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[s 1]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation Amendment Regulation (No. 1) 2013*.

2 Commencement

- (1) Sections 4(1), 10 to 14, 16 to 18 and 23 to 33 commence on 1 August 2013.
- (2) Sections 6 and 8 commence on 1 January 2014.

Part 2 Amendment of State Penalties Enforcement Regulation 2000

3 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2000*.

4 Amendment of sch 3 (Transport legislation)

- (1) Schedule 3, entry for the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*—
insert—

s 244D	1	-
s 244E	1 ¹ / ₃	-
s 244F(1)	1	-
s 244G	1	-
s 244H	2 ² / ₅	-

s 244I(1).....	2/3	-
s 244J.....	2/5	-
s 244K.....	3/5	-
s 244L.....	2/5	-
s 244M.....	2/5	-
s 244O(1).....	3	-
s 244P.....	1	-

(2) Schedule 3, entry for the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, entry for section 300A—

omit, insert—

s 300A For a contravention by—		
(a) a driver of a bicycle, animal or animal-drawn vehicle	1	-
(b) a driver of another vehicle.....	3	-
(c) a supervisor of a learner	3	-

Part 3 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

5 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

6 Amendment of s 66 (Licence holder 75 years or older)

- (1) Section 66(1)(a), ‘current’—

omit, insert—

valid

- (2) Section 66—

insert—

- (3) In this section—

valid medical certificate means—

- (a) a medical certificate that has not expired;
and
- (b) if the holder was 75 years or older when the certificate was issued—the certificate was issued within the previous 12 months.

7 Amendment of s 70 (High-powered vehicles)

- (1) Section 70(2)—

omit, insert—

- (2) The person must not drive a high-powered vehicle on a road unless—

- (a) the person—
 - (i) has a current certificate of exemption for the vehicle, or type of vehicle that includes the vehicle, issued under section 71; and
 - (ii) is driving the vehicle in accordance with the certificate; or
- (b) the vehicle is a Toyota Landcruiser.

Maximum penalty—20 penalty units.

- (2) Section 70(3), after ‘vehicle’—

insert—

, other than a Toyota Landcruiser,

(3) Section 70—

insert—

(6) In this section—

Toyota Landcruiser—

- (a) includes any car with the make and model of a Toyota Landcruiser; but
- (b) does not include a car with a modification that must be approved under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*, section 13.

8 Insertion of new pt 19, div 3

Part 19—

insert—

Division 3 Transitional provision for Transport and Other Legislation Amendment Regulation (No. 1) 2013

170 Existing medical certificates

- (1) This section applies to a person who, immediately before the commencement of this section, held an existing medical certificate.
- (2) The existing medical certificate is taken to be a valid medical certificate for section 66 until the end of the expiry date stated in the certificate.
- (3) In this section—

existing medical certificate means a medical certificate mentioned in section 66(1)(a), as in force immediately before the commencement of this section.

Part 4

Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

9 Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

10 Amendment of s 15 (What is a *vehicle*)

Section 15, from ‘or a wheeled’—

omit, insert—

a wheeled recreational device, a wheeled toy or a personal mobility device.

11 Replacement of s 18 (Section number not used)

Section 18—

omit, insert—

18 Pedestrian includes personal mobility device user

A *pedestrian* includes a person who is using a personal mobility device, unless otherwise expressly stated in this regulation.

Editor’s note—

See also the Act, schedule 4, definition *pedestrian*.

12 Amendment of s 238 (Pedestrians travelling along a road (except in or on a wheeled recreational device or toy))

(1) Section 238, heading, from ‘(except’—

omit, insert—

**(except if using a wheeled recreational device,
wheeled toy or personal mobility device)**

(2) Section 238(3), definition *pedestrian*—

omit, insert—

pedestrian does not include a person—

- (a) travelling in or on a wheeled recreational device or wheeled toy; or
- (b) using a personal mobility device.

Note—

See section 244G about using a personal mobility device for travelling along a road.

13 Amendment of s 239 (Pedestrians on a bicycle path or separated footpath)

Section 239(2)(a)(ii), ‘and’—

omit, insert—

or

- (iii) using a personal mobility device; and

14 Amendment of s 242 (Travelling in or on a wheeled recreational device or toy on a footpath or shared path)

Section 242(1)(b), ‘toy’—

omit, insert—

toy, or using a personal mobility device

15 Amendment of s 244B (Wearing of helmets by users of motorised scooters)

Section 244B—

insert—

- (3) A person is also exempt from wearing a bicycle helmet under subsection (1) if—

- (a) the person is a member of a religious group;
and
- (b) the person is wearing a type of headdress
customarily worn by members of the group;
and
- (c) the wearing of the headdress makes it
impractical for the person to wear a bicycle
helmet.

16 Replacement of s 244C (Section number not used)

Section 244C—

omit, insert—

Division 3 Additional rules for using personal mobility devices

244C Application of pt 14, div 3

This division applies to a person using a personal
mobility device (a *PMD user*).

244D Age restrictions for PMD user

A person using a personal mobility device must be—

- (a) at least 16 years; or
- (b) supervised by an adult while using the
device if the person is at least 12 years but
under 16 years.

Maximum penalty—20 penalty units.

244E Speed limit for device

A person must not use a personal mobility device at a
speed over 12km/h.

Maximum penalty—20 penalty units.

244F PMD user to wear helmet

- (1) A PMD user must wear an approved bicycle helmet securely fitted and fastened on the user's head.

Maximum penalty—20 penalty units.

- (2) A person is exempt from wearing a bicycle helmet under subsection (1) if the person is carrying a current doctor's certificate stating that, for a stated period—

- (a) the person can not wear a bicycle helmet for medical reasons; or
- (b) because of a physical characteristic of the person, it would be unreasonable to require the person to wear a bicycle helmet.

- (3) A person is also exempt from wearing a bicycle helmet under subsection (1) if—

- (a) the person is a member of a religious group; and
- (b) the person is wearing a type of headdress customarily worn by members of the group; and
- (c) the wearing of the headdress makes it impractical for the person to wear a bicycle helmet.

244G PMD user travelling along a road

A PMD user must not travel along a road unless—

- (a) there is an obstruction on a footpath, nature strip, bicycle path or shared path adjacent to the road (an *adjacent area*); and
- (b) it is impracticable to travel on the adjacent area; and

- (c) the PMD user travels less than 50m along the road to avoid the obstruction.

Maximum penalty—20 penalty units.

244H No personal mobility devices sign

A PMD user must not travel past a no personal mobility devices sign.

Maximum penalty—20 penalty units.

Example—



No personal mobility devices sign

244I Using a device on a footpath or shared path

- (1) Subject to subsection (2), a PMD user travelling on a footpath or shared path must—
 - (a) keep to the left of the footpath or shared path unless it is impracticable to do so; and
 - (b) give way to another pedestrian (except another PMD user) who is on the footpath or shared path.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a PMD user travelling on a footpath or shared path if a local law prohibits using a personal mobility device on the footpath or shared path.

244J Carrying people on device

A PMD user must not carry any other person on the personal mobility device.

Maximum penalty—20 penalty units.

244K Travelling to the left of oncoming PMD users or riders on a path

A PMD user on a bicycle path, footpath, separated footpath or shared path must keep to the left of any oncoming bicycle rider or other PMD user on the path.

Maximum penalty—20 penalty units.

244L Warning equipment on device

A person must not use a personal mobility device unless the device has a bell, horn or similar warning device in working order.

Maximum penalty—20 penalty units.

244M Using device at night

A person must not use a personal mobility device at night, or in hazardous weather conditions causing reduced visibility, unless the person, or the device, displays—

- (a) a flashing or steady white light that is clearly visible for at least 200m from the front of the device; and
- (b) a flashing or steady red light that is clearly visible for at least 200m from the rear of the device; and
- (c) a red reflector that is clearly visible for at least 50m from the rear of the device when

light is projected onto it by a vehicle's headlight on low-beam.

Maximum penalty—20 penalty units.

244N Bicycle crossing lights provisions also apply to PMD user

Sections 260 to 262 also apply to a PMD user as if the user were the rider of a bicycle.

244O Using mobile phones on device

- (1) A person must not use a mobile phone that the person is holding in the person's hands while the person is using a personal mobility device.

Maximum penalty—20 penalty units.

- (2) In this section—

use, in relation to a mobile phone, includes any of the following—

- (a) holding the phone to, or near, the ear, whether or not engaged in a phone call;
- (b) writing, sending or reading a text message on the phone;
- (c) turning the phone on or off;
- (d) operating any other function of the phone.

244P Drinking liquor while using device

A person must not drink liquor while using a personal mobility device.

Maximum penalty—20 penalty units.

17 Amendment of s 250 (Riding on a footpath or shared path)

Section 250(2)—

insert—

pedestrian does not include a person using a personal mobility device.

18 Amendment of s 251 (Riding to the left of oncoming bicycle riders on a path)

(1) Section 251, heading, after ‘riders’—

insert—

or device users

(2) Section 251, after ‘bicycle rider’—

insert—

, or person using a personal mobility device,

19 Amendment of s 256 (Bicycle helmets)

Section 256—

insert—

- (5) A person is also exempt from wearing a bicycle helmet under subsection (1) or (2) if—
- (a) the person is a member of a religious group; and
 - (b) the person is wearing a type of headdress customarily worn by members of the group; and
 - (c) the wearing of the headdress makes it impractical for the person to wear a bicycle helmet.

20 Amendment of s 257 (Riding with a person on a bicycle trailer)

Section 257—

insert—

- (1B) A person is also exempt from wearing a bicycle helmet if—
- (a) the person is a member of a religious group; and
 - (b) the person is wearing a type of headdress customarily worn by members of the group; and
 - (c) the wearing of the headdress makes it impractical for the person to wear a bicycle helmet.

21 Amendment of s 259 (Riding at night)

- (1) Section 259, ‘device, or the rider,’—

omit, insert—

rider

- (2) Section 259(a), (b) and (c), ‘or device’—

omit.

22 Replacement of s 300A (Drinking liquor while driving)

Section 300A—

omit, insert—

300A Drinking liquor while driving

- (1) The following persons must not drink liquor—
- (a) the driver of a vehicle while driving the vehicle;

- (b) a supervisor of a learner while the learner is driving a motor vehicle under the direction of the supervisor.

Maximum penalty—20 penalty units.

- (2) In this section—

learner see the Act, section 79AA(4).

supervisor, of a learner, means a person—

- (a) with whom a learner is authorised to drive under the person's direction under the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*; or
- (b) who purports to be a person mentioned in paragraph (a).

23 Amendment of s 308 (Exemption for police officers and emergency workers on foot)

Section 308, 'acting'—

omit, insert—

on foot and acting

24 Insertion of new s 308A

Part 19—

insert—

308A Exemption for police officers using personal mobility devices

Sections 244E, 244G and 244O do not apply to a police officer using a personal mobility device and acting in the course of the police officer's duty if, in the circumstances—

- (a) the police officer is taking reasonable care;
and

[s 25]

- (b) it is reasonable that the sections should not apply.

25 Amendment of s 336 (How separated footpath signs and separated footpath road markings apply)

Section 336—

insert—

- (4) A person using a personal mobility device may use any part of a separated footpath, regardless of whether the part is designated for the use of pedestrians or bicycles.
- (5) In this section—
pedestrian does not include a person using a personal mobility device.

26 Amendment of sch 3 (Other permitted traffic signs)

Schedule 3—

insert—



27 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

pedestrian see section 18.

personal mobility device see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

PMD user see section 244C.

Part 5

Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010

28 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

29 Amendment of s 4 (Meaning of *exempt vehicle*)

Section 4—

insert—

(o) a personal mobility device.

30 Insertion of new sch 7

After schedule 6—

insert—

Schedule 7 Personal mobility device

schedule 8, definition *personal mobility device*

Segway Personal Transporter

31 Amendment of sch 8 (Dictionary)

Schedule 8—

insert—

personal mobility device means a device mentioned in schedule 7.

Part 6 Amendment of Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010

32 Regulation amended

This part amends the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010*.

33 Amendment of sch 4 (Dictionary)

Schedule 4, definition *vehicle*—

insert—

- (j) a personal mobility device within the meaning of the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.
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ENDNOTES

- 1 Made by the Governor in Council on 25 July 2013.
- 2 Notified in the gazette on 26 July 2013.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

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