



Traffic compliance scheme

Version : 11.0

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Executive summary

Traffic compliance is an alternative to paying a traffic infringement fine or prosecuting for minor offences that fall within the [qualification criteria](#). The fine associated with an 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.

Traffic compliance is available for a limited number of minor traffic offences where an Infringement Offence Notice (ION) would be issued only. Traffic compliance allows the offender to redirect the fine that would have been payable, into fixing the faults or problems that caused the infringement to be issued.

Traffic compliance allows time (and money saved by not paying the fine) to correct a fault or defect, and avoid incurring an infringement fee. The key elements of the Traffic Compliance Scheme are:

- Both constables and authorised officers can offer traffic compliance.
- Traffic compliance can be offered for a limited number of minor traffic offences only.
- The infringement must be one that matches the qualifying criteria. Offences where a charging document would be issued are not eligible for the traffic compliance scheme.
- Traffic compliance does not allow the offender to continue committing the offence. It allows time to correct the fault or defect. If the defect is rectified within the allotted time and sufficient evidence is provided then the infringement can be waived, if not then the infringement fee must be paid.
- Police Infringement Bureau (PIB) Adjudicators make the decision whether the offender has met terms of the traffic compliance offer or not.
- Traffic compliance cannot be offered to people under the age of 14 (Infringements must not be issued to those under the age of 14).
- An ION is completed as normal, the offender is advised that traffic compliance is being offered and what exactly they must do to avoid paying the fine. The words "compliance offered" are written in the notes section of the ION, along with the number of days the compliance offer is valid for.
- The PIB record the ION and the traffic compliance offer.
- PIB also record and inform the appropriate district of breaches of the traffic compliance policy.

Please Note: The issuing of Traffic compliance will become electronic as part of the move to shift the issuing of IONs to the Mobility Platform. It is expected that this will allow greater efficiencies and the removal of the opportunities for irregularities in the delivery of the scheme. It will include advice about the Traffic compliance scheme offer on the back of the notice.



Overview

This section contains the following topics:

- [What is traffic compliance?](#)
- [Who can offer traffic compliance?](#)
- [Responding to non-compliance or unlawful behaviour by motorists](#)

What is traffic compliance?

Traffic compliance is an alternative to paying a traffic infringement fine or prosecuting for minor offences that fall within the [qualification criteria](#). It is available for offences where an Infringement Offence Notice (ION) would be issued only, offences where a charging document would be issued are not eligible for the traffic compliance scheme.

The Traffic Compliance Scheme involves waiving the fine associated with an ION 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 fine that would have been payable, into fixing the faults or problems that caused the infringement to be issued.

Who can offer traffic compliance?

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

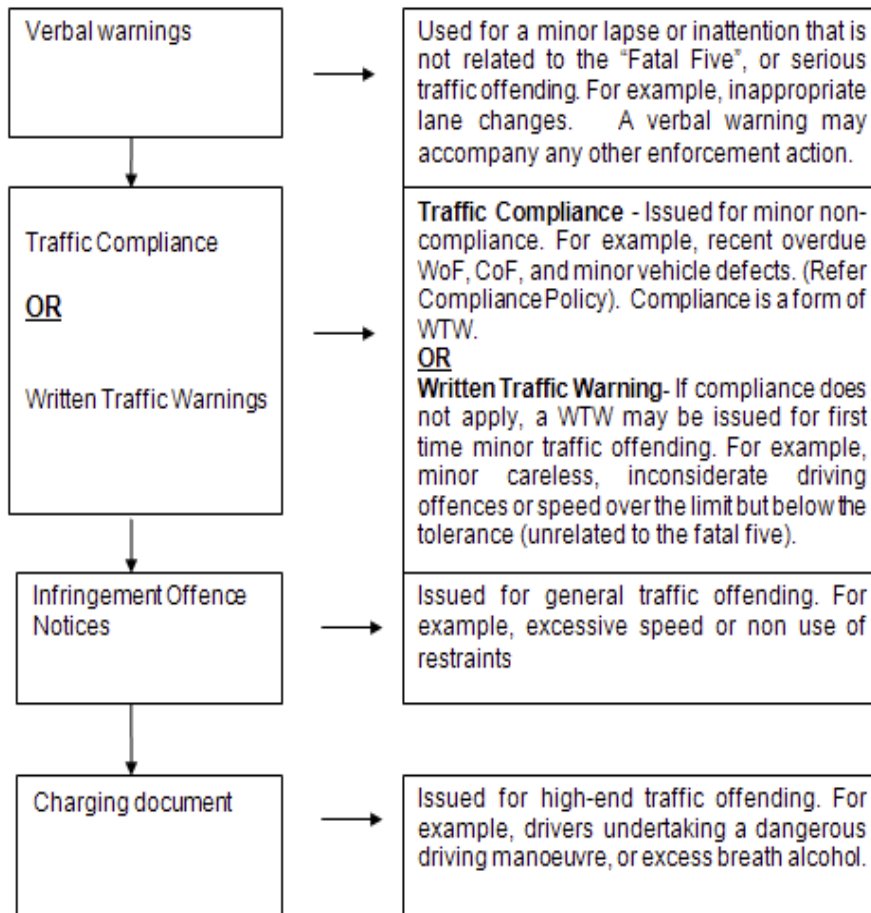
Responding to non-compliance or unlawful behaviour by motorists

These interventions should be used dependent on the nature of the offending committed by a driver



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Qualification criteria for traffic compliance

This section contains the following topics:

- [Child safety restraints](#)
- [Warrant of fitness \(WOF\)](#)
- [Minor vehicle defects](#)
- [Driver licences](#)
- [Cycle helmets](#)
- [Cycle lighting](#)
- [Vehicle licensing](#)

Constables and Authorised Officers issuing an (Infringement Offence Notice) 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... |
|---------------------------------|---|---|---|
| Child safety restraints | 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 must 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. |
| Warrant of fitness (WOF) | a WOF expired by up to one month | Allow 14 days to correct the fault. | <ul style="list-style-type: none"> • WOF has expired by over one month • no WOF is displayed. |
| Minor vehicle defects | <ul style="list-style-type: none"> • minor vehicle defects • worn tyre • light fitted but not working • noise or smoke | Allow 14 days to correct the fault. | serious vehicle defects. |
| Driver licences | <ul style="list-style-type: none"> • drivers licence expired less than 12 months ago • never held an appropriate drivers licence • breach of graduated driver licence conditions (where the offender is eligible to progress GDLS licence classes) • wrong licence class. | Allow 28 days to gain appropriate licence. If a licence test appointment is not available in this timeframe, PIB may extend. | a graduated licence breach if the driver is ineligible to progress GDLS licence classes. A serious breach of a graduated drivers licence conditions. |
| Cycle helmets | <ul style="list-style-type: none"> • failure to wear an approved helmet • no helmet available. | Allow 14 days to correct the fault. Offender must provide proof of purchase to ensure item is not borrowed. | approved helmet is available but not worn. |

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The controlled document can be found in the Police Instructions site which is accessible via the New Zealand Police Intranet.



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| | | | |
|--------------------------|---|-------------------------------------|--|
| Cycle lighting | <ul style="list-style-type: none">• light fitted but not working• no light fitted. | Allow 14 days to correct the fault. | |
| Vehicle licensing | <ul style="list-style-type: none">• vehicle licence expired less than 12 months ago. | Allow 14 days to comply. | |



Offering traffic compliance

This section contains the following topics:

- [No traffic compliance if under 14 years of age](#)
- [Factors to consider](#)
- [Compliance procedure](#)

No traffic compliance if 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).

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 offender appear genuinely apologetic and responsive?
- 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 for repairs?

Compliance procedure

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

| Step | Action |
|------|--|
| 1 | Complete the ION as normal - see 'ION procedure' in the ' Offence notices ' 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, explain: <ul style="list-style-type: none"> • what has to be fixed; • when it has to be fixed by; • what to send to the PIB to prove the fault has been fixed; and • the consequences of failing to comply. |
| 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 fine) to correct a fault or defect. |
| 4 | Once the offender understands their obligations, write the following details in the notes section of the ION: <ul style="list-style-type: none"> • the expiry date of the vehicle's WOF (if relevant); • the words "compliance offered" on the front of the ION and the number of days the offer of compliance is valid for (14 or 28 days depending on the offence); and • if there is more than one offence, the traffic compliance notation must clearly indicate which offence is applicable. |
| 5 | Give the offender the opportunity to ask final questions. |



General guidance on traffic warnings

Verbal warnings should only be given to motorists when they commit offences that are considered minor breaches of traffic law and are likely to be "one-off", such as changing lanes without indicating.

The circumstances justifying the use of verbal warnings will be dependent on the nature of the offences and the history of the driver. While constables are able to use their discretion, they must be satisfied that the offending would not better warrant the use of a [Written Traffic Warning](#) (WTW) or more stringent intervention.

Traffic Compliance is available for offences where an Infringement Offence Notice (ION) would be issued only, offences where a charging document would be issued are not eligible for the traffic compliance scheme.

Verbal warnings can accompany other actions, such as an infringement notice or written traffic warning. A key thing to remember is that by not recording an action, a driver may continue to repeat the behaviour.

A verbal warning can be given to other road users, such as pedestrians and cyclists.



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Police Infringement Bureau role

This section contains the following topics:

- [PIB procedure](#)
- [Traffic compliance scheme breaches](#)

PIB procedure

For traffic compliance the PIB follows these steps.

| Step | Action | | | | | | | | | |
|---|--|---|----------------|--------|---|----------------|---|---|--------------------|---|
| 1 | An ION with traffic compliance details is received. | | | | | | | | | |
| 2 | The ION details are entered in the appropriate database like any other ION, and the final due date for fines payment is included. | | | | | | | | | |
| 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="322 763 1390 1189"> <thead> <tr> <th>If the adjudicator...</th> <th>the offence...</th> <th>and...</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 (NB 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 (NB 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 (NB 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 enforcement. | | | | | | | | | |

Traffic compliance scheme breaches

If the PIB detects breaches of the traffic compliance policy, they must:

- notify the relevant District Commander to guide staff in correctly applying the policies and procedures;
- maintain a record of notifications to District Commanders; and
- provide the National Manager: Road Policing with quarterly reports of these notifications.