

Heavy Vehicle National Legislation Amendment Regulation 2018

made under the

Heavy Vehicle National Law as applied by the law of States and
Territories

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Heavy Vehicle National Legislation Amendment Regulation 2018*.

2 Commencement

This regulation commences on 1 July 2018.

Part 2 Amendment of Heavy Vehicle (General) National Regulation

3 Regulation amended

This part amends the *Heavy Vehicle (General) National Regulation*.

4 Amendment of s 28 (Vehicle standards—exemptions for PBS vehicles)

(1) Section 28, before ‘For’—

insert—

(1)

(2) Section 28(1)(a), as renumbered by this section, all dot points—

omit, insert—

- clauses 6.1.1 and 6.2.1 (total length)
- clause 6.2.2 (drawbar length)
- clauses 6.1.2 and 6.2.3 (rear overhang)
- clauses 6.1.3 and 6.2.4 (height)
- clauses 6.1.5 and 6.2.6 (overall width)

[s 4]

- clause 9.4 (retractable axle), other than to the extent it requires a vehicle to comply with clause 6.1.4, 6.1.6, 6.2.5 or 6.2.7;
- (3) Section 28(1)(b), as renumbered by this section, ‘5.3’—
omit, insert—
5.2
- (4) Section 28—
insert—
- (2) A reference in subsection (1) to a clause of an ADR is a reference to—
- (a) the version of the clause applying to the heavy vehicle as a vehicle standard; and
 - (b) if another clause was superseded by the clause (including with modification or because of a renumbering of the ADR) and a version of the superseded clause applies to the heavy vehicle as a vehicle standard—the version of the superseded clause applying to the heavy vehicle as a vehicle standard; and
- Example—*
- An ADR is amended so that a clause mentioned in subsection (1) replaces a previous clause in the ADR. For a heavy vehicle to which the replaced clause applies as a vehicle standard, the reference to the clause in subsection (1) is a reference to the replaced clause applying to the heavy vehicle as a vehicle standard.
- (c) if the clause is omitted and remade (with or without modification) or renumbered and a version of the clause as remade or renumbered applies to the heavy vehicle as a vehicle standard—the version of the clause as remade or renumbered applying to the heavy vehicle as a vehicle standard.
- (3) A reference to a clause of an ADR mentioned in subsection (1) in a PBS vehicle approval is taken

to be a reference to the version of the clause mentioned in subsection (2).

5 Insertion of new Pt 6A

After Part 6—

insert—

**Part 6A Miscellaneous
provision**

**57A Qualification of authorised officers—Law, s
481**

For section 481(1)(d) of the Law the classes are—

- (a) individuals whose services are used by a participating jurisdiction under an arrangement entered into with the employer of the individuals; and
- (b) individuals who are consultants or contractors engaged by a participating jurisdiction.

6 Amendment of Pt 7, hdg (Savings and transitional provisions)

Part 7, heading, after ‘provisions’—

insert—

for section 755 of the Law

7 Insertion of new Pt 7A

After Part 7—

insert—

Part 7A Other savings and transitional provision

69A References to ADR clauses in current PBS vehicle approvals

- (1) Section 28(3) applies—
 - (a) to a current PBS approval; and
 - (b) in relation to a clause of an ADR mentioned in section 28 as in force before the commencement as if the clause were mentioned in section 28(1).
- (2) A reference in a current PBS approval to clause 5.3 of ADR 62 is taken to be, and to always have been, a reference to clause 5.2 of ADR 62.
- (3) In this section—

current PBS approval means a PBS vehicle approval in force on the commencement.

8 Replacement of s 69A (Payments into Fund—regulatory component)

Section 69A—

omit, insert—

69A Authorisation for s 688 of the Law

- (1) For section 688(1)(e) of the Law, an amount equal to the regulatory component of the paid registration charges is to be paid into the Fund.
- (2) In this section—

paid registration charges means the charges paid for the registration of a heavy vehicle under a law of a participating jurisdiction or the Commonwealth, taking into account any later refund of the charges.

regulatory component, of the paid registration charges, means the component of the charges—

- (a) prescribed under a law of a participating jurisdiction or the Commonwealth as the regulatory component of the charges; or
- (b) paid to, or received by, a participating jurisdiction, under a law of the jurisdiction or the Commonwealth, for payment into the Fund.

9 Amendment of Sch 1 (Fees)

- (1) Schedule 1, items 2 and 5, column 3, ‘27.00’—

omit, insert—

31.00

- (2) Schedule 1—

insert—

- 16 An application for a HML permit under section 21 of the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation* 70.00

Part 3 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation

10 Regulation amended

This part amends the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

11 Amendment of s 3 (Definitions)

- (1) Section 3—

insert—

axle group, for Schedule 1, includes a group of at least 5 axles.

complying anti-lock braking system, for an eligible 2-axle bus, means an anti-lock braking system that complies with—

- (a) if a version of ADR 35 later than ADR 35/01 applied to the bus at the bus's date of manufacture—the version of ADR 35 that applied to the bus at the bus's date of manufacture or a later version of ADR 35; or
- (b) otherwise—ADR 35/01 or a later version of ADR 35.

eligible 2-axle bus—

- 1 A bus is an *eligible 2-axle bus* if the bus—
 - (a) was manufactured before 1 January 2016; and
 - (b) has 2 axles, 1 of which is a single-drive axle fitted with dual tyres; and
 - (c) is 1 of the following—
 - (i) a complying bus;
 - (ii) an ultra-low floor bus;
 - (iii) a bus, other than an ultra-low floor bus, that is authorised to carry standing passengers;
 - (iv) a bus, other than an articulated bus, whose length is more than 12.5m but not more than 14.5m; and
 - (d) is fitted with—
 - (i) a complying anti-lock braking system; or

- (ii) a vehicle stability function that complies with the version of UN ECE Regulation No. 13 that applied to the bus at the bus's date of manufacture or a later version of UN ECE Regulation No. 13.

Note—

A vehicle stability function is also known as electronic stability control or ESC.

- 2 A bus is also an *eligible 2-axle bus* if the bus—
 - (a) was manufactured on or after 1 January 2016; and
 - (b) has 2 axles, 1 of which is a single-drive axle fitted with dual tyres; and
 - (c) is 1 of the following—
 - (i) a complying bus;
 - (ii) an ultra-low floor bus;
 - (iii) a bus, other than an ultra-low floor bus, that is authorised to carry standing passengers;
 - (iv) a bus, other than an articulated bus, whose length is more than 12.5m but not more than 14.5m; and
 - (d) is fitted with—
 - (i) a complying anti-lock braking system; and
 - (ii) either—
 - (A) an eligible electronic braking system; or

[s 11]

- (B) a vehicle stability function that complies with the version of UN ECE Regulation No. 13 that applied to the bus at the bus's date of manufacture or a later version of UN ECE Regulation No. 13.

eligible electronic braking system, for an eligible 2-axle bus, means a service brake system operating on the wheels of the bus that—

- (a) is primarily activated by electronic means; and
- (b) has a secondary means of activation if the electronic means of activation fails.

Example of secondary means of activation—

pneumatic activation

tag trailer means a trailer—

- (a) with 1 axle group or a single axle towards the rear of its load-carrying surface; and
- (b) connected to a towing vehicle by a drawbar.

- (2) Section 3, definition *complying steer axle vehicle*, paragraph (a), from 'in'—

omit, insert—

in—

- (i) ADR 80/01 or a later version of ADR 80; or
- (ii) if a version of ADR 80 later than ADR 80/01 applied to the vehicle at the vehicle's date of manufacture—the version of ADR 80 that applied to the vehicle at the vehicle's date of manufacture or a later version of ADR 80;

- (3) Section 3, definition *front articulation point*, paragraph (e), after 'semitrailer'—
-

insert—

or tag trailer

(4) Section 3, definition *HML permit*, ‘section 23(2)’—

omit, insert—

section 20(2)

12 Amendment of s 8 (Limitation imposed by manufacturer’s mass limits or other stated limit)

Section 8(8), definition *manufacturer’s mass limits*, paragraph (a)(ii) and (iii)—

omit, insert—

(ii) if a registration authority has, under an Australian road law, specified the total maximum loaded mass for the heavy vehicle and any vehicles it may lawfully tow—that mass; or

(iii) if a registration authority has, under an Australian road law, specified the vehicle’s maximum loaded mass—that mass; or

13 Amendment of s 9 (How to work out the relevant mass for a towing vehicle without a GCM)

Section 9(2), example, paragraph (b)—

omit, insert—

(b) a registration authority has not, under an Australian road law, specified the total maximum loaded mass for the vehicle and any vehicles it may lawfully tow at any given time because the vehicle has not been the subject of an application for registration under an Australian road law or an application for an unregistered heavy vehicle permit under the Law.

[s 14]

14 Amendment of Sch 1, s 2 (Mass limits for a single vehicle or combination)

- (1) Schedule 1, section 2(1)(a)(i)(A)—
omit, insert—
- (A) if the bus has only 2 axles but is not an eligible 2-axle bus—16t; or
- (2) Schedule 1, section 2(1)(a)(iii)—
omit, insert—
- (iii) for a bus that is an ultra-low floor bus with no axle groups and only 2 single axles but is not an eligible 2-axle bus—16t;
- (3) Schedule 1, section 2(1)(a)—
insert—
- (iia) for an eligible 2-axle bus—18t;
- (4) Schedule 1, section 2(1)(a)(v)—
omit, insert—
- (v) for a prime mover with a twinsteer axle group towing a tri-axle semitrailer—46.5t;
- (vi) for a vehicle that is not mentioned in subparagraphs (i) to (v) and that is neither a B-double nor a road train—42.5t;
- (5) Schedule 1, section 2—
insert—
- (4A) In a combination, the sum of the mass on the axle group or single axle of a tag trailer must not be more than the sum of the mass on the axle group or single axle of the towing vehicle.

15 Amendment of Sch 1, Pt 2 (Axle Tables)

- (1) Schedule 1, Part 2, Table 1, first column, single axles and single axle groups, provision starting ‘Steer axles on—’, paragraph (a), after ‘bus’—

insert—

that is not an eligible 2-axle bus

- (2) Schedule 1, Part 2, Table 1, first and second columns, single axles and single axle groups, provision starting ‘Steer axles on—’, after paragraph (b)—

insert—

(ba) an eligible 2-axle bus	7.0
-----------------------------	-----

- (3) Schedule 1, Part 2, Table 1, first and second columns, single axles and single axle groups, provision starting ‘Single axle or single axle group fitted with dual tyres on—’, paragraphs (b) and (c)—

omit, insert—

(b) a complying bus, or a bus authorised to carry standing passengers under an Australian road law, that is not an eligible 2-axle bus	10.0
(c) an ultra-low floor bus with no axle groups and only 2 single axles that is not an eligible 2-axle bus	11.0
(ca) an eligible 2-axle bus	12.0

- (4) Schedule 1, Part 2, Table 1, first entry for quad-axle groups, ‘3775mm’—

omit, insert—

375mm

- (5) Schedule 1, Part 2, Table 1, after the entries for quad-axle groups—

insert—

[s 16]

Axle groups of 5 or more	
Rear group of 5 or more axles on a low loader fitted with single tyres with section widths of less than 375mm	15.0
Any other rear group of 5 or more axles on a low loader	20.0

16 Amendment of Sch 5, s 1 (Application of higher mass limits to single axle or axle group)

- (1) Schedule 5, section 1(1)(a), (2) and (3)(a), ‘single drive axle’—

omit, insert—

single-drive axle

- (2) Schedule 5, section 1(5)—

insert—

(ba) is not a truck and tag trailer combination;
and

17 Amendment of Sch 5, s 2 (Higher mass limits)

- (1) Schedule 5, section 2(1), ‘(4)’—

omit, insert—

(5)

- (2) Schedule 5, section 2(2)(a), ‘single drive axle’—

omit, insert—

single-drive axle

18 Amendment of Sch 6, s 3 (Length—general)

- (1) Schedule 6, section 3, heading, ‘general’—

omit, insert—

combination or single vehicle

- (2) Schedule 6, section 3(1), after ‘heavy vehicle’—
insert—
consisting of a combination or single vehicle
- (3) Schedule 6, section 3(1)(g)—
omit, insert—
(g) for another single vehicle—12.5m.
- (4) Schedule 6, section 3(2)—
omit.
- (5) Schedule 6, section 3(3)(b)(iii)—
omit, insert—
(iii) other than for a deck permitted under subsection (3A), does not have an area carrying, or built to carry, goods.
- (6) Schedule 6, section 3—
insert—
(3A) A prime mover in a B-double carrying, or designed to carry, vehicles may have a deck fitted over the top of the prime mover that is carrying, or built to carry, a vehicle.
- (7) Schedule 6, section 3(4)—
insert—
single vehicle means a heavy motor vehicle that is not towing another vehicle.

19 Amendment of Sch 6, s 4 (Length—trailers)

- (1) Schedule 6, section 4(2), ‘or dog trailer’—
omit, insert—
, dog trailer or tag trailer

[s 20]

- (2) Schedule 6, section 4(3)—

omit, insert—

- (3) The part of a semitrailer or tag trailer, or anything attached to a semitrailer or tag trailer, in front of the trailer's front articulation point, other than another vehicle, must not protrude beyond the prescribed limit.

20 Amendment of Sch 6, s 5 (Length—rear overhang)

- (1) Schedule 6, section 5(1)(a), 'or dog trailer'—

omit, insert—

, dog trailer or tag trailer

- (2) Schedule 6, section 5(2), after 'semitrailer'—

insert—

or tag trailer

21 Amendment of Sch 6, s 6 (Length—trailer drawbars)

Schedule 6, section 6(3), after 'semitrailer'—

insert—

or tag trailer

22 Amendment of Sch 6, s 7 (Width)

- (1) Schedule 6, section 7, before 'A'—

insert—

(1)

- (2) Schedule 6, section 7(1), as renumbered by this section,
note—

omit.

- (3) Schedule 6, section 7—

insert—

- (2) For this Regulation, the width of a heavy vehicle must be measured in accordance with section 8 of the *Heavy Vehicle (Vehicle Standards) National Regulation*.

23 Amendment of Sch 8, s 2 (Warning signs and flags)

- (1) Schedule 8, section 2(1)(c)(ii), ‘load.’—

omit, insert—

load; and

- (2) Schedule 8, section 2(1)—

insert—

- (d) if a load projects beyond a side of the vehicle—2 brightly coloured red, red and yellow, or yellow flags, each at least 450mm by 450mm, attached to the front and rear of each projecting side of the load at the outermost points.

24 Amendment of Sch 8, s 5 (Side and rear markers and warning lights for oversize vehicles used at night)

Schedule 8, section 5(1)(a)—

omit, insert—

- (a) side markers must be displayed—
- (i) not more than 2m apart along the total length of each side of the vehicle and any load projecting from the front or rear of the vehicle; and
- (ii) at each corner of any load projecting from the front or rear of the vehicle; and

[s 25]

25 Amendment of Sch 8, s 11 (Assessing routes)

Schedule 8, section 11—

insert—

- (4) To remove any doubt, it is declared that a mass or dimension exemption is not permission for the purpose of subsection (3).

26 Amendment of Sch 8, s 17 (Rear marking plates and warning patterns)

Schedule 8, section 17(3), definition *rear marking plate*, paragraph (b) and note—

omit, insert—

- (b) complies with the ‘VSB 12—National Code of Practice—Rear Marking Plates’ published by the Regulator.

Note—

A copy of the ‘VSB 12—National Code of Practice—Rear Marking Plates’ is available on the Regulator’s website at www.nhvr.gov.au.

27 Amendment of Sch 8, s 35 (Characteristics of warning light)

Schedule 8, section 35(1)(c)(i), ‘25W’—

omit, insert—

24W

28 Replacement of Sch 8, s 42 (Material of warning sign)

Schedule 8, section 42—

omit, insert—

42 Other specifications for warning signs

A warning sign on a class 1 heavy vehicle or pilot vehicle must—

- (a) be manufactured from a material appropriate to its intended use on the vehicle; and
- (b) be fitted so that the sign is unlikely to become dislocated or furl; and
- (c) be displayed so that the entire sign is clearly visible; and
- (d) be maintained so that it can be easily read by other road users.

29 Omission of Sch 8, s 43 (Keeping signs clean)

Schedule 8, section 43—

omit.

**Part 4 Amendment of Heavy Vehicle
(Vehicle Standards) National
Regulation**

30 Regulation amended

This part amends the *Heavy Vehicle (Vehicle Standards) National Regulation*.

31 Amendment of s 4 (Definitions)

Section 4—

insert—

ADR (Definitions and Vehicle Categories) means the ADR titled ‘Vehicle Standard (Australian Design Rule—Definitions and Vehicle Categories) 2005’.

[s 32]

32 Amendment of s 8 (Measurement of width of vehicles)

- (1) Section 8, before 'For'—

insert—

(1)

- (2) Section 8(1)(h), as renumbered by this section, '2.55m.'—

omit, insert—

2.55m;

- (3) Section 8(1), as renumbered by this section—

insert—

- (i) removable load restraint equipment, if the maximum distance across the body of the heavy vehicle, including any part of the equipment, is not more than 2.55m.

- (4) Section 8—

insert—

- (2) However, if both devices mentioned in subsection (1)(h) and (i) are fitted to a heavy vehicle at the same time the width of the vehicle is measured disregarding the devices only if the maximum distance across the body of the vehicle, including any part of either device, is not more than 2.55m.

33 Amendment of Sch 2, s 10 (Mudguards)

Schedule 2, section 10(5)(c), after 'plates'—

insert—

or conspicuity markings

34 Amendment of Sch 2, s 23 (Wheels and tyres—size and capacity)

Schedule 2, section 23(3), definition *ADR (Definitions and Vehicle Categories)*—

omit.

35 Amendment of Sch 2, s 30 (White or silver band on particular vehicles)

Schedule 2, section 30(1)(c), after ‘plates’—

insert—

or conspicuity markings

36 Amendment of Sch 2, s 53 (External cabin lights)

Schedule 2, section 53—

insert—

(4) In this section—

cabin, of a heavy motor vehicle, includes a sleeper berth located immediately adjacent to the vehicle’s cabin.

sleeper berth means a sleeper berth within the meaning of ADR (Definitions and Vehicle Categories).

37 Amendment of Sch 2, s 80 (Rear marking plates)

(1) Schedule 2, section 80, heading, after ‘plates’—

insert—

and conspicuity markings

(2) Schedule 2, section 80(1), from ‘Rear’ to ‘VSB 12’—

omit, insert—

This section applies to the following vehicles

(3) Schedule 2, section 80(2)—

omit, insert—

(2) The vehicle must be fitted with—

[s 38]

- (a) rear marking plates in a way that complies with VSB 12, even if the vehicle was built before the day stated in VSB 12; or
- (b) conspicuity markings in a way that complies with ADR 13.

Note for subsection (2)(b)—

See also VSB 12 for requirements about ‘Do not overtake turning vehicle’ signs that may apply to a vehicle fitted with conspicuity markings.

- (4) Schedule 2, section 80(3), after ‘plates’—

insert—

or conspicuity markings

- (5) Schedule 2, section 80(3), ‘over’—

omit, insert—

more than

- (6) Schedule 2, section 80(4), definition *VSB 12*—

omit.

- (7) Schedule 2, section 80(4)—

insert—

conspicuity marking means a conspicuity marking within the meaning of ADR 13.

VSB 12 means the ‘VSB 12—National Code of Practice—Rear Marking Plates’ published by the Regulator.

Note—

A copy of VSB 12 is available on the Regulator’s website at www.nhvr.gov.au.

38 Amendment of Sch 2, s 86 (Supply of air or vacuum to brakes)

Schedule 2, section 86(1)(c)—

omit, insert—

- (c) there must be, at the lowest point of each air brake reservoir in the vehicle's braking system—
 - (i) a manual condensate drain valve; or
 - (ii) an automatic condensate drain valve that also allows water to be removed from the compressed air reserve manually; and

39 Insertion of new Sch 2, ss 108A and 108B

Schedule 2, part 9—

insert—

108A Hydrogen-powered vehicles

- (1) A hydrogen-powered vehicle built after 1 January 2019 must have fixed conspicuously to its front and rear number plates—
 - (a) for a vehicle fitted with 1 hydrogen fuel container—a label that complies with subsection (2); or
 - (b) for a vehicle fitted with 2 or more hydrogen fuel containers—2 labels that comply with subsection (2).
- (2) For subsection (1), a label complies with this subsection if—
 - (a) it is affixed to a plate made of metal that is at least 1mm thick; and
 - (b) the label, and the plate to which it is affixed, is a regular pentagonal shape—
 - (i) each side of which is 25mm long; and
 - (ii) each interior angle of which is 108°; and

[s 39]

- (c) it has a yellow surface that complies with class 2 of AS 1906.1 ‘Retroreflective Materials and Devices for Road Traffic Control Purposes—Retroreflective Sheeting’; and
- (d) it is marked ‘H’ in a black capital letter that is at least 10mm high and has the orientation shown in the example; and
- (e) it is fixed to the number plates so that the letter on the label is in an upright position; and
- (f) it does not wholly or partly obscure any characters on the number plates.

Example of label for hydrogen-powered vehicle—



Note—

The example of the label is for illustrative purposes only and does not represent the label’s actual size, dimensions or colour.

- (3) In this section—
hydrogen-powered vehicle means a heavy motor vehicle that—
 - (a) is powered by a hydrogen fuel system; and
 - (b) has 1 or more hydrogen fuel containers fitted to the vehicle for the system.

108B Electric-powered vehicles

- (1) An electric-powered vehicle built after 1 January 2019 must have fixed conspicuously to its front and rear number plates a label that complies with subsection (2).
- (2) For subsection (1), a label complies with this subsection if—
 - (a) it is affixed to a plate made of metal that is at least 1mm thick; and
 - (b) the label, and the plate to which it is affixed, is an equilateral triangular shape—
 - (i) each side of which is 35mm in length; and
 - (ii) each interior angle of which is 60°; and
 - (c) it has a blue surface that complies with class 2 of AS 1906.1 'Retroreflective Materials and Devices for Road Traffic Control Purposes—Retroreflective Sheeting'; and
 - (d) it is marked 'EV' in white capital letters that are at least 8mm high and have the orientation shown in the example; and
 - (e) it is fixed to the number plates so that the letters on the label are in an upright position; and
 - (f) it does not wholly or partly obscure any characters on the number plates.

Example of label for electric-powered vehicle—

[s 40]



Note—

The example of the label is for illustrative purposes only and does not represent the label's actual size, dimensions or colour.

- (3) However, this section does not apply to a vehicle to which section 108A applies even if the vehicle is fitted with an electric motor or traction motor that is used in conjunction with a hydrogen fuel system for the propulsion of the vehicle.
- (4) In this section—

electric-powered vehicle means a heavy motor vehicle that is powered by 1 or more electric motors or traction motors that—

 - (a) are the only propulsion system for the vehicle; or
 - (b) are used in conjunction with another propulsion system for the vehicle.

40 Amendment of Sch 3, s 6 (Specifications for warning signs)

- (1) Schedule 3, section 6(3)—

omit, insert—

 - (3) A road train warning sign or long vehicle warning sign must be manufactured from a material appropriate to its intended use on the vehicle.
- (2) Schedule 3, section 6—

insert—

- (9A) However, a road train warning sign, or a long vehicle warning sign, split into 2 parts need not have a border between the 2 parts.

- (3) Schedule 3, section 6(11)(b), ‘level.’—

omit, insert—

level; and

- (4) Schedule 3, section 6(11)—

insert—

- (c) the warning sign is unlikely to become dislocated or furl.

- (5) Schedule 3, section 6—

insert—

- (13) A road train warning sign or long vehicle warning sign must—
- (a) be displayed so that the entire sign is clearly visible; and
 - (b) be maintained so that it can be easily read by other road users.

ENDNOTES

- 1 Made by the Queensland Governor, as defined under section 730(5) of the Heavy Vehicle National Law, acting with the advice of the Executive Council of Queensland and on the unanimous recommendation of the responsible Ministers, on 21 June 2018.
- 2 Published on the NSW legislation website in accordance with Part 6A of the *Interpretation Act 1987* of NSW on 22 June 2018.
- 3 The administering agency is the National Heavy Vehicle Regulator.