

**AA Submission: Frontal Impact Amendment Rule – Policy
Paper (20 Sep 2007)**

20 September 2007

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Dear Anne

FRONTAL IMPACT AMENDMENT – post-consultation policy paper

Introduction

Thank you for the opportunity to comment on the post-consultation policy paper setting out changes to the Frontal Impact Amendment Rule, chiefly covering details for Unique Collectible Vehicles (UCVs).

Firstly, the NZ Automobile Association (NZAA) commends Land Transport NZ for developing a policy to cater for the import of UCVs that might otherwise be prohibited from registration in NZ.

It is the NZAAs view that the enthusiast market should not be unduly disadvantaged by rules that are targeted at the bulk of mass-market vehicles intended for daily use. The small numbers of non-compliant UCVs that might be imported, or indeed are already in service in NZ, tend to be driven sparingly and for that and other reasons do not pose an undue safety risk. We therefore support the LTNZ proposal for there to some level of exemption for the import of non-compliant UCVs.

Comments on the policy paper proposals

Requirements for motorsport vehicles, passenger vehicles exceeding 2.5 tonnes GVM, and baggage vehicles

The NZAA supported the proposal to exempt these vehicles in our submission on the yellow draft of the Rule, with the exception of baggage vehicles. However, given the low annual volume of requests for exemptions for baggage vehicles, we defer to LTNZ on this point, however we agree the number should be monitored and if necessary, this exemption reviewed.

Exemptions

We had expected that any other exemptions would not be necessary if the above categories of vehicles, and UCVs, were catered for. However, we agree that these categories of vehicles should not be allowed exemptions from the requirements prescribed for them.

Unique Collectible Vehicles

The NZAA questioned the need to form an industry panel, and therefore we support the decision to abandon this proposal.

The NZAA welcomes the proposed definition of a UCV to be included in the redrafted Rule, which we consider to be well thought-out so as to encapsulate the wide range of UCVs that

could potentially be imported by the enthusiast market. However, we would like to propose some minor revisions:

- the vehicle is identifiable as being ‘collectible’ in independent motoring magazines or articles on specific websites;

AA comment: we support this criteria, although it could be very subjective.

- the vehicle was manufactured in annual volumes not exceeding 20,000 of that make and model;

AA comment: the word model should be replaced with ‘sub-model’; this would recognise limited edition, performance or coachbuilt versions of mass produced vehicles, e.g. a BMW M3 verses a standard 3-series, AMG Mercedes, or an Arden-modified Range Rover.

- the vehicle has a two-door coupe or convertible body style;

AA comment: we understand the inclusion of this criteria, although it could unfairly restrict the import of other unique collectible vehicles that are also not designed for performance use;

- the vehicle was designed for performance, including track use.

AA comment: while we support this criteria, it should be revised to read: “the vehicle was designed for performance, which may include motorsport use,” as performance cars purposely designed for track use would be too narrow a criteria.

Finally, we propose the inclusion of an additional criterion (we would propose that a UCV still be required to meet three of the, now five, criteria), namely:

- *the vehicle has a strong connection to a significant historic event or personality [or words to that effect].*

AA comment: this criteria was suggested in the yellow draft of the Amendment Rule, and is worthy of separate inclusion.

The NZAA supports the proposed ownership conditions to be placed on applicants wishing to import a UCV. These will ensure any importers are genuine enthusiasts and not importing for resale.

However, while we agree a quota should be applied to restrict the annual number of UCV imports, the NZAA considers that 50 units is too few. Although difficult to quantify, we believe there is considerable pent-up demand for late-model UCVs, particularly clubsport-type cars which can be driven on the road and track, like TVRs, pre-frontal impact supercars, or bespoke sports cars like Morgans, and that this demand could easily exceed 50 units per annum. Further, there are likely to be a significant number of unregistered UCVs already in NZ, waiting for a change in the regulations to permit their use on the road, and these are likely to overwhelm the modest quota in the first few years.

Instead, we propose expanding the quota, perhaps to 250 units per annum, and/or providing an amnesty for those non-compliant vehicles already in NZ (which must still meet 3 of the 4-5 UCV criteria), so they aren’t counted in the final quota figure that is chosen. This quota should be reviewed – up or down – after a couple of years in line with actual demand.

In support of a larger quota, the NZAA notes the argument proffered in the second-to-last paragraph of the policy paper, that the modest quota of 50 will “ensure the increase in risk is negligible”, in reference to the risk of an individual being involved in a crash as a result of non-compliance with the frontal impact standards. We think this argument is a little mischievous, given that the current Frontal Impact Rule freely permits the import of light SUVs manufactured before 2003 which don’t comply with any frontal impact standard. There are many thousands of these imported annually, most intended for regular use, and any risk of being in a crash in one

of these vehicles as a result of non-compliance is surely greater than that posed by the import of 50, let alone 250 non-compliant UCVs, especially when their use is usually more restricted. We suggest, as we did in our original submission, that more should be done to restrict the import of non-compliant SUVs, and in so doing, this would more than offset any increase in risk posed by the import of several hundred UCVs.

Finally, we note that anyone wishing to import a UCV under the proposed quota must apply for a 'confirmation letter' from LTNZ before purchasing and shipping the vehicle. Given that in some instances the purchase of a vehicle must take place within a short period of time (e.g. at auctions), we stress the confirmation that the vehicle is within quota must take place promptly, and seek an indication of the turnaround envisaged for reviewing the application and issuing the confirmation letter. We also wonder if there might be an opportunity for an appeal, if a purchaser is unsuccessful but believes they can produce more evidence in support of their claim.

In summary, we support this initiative to define Unique Collectible Vehicles. Subject to some minor amendments, we believe the definitions and criteria Land Transport NZ have devised will satisfy the enthusiast market while also meeting safety objectives for the national fleet.

Yours sincerely

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