



New South Wales

Road Amendment (Stationary Emergency Vehicles) Rule 2019

under the

Road Transport Act 2013

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

ANDREW CONSTANCE, MP
Minister for Transport and Roads

Explanatory note

The object of this Rule is to make further provision with respect to driving past stationary emergency vehicles (including tow trucks and motor breakdown service vehicles) with flashing blue, red or (in relation to tow truck and motor breakdown service vehicles) yellow lights.

This Rule is made under the *Road Transport Act 2013*, including sections 23 (the general rule and regulation making power) and 195.

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1 Name of Rule

This Rule is the *Road Amendment (Stationary Emergency Vehicles) Rule 2019*.

2 Commencement

This Rule commences on 26 September 2019 and is required to be published on the NSW legislation website.

3 Amendment of Road Transport (Driver Licensing) Regulation 2017

Schedule 2 Additional demerit point offences

Omit “Drive past stationary emergency response vehicle at speed exceeding 40km/h” from the matter relating to Rule 78–1(2) of the *Road Rules 2014*.

Insert instead “Improperly passing stationary emergency response vehicle”.

Schedule 1 Amendment of Road Rules 2014

[1] Rule 78–1 NSW rule: Approaching or passing stationary emergency response vehicles

Omit “blue or red light” wherever occurring in rule 78–1(1) and (3).

Insert instead “blue or red light or, in relation to a tow truck or motor breakdown service vehicle, a flashing yellow light”.

[2] Rule 78–1(2) and (2A)

Omit rule 78–1(2). Insert instead—

- (2) If a stationary emergency response vehicle on a road is displaying a flashing blue or red light or, in relation to a tow truck or motor breakdown service vehicle, a flashing yellow light, a driver must not drive past the vehicle unless—
- (a) where the speed limit applying to the driver for the length of the road does not exceed 80 kilometres per hour—the driver does not exceed 40 kilometres per hour when passing the stationary emergency response vehicle, or
 - (b) where the speed limit applying to the driver for the length of the road exceeds 80 kilometres per hour—the driver—
 - (i) passes the stationary emergency response vehicle at a reasonable speed having regard to the conditions, and
 - (ii) ensures that there is sufficient distance between the driver’s vehicle and the emergency response vehicle to allow the driver to safely avoid a collision with a person in the immediate vicinity of the emergency response vehicle, and
 - (iii) if the road is a multi-lane road—vacates the lane nearest the emergency response vehicle.

Maximum penalty—20 penalty units.

- (2A) Subrule (2)(b)(iii) does not require a driver to vacate the lane nearest the emergency response vehicle if it is unsafe to do so.

[3] Rule 78–1(6)

Omit the definition of *emergency response vehicle*. Insert instead—

emergency response vehicle means the following—

- (a) a vehicle being used by—
 - (i) the NSW Police Force, or
 - (ii) the Ambulance Service of NSW, or
 - (iii) Fire and Rescue NSW (including a fire brigade within the meaning the *Fire Brigades Act 1989*), or
 - (iv) the NSW Rural Fire Service, or
 - (v) the NSW State Emergency Service, or
 - (vi) the Authority, or
 - (vii) the Transport Management Centre, or
 - (viii) the NSW Volunteer Rescue Association, or
- (b) a tow truck,
- (c) a motor breakdown service vehicle.

[4] 130 Keeping to the left on a multi-lane road

Insert after rule 130(2)(b)—

- (b1) the driver is approaching or passing a stationary emergency response vehicle with a flashing blue, red or yellow light (in accordance with rule 78-1), or

[5] 307-2 NSW rule: exemption for drivers of motor breakdown service vehicles or tow trucks

Omit “an amber” from rule 307-2(1)(c). Insert instead “a yellow”.