



New South Wales

Road Amendment (Motor Breakdown Service Vehicles and Tow Trucks) Rules 2014

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rules under the *Road Transport Act 2013*.

DUNCAN GAY, MLC
Minister for Roads and Freight

Explanatory note

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

- (a) to exempt drivers of motor breakdown service vehicles and tow trucks from certain restrictions with respect to driving vehicles:
 - (i) in an emergency stopping lane, or
 - (ii) within a single marked lane or line of traffic, or
 - (iii) on or across continuous white edge lines, or
 - (iv) while passing or overtaking a vehicle displaying a do not overtake turning vehicle sign, and
- (b) to make consequential amendments.

These Rules are made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power) and 24 and Schedule 1.

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1 Name of Rules

These Rules are the *Road Amendment (Motor Breakdown Service Vehicles and Tow Trucks) Rules 2014*.

2 Commencement

These Rules commence on the day on which they are published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2008

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

Omit rule 158 (2) (c) (iv). Insert instead:

- (iv) driving a motor breakdown service vehicle in a transit lane and is responding to an urgent or priority call, or

[2] Rule 307–2

Insert after rule 307–1:

307–2 NSW rule: exemption for drivers of motor breakdown service vehicles or tow trucks

- (1) A provision mentioned in subrule (2) does not apply to the driver of a motor breakdown service vehicle or tow truck using an emergency stopping lane or a shoulder to the left side of a road if:
- (a) the driver is proceeding to the scene of a crash or to a vehicle that has broken down, and
 - (b) the driver is driving on:
 - (i) a freeway, or
 - (ii) a length of road to which a speed limit sign of at least 80 kilometres per hour applies immediately before entering the lane or shoulder of the road, and
 - (c) the motor breakdown service vehicle or tow truck being driven displays an amber flashing signal by means of a light or lights mounted on the top of the vehicle, and
 - (d) the motor breakdown service vehicle or tow truck is being driven in the lane or shoulder of the road at a speed not exceeding 30 kilometres per hour, and
 - (e) the driver gives way to any emergency vehicle in the lane or shoulder of the road, and
 - (f) the driver is driving in the same direction in the lane or shoulder of the road as the traffic immediately before entering the lane or shoulder of the road, and
 - (g) the driver is taking reasonable care (particularly when driving near other vehicles, pedestrians or cyclists in the lane or shoulder of the road), and
 - (h) it is safe to do so.

Note. *Crash, emergency vehicle, motor breakdown service vehicle* and *tow truck* are defined in the Dictionary, and *emergency stopping lane* is defined in rule 95.

- (2) Subrule (1) applies to the following provisions:

- rule 95 (Emergency stopping lane only signs)
- rule 143 (1A)
- rule 146 (Driving within a single marked lane or line of traffic)
- rule 150 (Driving on or across a continuous white edge line)

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

[3] Dictionary

Insert in alphabetical order:

motor breakdown service vehicle means:

- (a) an NRMA Road Patrol vehicle while on duty with the NRMA Roadside Assistance service, or
- (b) any other vehicle while on duty providing a similar service on behalf of another company or organisation that has signage or markings on it indicating that it provides such a service,

but does not include an emergency vehicle.

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