



New South Wales

Motor Traffic Amendment (Towing and Mass Limits) Regulation 1998

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*.

CARL SCULLY, M.P.
Minister for Roads

Explanatory note

The objects of this Regulation are as follows:

- (a) to increase the weight ratio allowed for certain towing vehicles and the vehicles they tow, to extend the category of vehicles to which that weight ratio applies and to increase (from \$67 to \$149) the penalty for the offence of not complying with that weight ratio when dealt with by way of a penalty notice.
- (b) to remove the speed restriction of 80 km/h for certain motor vehicles that tow trailers (having a laden weight exceeding 750 kg) or other vehicles.
- (c) to prescribe the persons who may issue penalty notices for certain offences under the *Road Transport (Vehicle Registration) Act 1997* or the *Road Transport (Vehicle Registration) Regulation 1998*.
- (d) to make an amendment by way of law revision.

This Regulation is made under the *Traffic Act 1909*, including section 3 (the general regulation-making power), in particular section 3 (1) (b), and section 18B (Penalty notices for certain offences).

1998 No 695

Clause 1 Motor Traffic Amendment (Towing and Mass Limits) Regulation 1998

Motor Traffic Amendment (Towing and Mass Limits) Regulation 1998

1 Name of Regulation

This Regulation is the *Motor Traffic Amendment (Towing and Mass Limits) Regulation 1998*.

2 Commencement

This Regulation commences on 18 December 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] Regulation 2 Definitions

Omit "to which Division 2 of Part 10 applies" from paragraph (a) of the definition of **Mass Limit** in Regulation 2 (1).

Insert instead "within the meaning of Division 2 of Part 10".

[2] Regulation 115

Omit the Regulation. Insert instead:

115 Towing by vehicles under 4.5 tonnes

- (1) A person must not drive or use on a road or road related area a motor vehicle (the **towing vehicle**) that has a motor vehicle, other vehicle or trailer attached to it for the purpose of being towed (the **towed vehicle**) if the laden weight of the towed vehicle exceeds:
 - (a) the capacity of the towing attachment fitted to the towing vehicle, or
 - (b) the maximum laden weight for the towed vehicle.
- (2) For the purposes of clause (1), the **maximum laden weight** for a towed vehicle is:
 - (a) the maximum laden weight for a towed vehicle that the manufacturer of the towing vehicle has specified in respect of the towing vehicle, or
 - (b) in the case where the manufacturer of the towing vehicle has not specified such a maximum, the manufacturer cannot be identified or the towing vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate:
 - (i) one and a half times the unladen weight of the towing vehicle—if the towed vehicle is fitted with a braking system that is working properly or
 - (ii) the unladen weight of the towing vehicle—in any other case.

- (3) A person does not commit an offence against this Regulation if:
 - (a) the towing vehicle is driven or used in accordance with the prior written permission of the Authority and any conditions set out in the same document containing the permission, and
 - (b) a copy of that document is carried by the driver of the towing vehicle when driving or using the vehicle otherwise than in accordance with clause (1).
- (4) This Regulation does not apply to any vehicle or combination of vehicles with a manufacturers gross vehicle mass or manufacturers gross combination mass of greater than 4.5 tonnes.

[3] Part 10, Division 2, heading

Omit the heading. Insert instead:

Division 2 Mass limits for certain motor lorries and certain trailers

[4] Regulation 121 Definitions

Insert in alphabetical order:

motor lorry means any motor vehicle, or trailer, that is constructed principally for the conveyance of goods or merchandise or for the conveyance of any kind of materials used in any trade, business or industry, or for use in any work other than the conveyance of persons, but does not include a motor cycle or a tractor.

[5] Regulation 121C

Omit the Regulation. Insert instead:

121C Mass limits not to be exceeded

- (1) A person must not drive or use a motor lorry, or cause a motor lorry to be driven or used, on a road or road related area if the combined mass of the motor lorry and its load exceeds the lorry's mass limit.
- (2) A person does not commit an offence against this Regulation if:
 - (a) the motor lorry is driven or used in accordance with the prior written permission of the Authority and any conditions set out in the same document containing the permission, and
 - (b) a copy of that document is carried by the driver of the motor lorry when driving or using the lorry otherwise than in accordance with clause (1).

[6] Regulation 124 Special speed limits

Omit Regulation 124 (3B).

[7] Regulation 130A Prescribed officers and offences (section 18B)

Insert after Regulation 130A (1) (c3):

- (c4) a person employed by the Authority as an enforcement officer for the purposes of this Regulation is a prescribed officer in respect of the offences set out in Part 13 of Schedule K.

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Schedule 1 Amendments

[8] Schedule K, Part 2, Table A

Omit the matter relating to Regulation 115 (1).

Insert instead:

Regulation 115 (1) 149

[9] Schedule K, Part 13

Omit "1998" where firstly occurring. Insert instead "1997".