



New South Wales

Road Amendment (Miscellaneous) Rule 2016

under the

Road Transport Act 2013

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

DUNCAN GAY, MLC
Minister for Roads, Maritime and Freight

Explanatory note

The objects of this Rule are:

- (a) to provide that one-way, keep left and keep right signs do not apply to a bicycle path or separated footpath, and
- (b) to correct references to the location of the definition of *road transport legislation* (which is defined in the *Road Transport Act 2013* rather than the Dictionary to the *Road Rules 2014*), and
- (c) to make further provision with respect to the use of seatbelts and child restraints by persons with a medical condition or disability, and
- (d) to allow a person to ride a bicycle on a footpath if the person has a medical condition that makes it impractical or unsafe for the person to ride on the road, and
- (e) to make further provision with respect to the use of helmets and footrests by the rider of a motor bike, and
- (f) to make special provision with respect to the use of flashing headlights by buses, and
- (g) to define certain terms used in the *Road Rules 2014*.

This Rule implements, with some minor modifications, certain amendments made to the *Australian Road Rules* by the *Australian Road Rules (11th Amendment)* approved by the Transport and Infrastructure Council.

This Rule is made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power), 24, 25 and 26 and Schedule 1.

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1 Name of Rule

This Rule is the *Road Amendment (Miscellaneous) Rule 2016*.

2 Commencement

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

Schedule 1 Amendment of Road Rules 2014

[1] Rule 98 One-way signs

Omit “footpath, nature strip” wherever occurring in rule 98 (3) (a) and (b).

Insert instead “bicycle path, footpath, nature strip, separated footpath”.

[2] Rule 98 (3), note

Insert “, *bicycle path* and *separated footpath* are defined in rule 239” after “Dictionary”.

[3] Rule 99 Keep left and keep right signs

Omit “footpath, nature strip” wherever occurring in rule 99 (3) (a) and (b).

Insert instead “bicycle path, footpath, nature strip, separated footpath”.

[4] Rule 99 (3), note

Insert “, *bicycle path* and *separated footpath* are defined in rule 239” after “Dictionary”.

[5] Rule 150 Driving on or across a continuous white line

Omit the first note to rule 150 (1A). Insert instead:

Note 1. *Centre of the road, obstruction, overtake, right change of direction signal* and *U-turn* are defined in the Dictionary and *road transport legislation* is defined in the Act.

[6] Rule 200 Stopping on roads—heavy and long vehicles

Omit the first note to rule 200 (2A–1). Insert instead:

Note 1. *Bus* is defined in the Dictionary and *road transport legislation* is defined in the Act.

[7] Rule 218–1 NSW rule: using lights on vehicles generally

Omit rule 218–1 (d) (i) and (ii). Insert instead:

- (i) the vehicle is being used to respond to an emergency and is being driven by a person who is authorised to drive the vehicle and has identification or any other distinguishing mark indicating that authority, or
- (ii) the vehicle is a bus and the warning system (within the meaning of clause 25 of the *Road Transport (General) Regulation 2013*) is activated as required by rule 222–2, or

[8] Rule 245 Riding a bicycle

Omit “sit” from rule 245 (a). Insert instead “be”.

[9] Rule 250 Riding on footpath or shared path

Insert after rule 250 (1):

- (1A) A rider of a bicycle does not have to comply with subrule (1) if:
 - (a) the rider is carrying a medical certificate that states a medical practitioner believes the rider should be allowed to ride on the footpath because of a medical condition the rider has, and
 - (b) the rider is complying with any conditions stated in the medical certificate, and

- (c) no other law of this jurisdiction states that this subrule does not apply.
Note. *Medical certificate* and *medical practitioner* are defined in the Dictionary and *medical condition* is defined in subrule (3).
- (1B) Also, a rider of a bicycle does not have to comply with subrule (1) if the rider is accompanying another person who is exempt under subrule (1A).
- (1C) However, the rider is exempt under subrule (1A) or (1B) only if the rider who is carrying the medical certificate immediately produces the medical certificate when an authorised person asks to see the certificate.
Note. *Authorised person* and *medical certificate* are defined in the Dictionary.
- (1C–1) A rider is not exempt under subrule (1A) or (1B) if there is a bicycle path or shared path available near the footpath.
Note 1. *Bicycle path* is defined in rule 239.
Note 2. This subrule is an additional NSW subrule. There is no corresponding subrule in rule 250 of the *Australian Road Rules*.

[10] Rule 250 (3)

Insert in appropriate order in rule 250 (3):

medical condition means a medical condition that makes it impractical or unsafe for a person who has the condition to ride a bicycle on the road.

Note. There is no corresponding definition for this term for the purposes of rule 250 of the *Australian Road Rules*. The definition is required for the purposes of subrule (1A).

[11] Rule 262A

Insert after rule 262:

262A Proceeding when bicycle crossing light is green

- (1) The rider of a bicycle who is crossing at an intersection, or another place on a road, with bicycle crossing lights and traffic lights must comply with this rule.
- (2) If the bicycle crossing lights show a green bicycle crossing light, the rider may cross even though the traffic lights show a red traffic light or yellow traffic light.

Note. *Bicycle crossing lights*, *green bicycle crossing light*, *intersection*, *red traffic light*, *traffic lights* and *yellow traffic light* are defined in the Dictionary.

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

Insert after rule 266 (2B):

- (2C) Subrules (2), (2A) and (2B) do not apply in respect of a passenger if:
- (a) the driver is carrying a medical certificate that states that a medical practitioner believes the passenger should not be restrained in the way described in those subrules because of a medical condition or disability that the passenger has, and
- (b) the passenger is properly restrained in a child restraint that has been designed for, and is suitable for use by the passenger or a person with the same medical condition or disability as the passenger, and
- (c) the driver is complying with any conditions stated in the medical certificate, and
- (d) no other law of this jurisdiction states that this subrule does not apply.
Note. *Medical certificate* and *medical practitioner* are defined in the Dictionary.
Note 1. Subrule (2C) is not uniform with the corresponding subrule in rule 266 of the *Australian Road Rules*.

- (2D) However, the passenger is exempt under subrule (2C) only if the driver immediately produces the medical certificate when an authorised person asks to see the certificate.

Note. *Authorised person* is defined in the Dictionary.

[13] Rule 266 (3B) and (3C)

Insert after rule 266 (3A–1):

- (3B) Subrules (3) and (3A) do not apply in respect of a passenger if:
- (a) the driver is carrying a medical certificate that states that a medical practitioner believes the passenger should not be seated in the position described in those subrules because of a medical condition or disability that the passenger has, and
 - (b) the driver is complying with any conditions stated in the medical certificate, and
 - (c) no other law of this jurisdiction states that this subrule does not apply.

Note 1. *Medical certificate* and *medical practitioner* are defined in the Dictionary.

Note 2. Subrule (3B) is not uniform with the corresponding subrule in rule 266 of the *Australian Road Rules*.

- (3C) However, the driver is exempt under subrule (3B) only if the driver immediately produces the medical certificate when an authorised person asks to see the certificate.

Note. *Authorised person* is defined in the Dictionary.

[14] Rule 266 (4A–1)

Omit rule 266 (4A–1) (including the note to the subrule).

[15] Rule 267 Exemptions from wearing seat belts

Omit “certificate” from rule 267 (3) where secondly occurring.

Insert instead “medical certificate”.

[16] Rule 267 (3A), (4) and (4–1)

Omit rule 267 (3A), (3A–1), (4) and (4–1). Insert instead:

- (3A) A person who is in, or on, a motor vehicle is exempt from wearing a seat belt if:
- (a) the person (or, if the person is a passenger in or on a vehicle, the vehicle’s driver) is carrying a medical certificate that states a medical practitioner believes the person should not wear a seatbelt because of a medical condition the person has, and
 - (b) the person is complying with any conditions stated in the medical certificate, and
 - (c) no other law of this jurisdiction states that this subrule does not apply.

Note. *Medical certificate* and *medical practitioner* are defined in the Dictionary.

- (4) However, the passenger is exempt under subrule (3) or (3A) only if the driver immediately produces the medical certificate when an authorised person asks to see the certificate.

Note. *Authorised person* is defined in the Dictionary.

- (4–1) For the purposes of this rule, a medical certificate is not required to display an expiry date if the certificate that belongs to a class of certificates that is exempted, by an order of the Authority, from the requirement to display an expiry date.

[17] Rule 267 (9)

Omit the definition of *medical practitioner*.

[18] Rule 267–2 NSW rule: exemption from front seat position restrictions

Omit the rule.

[19] Rule 270 Wearing motor bike helmets

Insert after rule 270 (1):

- (1A) However, the rider of a motor bike that is moving, or is stationary but not parked, is exempt from wearing an approved motor bike helmet if:
- (a) the motor bike's engine is not on, and
 - (b) the rider is pushing the motor bike, and
 - (c) in the circumstances, it is safe for the rider not to wear the helmet.

[20] Rule 271 Riding on motor bikes

Insert after rule 271 (1):

- (1A) The rider of a motor bike that is moving may:
- (a) stand on the motor bike's footrests or footboard designed for the rider's use if:
 - (i) the rider has both feet on the footrests or footboard, and
 - (ii) in the circumstances, it is safe for the rider to do so, or
 - (b) remove a foot from the footrest or footboard designed for the rider's use if:
 - (i) the rider is sitting on the rider's seat, and
 - (ii) at least 1 foot is on a foot rest or footboard, and
 - (iii) in the circumstances, it is safe for the rider to do so.

[21] Rule 288 Driving on a path

Omit "is not travelling over" from rule 288 (3) (b). Insert instead "cannot travel above".

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

Omit "motor" from rule 299 (1).

[23] Rule 299 (1), note

Omit the note. Insert instead:

Note. *Park* is defined in the Dictionary, and *vehicle* is defined in rule 15.

[24] Rule 300 Use of mobile phones

Omit "a phone call (other than a text message, video message, email or similar communication)" from rule 300 (1) (a).

Insert instead "an audio phone call".

[25] Rule 300 (4)

Insert in alphabetical order:

audio phone call does not include an email, text message, video call, video message or other similar communication.

[26] Dictionary

Omit “belong” from paragraph (c) of the definition of *emergency worker*.
Insert instead “belonging”.

[27] Dictionary

Insert in alphabetical order in the Dictionary:

medical certificate means a certificate that:

- (a) is signed by a medical practitioner, and
- (b) states a date of issue, and
- (c) if these Rules, or another law of this jurisdiction do not exempt the medical certificate from displaying an expiry date—states an expiry date that is not more than 1 year after the date of issue, and
- (d) has not expired.

medical practitioner means a person registered or licensed as a medical practitioner under a law of a State or Territory that provides for the registration or licensing of such persons.

Note. This definition is not uniform with the definition in the Dictionary to the *Australian Road Rules*. However, the definition in the *Australian Road Rules* allows another law of this jurisdiction to define the term. Different definitions may apply in other Australian jurisdictions.