



New South Wales

Motor Traffic Amendment (Driver Licences) Regulation 1997

under the

Traffic Act 1909

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Traffic Act 1909*.

BOB DEBUS

A/Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Motor Traffic Regulations* so as:

- (a) to change the classes of driver licences that are to be issued, in line with proposed national classes of driver licences, and to set out the qualifications for each class of licence and the vehicles to which each class of licence applies, and
- (b) to make consequential changes to the requirements for the issue of learner licences, and to exempt learner drivers of heavy vehicles from certain requirements, including the requirement to display an "L" sign and certain speed limits, and
- (c) to make consequential changes to provisions applying to provisional and probationary licences, and to insert definitions of terms used in the new provisions, and
- (d) to make transitional provisions ensuring that existing licences will not be affected by the changes and can be used to qualify for higher classes of licences.

This Regulation is made under the *Traffic Act 1909*, including section 3.

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Clause 1 Motor Traffic Amendment (Driver Licences) Regulation 1997

**Motor Traffic Amendment (Driver Licences)
Regulation 1997**

1 Name of Regulation

This Regulation is the *Motor Traffic Amendment (Driver Licences) Regulation 1997*.

2 Commencement

This Regulation commences on 28 July 1997.

3 Amendment of Motor Traffic Regulations 1935

The *Motor Traffic Regulations 1935* are amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Regulation 2 Definitions

Insert in alphabetical order in Regulation 2 (1):

Articulated Bus means a bus:

- (a) consisting of at least 2 rigid sections with access between the sections for passengers, and
- (b) the sections of which are connected to each other so as to allow rotary movement between the sections.

B-double means a combination consisting of a prime mover towing 2 semi-trailers.

[2] Regulation 8

Omit the Regulation. Insert instead:

8 Classes of licences

- (1) Licences are classified as follows in respect of the following types of motor vehicles:

Class C (Car):

- (a) any motor vehicle (other than a motor cycle) that has a manufacturer's gross vehicle mass not greater than 4.5 tonnes and that is constructed or equipped to seat not more than 12 adults (including the driver),
- (b) a tractor,
- (c) an implement.

Class LR (Light rigid vehicle):

- (a) any motor vehicle that has a manufacturer's gross vehicle mass greater than 4.5 tonnes but not greater than 8 tonnes, other than:
 - (i) a motor cycle, or
 - (ii) a vehicle in combination with a trailer that has a manufacturer's gross vehicle mass greater than 9 tonnes,
- (b) any motor vehicle that has a manufacturer's gross vehicle mass not greater than 8 tonnes and that is constructed or equipped to seat more than 12 adults (including the driver),
- (c) any motor vehicle of a type included in Class C.

Class MR (Medium rigid vehicle):

- (a) any motor vehicle that has a manufacturer's gross vehicle mass greater than 8 tonnes and that has not more than 2 axles, other than:
 - (i) an articulated vehicle, or
 - (ii) a motor cycle, or
 - (iii) a vehicle in combination with a trailer that has a manufacturer's gross vehicle mass greater than 9 tonnes,
- (b) any motor vehicle of a type included in Class LR.

Class HR (Heavy rigid vehicle):

- (a) any motor vehicle that has a manufacturer's gross vehicle mass greater than 8 tonnes and that has 3 or more axles, other than:
 - (i) an articulated vehicle, or
 - (ii) a motor cycle, or
 - (iii) a vehicle in combination with a trailer that has a manufacturer's gross vehicle mass greater than 9 tonnes,

(b) any motor vehicle of a type included in Class MR.

Class HC (Heavy combination vehicle)—any motor vehicle (other than a B-double, road train or a motor cycle).

Class MC (Multi-combination vehicle)—any motor vehicle (other than a motor cycle).

Class R (Motor cycle)—any motor cycle.

Any of the above licence classifications (except Class R) may be extended by the endorsement on the licence by the Authority of the letter “R”. A licence so endorsed authorises the holder to ride a motor cycle, subject to such conditions as the Authority may determine and specify on the licence.

(2) For the purposes of the Act and the Regulations, a former licence (that is, a licence in force immediately before the commencement of this Regulation as inserted by the *Motor Traffic Amendment (Driver Licences) Regulation 1997*) is taken to be a new licence (that is, a licence of a class referred to in clause (1)) as follows:

- (a) a former Class 1A licence is taken to be a new Class C licence,
- (b) a former Class 1B licence is taken to be a new Class LR licence,
- (c) a former Class 3A or 4A licence is taken to be a new Class MR licence,
- (d) a former Class 3B or 4B licence is taken to be a new Class HR licence,
- (e) a former Class 5A or 5B licence is taken to be a new Class HC licence,
- (f) a former Class 5C licence is taken to be a new Class MC licence.

Until 30 September 1997, a former Class 3A or 4A licence is taken also to be a new Class HR licence.

(3) A licence referred to in clause (2) continues in force until such time as it expires or is cancelled or surrendered.

[3] Regulation 9

Omit the Regulation. Insert instead:

9 Restrictions on issue of licences

(1) A licence of any of the following classes is not to be issued unless the applicant for the licence satisfies the criteria set out in relation to each such class:

Class C (Car)—the applicant is 17 years of age or over.

Class LR (Light rigid vehicle)—the applicant has held:

(a) a Class C licence (other than a learner's licence), or
(b) the equivalent of a Class C licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence),

for a period of, or for periods totalling, one year.

Class MR (Medium rigid vehicle)—the applicant has held:

(a) a Class C licence (other than a learner's licence), or
(b) the equivalent of a Class C licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence),

for a period of, or for periods totalling, one year.

Class HR (Heavy rigid vehicle)—the applicant has held:

(a) a Class C licence (other than a learner's licence), or
(b) the equivalent of a Class C licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence),

for a period of, or for periods totalling, 2 years.

Class HC (Heavy combination vehicle)—the applicant has held:

- (a) a Class MR licence or a Class HR licence (other than a learner's licence), or
- (b) the equivalent of a Class MR licence or Class HR licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence),

for a period of, or for periods totalling, one year.

Class MC (Multi-combination vehicle)—the applicant has held:

- (a) a Class HR licence or a Class HC licence (other than a learner's licence), or
- (b) the equivalent of a Class HR licence or Class HC licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence),

for a period of, or for periods totalling, one year.

Class R (Motor cycle)—the applicant:

- (a) is 17 years of age or over, and
- (b) is a person who:
 - (i) has been the holder of a Class R licence previously, or
 - (ii) is the holder of a current learner's licence, being a licence which the person has held for not less than 3 months (or such lesser period as the Authority may determine in respect of applicants who are over 30 years of age, have demonstrated to the Authority riding competence and who hold, or are eligible to hold, gold licences as described in Regulation 9A (1)), and

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(c) is a person who:

- (i) is the holder of a certificate of satisfactory completion of a provisional licence rider training course under Part 2A (being a certificate that is not more than 3 months old at the time the person applies for the Class R licence), or
- (ii) is, by virtue of clause (2) or Regulation 53I, exempt from the requirement to hold such a certificate.

(2) A person applying for the issue of a Class R licence who has previously held such a licence is exempt from the requirement to hold the certificate referred to in clause (1).

(3) Despite clause (2), the Authority may, in a particular case or class of cases, require a person referred to in that clause:

- (a) to undertake an appropriate authorised rider training course referred to in Part 2A (even if the person has previously undertaken such a course), and
- (b) to be the holder of a certificate of satisfactory completion of that course (being a certificate that is not more than 3 months old at the time the person applies for the further licence),

before the person is granted a Class R licence.

(4) A Class LR, Class MR, Class HR, Class HC or Class MC licence must not be issued to any person if the licence referred to in clause (1) held by the person is a provisional licence.

(5) The Authority may, at its discretion, but subject to Regulation 10 (1), grant a licence of any class to any person:

- (a) who is under the age prescribed by clause (1) in respect of that class of licence, or

(b) who has not held a licence or the equivalent of a licence (other than a learner's licence or its equivalent) for the period or periods prescribed by clause (1) in respect of that class of licence, or

(c) whose licence is a provisional licence,

if the Authority is satisfied that special circumstances exist which justify the granting of a licence of that class to the person.

(6) In this Regulation, a reference to a licence includes a reference to a renewal of a licence.

(7) For the purposes of the Regulations, a person who held a licence issued under the Regulations before the commencement of this Regulation, as inserted by the *Motor Traffic Amendment (Driver Licences) Regulation 1997*, is taken to have held a licence of the equivalent class, as set out in Regulation 8 (2).

(8) Despite any other provision of this Regulation, the Authority may issue a Class HR licence to any person who holds (or who is taken to hold) a Class MR licence if the Authority is satisfied that the person has had experience driving a Class HR vehicle (at any time before the commencement of this Regulation, as inserted by the *Motor Traffic Amendment (Driver Licence) Regulation 1997*) pursuant to a former Class 3A or 4A licence referred to in Regulation 8 (2) (c).

[4] Regulation 9A Colour coded licences containing a photograph

Omit "Class 3B, 4B, 5A, 5B or 5C" from Regulation 9A (1).
Insert instead "Class HR, Class HC or Class MC".

[5] Regulation 10 Refusal, suspension and cancellation of licences and issue of provisional licences

Omit "Class 1B, Class 3A, Class 3B, Class 4A, Class 4B, Class 5A, Class 5B or Class 5C" from Regulation 10 (2A).
Insert instead "Class LR, Class MR, Class HR, Class HC or Class MC".

[6] Regulation 12 Learners' licences

Omit Regulation 12 (1). Insert instead:

- (1) On payment of the appropriate fee prescribed by Schedule A:
 - (a) a learner's licence for a motor vehicle of a type to which a Class C licence relates may be granted for any period to a person who is at least 16 years of age, and
 - (b) a learner's licence for a motor cycle may be granted for any period to a person:
 - (i) who is at least 16 years and 9 months of age, and
 - (ii) who is the holder of a certificate of satisfactory completion of a learner's licence rider training course under Part 2A (being a certificate that is not more than 3 months old at the time the person applies for the licence) or is, by virtue of Regulation 53I, exempt from the requirement to hold such a certificate, and
 - (c) a learner's licence for any type of motor vehicle may be granted for any period to a person:
 - (i) who is under the relevant age prescribed by paragraph (a) or (b), or
 - (ii) who has not held a licence or the equivalent of a licence (other than a learner's licence or its equivalent) for the prescribed period or periods,but only if the Authority is satisfied that special circumstances exist which justify the granting of a learner's licence to the person, and
 - (d) a learner's licence may be granted for any period to a person whose provisional licence, not being a Class R licence, has been cancelled.

[7] Regulation 12AA

Insert after Regulation 12:

12AA Heavy vehicle learner drivers

- (1) The holder of a driver's licence (other than a learner's licence), or the equivalent of a driver's licence issued under the law in force in any State, Territory or country (other than the equivalent of a learner's licence), for a motor vehicle (other than a motor cycle) may drive a motor vehicle for which a higher class of driver's licence is required if
 - (a) the higher class is one for which the person would next be eligible to apply in accordance with Regulation 9 (1), and
 - (b) the person is receiving tuition from, and is accompanied by, a person who has held that higher class of driver's licence (other than a provisional licence) for a period or periods totalling at least one year.
- (2) The holder of a learner driver's licence that permits the holder to drive a motor vehicle for which a Class LR, Class MR, Class HR, Class HC or Class MC licence is required is exempt from the requirements of Regulations 12 (4) (b), 12 (8) and 124 (3C) (a).

[8] Regulation 12A Provisional licences

Omit "Class 1A" wherever occurring in Regulation 12A(1).

Insert instead "Class C".

[9] Regulation 12A (4A)

Insert after Regulation 12A (4):

- (4A) Despite clause (4), the period for which a provisional licence must be granted to a licensee transferring from being a provisional licence holder in another State or Territory may be reduced by the amount of time that the person held the provisional licence in the other State or Territory.

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[10] Regulation 12B Probationary licences

Insert after Regulation 12B (3):

(3A) Despite clause (3), the period for which a probationary licence must be granted to a licensee transferring from being a probationary licence holder, or the holder of an equivalent licence, in another State or Territory may be reduced by the amount of time that the person held the probationary licence (or equivalent) in the other State or Territory.

[11] Regulation 34 Other exemptions from registration, licensing and other matters

Omit Regulation 34 (1) (g) (iv) and (v).

[12] Regulation 34 (1) (g1)

Omit “Class Five B”.
Insert instead “Class HC”.

[13] Regulation 34 (1) (g2)

Omit subparagraphs (v) and (vi).