



New South Wales

# Motor Traffic Amendment (Increased Penalties) Regulation 1998

under the

Traffic Act 1909

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

CARL SCULLY MP

Minister for Roads

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe a particular penalty for the offence of stopping contrary to a "no stopping" sign in a way that obstructs a marked footcrossing or children's footcrossing, if that offence is dealt with by way of a penalty notice rather than a court, and
- (b) to increase the penalties payable in respect of certain other offences if those offences are dealt with by way of a penalty notice.

This Regulation is made under the *Traffic Act 1909*, and, in particular, under sections 3 (the general regulation-making power) and 18B (Penalty notices for certain offences).

**1998 No 566**

Clause 1                      Motor Traffic Amendment (Increased Penalties) Regulation 1998

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**Motor Traffic Amendment (Increased Penalties)  
Regulation 1998**

**1 Name of Regulation**

This Regulation is the *Motor Traffic Amendment (Increased Penalties) Regulation 1998*.

**2 Commencement**

This Regulation commences on 30 September 1998.

**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] ScheduleK Prescribed offences and penalties for the purposes of section 18B of the Act

Omit the matter relating to section 6 from Table A of Part 1.

Insert instead:

Section 6 (1) (a) or (b):

If, at the time of the offence:

- |     |  |     |
|-----|--|-----|
| (a) | the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class C, Class R, Class LR or Class MR licence): |     |
|     | (i) for the first offence, or the first offence within the last 5 years  | 320 |
|     | (ii) for the second or subsequent offence within the last 5 years  | 500 |
| (b) | the driver held a licence under the Act (but not a licence appropriate to the class of vehicle driven, being a class of vehicle that requires a Class HR, Class HC or Class MC licence):         |     |
|     | (i) for the first offence, or the first offence within the last 5 years  | 400 |
|     | (ii) for the second or subsequent offence within the last 5 years  | 800 |
| (c) | the driver held a licence issued under the law in force in another State or Territory, but had resided continuously in New South Wales during the previous 3 months:                             |     |
|     | (i) for the first offence, or the first offence within the last 5 years  | 320 |
|     | (ii) for the second or subsequent offence within the last 5 years  | 500 |
| (d) | the driver held a licence under the Act that had expired less than 2 years before:   |     |
|     | (i) for the first offence, or the first offence within the last 5 years  | 320 |
|     | (ii) for the second or subsequent offence within the last 5 years  | 500 |

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#### Schedule 1 Amendments

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(e)	the driver held a licence under the Act that had expired 2 years or more before:	
(i)	for the first offence, or the first offence within the last 5 years	400
(ii)	for the second or subsequent offence within the last 5 years	800
(f)	the driver had never been licensed within the meaning of section 6 (1E) (for the first offence only)	500

#### [2] Schedule K, Part 1, Table A

Omit the Note at the end of the Table.

#### [3] Schedule K, Part 1, Table B

Omit the amounts of the penalties set out in paragraphs (a) and (b) of the matter relating to section 4A (1).

Insert instead (respectively) "500" and "800".

#### [4] Schedule K, Part 1, Table B

Omit the amounts of the penalties set out in paragraphs (a) and (b) of the matter relating to section 4A (1A).

Insert instead (respectively) "1,380" and "2.072".

#### [5] Schedule K, Part 2, Table A

Omit the matter commencing "Regulation 12BA (2)". Insert instead:

Regulation 12BA (2):

(a)	if the restricted licence concerned is a provisional Class R licence and the holder of the licence drives a motorcycle with engine capacity greater than 260 ml or a power to weight ratio greater than 150 kilowatts per tonne:	
(i)	for the first offence, or the first offence within the last 5 years	320
(ii)	for the second or subsequent offence within the last 5 years	500
(b)	in any other case	67

Regulation 23, 31 (2), 56H, 56K, 56L, 56M, 56N or 64	67
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## Amendments

## Schedule 1

**[6] Schedule K, Part 2, Table B**

Insert after paragraph (b) (vi) of the matter relating to Regulation 54 (7):

- |  |     |
|--|-----|
| (vii) where the offence is stopping or waiting contrary to a "no stopping" sign in a way that obstructs a marked footcrossing or a children's footcrossing | 200 |
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**[7] Schedule K, Part 2, Table B**

Omit the matter relating to Regulation 124. Insert instead:

Regulation 124:

- |   |       |
|---|-------|
| (a) where the motor vehicle, not being a motor vehicle referred to in Regulation 124 (1):   |       |
| (i) is driven at a speed that exceeds by more than 45 km/h the speed permitted  | 1,380 |
| (ii) is driven at a speed that exceeds by more than 30 km/h but not more than 45 km/h the speed permitted                           | 500   |
| (iii) is driven at a speed that exceeds by more than 15 km/h but not more than 30 km/h the speed permitted                          | 179   |
| (iv) is driven at a speed that exceeds by not more than 15 km/h the speed permitted   | 112   |
| (b) where the motor vehicle, being a coach or heavy motor vehicle:  |       |
| (i) is driven at a speed that exceeds by more than 45 km/h the speed permitted  | 2,072 |
| (ii) is driven at a speed that exceeds by more than 30 km/h but not more than 45 km/h the speed permitted                           | 800   |
| (iii) is driven at a speed that exceeds by more than 15 km/h but not more than 30 km/h the speed permitted                          | 270   |
| (iv) is driven at a speed that exceeds by not more than 15 km/h the speed permitted   | 172   |
| (c) where the motor vehicle, being a motor vehicle referred to in Regulation 124 (1), but not being a coach or heavy motor vehicle: |       |
| (i) is driven at a speed that exceeds by more than 45 km/h the speed permitted  | 1,380 |

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Schedule 1      Amendments

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(ii)	is driven at a speed that exceeds by more than 30 km/h but not more than 45 km/h the speed permitted	500
(iii)	is driven at a speed that exceeds by more than 15 km/h but not more than 30 km/h the speed permitted	270
(iv)	is driven at a speed that exceeds by not more than 15 km/h the speed permitted	172