaken on a proposal to remove the requirement for a specific type of three-wheeled motor tricycle, referred to as 'twinned wheeled', to be fitted with a park brake. This type of brake is not required in other jurisdictions, and the proposed amendment would remove the need for the

New Zealand Transport Agency to issue exemptions.

**Regulatory
Impact Analysis**

A Regulatory Impact Statement (RIS) is **attached**. The Ministry of Transport considers that the RIS partially meets the quality assurance criteria (**paragraphs 78-81**). The RIS will be updated after the consultation.

**Baseline
Implications**

Implementation costs associated with mandating ABS will be funded from the Vehicle Safety Standard Levy, and will be fiscally neutral to the Crown.

A cost benefit analysis is **attached**.

**Legislative
Implications**

An amendment to the Land Transport Rule: Light-vehicle Brakes 2002 is proposed. The proposed amendment is included in the 2018/19 Transport Rules Programme.

Consequential amendments will also be required to the Land Transport (Certification and Other Fees) Regulations 2014, and to the Land Transport (Offences and Penalties) Regulations 1999.

Authority is sought for the Associate Minister of Transport to amend the Rule without further reference to Cabinet unless contentious issues arise in the course of the development of the Rule or new policy decisions are required.

Timing Issues

The introduction dates for the new requirement is subject to the outcome of the consultation.

Announcement

The Associate Minister of Transport will issue a press statement and the draft rule and explanatory material will be published for consultation in February 2019.

A communications package will be developed, which will commence being delivered in early to mid-2019.

**Proactive
Release**

This paper, together with the draft RIS and cost benefit analysis, will be proactively released, subject to any appropriate redactions.

Consultation

Paper prepared by Transport. Treasury, MFAT, Justice, Police and MBIE were consulted. DPMC was informed. NZTA was also consulted.

The Associate Minister of Transport (Hon Julie Anne Genter) indicates that the Prime Minister, Minister of Finance, Minister of Transport, Minister of Police and Minister of Customs were consulted, and that New Zealand First, the Green Party and the Labour Party were also consulted.

The Associate Minister of Transport (Hon Julie Anne Genter) recommends that the Committee:

- 1 note that anti-lock braking systems (ABS) and combined braking systems (CBS) in smaller motorcycles are a now a low-cost motorcycle safety technology, with proven effectiveness in reducing the incidence of motorcycle crashes;
- 2 note that investigating whether to mandate anti-lock braking systems for motorcycles is a deliverable of the Safer Journeys Action Plan 2016-2020;
- 3 agree that, in order to improve the safety of New Zealand's motorcycle fleet, the Associate Minister of Transport (Hon Julie Anne Genter) will commence the preparation of an amendment to the Land Transport Rule: Light-vehicle Brakes 2002 (the Rule);
- 4 agree to consult on a proposal to mandate ABS for motorcycles 125cc and over, and for either ABS or CBS for motorcycles that are between 50cc and 125cc, that enter the fleet according to the following timetable:
 - 4.1 1 November 2019 for all new-model new motorcycles entering the fleet;
 - 4.2 1 November 2021 for existing-model new motorcycles and all used motorcycles entering the fleet;
- 5 agree that:
 - 5.1 the requirement to fit ABS to motorcycles will also apply to three-wheeled motorcycles;
 - 5.2 switching technology to deactivate ABS will be acceptable on specific types of motorcycles intended for use on unsealed roads or off-road where this is allowed in the relevant Australian Design Rule;
 - 5.3 a class, based on the criteria in the relevant Australian Design Rule, will be created for trial and enduro motorcycles for which ABS would not have to be fitted;
 - 5.4 public feedback will be requested on a range of fixed date exceptions from the requirement to fit ABS to motorcycles entering the fleet manufactured on or before 1 January 1990, with alternative dates proposed for consideration of:
 - 5.4.1 1 January 1970;
 - 5.4.2 1 January 1980;
 - 5.4.3 1 January 1990;
 - 5.5 an exception for motorcycles of any age that are imported by immigrants as part of their household possessions will be created;
 - 5.6 a new Special Interest Motorcycle system will be created to allow for a small number of collectable motorcycles without ABS manufactured after the fixed date exception to continue to be imported (supported by application fees and offences, and penalties consistent with the existing regime for other classes of vehicle);

- 6 agree to consult on a proposal to amend the Rule to remove the requirement for ‘twinned wheeled’ motor tricycles to be fitted with a park brake;
- 7 invite the Associate Minister of Transport (Hon Julie Anne Genter) to issue drafting instructions to the Parliamentary Counsel Office for consequential amendments to regulations to give effect to the Rule decisions (if required) once consultation is completed;
- 8 note that these proposals are not expected to significantly impact the availability or cost of motorcycles for New Zealanders, although the proposals may reduce choice, especially for used motorcycles;
- 9 note that the proposals are expected to deliver significant and immediate safety benefits to all users of motorcycles;
- 10 note the intention of the Associate Minister of Transport (Hon Julie Anne Genter) to implement the above proposals by making amendments to the Rule without further reference to Cabinet unless contentious issues arise in the course of the development of the Rule or new policy decisions are required.

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Committee Secretary

Hard-copy distribution:

Cabinet Economic Development Committee
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Minister of Health
Associate Minister of Transport (Hon Julie Anne Genter)