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Ministry of Transport  
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## **SUBMISSION REGARDING E-SCOOTER AND CYCLE LANE USAGE**

### **EXECUTIVE SUMMARY**

Drive Electric is New Zealand's leading electric mobility industry organisation, representing micro-mobility through to heavy transport. We work with government, businesses, and communities to accelerate the country's transition to electric transport. A substantial part of our role is ensuring sustainable transport is safe, responsible, and builds public confidence.

Drive Electric broadly supports the proposal to allow e-scooters to utilise cycle lanes to improve rider safety and urban mobility. However, this support is contingent on the Government addressing significant regulatory gaps regarding vehicle performance limits, rider protection, and battery safety. Without stricter policing of current laws and the introduction of mandatory safety equipment, the presence of e-scooters in cycle lanes and on footpaths poses an unacceptable risk to cyclists and pedestrians.

### **PERFORMANCE LIMITS AND INCREASED POLICING**

Current regulations regarding e-scooters are frequently ignored, with many devices operating well outside legal parameters.

- **Power and Speed Thresholds:** Under the Land Transport Act 1998 (Section 168A) and the E-scooters (Declaration Not to be Motor Vehicles) Notice 2023, e-scooters are limited to a 300W nominal maximum output. Devices exceeding this limit are legally classified as motor vehicles (mopeds or motorcycles).
- **The Enforcement Gap:** Many "grey market" or uncertified scooters currently on our streets significantly exceed these limits, reaching speeds of 40-70kph.
- **Recommendation:** We request increased policing of these performance limits. If a device exceeds 300W, it must not be permitted on infrastructure intended for low-powered devices.

### **CYCLE LANE AND FOOTPATH SAFETY**

While cycle lanes are appropriate for regulated micromobility, the speed differential must be managed to protect vulnerable users.

- **The Moped Anomaly:** According to the Land Transport (Road User) Rule 2004 (Rule 11.3), mopeds are strictly prohibited from using cycle lanes or footpaths. It is logically inconsistent to allow illegal, high-speed e-scooters to use this infrastructure, when their performance exceeds that of road-registered mopeds which are forced to remain in traffic.
- **Protection of Users:** Access to cycle lanes and footpaths should be strictly reserved for devices that comply with the 300W threshold. If an e-scooter is faster than a moped, it has no place in a lane designed for bicycles or on footpaths where it endangers pedestrians.

## **MANDATORY HELMET REQUIREMENTS**

Currently, e-scooter riders are exempt from the helmet requirements that apply to cyclists under Rule 11.8 of the Land Transport (Road User) Rule 2004. We believe this is a significant legislative oversight.

- **Regulatory Alignment:** There is no logical basis for requiring cyclists to wear helmets while allowing e-scooter riders—who travel at similar or higher speeds—to remain unprotected.
- **Safety Mitigation:** Small-wheeled devices are inherently less stable than bicycles. We propose that helmet use be made mandatory for all e-scooter riders to bring the law into alignment with bicycle and moped regulations.

## **BATTERY SAFETY AND INTERNATIONAL STANDARDS**

As noted in our previous correspondence to Minister Simpson (13 February 2026), there is an urgent need for mandatory battery certification to manage the fire risks associated with e-mobility.

- **Fire Risk:** Substandard, uncertified lithium-ion batteries entering NZ via "grey import" channels present a substantial risk of home and workplace fires.
- **Mandatory Standards:** We recommend the Government adopt international safety standards such as AS/NZS 60335.2.114:2023 or UL 2272 for all e-mobility batteries sold in New Zealand to prevent the country from becoming a dumping ground for unsafe inventory.

## CONCLUSION

Drive Electric urges the Government to adopt a holistic approach to e-scooter regulation. Allowing cycle lane access is a positive step, but it must be paired with:

1. Strict enforcement of the 300W power limits as defined in the Land Transport Act 1998.
2. Consistency in lane use: Ensuring e-scooters do not exceed the performance of mopeds (which are already restricted from cycle lanes/footpaths).
3. Mandatory helmet use for all riders to match bicycle safety standards.
4. Mandatory battery certification as outlined in our recent briefing to the Minister of Commerce and Consumer Affairs.

By addressing these issues, the Government can build public confidence in sustainable transport while ensuring the safety of our streets, footpaths, and homes.

Yours Sincerely,



Board Chair

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