



New South Wales

Road Amendment (Miscellaneous) Rules 2012

under the

Road Transport (Safety and Traffic Management) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rules under the *Road Transport (Safety and Traffic Management) Act 1999*.

DUNCAN GAY, MLC
Minister for Roads and Ports

Explanatory note

The object of these Rules is to amend the *Road Rules 2008*:

- (a) to implement (with some modifications) the amendments made to the *Australian Road Rules* by the *National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 7) Regulations 2008* and the *National Transport Commission (Model Amendments Regulations: Australian Road Rules—Package No. 8) Regulations 2009* of the Commonwealth and the *Model Amendments Regulations: Australian Road Rules—Package No. 9* published by the National Transport Commission, and
- (b) to make other miscellaneous amendments.

These Rules are made under the *Road Transport (Safety and Traffic Management) Act 1999*, including sections 71 and 72A (the general rule-making power) and Schedule 1.

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Rule 1 Road Amendment (Miscellaneous) Rules 2012

Road Amendment (Miscellaneous) Rules 2012

under the

Road Transport (Safety and Traffic Management) Act 1999

1 Name of Rules

These Rules are the *Road Amendment (Miscellaneous) Rules 2012*.

2 Commencement

These Rules commence on 1 November 2012 and are required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2008

[1] Rule 24 Speed limit in a shared zone

Insert “, or the road,” after “on a road” in rule 24 (1).

[2] Rule 24 (2)

Omit the subrule. Insert instead:

(2) A *shared zone* is:

- (a) if there is a *shared zone sign* and an *end shared zone sign* on a road and there is no intersection on the length of road between the signs—that length of road, or
- (b) if there is a *shared zone sign* on a road that ends in a dead end and there is no intersection on the length of road beginning at the sign and ending at the dead end—that length of road, or
- (c) a network of roads in an area with:
 - (i) a *shared zone sign* on each road into the area, indicating the same number, and
 - (ii) an *end shared zone sign* on each road out of the area, or
- (d) a road related area that is between a *shared zone sign* that relates to the area and an *end shared zone sign* that relates to the area.

Note. *Intersection* is defined in the Dictionary.

[3] Rule 24 (3)

Omit “subrule (2) (a) and (b)”. Insert instead “subrule (2) (c) (i) and (ii)”.

[4] Rule 56 Stopping for a red traffic light or arrow

Omit “flashing yellow traffic light” from rule 56 (2).

Insert instead “flashing yellow traffic arrow”.

[5] Rule 62 Giving way when turning at an intersection with traffic lights

Omit “on” from rule 62 (1) (a). Insert instead “crossing”.

[6] Rule 62 (1), note 5

Insert after note 4:

Note 5. In relation to paragraph (a), rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

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[7] Rule 63 Giving way at an intersection with traffic lights not operating or only partly operating

Insert after the diagram with the heading “Traffic light-stop sign” following rule 63 (3):

(4) Subrule (3) does not apply if the intersection is a roundabout.

Note 1. Roundabout is defined in the Dictionary.

Note 2. Rule 114 requires a driver entering a roundabout to give way to any vehicle in the roundabout and to any tram that is entering or approaching the roundabout.

[8] Rule 64 Giving way at a flashing yellow traffic arrow at an intersection

Omit “on” from rule 64 (b). Insert instead “crossing”.

[9] Rule 64, note 4

Insert after note 3:

Note 4. In relation to paragraph (b), rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[10] Part 7 Giving way

Omit “rule 164” from note 1 at the beginning of the Part.

Insert instead “rules 163, 164 and 164A”.

[11] Rule 67 Stopping and giving way at a stop sign or stop line at an intersection without traffic lights

Omit “on” from rule 67 (4). Insert instead “who is crossing”.

[12] Rule 67 (4), note

Insert after the subrule:

Note. Rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[13] Rule 69 Giving way at a give way sign or give way line at an intersection (except a roundabout)

Omit “on” from rule 69 (3). Insert instead “who is crossing”.

[14] Rule 69 (3), note

Insert after the subrule:

Note. Rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and

rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[15] Rule 72 Giving way at an intersection (except a T-intersection or roundabout)

Omit “on” from rule 72 (3) (b). Insert instead “who is crossing”.

[16] Rule 72 (3), notes 1 and 2

Omit the note to the subrule. Insert instead:

Note 1. *Slip lane* is defined in the Dictionary.

Note 2. In relation to paragraph (b), rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[17] Rule 72 (5) (c)

Omit “on” from the paragraph. Insert instead “who is crossing”.

[18] Rule 72 (5), notes 1 and 2

Omit the note to the subrule. Insert instead:

Note 1. *Oncoming vehicle* is defined in the Dictionary.

Note 2. In relation to paragraph (c), rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the road that the driver is leaving, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[19] Rule 73 Giving way at a T-intersection

Omit “on” from rule 73 (2) (b). Insert instead “who is crossing”.

[20] Rule 73 (2), notes 1 and 2

Omit the note to the subrule. Insert instead:

Note 1. *Continuing road*, *slip lane* and *terminating road* are defined in the Dictionary.

Note 2. In relation to paragraph (b), rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the terminating road, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[21] Rule 73 (4)

Omit “on” from the subrule. Insert instead “who is crossing”.

[22] Rule 73 (4), note

Insert at the end of the subrule:

Note. Rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the continuing road, and rule 353 (2) provides

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that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[23] Rule 73 (6) (b)

Omit “on” from the paragraph. Insert instead “who is crossing”.

[24] Rule 73 (6), notes 1 and 2

Omit the note to the subrule. Insert instead:

Note 1. *Oncoming vehicle* is defined in the Dictionary.

Note 2. In relation to paragraph (b), rule 353 (1) specifies that a driver is not required to give way to a pedestrian who is crossing the continuing road, and rule 353 (2) provides that a pedestrian who is only crossing a part of a road is considered to be crossing the road.

[25] Rule 79 Giving way to police and emergency vehicles

Insert “of these Rules” after “other rule” in rule 79 (2).

[26] Rule 101 Hand-held stop signs

Omit the diagram with the heading “Hand-held stop sign”. Insert instead:

Hand-held stop signs



[27] Rule 112 Giving a left change of direction signal when entering a roundabout

Omit rule 112 (2). Insert instead:

- (2) Before entering the roundabout, the driver must give a left change of direction signal for long enough to give sufficient warning to other drivers and pedestrians.

Maximum penalty: 20 penalty units.

Note. *Left change of direction signal* is defined in the Dictionary.

[28] Rule 113 Giving a right change of direction signal when entering a roundabout

Omit rule 113 (2). Insert instead:

- (2) Before entering the roundabout, the driver must give a right change of direction signal for long enough to give sufficient warning to other drivers and pedestrians.

Maximum penalty: 20 penalty units.

Note. *Right change of direction signal* is defined in the Dictionary.

[29] Rule 113 (3) (c)

Insert at the end of rule 113 (3) (b):

, or

- (c) the driver is about to leave the roundabout.

[30] Rule 113 (3), note 3

Insert after note 2:

Note 3. Rule 118 requires a driver, if practicable, to give a left change of direction signal when leaving a roundabout.

[31] Rule 127 Keeping a minimum distance between long vehicles

Omit the definitions of *required minimum distance* and *road train area* (including the notes to that definition) from rule 127 (2).

Insert instead:

required minimum distance means:

- (a) for a road train that is behind a long vehicle—200 metres or, if another law of this jurisdiction specifies a different distance, that distance, or
- (b) for a long vehicle other than a road train that is behind a long vehicle—60 metres or, if another law of this jurisdiction specifies a different distance, that distance.

road train has the same meaning as in the *Road Transport (Mass, Loading and Access) Regulation 2005*.

Note. This definition is not uniform with the corresponding definition in rule 127 (2) of the *Australian Road Rules*. However, the definition in the *Australian Road Rules* allows the term to be defined by reference to another law of this jurisdiction. Different rules may apply in other Australian jurisdictions. Different definitions may apply in other Australian jurisdictions.

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[32] Rule 128A Entering blocked crossings

Insert at the end of the rule (after the note):

- (2) Despite subrule (1), a driver may enter a children's crossing or a pedestrian crossing if:
 - (a) the crossing is immediately before an intersection that does not have traffic lights, and
 - (b) the crossing is not blocked, and
 - (c) before entering the crossing, the driver gives way to any pedestrian on the crossing.

[33] Rule 132 Keeping to the left of the centre of a road or the dividing line

Omit the note from rule 132 (2). Insert instead:

Note. Rule 134 deals with driving to the right of the dividing line to overtake another vehicle, to enter or leave a road, or to move from one part of the road to another. Rule 139 (2) deals with driving to the right of the dividing line to avoid an obstruction.

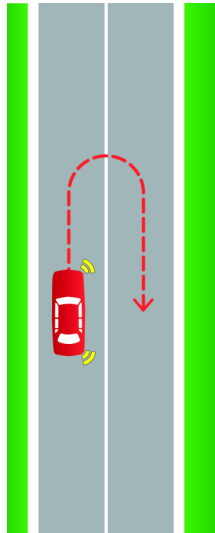
The effect of this subrule, in relation to continuous dividing lines, is as follows:

- (a) in the case of a dividing line that is only a single continuous dividing line, or that is a broken dividing line to the right of a single continuous dividing line, a driver may only drive to the right of such a line in the circumstances set out in rules 134 (3) and 139 (2), as supplemented by rule 139 (3),
- (b) in the case of a dividing line that is a single continuous dividing line to the right of a broken dividing line, a driver may only drive to the right of such a line in the circumstances set out in rules 134 (2), 134 (3) and 139 (2),
- (c) in the case of a dividing line that is 2 parallel continuous dividing lines, a driver may only drive to the right of such a line in the circumstances set out in rule 139 (2), as supplemented by rule 139 (3).

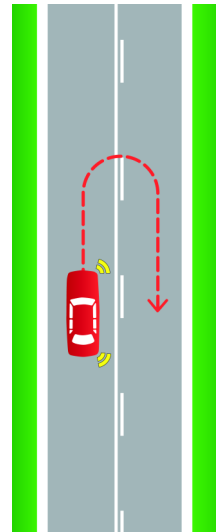
[34] **Rule 132 (2A), examples**

Insert at the end of the subrule:

Example 1
Driving across a single continuous
dividing line to make a U-turn is not
permitted



Example 2
Driving across a single continuous
dividing line to the left of a broken
dividing line to make a U-turn is not
permitted

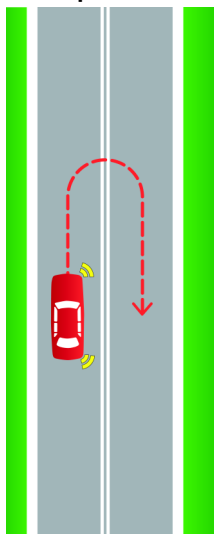


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Example 3
Driving across 2 parallel continuous dividing lines to make a U-turn is not permitted



[35] Rule 134 Exceptions to keeping to the left of a dividing line

Insert “single” after “dividing line is a” in rule 134 (2).

[36] Rule 134 (3)

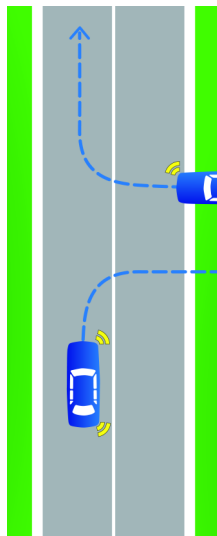
Omit “not 2 parallel continuous dividing lines”.

Insert instead “a single continuous line or broken dividing line, or a broken dividing line to the left or right of a single continuous dividing line”.

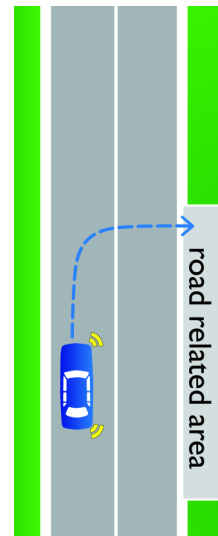
[37] Rule 134, examples

Insert after example 2:

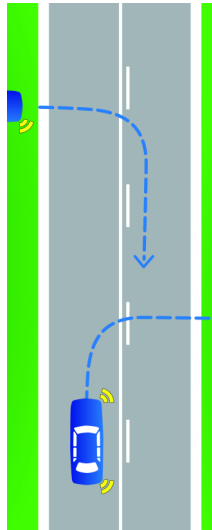
Example 2A
Driving across a single continuous dividing line is permitted to enter or leave the road



Example 2B
Driving across a single continuous dividing line is permitted to leave the road to enter a road related area



Example 2C
Driving across a single continuous dividing line to the left of a broken dividing line is permitted to enter or leave the road



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[38] Rule 137 Keeping off a dividing strip

Insert after rule 137 (2):

- (2A) For the purposes of subrule (2), a dividing strip is to be treated as being at the same level as the road even if it contains one or more raised pavement bars or markers.

[39] Rule 138 Keeping off a painted island

Insert after examples 1 and 2 in rule 138 (3):

In these examples, vehicle B is contravening the rule.

[40] Rule 143 Passing or overtaking a vehicle displaying a do not overtake turning vehicle sign

Insert after rule 143 (1):

- (1A) A driver must not drive past, or overtake, to the left of a vehicle displaying a *do not overtake turning vehicle sign* unless:
- (a) the driver is driving on a multi-lane road and the vehicle can be safely overtaken in a marked lane to the left of the vehicle, or
 - (b) the vehicle is turning right, or making a U-turn from the centre of the road, and is giving a right change of direction signal and it is safe to overtake to the left of the vehicle, or
 - (c) the vehicle is stationary and it is safe to overtake to the left of the vehicle.

Maximum penalty: 20 penalty units.

Note. *Centre of the road, marked lane, multi-lane road, overtake, right change of direction signal* and *U-turn* are defined in the Dictionary.

[41] Rule 158 Exceptions to driving in special purpose lanes etc

Insert “or a tram lane” after “bicycle lane” in paragraph (a) of the definition of *permitted distance* in rule 158 (4).

[42] Rule 159 Marked lanes required to be used by particular kinds of vehicles

Insert at the end of rule 159 (1) (c):

, or

- (d) intending to turn off the road or to make a U-turn, and in order to do so safely without disrupting other vehicles on the road it is necessary to position the vehicle in another lane before starting the turn, or to make the turn.

[43] Rule 163 Driving past the rear of a stopped tram at a tram stop

Insert at the end of rule 163 (1) (c):

, and

- (d) there is no other law of this jurisdiction (other than subrule (5)) that permits the driver to pass the tram without stopping.

[44] Rule 163 (3) (a)

Omit the paragraph. Insert instead:

- (a) one or more of the doors on the side of the tram closest to the driver are open or opening, or

[45] Rule 164 Stopping beside a stopped tram at a tram stop

Insert at the end of rule 164 (1) (c):

, and

- (d) there is no other law of this jurisdiction (other than subrule (5)) that permits the driver to pass the tram without stopping.

[46] Rule 164 (3) (a)

Omit the paragraph. Insert instead:

- (a) one or more of the doors on the side of the tram closest to the driver are open or opening, or

[47] Rule 164A

Insert after rule 164:

164A Staying stopped if a tram comes from behind a stopped driver and stops

- (1) A driver must comply with this rule if:
 - (a) the driver is stopped beside a tram stop, and
 - (b) a tram stops at the tram stop, except at the far left side of the road, and
 - (c) there is no safety zone, dividing strip or traffic island between the tram and the part of the road where the driver is driving, and

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- (d) there is no other law of this jurisdiction (other than subrule (4)) that permits the driver to proceed past the tram.

Maximum penalty: 20 penalty units.

Note. *Dividing strip*, *traffic island* and *tram stop* are defined in the Dictionary, and *safety zone* is defined in rule 162.

- (2) The driver must not proceed if:
- (a) one or more of the doors on the side of the tram closest to the driver are open or opening, or
 - (b) a pedestrian is entering or crossing the road between the tram tracks and the far left side of the road.
- (3) If the tram remains at the tram stop and subrules (2) (a) and (b) do not apply, the driver must not proceed past the tram at a speed greater than 10 kilometres per hour.
- (4) However, subrules (2) and (3) do not apply if the driver is directed to proceed past the tram by an authorised person.
- (5) In this rule:
tram includes a bus travelling along tram tracks.

[48] Rule 189 Double parking

Omit rule 189 (1) (including the note). Insert instead:

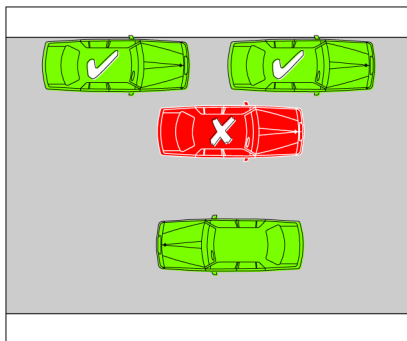
- (1) A driver must not stop on a road if to do so would put any part of the vehicle that he or she is driving between a vehicle that is parked on the road and the centre of the road.

Maximum penalty: 20 penalty units.

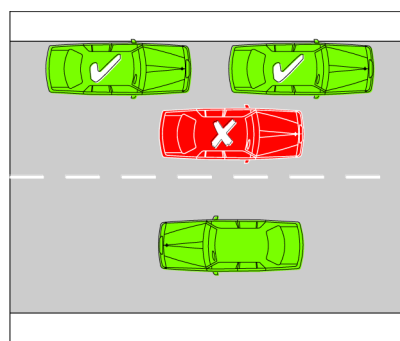
Note. *One-way road* and *two-way road* are defined in the Dictionary.

Examples.

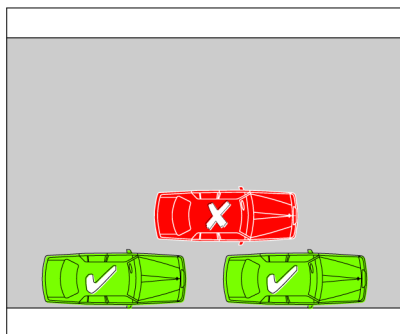
Example 1
Double parked on a two-way road without a dividing line



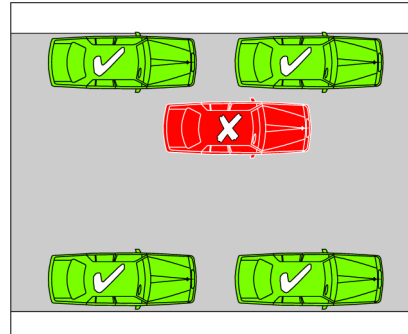
Example 2
Double parked on two-way road with a centre dividing line



Example 3
Double parked on the right side of a one-way road with no vehicles parked on the left side of the road



Example 4
Double parked on the left side of a one-way road with other vehicles lawfully parked on the right side of the road



In the examples, the vehicle marked with an "X" is stopped in contravention of this rule.

[49] Rule 189 (2)

Omit the heading "**Examples.**" Insert instead "**Example.**".

[50] Rule 189 (2)

Omit Example 1.

[51] Rule 189 (2)

Omit the heading to Example 2.

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[52] Rule 189 (2)

Omit the 2 sentences at the end of the subrule. Insert instead:

In the example, the angle-parked vehicles are not stopped in contravention of this rule.

[53] Rule 206 Time extension for people with disabilities

Omit note 2 from rule 206 (2). Insert instead:

Note 2. Subrule (2) is not uniform with the corresponding subrule in rule 206 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[54] Rule 213 Making a motor vehicle secure

Renumber subparagraphs (i) and (ii) in rule 213 (4) as paragraphs (a) and (b), respectively.

[55] Rule 227 Using portable warning triangles

Omit rule 227 (2)–(5). Insert instead:

- (2) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is 80 kilometres per hour or more and the vehicle is not visible at any time for at least 300 metres in all directions from that place, the driver must use at least 3 portable warning triangles, placed in accordance with subrule (4), to warn other road users of the vehicle or load.

Maximum penalty: 20 penalty units.

Note. *Portable warning triangle* is defined in the Dictionary, *road* is defined in subrule (7) and *road user* is defined in rule 14.

- (3) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is less than 80 kilometres per hour and the vehicle is not visible at any time for at least 200 metres in all directions from that place, the driver must use at least 3 portable warning triangles, placed in accordance with subrule (5), to warn other road users of the vehicle or load.

Maximum penalty: 20 penalty units.

- (4) For the purposes of subrule (2), the driver must:
- (a) place 1 triangle at least 200 metres, but not over 250 metres, behind the vehicle or fallen load, and
 - (b) if the vehicle or fallen load is on a one-way or divided road, place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load, and

-
- (c) if the vehicle or fallen load is not on a one-way or divided road, place 1 triangle at least 200 metres, but not over 250 metres, in front of the vehicle or fallen load, and
 - (d) place 1 triangle at the side of the vehicle, or fallen load, in a position that gives sufficient warning to other road users of the position of the vehicle or fallen load.

Note. *One-way road* is defined in the Dictionary and *divided road* is defined in subrule (7).

- (5) For the purposes of subrule (3), the driver must:
 - (a) place 1 triangle at least 50 metres, but not over 150 metres, behind the vehicle or fallen load, and
 - (b) if the vehicle or fallen load is on a one-way or divided road, place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load, and
 - (c) if the vehicle or fallen load is not on a one-way or divided road, place 1 triangle at least 50 metres, but not over 150 metres, in front of the vehicle or fallen load, and
 - (d) place 1 triangle at the side of the vehicle, or fallen load, in a position that gives sufficient warning to other road users of the position of the vehicle or fallen load.
- (6) A reference to “the vehicle or fallen load” in subrules (4) and (5) is to be read as a reference to “the vehicle or fallen load, as the case may be”.
- (6–1) This rule does not:
 - (a) apply to the driver of a bus that is being used to provide a regular bus service wholly within a transport district, or
 - (b) require the driver of a vehicle to place a triangle in front of the vehicle if the vehicle is on a one-way or divided road.

Note 1. *Bus*, *regular bus service* and *transport district* are defined in the Dictionary.

Note 2. This subrule is an additional NSW subrule. There is no corresponding subrule in rule 227 of the *Australian Road Rules*.

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(7) In this rule:

divided road means any length of a two-way road that has a median strip (other than a painted median strip).

road does not include a road related area, but includes any shoulder of the road.

Note 1. ***Median strip*** and ***two-way road*** are defined in the Dictionary, ***road related area*** is defined in rule 13, and ***shoulder*** is defined in rule 12.

Note 2. Although the presence of a median strip is necessary to establish that a road is a divided road, for the purposes of this rule the median strip is not part of the road (as it is a road related area).

Note 3. The definition of ***divided road*** is not uniform with the corresponding definition in rule 227 of the *Australian Road Rules*. Different definitions may apply in other Australian jurisdictions.

[56] Rule 232 Crossing a road at traffic lights

Omit “nearest” from rule 232 (3) (b). Insert instead “far”.

[57] Rule 232 (3) and (4)

Omit “Maximum penalty: 20 penalty units.” wherever occurring.

[58] Rule 232 (3A)

Insert after rule 232 (3):

(3A) Despite subrule (3), in the circumstances set out in that subrule the pedestrian may instead return to the side of the road, or to the safety area, that he or she has just left, but only if:

(a) at the time the lights change, that side or safety area is closer to him or her than the side or safety area (whichever is the closer) that he or she was heading for at that time, and

(b) he or she does not stay on the road for longer than is necessary to return to that side or safety area.

[59] Rule 233 Crossing a road to or from a tram

Omit “164” from note 2 to rule 233 (5). Insert instead “164A”.

[60] Rule 235 Crossing a level crossing

Omit the note to rule 235 (1). Insert instead:

Note 1. Level crossing is defined in rule 120.

Note 2. If the pedestrian facility is a footpath or shared path at which there is a red pedestrian light, rule 235A imposes further obligations on pedestrians using the facility.

[61] Rule 235 (2A)

Insert after rule 235 (2):

- (2A) If any of the following events occurs after a pedestrian has started to cross a railway line, or tram tracks, at a level crossing, he or she must finish crossing the line or tracks without delay:
- (a) warning lights start flashing or warning bells start ringing,
 - (b) a gate, boom or barrier starts to close,
 - (c) a train or tram approaches the crossing.
- Maximum penalty: 20 penalty units.

[62] Rule 235A

Insert after rule 235:

235A Crossing a pedestrian level crossing that has a red pedestrian light

- (1) A *pedestrian level crossing* is an area where a footpath or shared path crosses a railway or tram tracks at substantially the same level.
Note. *Footpath*, *shared path* and *tram tracks* are defined in the Dictionary.
- (2) If a pedestrian approaches a pedestrian level crossing that has a red pedestrian light, he or she must not start to cross the crossing while the light is red.
Maximum penalty: 20 penalty units.
Note. *Red pedestrian light* is defined in the Dictionary.
- (3) If a red pedestrian light at a pedestrian level crossing appears after a pedestrian has started to cross the crossing, he or she must finish crossing the crossing without delay.
Maximum penalty: 20 penalty units.
Note. *Red pedestrian light* is defined in the Dictionary.

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Red pedestrian light showing red pedestrian symbol



- [63] **Rule 262 Proceeding when bicycle crossing lights change to yellow or red**
Omit “nearest” from rule 262 (2) (b). Insert instead “far”.
- [64] **Rule 262 (2A)**
Insert after rule 262 (2):
- (2A) Despite subrule (2), in the circumstances set out in that subrule the rider may instead return to the side of the road, or to the safety area, that he or she has just left, but only if:
 - (a) at the time the lights change, that side or safety area is closer to him or her than the side or safety area (whichever is the closer) that he or she was heading for at that time, and
 - (b) he or she does not stay on the road for longer than is necessary to return to that side or safety area.
- [65] **Rule 264 Wearing of seatbelts by drivers**
Omit “a seatbelt” from rule 264 (1). Insert instead “an approved seatbelt”.
- [66] **Rule 264 (2-1), note 1**
Omit “*Motor bike*”. Insert instead “*Approved seatbelt, motor bike*”.
- [67] **Rule 265 Wearing of seatbelts by passengers 16 years old or older**
Omit “a seatbelt” from rule 265 (2) (a). Insert instead “an approved seatbelt”.

[68] Rule 265 (2)

Insert at the end of the subrule:

Note. *Approved seatbelt* is defined in the Dictionary.

[69] Rule 266 Wearing of seatbelts by passengers under 16 years old

Omit “a seatbelt” from rule 266 (2B) (b).

Insert instead “an approved seatbelt”.

[70] Rule 266 (2), note 1

Insert “, *approved seatbelt* is defined in the Dictionary” after “subrule (7)”.

[71] Rule 266 (2B), note 5

Omit the note. Insert instead:

Note 5. Subrule (2B) (c) is not uniform with the corresponding paragraph in rule 266 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[72] Rule 266 (4) (b) (i) and (6) (b)

Omit “seatbelt” wherever occurring. Insert instead “approved seatbelt”.

[73] Rule 266 (5A)

Insert after rule 266 (5–1):

(5A) * * * * *

Note. Rule 266 (5A) of the *Australian Road Rules* has not been reproduced in these Rules. The subrule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

[74] Rule 266 (5A–1)

Insert before rule 266 (6):

(5A–1) Subrules (2A) and (2B) do not apply to passengers in a motor vehicle who are 12 months old or older, but less than 7 years old if:

(a) the motor vehicle:

- (i) was manufactured before January 1971, and
- (ii) is used on a road solely in the course of, or as an incident to, an activity of an organisation that is identified in the records of the Authority as an historic vehicle club, and
- (iii) is registered conditionally under clause 13 of the *Road Transport (Vehicle Registration) Regulation 2007*, and

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(iv) is the subject of a written advice given by a relevant licensed certifier to the effect that it is not reasonably practicable for any of the restraints referred to in either of subrule (2A) or (2B) to be installed in the vehicle, and that written advice is carried in the vehicle while the passenger is in the vehicle, and

(b) the passengers are not seated in the front row of the vehicle.

Note. This subrule is an additional NSW subrule. There is no corresponding subrule in rule 266 of the *Australian Road Rules*.

[75] Rule 266 (7)

Insert in alphabetical order:

relevant licensed certifier means a person who is registered as a licensed certifier under the Vehicle Safety Compliance Certification Scheme of the Authority.

Note. This is an additional NSW definition. There is no corresponding definition in rule 266 of the *Australian Road Rules*.

[76] Rule 267 Exemptions from wearing seat belts

Omit “if” from rule 267 (1) (b).

[77] Rule 267 (1) (b)

Omit “—the”. Insert instead “, and the”.

[78] Rule 267 (1) (b), (3A) (a) and (5) (a)

Omit “in a” wherever occurring. Insert instead “in or on a”.

[79] Rule 267 (3) (a) and (4)

Omit “in which” wherever occurring. Insert instead “in or on which”.

[80] Rule 267 (3A), note 3

Omit “Rule 352–2 (4)”. Insert instead “Rule 353–2 (4)”.

[81] Rule 297 Driver to have proper control of a vehicle etc

Omit rule 297 (3) and (4). Insert instead:

- (3) The rider of a motor bike must not ride with an animal on the motor bike between the rider and the handle bars.

Maximum penalty: 20 penalty units.

Note 1. *Motor bike* is defined in the Dictionary.

Note 2. Subrule (3) is not uniform with the corresponding subrule in rule 297 of the *Australian Road Rules*. Different rules may apply in other jurisdictions.

- (4) Subrule (3) does not apply to the rider of a motor bike who rides with an animal between the rider and the handle bars for a distance of not more 500 metres on a road for the purpose of a farming activity that the rider is carrying out.

[82] Rule 299 Television receivers and visual display units in motor vehicles

Omit rule 299 (2) (b). Insert instead:

(aa) * * * * *

- (b) the visual display unit is used as a driver's aid and either:
- (i) is an integrated part of the vehicle design, or
 - (ii) is secured in a mounting affixed to the vehicle while being used, or
- (ba) the visual display unit is a mobile data terminal fitted to a police vehicle or an emergency vehicle, or

[83] Rule 299 (2), notes 1, 2 and 3

Omit the note to the subrule. Insert instead:

Note 1. *Bus*, *emergency vehicle* and *police vehicle* are defined in the Dictionary.

Note 2. Rule 299 (2) (aa) of the *Australian Road Rules* has not been reproduced in these Rules. The paragraph has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

Note 3. Subrule (2) (b) is not uniform with the corresponding paragraph in rule 299 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[84] Rule 299 (3)

Insert at the end of rule 299:

- (3) For the purposes of subrule (2) (b) (ii), a visual display unit is secured in a mounting affixed to the vehicle only if:
- (a) the mounting is commercially designed and manufactured for that purpose, and

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- (b) the unit is secured in the mounting, and the mounting is affixed to the vehicle, in the manner intended by the manufacturer.

[85] Rule 300

Omit the rule. Insert instead:

300 Use of mobile phones by drivers (except holders of learner or provisional P1 licences)

- (1) The driver of a vehicle must not use a mobile phone while the vehicle is moving, or is stationary but not parked, unless:
 - (a) the phone is being used to make or receive a phone call (other than a text message, video message, email or similar communication) or to perform an audio playing function and the body of the phone:
 - (i) is secured in a mounting affixed to the vehicle while being so used, or
 - (ii) is not secured in a mounting affixed to the vehicle and is not being held by the driver, and the use of the phone does not require the driver, at any time while using it, to press any thing on the body of the phone or to otherwise manipulate any part of the body of the phone, or
 - (b) the phone is functioning as a visual display unit that is being used as a driver's aid and the phone is secured in a mounting affixed to the vehicle, or
 - (c) the vehicle is an emergency vehicle or a police vehicle, or
 - (d) the driver is exempt from this rule under another law of this jurisdiction.

Maximum penalty: 20 penalty units.

Note 1. *Emergency vehicle, park* and *police vehicle* are defined in the Dictionary.

Note 2. See rule 299 (2) for examples of driver's aids.

Note 3. Subrule (1) is not uniform with the corresponding subrule in rule 300 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

- (2) For the purposes of this rule, a mobile phone is secured in a mounting affixed to the vehicle only if:
 - (a) the mounting is commercially designed and manufactured for that purpose, and

-
- (b) the mobile phone is secured in the mounting, and the mounting is affixed to the vehicle, in the manner intended by the manufacturer.
- (3) For the purposes of this rule, a driver does not use a phone to receive a text message, video message, email or similar communication if:
- (a) the communication is received automatically by the phone, and
 - (b) on and after receipt, the communication itself (rather than any indication that the communication has been received) does not become automatically visible on the screen of the phone.
- (3-1) This rule does not apply to the driver of a vehicle who is the holder of a learner licence or a provisional P1 licence.
- Note 1. Provisional P1 licence** is defined in the Dictionary and **learner licence** is defined in the Act.
- Note 2.** Rule 300-1 provides for the use of mobile phones by drivers who are holders of learner licences or provisional P1 licences.
- Note 3.** This subrule is an additional NSW subrule. There is no corresponding subrule in rule 300 of the *Australian Road Rules*.
- (4) In this rule:
- affixed to**, in relation to a vehicle, includes forming part of the vehicle.
- body**, in relation to a mobile phone, means the part of the phone that contains the majority of the phone's mechanisms.
- held** includes held by, or resting on, any part of the driver's body, but does not include held in a pocket of the driver's clothing or in a pouch worn by the driver.
- mobile phone** does not include a CB radio or any other two-way radio.
- use**, in relation to a mobile phone, includes any of the following actions by a driver:
- (a) holding the body of the phone in her or his hand (whether or not engaged in a phone call), except while in the process of giving the body of the phone to a passenger in the vehicle,
 - (b) entering or placing, other than by the use of voice, anything into the phone, or sending or looking at anything that is in the phone,
 - (c) turning the phone on or off,
 - (d) operating any other function of the phone.
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- [86] **Rule 300–1 NSW rule: use of mobile phones by drivers who are holders of learner and provisional P1 licences**
Omit “in the hand” from rule 300–1 (1). Insert instead “by the driver”.
- [87] **Rule 301**
Omit “driving” from the heading to the rule. Insert instead “in or on”.
- [88] **Rule 310 Exemption for road workers etc**
Omit the first dot point in rule 310 (2). Insert instead:
- Part 4 (Making turns), Division 1 (Left turns) and Division 2 (Right turns)
- [89] **Rule 312 Exemption for tow truck drivers**
Insert “, traffic arrows” after “traffic lights” in the second dot point in rule 312 (2).
- [90] **Rule 353**
Insert after rule 352:
- 353 References to pedestrians crossing a road**
- (1) If a driver who is turning from a road at an intersection is required to give way to a pedestrian who is crossing the road that the driver is entering, the driver is only required to give way to the pedestrian if the pedestrian’s line of travel in crossing the road is essentially perpendicular to the edges of the road the driver is entering—the driver is not required to give way to a pedestrian who is crossing the road the driver is leaving.
 - (2) In these Rules, a reference to a pedestrian crossing a road includes a reference to a person who is crossing only part of a road (for example, a person walking to a safety zone or a median strip, or to the middle of a road to display a hand-held stop sign).
- [91] **Rules 353–1 and 353–2**
Renumber rules 352–1 and 352–2 as rules 353–1 and 353–2, respectively.
- [92] **Schedule 3 Non-standard traffic signs used in NSW**
Omit “(rule 80)” from the matter relating to “Hand-held stop sign (rule 80)” in the Schedule.
Insert instead “(rules 80, 101)”.

[93] Dictionary

Insert after the definition of *approved motor bike helmet*:

approved seatbelt means a seatbelt that is fitted to a vehicle in compliance with the applicable vehicle standards (within the meaning of the *Road Transport (Vehicle Registration) Regulation 2007*) for the vehicle concerned.

Note. This definition is not uniform with the corresponding definition in the Dictionary of the *Australian Road Rules*. However, the *Australian Road Rules* allow another law of this jurisdiction to make provision for who may approve seatbelts. Different definitions may apply in other Australian jurisdictions.