

**TR301\***

Road Traffic Act 1974

## **Road Traffic (Licensing) Amendment Regulations 2010**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

**1. Citation**

These regulations are the *Road Traffic (Licensing) Amendment Regulations 2010*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Road Traffic (Licensing) Regulations 1975*.

**4. Regulation 3 amended**

In regulation 3(1) in the definition of *ordinary plates* delete “dealers plates” and insert:

trade plates

**5. Regulation 26 amended**

- (1) In regulation 26(1) delete “dealers” and insert:

trade

- (2) In regulation 26(2) delete “dealers” (first occurrence) and insert:

trade

Note: The heading to amended regulation 26 is to read:

**Application for trade plates**

**6. Regulation 26A amended**

In regulation 26A(3) delete “dealers” and insert:

trade

Note: The heading to amended regulation 26A is to read:

**Annual fee for trade plates**

**7. Regulation 26C amended**

- (1) In regulation 26C(1):

- (a) delete “dealers” and insert:

trade

- (b) after paragraph (a) insert:

- (ba) if the vehicle does not comply with the Vehicle Standards and it is one of the following —

- (i) a motor vehicle with only a cab and chassis;

- (ii) a motor vehicle that could be licensed under regulation 9(2) except that it does not have a compliance plate fitted to it;
  - (iii) an agricultural machine,
- the vehicle has —
- (iv) effective steering, brakes and suspension (if fitted); and
  - (v) a driver's seat situated so that the driver has a full and uninterrupted view of the road and any traffic ahead and on each side of the driver; and
  - (vi) wheels and tyres or rubber tracks; and
  - (vii) in the case of a vehicle of a type referred to in subparagraph (i) or (ii), mudguards for each wheel or mudflaps for the rear wheels; and
  - (viii) in the case of a vehicle of a type referred to in subparagraph (i) or (ii), lights at the front and rear; and
  - (ix) in the case of an agricultural machine, lights at the front (if the machine is used in the period between sunrise and sunset) and lights at the front and rear (if the machine is used in the period between sunset and sunrise); and
  - (x) reflectors at the rear; and
  - (xi) a means of transmitting power from the engine to the drive wheels; and
  - (xii) a structure that will not fail when the vehicle is used for the purpose for which it was designed;
- (b) if the vehicle is an agricultural machine that does not comply with the Vehicle Standards, the vehicle —
- (i) is not more than 2.5 m wide, 4.3 m high and 12 m long and complies with any applicable requirements of the *Road Traffic (Vehicle Standards) Regulations 2002* Schedules 1 and 2; or
  - (ii) is more than 2.5 m but not more than 3.5 m wide and not more than 4.3 m high and 12 m long and —
    - (I) complies with the *Road Traffic (Vehicle Standards) Regulations 2002* Schedule 2; and
    - (II) if driven at night on a road, has fitted to it the lights and

- reflectors that must be fitted to the vehicle under the *Road Traffic (Vehicle Standards) Regulations 2002* and those lights are lit; and
- (III) is not used on a road within a radius of 30 km of the intersection of St Georges Terrace and Barrack Street Perth during peak hours as defined in the *Road Traffic (Towed Agricultural Implements) Regulations 1995* regulation 19(4);
- or
- (iii) is more than 3.5 m but not more than 6 m wide and not more than 4.3 m high and 12 m long and —
- (I) complies with the *Road Traffic (Vehicle Standards) Regulations 2002* Schedule 2; and
- (II) is not used on a road without the prior written approval of the Commissioner of Main Roads;
- or
- (iv) is more than 4.3 m but not more than 4.6 m high and is not used on a road without the prior written approval of Western Power Corporation;
- (c) in paragraph (c) delete “his servant, only;” and insert:
- an employee of the holder, or is driven by a person authorised by the holder;
- (d) in paragraph (e)(iii) delete “subregulation (2)(g).” and insert:
- subregulation (2)(g);
- (e) after paragraph (e)(iii) insert:
- (iv) goods belonging to the holder or a customer of the holder of trade plates being transported to or from the holder or the customer.

(2) After regulation 26C(1) insert:

- (2A) *The Road Traffic (Vehicle Standards) Regulations 2002* regulation 8 does not apply to a motor vehicle bearing trade plates driven on a road if the vehicle complies with the conditions referred to in subregulation (1)(ba) or (b).

(3) In regulation 26C(2) delete “dealers” and insert:

trade

(4) In regulation 26C(3):

(a) delete “dealers” and insert:

trade

(b) delete “ “Dealer”,” and insert:

“Trade”,

(5) In regulation 26C(4) delete “dealers” and insert:

trade

(6) In regulation 26C(5) delete “dealers” (each occurrence) and insert:

trade

## **8. Regulation 26D amended**

(1) In regulation 26D in the definition of *plate fee* delete “dealers plates,” and insert:

trade plates,

(2) In regulation 26D in the definition of *set* delete “dealers plates” (each occurrence) and insert:

trade plates

**9. Regulation 26E inserted**

After regulation 26D insert:

**26E. Transitional**

- (1) For a period of 30 days beginning on the day after the day on which the *Road Traffic (Licensing) Amendment Regulations 2010* are published in the *Gazette* (the **commencement day**), dealers plates that were issued before the commencement day are to be taken to be trade plates for the purpose of regulation 26C.
- (2) A person to whom dealers plates have been issued who holds those plates immediately before the commencement day (the **holder**) may return those plates to the Director General within the period referred to in subregulation (1) and —
  - (a) the Director General must, if the holder so requests, issue trade plates to the holder; and
  - (b) if trade plates are so issued, the annual fee and the deposit paid in respect of the dealers plates are to be taken to be the annual fee and deposit that is required to be paid in relation to the issue of the trade plates.
- (3) If a holder returns the holder's dealers plates to the Director General but does not request that trade plates be issued to the holder in substitution for the dealers plates, the Director General must refund to the holder —
  - (a) the deposit paid by the holder in respect of those dealers plates; and
  - (b) the same proportion of the annual fee paid by the holder in respect of those dealers plates as the proportion of the year in respect of which the fee was paid remaining after the day on which the plates were returned to the Director General.

By Command of the Lieutenant-Governor and  
deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.

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