



Queensland

Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation (No. 1) 2016

Subordinate Legislation 2016 No. 240

made under the

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

Contents

| | | Page |
|---------------|---|------|
| Part 1 | Preliminary | |
| 1 | Short title | 3 |
| 2 | Commencement | 3 |
| Part 2 | Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009 | |
| 3 | Regulation amended | 3 |
| 4 | Insertion of new pt 6, div 4 | 3 |
| | Division 4 Exemption from obeying traffic lights and traffic arrows | |
| | 66A Exemption for riders when green bicycle crossing light is showing | 3 |
| 5 | Amendment of s 98 (One-way signs) | 4 |
| 6 | Amendment of s 99 (Keep left and keep right signs) | 4 |
| 7 | Amendment of s 179 (Stopping in a loading zone) | 4 |
| 8 | Amendment of s 244N (Bicycle crossing lights provisions also apply to PMD user) | 5 |
| 9 | Amendment of s 245 (Riding a bicycle) | 5 |
| 10 | Amendment of s 266 (Wearing of seatbelts by passengers under 16 years old) | 5 |

Transport Operations (Road Use Management—Road Rules) and Other Legislation
Amendment Regulation (No. 1) 2016

Contents

| | | |
|---------------|---|----|
| 11 | Amendment of s 270 (Wearing motorbike helmets) | 7 |
| 12 | Amendment of s 271 (Riding on motorbikes) | 9 |
| 13 | Insertion of new s 271A | 9 |
| | 271A Passengers in or on quad bikes or utility off-road vehicles | 9 |
| 14 | Amendment of sch 5 (Dictionary) | 9 |
| Part 3 | Amendment of State Penalties Enforcement Regulation 2014 | |
| 15 | Regulation amended | 10 |
| 16 | Amendment of sch 1 (Infringement notice offences and fines for nominated laws) | 10 |

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Road Use Management—Road Rules) and Other Legislation Amendment Regulation (No. 1) 2016*.

2 Commencement

Sections 11, 13 and 14(1) commence on 1 February 2017.

Part 2 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

3 Regulation amended

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

4 Insertion of new pt 6, div 4

Part 6—

insert—

Division 4 Exemption from obeying traffic lights and traffic arrows

66A Exemption for riders when green bicycle crossing light is showing

(1) This section applies if a rider of a bicycle—

- (a) is approaching or at an intersection with bicycle crossing lights and traffic lights; and
 - (b) is facing a green bicycle crossing light.
- (2) Despite any other provision of this part, the rider is not required to stop for a traffic light showing a red or yellow traffic light.

5 Amendment of s 98 (One-way signs)

Section 98(3)(a) and (b), ‘footpath, nature strip’—

omit, insert—

bicycle path, footpath, nature strip, separated footpath

6 Amendment of s 99 (Keep left and keep right signs)

Section 99(3)(a) and (b), ‘footpath, nature strip’—

omit, insert—

bicycle path, footpath, nature strip, separated footpath

7 Amendment of s 179 (Stopping in a loading zone)

(1) Section 179(2B)—

omit, insert—

(2B) A driver who is permitted to stop in a loading zone under subsection (1)(d)(ii) must not stay continuously in the zone for longer than—

- (a) 2 minutes; or
- (b) if the driver is dropping off or picking up a person with a disability—5 minutes.

Maximum penalty—20 penalty units.

(2) Section 179—

insert—

- (4) A ***person with a disability*** includes a person with an intellectual or cognitive impairment, or a physical impairment due to a medical condition, illness or injury, who requires assistance to get in and out of a vehicle.

8 Amendment of s 244N (Bicycle crossing lights provisions also apply to PMD user)

Section 244N, after ‘Sections’—

insert—

66A and

9 Amendment of s 245 (Riding a bicycle)

Section 245(a), ‘sit’—

omit, insert—

be

10 Amendment of s 266 (Wearing of seatbelts by passengers under 16 years old)

(1) Section 266—

insert—

(3B) The driver of a motor vehicle is exempt from subsections (3) and (3A) in relation to a passenger if—

(a) the driver is carrying a certificate that—

(i) is signed by a health practitioner; and

(ii) states that, in the opinion of the health practitioner, the passenger must not be in a row of seats behind the front row of the vehicle because of the

passenger's medical condition or disability; and

- (iii) states the method (if any) by which the passenger must be restrained; and
 - (iv) displays a date of issue; and
 - (v) displays an expiry date that is not more than 7 years after the date of issue; and
- (b) the driver is complying with any conditions stated in the certificate; and
- (c) the driver immediately produces the certificate when a police officer asks to see the certificate.

(2) Section 266(4A)—

omit, insert—

(4A) The driver of a motor vehicle is exempt from subsections (2), (2A), (2B) and (4) in relation to a passenger if—

- (a) the passenger is exempt from wearing a seatbelt under section 267; or
- (b) each of the following applies—
 - (i) the passenger is restrained in a child restraint prescribed for the passenger by a specialist in accordance with AS/NZS 4370;
 - (ii) the driver is carrying an advice to parent form issued by the specialist in accordance with AS/NZS 4370, clause 2.2;
 - (iii) the driver is complying with any conditions stated in the form;
 - (iv) the driver immediately produces the form when a police officer asks to see the form;

(v) the form has not expired.

(4AA) An advice to parent form mentioned in subsection (4A) expires at the end of the last day of the period stated in the form as the period of time the restraint is prescribed for.

(3) Section 266(7)—

insert—

health practitioner means a doctor, occupational therapist or physiotherapist.

specialist means a doctor, occupational therapist, psychologist, physiotherapist or biomedical engineer.

11 Amendment of s 270 (Wearing motorbike helmets)

(1) Section 270(1)—

omit, insert—

(1) A person riding a motorbike or quad bike or driving a utility off-road vehicle that is moving, or is stationary but not parked—

(a) must wear an approved motorbike helmet securely fitted and fastened on the person's head; and

(b) must not ride or drive with a passenger unless the passenger complies with subsection (2).

Maximum penalty—20 penalty units.

(2) Section 270—

insert—

(1A) However, subsection (1) does not apply to a person riding a motorbike or quad bike that is moving, or is stationary but not parked, if—

(a) the bike's engine is not on; and

- (b) the person is pushing the bike; and
- (c) it is safe for the person not to wear the helmet.

(3) Section 270(2), after ‘a motorbike’—

insert—

or quad bike or in or on a utility off-road vehicle

(4) Section 270—

insert—

(2A) Subsections (1) and (2) do not apply to a driver of, or a passenger in or on, a utility off-road vehicle if—

- (a) the vehicle is required, under the safe movement guideline, to comply with the conditions mentioned in ‘code LO3’ under the guideline; and
- (b) the vehicle is fitted with seatbelts and a roll over protection system that were fitted to the vehicle at the time of the vehicle’s manufacture.

(5) Section 270(3)—

insert—

safe movement guideline see the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*, schedule 8.

(6) Section 270(3), definition *passenger*—

insert—

Note—

In relation to a passenger on a quad bike or in or on a utility off-road vehicle, see the Act, schedule 4, definition *passenger*.

12 Amendment of s 271 (Riding on motorbikes)

Section 271(5A)—

insert—

Maximum penalty—20 penalty units.

13 Insertion of new s 271A

After section 271—

insert—

271A Passengers in or on quad bikes or utility off-road vehicles

A person must not ride a quad bike or drive a utility off-road vehicle with a passenger unless—

- (a) the passenger is at least 8 years old; and
- (b) for a passenger on a quad bike—the passenger's feet can, while the passenger is seated, reach the footrests designed for use by a pillion passenger; and
- (c) for a passenger in or on a utility off-road vehicle—the passenger's feet can, while the passenger is seated, be placed flat on the floor of the vehicle; and
- (d) the passenger can, while the passenger is seated, hold the vehicle's handrail (if any).

Maximum penalty—20 penalty units.

14 Amendment of sch 5 (Dictionary)

(1) Schedule 5—

insert—

quad bike means a 4-wheeled motor vehicle that is ridden in the same way as a 2-wheeled motor vehicle.

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2016.
- 2 Notified on the Queensland legislation website on 16 December 2016.
- 3 The administering agency is the Department of Transport and Main Roads.

© State of Queensland 2016