

TN301

Road Traffic Act 1974

Road Traffic Code Amendment Regulations 2018

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic Code Amendment Regulations 2018*.

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 that is 6 weeks after that day.

3. Regulations amended

These regulations amend the *Road Traffic Code 2000*.

4. Regulation 3 amended

In regulation 3(1) in the definition of *bicycle lane*:

- (a) delete paragraph (a) and insert:
 - (a) beginning at a “bicycle lane” sign applying to the lane, or a road marking comprising a white bicycle symbol and the word “lane” painted in white; and
- (b) in paragraph (b) delete “following:” and insert:

following —
- (c) delete paragraph (b)(i) and insert:
 - (i) an “end bicycle lane” sign applying to the lane, or a road marking comprising a white bicycle symbol and the words “end lane” painted in white;

5. Regulation 53 amended

In regulation 53 delete “on” and insert:

on, or approaching,

6. Regulation 203 amended

Delete regulation 203(5) and insert:

(5) Nothing in this regulation applies in respect of —

- (a) a carriageway from which vehicles are for the time being excluded; or
- (b) a carriageway that is a shared zone.

7. Regulation 233 amended

- (1) In regulation 233(1)(a) delete “the age of 16 years; and” and insert:

16 years of age; and

- (2) In regulation 233(2)(b) before “must not” insert:

except as provided in subregulation (2A),

- (3) After regulation 233(2) insert:

(2A) Despite subregulation (2)(b), a passenger in a taxi, bus, omnibus or tow truck may hold a child who is under 1 year of age in their lap if —

- (a) there is no suitable child restraint available in the taxi, bus, omnibus or tow truck for the child; and
- (b) the passenger is not in the front row of seats if the taxi, bus, omnibus or tow truck has 2 or more rows of seats.

- (4) In regulation 233(3):

- (a) delete “a bus,” and insert:

an

- (b) delete “the age of 16 years” and insert:

16 years of age

- (5) After regulation 233(3) insert:

- (4) For the purposes of this regulation, a child restraint is available in a motor vehicle if it is —

- (a) fitted in the vehicle; and
- (b) not occupied by someone else who is under 16 years of age.

- (6) At the end of regulation 233 insert:

Note:

Under regulation 284, regulation 233 does not apply to the driver of a bus.

8. Regulation 234 amended

- (1) In regulation 234(1):

- (a) delete “bus or”;
- (b) delete “has not reached the age of 16 years.” and insert:

is under 16 years of age.

- (2) Delete regulation 234(2), (3) and (4) and insert:

- (2) If the passenger is under 6 months of age, the passenger must be restrained in a properly fastened and adjusted rearward facing suitable child restraint.
- (3) If the passenger has reached 6 months of age but is under 4 years of age, the passenger must be restrained in a properly fastened and adjusted —
 - (a) rearward facing suitable child restraint; or
 - (b) forward facing suitable child restraint that has an inbuilt harness.
- (4) If the passenger has reached 4 years of age but is under 7 years of age, the passenger must —
 - (a) be restrained in a properly fastened and adjusted forward facing suitable child restraint that has an inbuilt harness; or

- (b) be placed on a properly positioned booster seat and be restrained by either —
 - (i) a lap and sash type seatbelt that is properly adjusted and fastened; or
 - (ii) a lap only type seatbelt and (in relation to the upper body of the passenger) a child safety harness, each of which is properly adjusted and fastened.
- (3) In regulation 234(5) delete “has not reached the age of 4 years” and insert:

is under 4 years of age
- (4) Delete regulation 234(6) and insert:
 - (6) A passenger who has reached 4 years of age but is under 7 years of age, must not be in the front row of a motor vehicle that has 2 or more rows of seats unless each other seat or unobstructed seating position in the row or rows behind the front row is either —
 - (a) occupied by a passenger who is under 7 years of age; or
 - (b) not suitable for the installation of a forward facing child restraint or a booster seat that would allow this regulation to be complied with for that passenger.
- (5) In regulation 234(7):
 - (a) delete “the age of 7 years but has not reached the age of 16 years —” and insert:

7 years of age but is under 16 years of age —
 - (b) in paragraph (b)(i) delete “suitable”.
- (6) In regulation 234(8) delete “Subregulations (2), (3), (4) and (5)” and insert:

Subregulations (2), (3), (4), (5) and (6)
- (7) In regulation 234(12) delete “subregulation (4)(b)” and insert:

subregulation (4)(b)(i)

(8) Delete regulation 234(13) and insert:

- (13) The driver of a taxi or omnibus is exempt from subregulations (2), (3) and (4) in relation to a passenger if —
- (a) there is no suitable child restraint available in the taxi or omnibus for the passenger; and
 - (b) the passenger is not in the front row of seats if the taxi or omnibus has 2 or more rows of seats.

(9) After regulation 234(13) insert:

- (13A) If the exemption set out in subregulation (13) applies to a driver in relation to a passenger who has reached 1 year of age, the passenger must (unless exempt from wearing a seatbelt under regulation 235) wear a seatbelt that is properly adjusted and securely fastened to the best extent possible given the height and weight of the passenger.

(10) Delete regulation 234(14) and insert:

- (14) For the purposes of this regulation, a child restraint is available in a motor vehicle if it is —
- (a) fitted in the vehicle; and
 - (b) not occupied by someone else who is under 16 years of age.

(11) At the end of regulation 234 insert:

Note:

Under regulation 284, regulation 234 does not apply to the driver of a bus.

9. Regulation 235 amended

- (1) In regulation 235(1) delete “the age of 4 years, but has not reached the age of 7 years,” and insert:

4 years of age but is under 7 years of age,

- (2) In regulation 235(4) delete “who has not reached the age of 7 years.” and insert:

charged under regulation 234(1) in relation to a passenger who is under 7 years of age.

- (3) In regulation 235(6) delete “A person in” and insert:

Except as provided in subregulation (6A), a person in

- (4) After regulation 235(6) insert:

- (6A) Subregulation (6) does not apply to a person charged under regulation 234(1) in relation to a passenger who is under 7 years of age.

10. Regulation 235A amended

In regulation 235A(1)(b) delete “has not reached the age of 16 years” and insert:

is under 16 years of age

11. Regulation 245 amended

- (1) In regulation 245(1)(b) delete “handlebars; and” and insert:

handlebars, unless the motor cycle is stationary and, in the circumstances, it is safe to remove both hands from the handlebars; and

- (2) After regulation 245(2) insert:

- (3) Subregulation (1)(c) does not apply where the motor cycle is moving at less than 10 km/h and any of the following apply —

- (a) the rider is manoeuvring the motor cycle in order to park the motor cycle;
- (b) the motor cycle is decelerating to come to a stop;
- (c) the motor cycle is accelerating from a stationary position.

R. KENNEDY, Clerk of the Executive Council.
