



New South Wales

Road Transport Legislation Amendment (Electric Skateboards and Bicycles) Regulation 2023

under the

Road Transport Act 2013

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

NATALIE WARD, MLC
Minister for Metropolitan Roads

Explanatory note

The object of this Regulation is to amend the *Road Rules 2014* to—

- (a) define an *electric skateboard*, and
- (b) provide that a person riding an electric skateboard is a pedestrian if—
 - (i) the person has a disability that impairs the person’s mobility and the electric skateboard is used solely for the conveyance of the person, and
 - (ii) the person carries a medical certificate or health practitioner certificate for this purpose, and
 - (iii) the electric skateboard is not used at a speed of more than 10 kilometres per hour on roads and road related areas, and
- (c) amend the definition of *bicycle* to extend to certain electrically power-assisted bicycles.

The Regulation also amends the *Road Transport (Driver Licensing) Regulation 2017* and the *Road Transport (Vehicle Registration) Regulation 2017* to—

- (a) ensure that a person riding an electric skateboard is taken to be a pedestrian in particular circumstances for the purpose of licensing and registration requirements, and
- (b) provide that certain registration requirements do not apply to electrically power-assisted bicycles, and
- (c) provide that the Light Vehicle Standards and licensing requirements do not apply to electrically power-assisted bicycles.

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1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment (Electric Skateboards and Bicycles) Regulation 2023*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2014

[1] Rule 15 What is a vehicle

Insert at the end of rule 15(e)—
and

- (f) an electric skateboard, unless a person is driving the electric skateboard in the circumstances set out in rule 228–1,

[2] Rule 15, note

Insert “1” after “Note”.

[3] Rule 15

Insert at the end of the rule—

Note 2— This rule is not uniform with the corresponding rule 15 of the *Australian Road Rules*.

[4] Rule 18 Who is a pedestrian

Insert at the end of rule 18(d)—

, and

- (e) a person driving an electric skateboard, in the circumstances set out in rule 228–1.

[5] Rule 18, note

Insert “1” after “Note”.

[6] Rule 18, note

Omit “*Wheelchair*”. Insert instead “*Electric skateboard, wheelchair*”.

[7] Rule 18

Insert at the end of the rule—

Note 2— This rule is not uniform with the corresponding rule 18 of the *Australian Road Rules*.

[8] Part 14 Rules for pedestrians

Insert at the end of Part 14, Division 1, Note 1—

- a person riding an electric skateboard in the circumstances set out in rule 228–1.

[9] Part 14, Division 1, Note 2

Omit “*Wheelchair*”. Insert “*Electric skateboard, wheelchair*”.

[10] Rule 228–1

Insert before rule 228—

228–1 NSW Rule: pedestrians on electric skateboards

- (1) For these Rules, a person driving an electric skateboard is taken to be a pedestrian if—
- (a) the person has a disability that impairs the person’s mobility and the electric skateboard is used solely for the conveyance of the person, and
 - (b) the person—

- (i) is carrying a medical certificate or a health practitioner certificate stating that the person is able to use the device as a mobility aid, and
 - (ii) immediately produces the certificate if an authorised person asks to see the certificate, and
 - (c) the electric skateboard is not driven at a speed of more than 10 kilometres per hour.
- (2) In this rule—
- health practitioner** means a physiotherapist or an occupational therapist.
- health practitioner certificate** means a certificate that—
- (a) is signed by a health practitioner, and
 - (b) states a date of issue.
- Note—** This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

[11] Dictionary

Insert at the end of paragraph (b), definition of **bicycle**—
and

- (b1) an electrically power-assisted bicycle that has a maximum continued rated power of 500 watts, if the power output—
 - (i) progressively reduces as the bicycle’s speed increases above 6 kilometres per hour, and
 - (ii) is cut off when—
 - (A) the bicycle reaches a speed of 25 kilometres per hour, or
 - (B) the rider of the bicycle stops pedalling and the speed is more than 6 kilometres per hour,

[12] Dictionary, definition of “bicycle”, paragraph (d)

Insert “or (b1)” after “(b)”.

[13] Dictionary

Insert in alphabetical order—

electric skateboard means a device that—

- (a) is designed to be used by 1 person, and
- (b) is propelled by an electric motor or motors, and
- (c) comprises a long board that is located close to the ground that supports the person, and
- (d) is steered by tilting the board left or right, and
- (e) has 2 wheels mounted on a single steerable axle—
 - (i) at the front of the board, and
 - (ii) at the rear of the board, and
- (f) is fitted with an effective stopping system controlled by using brakes, gears or motor control, and
- (g) does not have handlebars or a steering wheel, and
- (h) is not more than—
 - (i) 1,250mm in length by 700mm in width by 1,350mm in height, and

(ii) when the device is not carrying a person—10kg in weight.

Note— This is an additional NSW definition. There is no corresponding definition in the Dictionary of the *Australian Road Rules*.

Schedule 2 Amendment of Road Transport (Driver Licensing) Regulation 2017

[1] Clause 99 Other exemptions from licensing

Insert after clause 99(1)(c)—

- (c1) an electrically power-assisted bicycle that has a maximum continued rated power of 500 watts, if the power output—
 - (i) progressively reduces as the bicycle's speed increases above 6 kilometres per hour, and
 - (ii) is cut off when—
 - (A) the bicycle reaches a speed of 25 kilometres per hour, or
 - (B) the rider of the bicycle stops pedalling and the speed is more than 6 kilometres per hour,

[2] Clause 99(1)(e)

Insert after clause 99(1)(d)—

- (e) an electric skateboard within the meaning of the *Road Rules 2014* if, while on a road or road related area, a person is driving the electric skateboard in the circumstances set out in the *Road Rules 2014*, rule 228–1.

[3] Clause 99(2)(c1)

Insert after clause 99(2)(c)—

- (c1) an electrically power-assisted bicycle that has a maximum continued rated power of 500 watts, if the power output—
 - (i) progressively reduces as the bicycle's speed increases above 6 kilometres per hour, and
 - (ii) is cut off when—
 - (A) the bicycle reaches a speed of 25 kilometres per hour, or
 - (B) the rider of the bicycle stops pedalling and the speed is more than 6 kilometres per hour,

[4] Clause 99(2)(e)

Insert after clause 99(2)(d)—

- (e) an electric skateboard within the meaning of the *Road Rules 2014* if, while on a road or road related area, a person is driving the electric skateboard in the circumstances set out in the *Road Rules 2014*, rule 228–1.

Schedule 3 Amendment of Road Transport (Vehicle Registration) Regulation 2017

[1] Schedule 1 Application of Chapter 4 of Act and Regulation

Omit clause 15. Insert instead—

15 Power-assisted pedal cycles and electrically power-assisted bicycles

(cf 2007 reg Sch 1 cl 15)

The registration provisions do not apply to a registrable vehicle that is—

- (a) a power-assisted pedal cycle within the meaning of vehicle standards, as amended from time to time, determined under the Road Vehicle Standards Act, section 12 other than 1 that has an internal combustion engine or engines, or

Note—*Power-assisted pedal cycle* is defined in the *Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005* determined under the Road Vehicle Standards Act, section 12. The definition of **power-assisted pedal cycle** includes electrically power-assisted cycles, within the meaning of that Standard.

- (b) an electrically power-assisted bicycle that has a maximum continued rated power of 500 watts, if the power output—
 - (i) progressively reduces as the bicycle's speed increases above 6 kilometres per hour, and
 - (ii) is cut off when—
 - (A) the bicycle reaches a speed of 25 kilometres per hour, or
 - (B) the rider of the bicycle stops pedalling and the speed is more than 6 kilometres per hour.

[2] Schedule 1, clause 18B

Insert after clause 18A—

18B Electric skateboards—the Act, s 21

The registration provisions do not apply to an electric skateboard within the meaning of the *Road Rules 2014* if, while on a road or road related area, a person is driving the electric skateboard in the circumstances set out in the *Road Rules 2014*, rule 228–1.

[3] Schedule 2 Light Vehicle Standards Rules

Insert after clause 13(2)(e)—

- (e1) an electrically power-assisted bicycle that has a maximum continued rated power of 500 watts, if the power output—
 - (i) progressively reduces as the bicycle's speed increases above 6 kilometres per hour, and
 - (ii) is cut off when—
 - (A) the bicycle reaches a speed of 25 kilometres per hour, or
 - (B) the rider of the bicycle stops pedalling and the speed is more than 6 kilometres per hour, or