

Queensland



Subordinate Legislation 1994 No. 411

Traffic Act 1949

**TRAFFIC AMENDMENT REGULATION (No. 7)
1994**

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MINOR AMENDMENTS

Short title

1. This regulation may be cited as the *Traffic Amendment Regulation (No. 7) 1994*.

Regulation amended

2. This regulation amends the *Traffic Regulation 1962*.

Amendment of s 4 (Definitions)

3.(1) Section 4—

insert—

“**incapacitated person**” means, in relation to the user of a wheelchair which is propelled by means of an internal combustion motor or electric motor, a person bearing a current medical certificate from a doctor stating that the person’s state of health necessitates the use of a wheelchair.

“**power-assisted bicycle**” means a bicycle to which a power source is attached.

“**power-assisted cycle**” means a power-assisted bicycle or power-assisted tricycle.

“**power-assisted tricycle**” means a tricycle to which a power source is attached.

“**power source**”, in relation to a power-assisted cycle, means 1 or more auxiliary propulsion motors that—

- (a) have a combined maximum power output of 200 W or less; and
- (b) operate through—
 - (i) contact with a wheel of the cycle; or
 - (ii) attachment to the drive chain of the cycle.

“**propellant**” means a machine (other than a lever, wheel and axle, pulley, screw, wedge or inclined plane) capable of propelling a bicycle, tricycle, power-assisted cycle, toy vehicle or wheelchair but does not include a power source.

“**wheelchair**” means a chair on wheels designed and intended for the movement of an incapacitated person from a place to another place.’.

(2) Section 4, definition “**bicycle lane sign**”, ‘described’—

omit, insert—

‘depicted’.

(3) Section 4, definition “**bicycle prohibition sign**”, ‘or tricycle’—

omit, insert—

‘, tricycle or power-assisted cycle’.

(4) Section 4, definition “**toy vehicle**”, ‘bicycle or tricycle’—

omit, insert—

‘bicycle, tricycle, power-assisted cycle or wheelchair’.

Replacement of s 27 (Giving way to overtaking vehicles)

4. Section 27—

omit, insert—

‘Giving way to overtaking vehicles

‘**27.(1)** A driver of a vehicle that is being overtaken by another vehicle must move the vehicle to the left of the carriageway to allow the overtaking vehicle to pass and must not increase the speed of the driver’s vehicle until it is completely passed by the overtaking vehicle.

‘**(2)** Subsection (1) only applies to the driver of a vehicle that is being overtaken if the driver of the overtaking vehicle—

- (a) where the overtaking vehicle is equipped with an audible warning device that is fixed to the vehicle in accordance with this regulation—has sounded the audible warning device; or
- (b) where the overtaking vehicle is equipped with a warning device that enables the vehicle’s headlamp or headlamps to be flashed—has operated the warning device.

‘**(3)** Subsection (1) does not apply if overtaking on the left is permitted.’.

Amendment of s 50 (Speed limits)**5.** Section 50(3)—*insert—*

‘(c) a power-assisted cycle at a speed greater than 25 km/h.’.

Amendment of s 109 (Learner’s permit)**6.(1)** Section 109, heading—*omit, insert—***‘Learners’ permits’.****(2)** Section 109(6)—*omit, insert—*

‘**(6)** The holder of a learner’s permit must not drive, on a road, a moped, motorcycle, tractor or specially constructed vehicle having seating capacity for the driver only, unless the holder of the permit is driving under the direction of a person who holds, and who has held for a period of 12 months, a provisional or open licence for—

- (a) where the vehicle is a moped—a moped or motorcycle; or
- (b) where the vehicle is a motorcycle with an engine capacity not greater than 250 mL—a motorcycle; or
- (c) where the vehicle is a motorcycle with an engine capacity greater than 250 mL—a motorcycle of unrestricted engine capacity; or
- (d) where the vehicle is a tractor or specially constructed vehicle that is not more than 4.5 t gross vehicle mass—a motor vehicle other than for a moped or motorcycle; or
- (e) where the vehicle is a tractor or specially constructed vehicle that exceeds 4.5 t gross vehicle mass—a motor vehicle that exceeds 4.5 t gross vehicle mass.’.

Amendment of s 159B**7.(1)** Section 159B, as heading—*insert—*

‘Use of wheelchairs’.

(2) Section 159B(4)—

omit.

Replacement of s 159D (Machine propelled bicycles, tricycles or toy vehicles prohibited)

8. Section 159D—

omit, insert—

‘Limitation on use of bicycles, tricycles, power-assisted cycles, toy vehicles or wheelchairs

‘159D.(1) A person must not ride a bicycle, tricycle, power-assisted cycle, toy vehicle or wheelchair on a road or bicycle path if a propellant is attached to the person, bicycle, tricycle, power-assisted cycle, toy vehicle or wheelchair.

‘(2) A person must not ride a power-assisted cycle on a bicycle path or footway if the cycle’s power source is operating.

‘(3) A person must not ride a power-assisted cycle on a carriageway unless the person is at least 16.’.

Amendment of s 187 (Requirements for grant of pilot vehicle licences)

9.(1) Section 187(1)(b)—

omit, insert—

‘(b) the vehicle to which the pilot vehicle licence applies is a motor car;’.

(2) Section 187(1)(c), (d) and (e), from ‘each vehicle’ to ‘will apply’—

omit, insert—

‘the motor car’.

(3) Section 187(2) and (3), ‘each vehicle’—

omit, insert—

‘the motor car’.

(4) Section 187(4), ‘any vehicle’—

omit, insert—

‘the motor car’.

(5) Section 187(4), ‘*Wireless Telegraphy Act 1905*’—

omit, insert—

‘*Radiocommunications Act 1992 (Cwlth)*’.

Amendment of s 188 (Requirements for grant of pilot vehicle driver’s licences)

10. Section 188(2)(a)—

omit, insert—

‘(a) the applicant holds, and has held for the whole of the 3 year period before the day of application, a provisional or open licence authorising the applicant to drive a motor car; and’.

Amendment of s 190 (Who can operate pilot vehicles)

11. Section 190(1A)(b)—

omit, insert—

‘(b) the pilot vehicle is a motor car that complies with the provisions of Schedule C, other than clause 7.’.

Amendment of s 193 (Return of pilot vehicle driver’s licence)

12. Section 193, from ‘a driver’s’ to ‘187(1)(b)’—

omit, insert—

‘a provisional or open licence for a motor car’.

Amendment of Sch A (Schedule to Part 13)

13. Schedule A, clause 98—

omit.

SCHEDULE

MINOR AMENDMENTS

section 2

1. Sections 19(1)(a)(iii) and (c)(iii), 20(11) and (16), 32C(1), 41(f)(ii) and 44(5), ‘or tricycle’—

omit, insert—

‘, tricycle or power-assisted cycle’.

2. Section 38, ‘or tricycles’—

omit, insert—

‘, tricycles or power-assisted cycles’.

3. Section 69(1)(c), after ‘tricycle’—

insert—

‘, power-assisted cycle’.

4. Section 73(2)(b), ‘tricycle or toy vehicle’—

omit, insert—

‘tricycle, power-assisted cycle, toy vehicle or wheelchair’.

5. Section 83(b), after ‘any bicycle’—

insert—

‘, tricycle or power-assisted cycle’.

SCHEDULE (continued)

6. Sections 90, 108B(1) and 140(1B), ‘or tricycle’—*omit, insert—*

‘, tricycle or power-assisted cycle’.

7. Section 93, heading, ‘bicycles’—*omit, insert—*

‘bicycles, tricycles or power-assisted cycles’.

8. Section 93, ‘or tricycle’—*omit, insert—*

‘, tricycle or power-assisted cycle’.

9. Section 94, heading, ‘, &c.’—*omit, insert—*

‘etc.’.

10. Section 94, ‘or tricycle’—*omit, insert—*

‘, tricycle, power-assisted cycle, toy vehicle or wheelchair’.

11. Section 134C(7), ‘57’—*omit, insert—*

‘57(1)’.

12. Section 140(1A), ‘The following are’—*omit, insert—*

‘Subject to subsection (1B), the following are’.

SCHEDULE (continued)

13. Section 140(1A)(b)(iii), ‘, 56 or 57’—

omit.

14. Section 140(1A)(c), ‘20(16) 10’—

omit.

15. Section 140(1A)(c), ‘34, 34A, 35, 36, 37, 38’—

omit, insert—

‘34, 34A, 35, 36, 37, 37A, 38(1)–(3)’.

16. Section 140(1A)(c), ‘40, 41, 42’—

omit, insert—

‘40, 41, 42, 42A’.

17. Section 140(1A)(c), ‘43, 44’—

omit, insert—

‘43, 44, 44A’.

18. Section 140(1A)(c), ‘50, 52’—

omit, insert—

‘50, 52, 52A’.

19. Section 140(1A)(c), ‘68(6), 68(7), 69’—

omit, insert—

‘68(6), (7) and (8)(b), 69’.

SCHEDULE (continued)

20. Section 140(1A)(c), ‘100, 101, 102 10’—*omit.***21. Section 140(1A)(c), ‘116(2), 118, 119’—***omit, insert—*

‘116(2)’.

22. Section 140(1A)(c), ‘121 5’—*omit.***23. Section 140(1A)(c), ‘122, 123’—***omit, insert—*

‘122’.

24. Section 140(1A)(c), ‘124, 125’—*omit, insert—*

‘125’.

25. Section 140(1A)(c), ‘126, 126A, 126B’—*omit, insert—*

‘126, 126B’.

26. Section 140(1A)(c), ‘159D(2)’—*omit, insert—*

‘159D’.

SCHEDULE (continued)

27. Section 140(1B)(b), from ‘(g)’ to ‘147(1)’—*omit, insert—*

‘(g) to (i), (m) to (o) or (r), 73(2)(b), 87, 93, 94, 147(1), 159A, 159D’.

28. Section 157(1)(d), after ‘bicycle’—*insert—*

‘, tricycle or power-assisted cycle’.

29. Section 157(1)(e), after ‘bicycles’—*omit, insert—*

‘, tricycles or power-assisted cycles’.

30. Section 159(1A), ‘or tricycle’—*omit, insert—*

‘, tricycle or power-assisted cycle’.

31. Section 159(3), after ‘bicycle’—*insert—*

‘, tricycle or power-assisted cycle’

32. Section 159(3)(c), after ‘the’—*insert—*

‘power-assisted cycle.’

33. Section 159A, heading—*omit, insert—*

SCHEDULE (continued)

‘Use of segregated footways, shared footways, bicycle paths and bicycle lanes by bicycles etc.’.

34. Section 159A, ‘or tricycle’—

omit, insert—

‘, tricycle or power-assisted cycle’.

35. Section 159A(4), after ‘that bicycle’—

insert—

‘, tricycle or power-assisted cycle’.

36. Section 159A(6), after ‘passing a bicycle’—

insert—

‘, tricycle or power-assisted cycle’.

37. Section 159C, heading—

omit, insert—

‘Safety helmets for users of bicycles etc.’.

38. Section 159C(1), ‘or tricycle’—

omit, insert—

‘, tricycle or power-assisted cycle’.

39. Schedule A, clause 95(1), after ‘tricycle’—

insert—

‘, power-assisted cycle’.

SCHEDULE (continued)

40. Schedule A, clause 95(2)(a) and (c), after ‘bicycle’—*insert—*

‘, tricycle or power-assisted cycle’.

41. Schedule A, clause 95(3), after ‘bicycle’—*insert—*

‘, tricycle or power-assisted cycle’.

42. Schedule A, clause 95(3), after ‘kind bicycles’—*insert—*

‘, tricycles or power-assisted cycles’.

43. Schedule A, clauses 96 and 97, ‘and tricycle’—*omit, insert—*

‘, tricycle or power-assisted cycle’.

44. Schedule A, clause 97, ‘or tricycle’—*omit, insert—*

‘, tricycle or power-assisted cycle’.

ENDNOTES

1. Made by the Governor in Council on 1 December 1994.
2. Notified in the Gazette on 2 December 1994.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.