



New South Wales

Road Transport Legislation Amendment (Bicycle Riders) Regulation 2016

under the

Road Transport Act 2013

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

DUNCAN GAY, MLC
Minister for Roads, Maritime and Freight

Explanatory note

The objects of this Regulation are as follows:

- (a) to require motorists to keep a specified minimum distance from a bicycle when passing to the right of the bicycle on a road,
- (b) to provide that the offence under the *Road Rules 2014* of not obeying the applicable speed limit (which currently applies to bicycle riders as well as motorists) may be dealt with by way of a penalty notice if the offence is committed by a bicycle rider,
- (c) to increase the level of the penalty payable under penalty notices for offences under the *Road Rules 2014* that relate to the use of bicycles or to persons riding bicycles,
- (d) to prescribe the offence of failing to keep the minimum distance when passing to the right of a bicycle as an offence for which demerit points may be incurred.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 and 24 (the general regulation and rule-making power), sections 32 (1) (b) and 195 and Schedule 1.

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1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Bicycle Riders) Regulation 2016*.

2 Commencement

This Regulation commences on 1 March 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2014

Rules 144–1 and 144–2

Insert after rule 144:

144–1 NSW rule: keeping a safe distance when passing bicycle rider

- (1) The driver of a motor vehicle driving past to the right of a bicycle that is travelling on a road in the same direction as the motor vehicle must pass the bicycle at a safe distance from the bicycle.

Maximum penalty: 20 penalty units.

- (2) A *safe distance from the bicycle* is:

- (a) if the speed limit applying to the driver of the motor vehicle for the length of the road is not more than 60 kilometres per hour—a distance of at least 1 metre, or
- (b) if the speed limit applying to the driver of the motor vehicle for the length of the road is more than 60 kilometres per hour—a distance of at least 1.5 metres,

measured laterally from the furthest right side of the bicycle to the furthest left side of the motor vehicle or any part of the vehicle (including anything attached to or projecting from the vehicle).

- (3) For the purposes of subrule (2), *bicycle* includes any bicycle trailer towed by the bicycle, the rider or any passenger on the bicycle or in or on the trailer and any basket or pannier bags attached to the bicycle or trailer, but does not include any flag or stick (whether or not flexible) attached to and projecting sideways from the bicycle or trailer.

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

144–2 NSW rule: exceptions for passing bicycle rider

- (1) The driver of a motor vehicle driving past to the right of a bicycle that is travelling on a road in the same direction as the motor vehicle may, if it is necessary in order to comply with rule 144–1 while passing the bicycle, do any of the following but only if the driver can do so safely and has a clear view of any approaching traffic:

- (a) if the driver is driving on a two-way road without a dividing line or median strip—drive to the right of the centre of the road,
- (b) if the driver is driving on a road with a dividing line—drive to the right of the dividing line,
- (c) drive:
- (i) on a dividing strip that is at the same level as the road, or
- (ii) on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island,
- (d) if the driver is driving on a multi-lane road—drive so that the driver's vehicle is not completely in a marked lane,
- (e) if the driver is driving on a road with 2 or more lines of traffic travelling in the same direction as the driver, but without marked lanes—drive so that the driver's vehicle is not completely in a single line of traffic,
- (f) if the driver is driving on a multi-lane road—move from one marked lane to another marked lane across a continuous line separating the lanes.

- (2) Subrule (1) has effect despite anything in rule 132, 137, 138, 146 or 147.
- (3) For the purposes of subrule (1) (c), a dividing strip does not include a painted island and is taken to be at the same level as the road even if the dividing strip contains 1 or more raised pavement bars or markers.

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

Schedule 2 Amendment of Road Transport (General) Regulation 2013

[1] Schedule 5 Penalty notice offences

Insert at the end of the matter relating to rule 20 of the *Road Rules 2014*:

Rule 20, in relation to a bicycle (except where the applicable speed limit is specified by rule 24–2) Class 1 Level 2

[2] Schedule 5

Omit the matter relating to rules 27–303 of the *Road Rules 2014* (other than any matter relating to rules 182 (1), 183 (1), 184 (1), 195 (1), 195 (1–1) and 196 (1) or to rule 187 (1) specifically).

Insert instead:

Rule 27, Rule 28 (1) and (1A), Rule 29, Rule 31, Rule 32 (1), Rule 33, Rule 88, Rule 89, Rule 90, Rule 91, Rule 92, Rule 98, Rule 99, Rule 100:

(a) in relation to a motor vehicle Class 1 Level 4

(b) in relation to a bicycle Class 1 Level 2

(c) in relation to any other vehicle Class 1 Level 1

Rule 28 (2A), Rule 32 (2A), Rule 35, Rule 141 (2), Rule 245, Rule 246, Rule 247, Rule 247A, Rule 247B, Rule 248, Rule 249, Rule 250, Rule 251, Rule 252, Rule 253, Rule 255, Rule 257, Rule 258, Rule 259, Rule 260, Rule 261 (1), Rule 262 Class 1 Level 2

Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, otherwise than in school zone Class 1 Level 4

Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, in school zone Class 1 Level 5

Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71, Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299, Rule 300, Rule 300–1, otherwise than in school zone Class 1 Level 5

Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71, Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299, Rule 300, Rule 300–1, in school zone Class 1 Level 6

Rule 46, Rule 48, Rule 51, Rule 53, Rule 112, Rule 113, Rule 117, Rule 118, Rule 141 (1), Rule 153, Rule 162, Rule 163, Rule 164, Rule 164A Class 1 Level 3

Rule 56, Rule 59, Rule 80, Rule 81, in relation to a vehicle not being a motor vehicle or a bicycle Class 1 Level 1

Rule 56 (1), in relation to a motor vehicle otherwise than at toll booth or in school zone Class 1 Level 6

Rule 56 (1), in relation to a motor vehicle in school zone Class 1 Level 7

Rule 56 (1), in relation to a motor vehicle or bicycle at toll booth Class 1 Level 3

Rule 56 (1), Rule 59, in relation to a bicycle otherwise than at toll booth Class 1 Level 6

Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to a motor vehicle otherwise than in school zone Class 1 Level 6

Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to a motor vehicle in school zone	Class 1	Level 7
Rule 56 (2), Rule 80, Rule 81, in relation to a bicycle	Class 1	Level 6
Rule 57, Rule 60, Rule 60A, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), Rule 297 (1A), Rule 297 (3), otherwise than in school zone	Class 1	Level 6
Rule 57, Rule 60, Rule 60A, Rule 61, Rule 64 (b), Rule 65 (2) (c), Rule 297 (1), Rule 297 (1A), Rule 297 (3), in school zone	Class 1	Level 7
Rule 59, in relation to a motor vehicle otherwise than at toll booth or in school zone	Class 1	Level 6
Rule 59, in relation to a motor vehicle in school zone	Class 1	Level 7
Rule 59, in relation to a motor vehicle or bicycle at toll booth	Class 1	Level 3
Rule 66, Rule 78, Rule 79, Rule 121, Rule 122, Rule 123, Rule 124, Rule 126, Rule 152, Rule 274, Rule 275, Rule 277, Rule 279, Rule 281, Rule 282, Rule 284, Rule 286, Rule 294	Class 1	Level 6
Rule 72, Rule 73, Rule 74, Rule 75, Rule 76, Rule 77, Rule 84, Rule 85, Rule 86, Rule 87, Rule 108, Rule 114, Rule 136, Rule 140, Rule 142, Rule 144, Rule 144-1, Rule 145, Rule 148, Rule 148A, Rule 149, Rule 154, Rule 157 (1), Rule 159, Rule 224, Rule 224-1, Rule 264, Rule 265 (1), Rule 266, Rule 267-1, Rule 268, Rule 268-2, Rule 268-3, Rule 269, Rule 270 (1) (a), Rule 270 (2), Rule 271 (1) (a), Rule 271 (2) (a), Rule 271 (2) (a) and (3), Rule 271 (4), Rule 271 (5), Rule 271 (5A) Rule 271 (5B), Rule 271 (5C), Rule 271-1 (1) Rule 271-2 (1), Rule 287, Rule 298, Rule 298-1	Class 1	Level 5
Rule 79-1, Rule 79-2 (1), Rule 218-1	Class 1	Level 2
Rule 82:		
(a) in relation to a bicycle	Class 1	Level 6
(b) in relation to any other vehicle not being a motor vehicle or bicycle	Class 1	Level 1
Rule 83:		
(a) in relation to a motor vehicle	Class 1	Level 6
(b) in relation to a bicycle	Class 1	Level 2
(c) in relation to any other vehicle	Class 1	Level 1
Rule 93, Rule 94, Rule 95, Rule 96, Rule 97, Rule 101A, Rule 111, Rule 115, Rule 116, Rule 125, Rule 128, Rule 143, Rule 155, Rule 156	Class 1	Level 4
Rule 102:		
(a) in relation to a driver who drives through or under (or attempts to drive through or under) a tunnel, bridge or other structure to which a clearance sign or low clearance sign relates	Class 1, 2	Level 14
(b) in relation to any other driver	Class 1, 2	Level 3
Rule 103	Class 1, 2, 14	Level 4
Rule 104:		
(a) in relation to any length of road other than the length of road referred to in paragraph (b)	Class 1, 2, 14	Level 3
(b) in relation to the length of road between Galston and Hornsby Heights that crosses Galston Gorge	Class 1, 2, 14	Level 14
Rule 105, Rule 107	Class 1, 2	Level 8

Rule 106	Class 1, 2, 14	Level 3
Rule 119:		
(a) in relation to the rider of a bicycle	Class 1	Level 2
(b) in relation to any other rider	Class 1	Level 1
Rule 127 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 6
Rule 128A, otherwise than in school zone	Class 1	Level 4
Rule 128A, in school zone	Class 1	Level 5
Rule 129, Rule 137, Rule 138:		
(a) in relation to a motor vehicle	Class 1	Level 4
(b) in relation to a bicycle	Class 1	Level 2
(c) in relation to any other vehicle	Class 1	Level 1
Rule 130, Rule 131, Rule 135:		
(a) in relation to a motor vehicle	Class 1	Level 5
(b) in relation to a bicycle	Class 1	Level 2
(c) in relation to any other vehicle	Class 1	Level 1
Rule 132:		
(a) in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
(b) in relation to a class B or class C motor vehicle not in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 5
(c) in relation to a motor vehicle that is not a class B or class C motor vehicle	Class 1	Level 5
(d) in relation to a bicycle	Class 1	Level 2
(e) in relation to any other vehicle	Class 1	Level 1
Rule 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 4
Rule 150 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 4
Rule 151:		
(a) in relation to the rider of a bicycle	Class 1	Level 2
(b) in relation to any other rider	Class 1	Level 1
Rule 151-1	Class 1	Level 8
Rule 157-1 (1)	Class 1	Level 5

Rule 157–1 (2)	Class 1, 12, 16	Level 5
Rule 160, Rule 161, Rule 212, Rule 213, Rule 216, Rule 218, Rule 219, Rule 271 (1) (b), Rule 271 (1) (c), Rule 271 (2) (b) and (3), Rule 272, Rule 296 (2)	Class 1	Level 2
Rule 167, otherwise than in school zone	Class 1, 12, 16	Level 4
Rule 167, in school zone	Class 1, 12, 16	Level 5
Rule 168, otherwise than in school zone	Class 1, 12, 16	Level 2
Rule 168, in school zone	Class 1, 12, 16	Level 3
Rule 168–1	Class 1, 8, 9, 10, 12, 15, 16	Level 2
Rule 169, Rule 170, Rule 176, Rule 177, Rule 178, Rule 187	Class 1, 12, 16	Level 4
Rule 171 (1), Rule 172 (1), Rule 173 (1), otherwise than in school zone	Class 1, 12	Level 5
Rule 171 (1), Rule 172 (1), Rule 173 (1), in school zone	Class 1, 12	Level 6
Rule 174 (2), Rule 175 (1)	Class 1, 12	Level 5
Rule 179, Rule 180, Rule 181, Rule 190, Rule 208 (1) and (2)	Class 1, 12	Level 3
Rule 179–1, Rule 207–1, Rule 207–2, Rule 207–3, Rule 207–4, Rule 207–5, Rule 207–6, Rule 207–7, Rule 207–8, Rule 207–9	Class 1, 12, 15	Level 2
Rule 186	Class 1, 4, 12	Level 2
Rule 188, Rule 193, Rule 194, Rule 198 (1), Rule 199, Rule 200, Rule 201, Rule 202, Rule 205, Rule 208 (1) and (3), Rule 208 (1) and (4), Rule 208 (1) and (5), Rule 208 (1) and (7), Rule 208 (1) and (8), Rule 208A, Rule 209, Rule 210, Rule 211	Class 1, 12	Level 2
Rule 189, otherwise than in school zone	Class 1, 12	Level 4
Rule 189, in school zone	Class 1, 12	Level 5
Rule 191, Rule 192, Rule 203A	Class 1, 12, 16	Level 3
Rule 197 (1), Rule 198 (2), otherwise than in school zone	Class 1, 12	Level 2
Rule 197 (1), Rule 198 (2), in a school zone	Class 1, 12	Level 3
Rule 197 (1A), Rule 197 (1B), otherwise than in school zone	Class 1, 12	Level 2
Rule 197 (1A), Rule 197 (1B), in school zone	Class 1, 12	Level 3
Rule 203 (1)	Class 1, 12, 15	Level 7
Rule 205A–1 (1)	Class 1, 12, 15, 16	Level 4
Rule 208 (1) and (6)	Class 1, 12	Level 4
Rule 215–1, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1, 2	Level 11
Rule 215–1, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone	Class 1	Level 2

Rule 220–1 (1)	Class 1	Level 2
Rule 221–1, Rule 294–3, Rule 300–5	Class 1, 2	Level 2
Rule 221–2	Class 1	Level 2
Rule 222–1, Rule 300–4	Class 1, 2	Level 5
Rule 222–2, Rule 291–1	Class 1, 2	Level 3
Rule 223, Rule 228, Rule 229, Rule 230, Rule 231, Rule 232, Rule 233, Rule 234, Rule 235, Rule 235A, Rule 236, Rule 237, Rule 238, Rule 239, Rule 240A, Rule 240, Rule 241, Rule 242, Rule 243, Rule 244, Rule 301, Rule 302, Rule 303	Class 1	Level 1
Rule 226, Rule 227	Class 1, 2	Level 2
Rule 245–1	Class 1	Level 6
Rule 254, 256	Class 1	Level 5
Rule 265 (3) (where driver drives with 1 unrestrained passenger)	Class 1	Level 5
Rule 265 (3) (where driver drives with 2 unrestrained passengers)	Class 1	Level 8
Rule 265 (3) (where driver drives with 3 unrestrained passengers)	Class 1	Level 10
Rule 265 (3) (where driver drives with 4 or more unrestrained passengers)	Class 1	Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 8
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 10
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 12
Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 13
Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only)	Class 1	Level 5
Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers)	Class 1	Level 8
Rule 270 (1) (b) (where helmeted rider rides bike with 3 unhelmeted passengers)	Class 1	Level 10
Rule 270 (1) (b) (where helmeted rider rides bike with 4 or more unhelmeted passengers)	Class 1	Level 12
Rule 291	Class 1, 2	Level 5
Rule 291–2	Class 1, 2, 16	Level 3
Rule 291–3	Class 1	Level 3
Rule 292 (a), Rule 292 (b)	Class 1, 2, 12	Level 6
Rule 292 (c)	Class 1, 2	Level 6
Rule 293 (2)	Class 1, 2, 16	Level 6
Rule 294–1, Rule 294–2	Class 1, 2	Level 6
Rule 296 (1), otherwise than in school zone	Class 1	Level 3
Rule 296 (1), in school zone	Class 1	Level 4
Rule 300–2 (1)	Class 1	Level 6

Schedule 3 Amendment of Road Transport (Driver Licensing) Regulation 2008

Schedule 2 Additional demerit point offences

Insert after the matter relating to rule 143 (1A) of the *Road Rules 2014*:

Rule 144-1	Fail to keep safe distance when passing bicycle	2	2
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