

## HOW TO GET A LIMITED LICENCE (OR WORK LICENCE)

If you have recently been disqualified or suspended from driving you may be able to apply for a Limited Licence or 'Work Licence'. This allows you to drive for a limited purpose, subject to conditions, such as only driving between certain hours of the day. This is a simplified Q & A guide and the relevant law can be found in sections 103-105 of the Land Transport Act 1998.

To obtain a Limited Licence, you must make an application to the District Court. It requires an appearance before a District Court Judge. The team here at Wilkinson Rodgers Lawyers are experienced and ready to help you navigate this process, with well over 160 successful applications. We handle Court appearances for Limited Licences from Timaru down to Invercargill.

### ***Can I apply for a Limited Licence?***

Court imposed **disqualifications** have a mandatory 28-day stand down period before you can apply to the District Court.

Demerit point **suspensions** use the same process in Court but there is no stand down period.

You can apply for a Limited Licence if you:

- Have been suspended from driving due to excess demerit points.
- Have been disqualified from driving with a breath alcohol level of **less than 800** micrograms of alcohol per litre of breath (or 160 milligrams of alcohol per litre of blood).
- Have mixed reasons for needing a Limited Licence, e.g. driving for your day job but a condition for personal driving such as driving a family member.

You cannot apply for a Limited Licence if you:

- Have been convicted of two driving offences (of a particular type), in two separate offences, within five years; or
- Have been charged with driving while suspended/disqualified, or driving in contravention of a Limited Licence; or
- Have particular transport service driving offences; or
- Are indefinitely disqualified from driving.

Potential problem scenarios

- Having previously received a Limited Licence or have a poor driving record.
- Driving from home to work when there are other transport options available.
- Asking for too much (it is not an 'unlimited licence'.)
- Lack of support from your employer.

### ***What are the requirements?***

The main requirement of a successful Limited Licence application is that you face **extreme hardship** or another person/company faces **undue hardship** if you cannot drive. For example, extreme hardship could involve you needing to drive a car for work purposes and losing your job if you cannot drive. Undue hardship could involve other people/organisations being unduly affected by your inability to drive.

You **must** limit your driving from what you had before and the granting of the Limited Licence should not be against the interests of the public.

### ***How can Werner van Harselaar help you with your application?***

We can help guide you at every step of your Limited Licence application process. If you are disqualified then the rule is that you apply to the District Court at which you were disqualified. For Demerit Points applications you can apply to any Court.

Our team can represent you at your initial Court appearance (or handle your Demerit Points suspension process), then work with you in making your Limited Licence application to the Court. We will work carefully with you to ensure your application is well written and meets your specific needs.

### **What are the costs for a Limited Licence?**

After you have paid your fines there is also the Application fee to the Court (\$165.00 for disqualifications and \$265.00 for Demerit Point Suspensions). Legal costs depend on the complexity of the application, location and how quickly you need it.

### **Can a person lodge an application without using a lawyer?**

Yes, a lawyer is not needed and there are online providers that can offer their services. The advantage of using a lawyer is that you have a person that you meet and who appears in Court with you. We prepare the bundle of paperwork and do all the talking to the Judge and Police Prosecutions. In general, two affidavits need to be prepared (yours and your employer) as well as the Draft Order/Map. These need to be provided in advance of the scheduled Court hearing (often 7 days) for the Limited Licence Application and planning is important.

### **What happens after the Limited Licence is granted**

You take two original sealed (signed and stamped by Court staff) Orders to the Automobile Association (or approved provider). You fill out form DL 15 (the form tells you what to take with you) and give them the Orders. Waka Kotahi/NZTA then process it and when you get a temporary licence you can drive. Ask in advance at AA about processing times, but they are currently very quiet. See the weblink guides below.

### **Contact Werner:**

- By email: [werner.vanharselaar@wrlawyers.co.nz](mailto:werner.vanharselaar@wrlawyers.co.nz)
- By phone: (03) 477 9844

### ***Helpful links***

- DL15 Application form for limited licence:  
<https://www.nzta.govt.nz/assets/resources/application-for-limited-licence-dl15/docs/dl15.pdf>
- Community Law guide:  
<https://communitylaw.org.nz/wp-content/uploads/2015/08/Applying-for-a-Limited-Licence.pdf>
- NZTA overview:  
<https://www.nzta.govt.nz/driver-licences/driving-offences-and-penalties/driving-offences/limited-licence/>
- NZTA "Limited Licences Fact Sheet":  
<https://www.nzta.govt.nz/assets/resources/factsheets/50/docs/50-limited-lic.pdf>

## **Scenarios for Limited Licences**

### **Employee does a lot of driving for work but the boss won't sack them**

Normally the employer provides an affidavit to say that the employee will be sacked if they can't get a Limited Licence. This usually satisfies one of the key tests (the **extreme hardship** test). However, some disqualified or suspended drivers have bosses that will **not** sack them if they can't drive. This might be the case with a family business or a valuable employee. In these types of situations, the employer can provide affidavit evidence that the inability to drive will seriously impact on the business (e.g. a key tradie or salesperson).

### **Self-employed agricultural contractor is disqualified or suspended.**

A self-employed agricultural contractor operates from home but travels each working day to attend to different clients. Being disqualified from driving will therefore significantly affect the viability of their business. They apply to the District Court for a Limited Licence after the 28-day stand-down period, on the basis that they will be unable to conduct their business.

If a Limited Licence that they are granted will mean that they can drive strictly for work purposes only, between set time periods on working days. It is possible to get seven driving days a week for seasonal work, but the Order would need to restrict the number of driving hours in any week (i.e. the driving hours are limited) and show strong evidential material in the affidavit. Any self-employed person should provide financial records (and possibly logbook records) to prove their claims. We advise that you should get evidence of self-employment from your Accountant.

### **Driver is given a speeding ticket and is over the 100 demerit point threshold.**

This happens when a ticket pushes the driver over the 100 demerit point threshold. Don't get fooled by thinking that delaying payment changes the suspension because it is the dates of the offending that counts (not when it is paid).

The driver can begin preparing an application for a Limited Licence before they are suspended from driving, as there is no 28-day stand-down period. Once the fine is paid, we can then make arrangements to get the Suspension Notice served by the Police.

### **Driver is disqualified but needs to transport their disabled dependent child.**

In this scenario, the disqualified driver is a single parent who needs to be able to drive their disabled dependent child, and there are no other feasible transport options. The driver will apply to the District Court for a Limited Licence after the 28-day stand-down period, arguing that the disqualification from driving creates an undue hardship for their child.

### **Employed truck-driver is suspended or disqualified.**

Here, the truck-driver regularly drives between Invercargill and Christchurch, and throughout the Southland area transporting the company's goods. The travel routes vary and the roster changes on a regular basis. Provided that evidence includes a roster or the hours are restricted, then it is still possible to get a Limited Licence that encompasses the various locations the truck-driver is required to go.

### **Farm worker is disqualified and needs to drive between various farm-blocks.**

A farm worker is responsible for various farm-blocks across different locations for work. However, they have a small nearby farm block that they own personally. Their application therefore needs to reflect the fact that they need to be driving for both work and personal reasons. So long as their driving time is restricted, and the area in which they need to drive is clearly marked out, obtaining a Limited Licence with these conditions is possible.

**Driver caught driving when disqualified or suspended.**

Here, the driver is unable to apply for a Limited Licence.

**A disqualified or suspended driver needs to drive staff around**

A Limited Licence does not allow you to transport staff that have a driver's licence.