



New South Wales

# Road Transport (Driver Licensing) Amendment (Car-based Motor Tricycles) Regulation 2001

under the

Road Transport (Driver Licensing) Act 1998

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Driver Licensing) Act 1998*.

CARL SCULLY, M.P.,

Minister for Roads

## Explanatory note

The objects of this Regulation are:

- (a) to allow the holders of car licences (other than provisional licences) to drive car-based motor tricycles without the need to obtain a separate motorcycle licence, and
- (b) to extend the demerit points regime to include the offence under clause 45A of the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* which relates to the conveying of children under the age of 16 years in or on car-based motor tricycles.

Even though a person will not need a motorcycle licence to drive a car-based motor tricycle, the driver of such a motor tricycle, and any passenger in or on the motor tricycle, are each required to wear a motor bike helmet under the existing law.

This Regulation is made under the *Road Transport (Driver Licensing) Act 1998*, including sections 19 and 20.

## **2001 No 491**

Clause 1            Road Transport (Driver Licensing) Amendment (Car-based Motor Tricycles) Regulation 2001

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# **Road Transport (Driver Licensing) Amendment (Car-based Motor Tricycles) Regulation 2001**

## **1 Name of Regulation**

This Regulation is the *Road Transport (Driver Licensing) Amendment (Car-based Motor Tricycles) Regulation 2001*.

## **2 Commencement**

This Regulation commences on 30 June 2001.

## **3 Amendment of Road Transport (Driver Licensing) Regulation 1999**

The *Road Transport (Driver Licensing) Regulation 1999* is amended as set out in Schedule 1.

## **4 Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 15 First-stage provisional licences (provisional P1)

Insert after clause 15 (4) (a):

- (a1) in the case of a provisional P1 licence of class C, the holder must not drive a car-based motor tricycle,

### [2] Clause 15A Second-stage provisional licences (provisional P2)

Insert after clause 15A (4):

- (4A) In addition to any other conditions that may be attached to the licence, a provisional P2 licence is subject to the condition that the holder must not drive a car-based motor tricycle.

### [3] Clause 26 Licence classes

Insert clause 26 (3). Insert instead:

- (3) The holder of a car licence may drive any of the following:
  - (a) a motor vehicle with a GVM that is not greater than 4.5 tonnes and that is constructed or equipped to seat not more than 12 adults (including the driver),
  - (b) a car-based motor tricycle,
  - (c) any tractor or implement.
- (3A) However, the authority conferred by a car licence does not entitle the holder to drive:
  - (a) a motor bike, or
  - (b) a motor trike (other than a car-based motor tricycle) that does not have a body type commonly known as, or similar to, a sedan, station wagon, coupe, convertible, roadster, utility, tray top or van.

### [4] Clause 26 (8)

Omit "(3)". Insert instead "(3A)".

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Schedule 1 Amendments

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### [5] Schedule 1 Demerit points offences and penalties

Insert “45A (1) or” before “47A” in the matter relating to the offence of unauthorised carriage of pillion passenger on motor bike or motor trike in Part 2.

### [6] Dictionary

Insert in alphabetical order:

*car-based motor tricycle* means a motor trike that:

- (a) has displayed on it a compliance plate issued by the Australian Transport Safety Bureau, with the category LEM, LEP or LEG, and
- (b) has a GVM that is not greater than 1 tonne, and
- (c) is constructed or equipped to seat not more than 3 adult persons including the driver, and
- (d) has a rear mounted engine of a kind manufactured for a motor car, and
- (e) has a transmission of a kind manufactured for a motor car with direct drive to the rear wheels, and
- (f) has at least 2 of the following characteristics:
  - (i) pedal operated clutch or automatic transmission,
  - (ii) pedal operated fully integrated braking system,
  - (iii) left-hand operated gear stick not mounted on the handlebars.

BY AUTHORITY

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