



New South Wales

Road Amendment (Miscellaneous) 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 objects of these Rules are:

- (a) to amend the *Road Rules 2008* to implement certain amendments made to the *Australian Road Rules* by the *Model Amendments Regulations: Australian Road Rules – Package No. 10* approved by the Standing Committee on Transport and Infrastructure and published by the National Transport Commission, and
- (b) to make consequential amendments to the *Road Transport (Driver Licensing) Regulation 2008* and *Road Transport (General) Regulation 2013*.

These Rules are made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power), 24, 25, 26, 32 and 195 and Schedule 1.

Road Amendment (Miscellaneous) Rules 2014

under the

Road Transport Act 2013

1 Name of Rules

These Rules are the *Road Amendment (Miscellaneous) Rules 2014*.

2 Commencement

These Rules commence on 1 September 2014 and are required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2008

[1] Rule 70 Giving way at a give way sign at a bridge or length of narrow road

Insert “, or approaching,” after “on”.

[2] Rule 120 What is a level crossing

Insert after rule 120 (1):

- (1A) A reference to a level crossing in this rule includes a reference to any area adjacent to the crossing that is denoted by painted cross-hatched road markings.

[3] Rule 128A Entering blocked crossings

Insert after rule 128A (2):

- (3) Subrule (2) applies despite anything to the contrary in rule 171 (Stopping on or near a children’s crossing) or rule 172 (Stopping on or near a pedestrian crossing (except at an intersection)).
- (4) However, subrule (3) is not intended to permit a driver to park a vehicle contrary to rule 171 or 172.

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

Insert “or 2 parallel broken dividing lines,” after “single continuous dividing line,” wherever occurring in rule 134 (2) and (3).

[5] Rule 134 (3) (c)

Insert at the end of rule 134 (3) (b):

, or

- (c) to park in angle parking on the opposite side of the road provided that the driver does not need to perform a U-turn to reach the parking area.

[6] Rule 134 (3)

Omit the note. Insert instead:

Note 1. *Angle parking, overtake, parking area* and *U-turn* are defined in the Dictionary.

Note 2. *Emergency stopping lane* is defined in rule 95, and *service road* is defined in the Dictionary.

[7] Rule 138 Keeping off a painted island

Insert at the end of rule 138 (2) (b):

, or

- (c) to enter a part of the road of one kind from a part of the road of another kind (for example, moving to or from a service road or emergency stopping lane), or
- (d) to park in angle parking on the opposite side of the road provided that the driver does not need to perform a U-turn to reach the parking area.

[8] Rule 138 (2)

Omit note 1. Insert instead:

Note 1. *Angle parking, parking area, service road, turning lane* and *U-turn* are defined in the Dictionary and *emergency stopping lane* is defined in rule 95.

[9] Rule 147 Moving from one marked lane to another marked lane across a continuous line

Insert at the end of rule 147 (d):

, or

- (e) either of the marked lanes is a special purpose lane during specified times only and the driver:
 - (i) is moving to or from that lane outside of the times during which it is a special purpose lane, and
 - (ii) is permitted to drive in that lane outside of the times during which it is a special purpose lane under these Rules.

[10] Rule 153 Bicycle lanes

Insert “, or a road marking comprising both a white bicycle symbol and the word *lane* painted in white” after “the lane” in rule 153 (4) (a).

[11] Rule 153 (4) (b) (i)

Insert “, or a road marking comprising both a white bicycle symbol and the words *lane end* painted in white” after “the lane”.

[12] Rule 197 Stopping on a path, dividing strip, nature strip, painted island or traffic island

Insert after rule 197 (1A):

- (1B) A driver must not stop on a traffic island.
Maximum penalty: 20 penalty units.
Note. *Traffic island* is defined in the Dictionary.

[13] Rule 197 (2)

Omit “Subrule (1) does”. Insert instead “Subrules (1) and (1B) do”.

[14] Rule 238 Pedestrians travelling along a road (except in or on a wheeled recreational device or toy)

Insert after rule 238 (2):

- (2A) This rule does not apply to a pedestrian in a shared zone.
Note. *Shared zone* is defined in the Dictionary.

[15] Rule 260

Omit the rule. Insert instead:

260 Stopping for a red bicycle crossing light

- (1) The rider of a bicycle approaching or at an intersection, or another place on a road or road related area, with bicycle crossing lights must comply with this rule.
Maximum penalty: 20 penalty units.
Note. *Bicycle crossing lights* is defined in the Dictionary.
- (2) If the bicycle crossing lights show a red bicycle crossing light and the rider has not already started crossing the intersection or place, the rider must not start to cross until:
 - (a) the bicycle crossing lights change to green, or

(b) there is no red or yellow bicycle crossing light showing.

Note 1. *Red bicycle crossing light* includes a flashing red bicycle crossing light—see the definition in the Dictionary.

Note 2. *Green bicycle crossing light* and *yellow bicycle crossing light* are defined in the Dictionary.

Example.

Red bicycle crossing light



Green bicycle crossing light



(3) In this rule:

road includes any shoulder of the road.

Note. *Road related area* is defined in rule 13, and *shoulder* is defined in rule 12.

[16] Rule 261

Omit the rule. Insert instead:

261 Stopping for a yellow bicycle crossing light

(1) The rider of a bicycle approaching or at an intersection, or another place on a road or road related area, with bicycle crossing lights must comply with this rule.

Maximum penalty: 20 penalty units.

Note. *Bicycle crossing lights* is defined in the Dictionary.

(2) If the bicycle crossing lights show a yellow bicycle crossing light and the rider has not already started crossing the intersection or place, the rider must not start to cross until:

(a) the bicycle crossing lights change to green, or

(b) there is no red or yellow bicycle crossing light showing.

Note 1. *Yellow bicycle crossing light* includes a flashing yellow bicycle crossing light—see the definition in the Dictionary.

Note 2. *Green bicycle crossing light* and *red bicycle crossing light* are defined in the Dictionary.

Yellow bicycle crossing light



(3) In this rule:

road includes any shoulder of the road.

Note. *Road related area* is defined in rule 13, and *shoulder* is defined in rule 12.

[17] Rule 265 Wearing of seatbelts by passengers 16 years old or older

Omit the note from rule 265 (2). Insert instead:

Note 1. *Approved seatbelt* is defined in the Dictionary.

Note 2. Subrule (4) provides that subrule (2) (b) does not apply to passengers holding children under 1 year old in their laps in tow trucks in certain circumstances. ***Tow truck*** is defined in the Dictionary.

[18] Rule 265 (3–2)

Omit note 1. Insert instead:

Note. This subrule is an additional NSW subrule. There is no corresponding subrule in rule 265 of the *Australian Road Rules*.

[19] Rule 265 (4)

Insert at the end of rule 265:

- (4) Subrule (2) (b) does not apply to a passenger in a tow truck who has a child who is less than 1 year old seated in his or her lap:
- (a) if no suitable approved child restraint is fitted and available for use, and
 - (b) if the tow truck has 2 or more rows of seats—the passenger is not in the front row of seats.

Note 1. *Approved child restraint* is defined in rule 266 (7) and ***tow truck*** is defined in the Dictionary.

Note 2. This subrule is not uniform with the corresponding subrule in rule 265 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

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

Omit rule 266 (2B) (b). Insert instead:

- (b) be placed on a properly positioned approved booster seat and be restrained by either a suitable lap and sash type approved seatbelt that is properly adjusted and fastened, or by a suitable approved child safety harness that is properly adjusted and fastened, or

[21] Rule 266 (2B)

Omit note 1. Insert instead:

Note 1. *Approved booster seat*, *approved child restraint* and *approved child safety harness* are defined in subrule (7) and ***forward facing*** is defined in subrule (6A).

[22] Rule 266 (5B) and (5C)

Insert after rule 266 (5A–1):

(5B) * * * * *

Note. Rule 266 (5B) 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*.

(5C) * * * * *

Note. Rule 266 (5C) 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*.

[23] Rule 267 Exemptions from wearing seatbelts

Insert after rule 267 (2):

- (2A) Subrule (2) does not apply to a person who is under 7 years old.

[24] Rule 271 Riding on motor bikes

Omit rule 271 (1) (b) and (c). Insert instead:

- (b) if the motor bike is moving—keep at least 1 hand on the handlebars, and
- (c) if the motor bike is moving—keep both feet on the footrests designed for use by the rider of the motor bike, unless the motor bike is moving at less than 10 kilometres per hour and either:
 - (i) the rider is manoeuvring the motor bike in order to park the motor bike, or
 - (ii) the motor bike is decelerating to come to a stop, or
 - (iii) the motor bike is accelerating from being stopped.

[25] Rule 288 Driving on a path

Insert after rule 288 (5):

- (5A) This rule does not apply to the rider of a motor bike (with or without a trailer attached) that is a postal vehicle if:
 - (a) the rider gives way to pedestrians and other vehicles and takes reasonable precautions to avoid collision or danger or obstruction to any person or thing on or next to the path, and
 - (b) the rider does not exceed 10 kilometres per hour, and
 - (c) the motor bike has an engine capacity not exceeding 125 cc.

Note. *Motor bike* and *postal vehicle* are defined in the Dictionary.

[26] Rule 289 Driving on a nature strip

Insert at the end of rule 289:

- (3) This rule does not apply to the rider of a motor bike (with or without a trailer attached) that is a postal vehicle if:
 - (a) the rider gives way to pedestrians and other vehicles and takes reasonable precautions to avoid collision or danger or obstruction to any person or thing on or next to the nature strip, and
 - (b) the rider does not exceed 10 kilometres per hour, and
 - (c) the motor bike has an engine capacity not exceeding 125 cc.

Note. *Motor bike* and *postal vehicle* are defined in the Dictionary.

[27] Rule 313

Omit the rule. Insert instead:

313 Exemption for postal vehicles

Rule 186 (Stopping in a mail zone) does not apply to the driver of a postal vehicle.

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

Note 2. Exemptions for postal vehicles that are motor bikes (with or without a trailer) are contained in rule 288 (Driving on a path) and rule 289 (Driving on a nature strip).

Note 3. This rule is not uniform with rule 313 of the *Australian Road Rules*. However, rule 313 of the *Australian Road Rules* allows another law of this jurisdiction to provide that the provisions referred to in this rule (among others) do not apply to the driver of a postal vehicle. Different rules may apply in other Australian jurisdictions.

[28] Rule 316 When do traffic control devices comply substantially with these Rules

Insert at the end of rule 316 (3):

Examples. A children's crossing may have a red and white post missing temporarily. The missing post does not prevent the crossing from meeting the description of such a crossing that is set out in rule 80 (6).

A freeway may have several freeway signs missing. The missing signs do not prevent the area from still being considered to be a freeway.

[29] Dictionary

Insert after the definition of *alcohol interlock device*:

angle parking—see rule 210.

[30] Dictionary, definition of “parking control sign”

Insert after paragraph (c):

(ca) * * * * *

[31] Dictionary, definition of “parking control sign”

Omit note 1. Insert instead:

Note 1. Paragraphs (ca) and (l) of the definition of *parking control sign* in the Dictionary to the *Australian Road Rules* have not been reproduced in these Rules because they relate to *electric vehicle parking signs* and *permit zone signs*, which are not used in this jurisdiction. The paragraphs have been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

[32] Dictionary, definition of “slip lane”

Insert “, but not by a median strip” after “traffic island”.

[33] Dictionary, definition of “slip lane”

Omit “*Painted island*” from the note. Insert instead “*Median strip, painted island*”.

[34] Dictionary, definition of “turning lane”

Insert at the end of paragraph (b):

, or

(c) a *U-turn permitted sign* or U-turn traffic lane arrows apply.

[35] Dictionary, definition of “turning lane”

Omit “and *right traffic lane arrows*” from the note.

Insert instead “, *right traffic lane arrows*, *U-turn* and *U-turn traffic lane arrows*”.

[36] Dictionary

Insert after the definition of *U-turn*:

U-turn traffic lane arrows means traffic lane arrows applying to a marked lane that indicate only a U-turn direction.

Note. *U-turn* is defined in the Dictionary.

Schedule 2 Amendment of Road Transport (Driver Licensing) Regulation 2008

Schedule 2 Additional demerit point offences

Insert after the matter relating to rule 197 (1) of the *Road Rules 2008*:

Rule 197 (1A) (in school zone)	Stop on painted island	2	2
Rule 197 (1B) (in school zone)	Stop on traffic island	2	2

Schedule 3 Amendment to Road Transport (General) Regulation 2013

Schedule 5 Penalty notice offences

Omit the matter relating to rule 197 (1A) of the *Road Rules 2008*. Insert instead:

Rule 197 (1A), otherwise than in a school zone	Class 1, 12	Level 2
Rule 197 (1A), in a school zone	Class 1, 12	Level 3
Rule 197 (1B), otherwise than in a school zone	Class 1, 12	Level 2
Rule 197 (1B), in a school zone	Class 1, 12	Level 3