

REGULATORY IMPACT STATEMENT
COMPLETING THE IMPLEMENTATION OF THE ROAD SAFETY TO 2010
STRATEGY: Introduction of demerit points on intersection and seatbelt non-wearing offences

EXECUTIVE SUMMARY

The proposals exploit the greater influence that demerit points have on driver/rider behaviour to address concerns about driver behaviour at intersections, and the use of seatbelts and motorcycle helmets. The paper also proposes removing some current seatbelt wearing exemptions to take account of improved occupant protection systems in modern vehicles and the integral part played by seatbelts in these systems.

ADEQUACY STATEMENT

The proposals in this paper do not have major economic development impacts and have, therefore, been reviewed within the Ministry of Transport. The Ministry of Transport confirms the paper meets the requirements for Regulatory Impact Statements.

STATUS QUO AND PROBLEM

The Land Transport Act 1998 places an obligation on the government to, among other things, promote safe road users behaviour and vehicle safety and to provide for a system of rules governing road users behaviour, the licensing of drivers, and technical aspect of land transport.

Intersections

Since 2000 the number of intersection crashes has been increasing. Intersection crashes comprise 15 percent of all fatal crashes and 37 percent of all injury crashes on urban roads and 10 percent of all fatal and 13 percent of all injury crashes on rural roads. In 2005 there were a total of 41 fatal crashes and 2,919 injury crashes at intersections. Thirty-six percent of these fatal crashes occurred on urban roads and 63 percent on rural roads. Eighty percent of the injury crashes occurred on urban roads and 20 percent occurred on rural roads. Twenty three percent of motorcyclist fatalities and 41 percent of motorcyclist injuries occur at intersections.

Seatbelts

In 2006, seventy seven people were killed while not wearing seatbelts. This was 20 percent of all those killed. Police estimate that at least 25 of those killed would have been saved had they used the belts available to them.

Survey data indicates that nine percent of under-five year olds were not restrained in child safety seats in 2006. Seven children in this age group were killed in road crashes in 2006, six of whom were vehicle passengers. Police estimate that at least three of these children would have been saved had they been correctly restrained.

While survey data indicates that seatbelt wearing rates in New Zealand are among the highest in the world, one in 20 front seat adults do not wear their seatbelt. In addition, 37 percent of car and van drivers killed in fatal crashes involving speed were not wearing a seatbelt compared with 15 percent of those not wearing a seatbelt in crashes where speeding was not a factor. Forty seven percent of car and van drivers killed in fatal crashes involving alcohol were not wearing a seatbelt compared with 11 percent of those not wearing a seatbelt in crashes where alcohol was not a factor. This supports the developing picture of multiple offending by a relatively small group of drivers.

OBJECTIVES

Ministers asked for proposals that would introduce demerit points on intersection offences and seatbelt/motorcycle helmet non-wearing offences. These offences currently attract only fines.

This directive necessarily constrained options which were then restricted to consideration of the ratio of demerits to fines. The options were:

Option 1: To run a somewhat arbitrary regime to reduce fines to a very low level (eg \$5 and to load the demerit regime);

Option 2: To develop a demerit point regime, based on the level of road safety risk posed by the offence, and a simple metric for linking fines and demerit point levels.

PREFERRED OPTION

Option 2 is the preferred option because:

- a) There is a clear link between the level of road safety risk (with 0 being low and 9 being high as defined by a panel of road safety experts) and the penalty to be imposed for offending; and
- b) The metric for linking fines and demerit points (fine = 2x number of demerit points) does not lower fines to a level that cannot bear comparison with penalties for speeding offences detected by speed cameras which remain "fine only" offences despite being the same offence. Thus highlighting the evident inconsistency in applying penalties according to the means of detection.

IMPLEMENTATION AND REVIEW

The introduction of demerit points for seatbelt/motorcycle helmet non-wearing offences will generate additional administrative costs for the Transport Registry Centre. These costs relate to the recording of demerit points and serving of suspension notices. System changes will need to be addressed through the Driver Licensing Review of Fees and Charges to be undertaken during the 2007/08 year.

The introduction of demerits, assuming that there is no behaviour change in the short term, will lead to a reduction in fine revenue from these infringements from \$4,659,750 to \$3,298,400 for intersection offences and from \$9,665,255 to \$3,252,500 for seatbelt non-wearing offences.

Removal of exemptions for taxi drivers, courier drivers and others covered under part 7, clause 7.3 (c) and (d) (i) and (ii) of the Land Transport (Road User) Rule 2004 will not introduce any compliance costs and will increase the safety of these commercial drivers through more effective use of the occupant protection system.

CONSULTATION

Consultation in relation to the proposals in this paper has taken place on a number of levels.

- a) Pre-policy engagements with a wide group of stakeholders and communities through the *See you there... Safe As!* process identified the issues and proposed solutions.
- b) Policy development was done by an inter-agency project team led by the Ministry of Transport and including the New Zealand Police, Land Transport New Zealand (including the Transport Registry Centre), The Accident Compensation Corporation, and Transit New Zealand.
- c) The proposals were reviewed through the National Road Safety Committee, which is convened by the Chief Executive of the Ministry of Transport and includes the Commissioner of Police and the Chief Executives of Land Transport New Zealand, Transit New Zealand, the Accident Compensation Corporation, Local Government New Zealand, the Ministry of Health, The Ministry of Justice, The Department of Labour, and the Ministry of Education.
- d) The proposals were also circulated to the Department of the Prime Minister and Cabinet, The Treasury, The State Services Commission, the Department of Corrections and Te Puni Kōkiri.

Finally, preliminary discussions were held with the New Zealand Taxi Federation who expressed concern about the safety of drivers being compromised by the need to wear seatbelts in urban low speed environments. There is, however, no evidence to support these claims.