

TN301*

Road Traffic Act 1974

Road Traffic Code Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic Code Amendment Regulations 2013*.

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 Code 2000*.

4. Regulation 3 amended

- (1) In regulation 3(1) insert in alphabetical order:

electric personal transporter means a vehicle declared as an electric personal transporter under regulation 230B;

electric personal transporter use area means an area declared as an electric personal transporter use area under regulation 230B;

- (2) In regulation 3(1) in the definition of *rider* after “bicycle,” insert:
- electric personal transporter,
- (3) After regulation 3(3) insert:
- (4) In these regulations the following abbreviations are used —
- EPT* for electric personal transporter;
- EPT use area* for *electric personal transporter* use area.

Note: The heading to amended regulation 3 is to read:

Terms and abbreviations used

5. Regulation 165 amended

In regulation 165 delete “bicycle” and insert:

bicycle, an EPT

6. Regulation 209 amended

In regulation 209(2) delete “cyclist.” and insert:

cyclist or EPT rider.

7. Part 15 heading amended

In the heading to Part 15 after “**riders**” insert:

and electric personal transporters (EPTs)

8. Part 15 Division 1 heading inserted

At the beginning of Part 15 insert:

Division 1 — Bicycle riders

9. Part 15 Division 2 inserted

At the end of Part 15 insert:

Division 2 — Electric personal transporters (EPTs)

Subdivision 1 — Preliminary

230A. Terms used

In this Division —

commercial operator or *operator* means a person who hires out an EPT for reward or commercial gain;

protective helmet has the meaning given in regulation 222(1);

staff member, of a commercial operator, includes an employee, agent or contractor of the operator;

supervised tour has the meaning given in regulation 230L(1)(a).

230B. EPTs and EPT use areas

(1) The Minister, by notice published in the *Gazette*, may —

- (a) declare a standard, or type, of appropriate vehicle described in the notice as an electric personal transporter; and
- (b) declare an area described in the notice as an electric personal transporter use area; and
- (c) vary or revoke a previous notice under this regulation.

(2) In subregulation (1)(a) —

appropriate vehicle means a vehicle that has one or 2 wheels, that balances itself and is built to be powered primarily or entirely by an electric motor that forms part of the vehicle.

Subdivision 2 — Provisions for EPT riders

230C. EPTs to be ridden in EPT use areas only

A person shall not ride an EPT other than in an EPT use area.

Modified penalty: 2 PU

230D. Riders to be at least 12 years of age

A person shall not ride an EPT unless the person is at least 12 years of age.

230E. EPT to be supplied and supervised by commercial operator

A person shall not ride an EPT unless the person is riding with the permission of the commercial operator who has supplied the EPT to the person and —

- (a) the person is taking part in a ride that —
 - (i) is part of; or
 - (ii) in preparation for,
a supervised tour that is provided by the operator and supervised by the operator or a staff member of the operator; or
- (b) the person is being trained in the use of the EPT by the operator or a staff member of the operator.

Modified penalty: 2 PU

230F. Riders to wear protective helmets

A person shall not ride an EPT unless the person is wearing a protective helmet securely fastened on his or her head.

Modified penalty: 2 PU

230G. Towing of EPTs prohibited

- (1) The rider of an EPT shall not attach himself or herself or the EPT to, or permit himself or herself or the EPT to be drawn by, or to draw, any other vehicle.

Modified penalty: 2 PU

- (2) The driver of a vehicle shall not permit the rider of an EPT to attach himself or herself or the EPT to, or be drawn by, or to draw, the vehicle.

Modified penalty: 2 PU

230H. Riding EPTs

- (1) A person shall not ride an EPT on a dividing strip or median strip.

Modified penalty: 2 PU

- (2) A person riding an EPT shall —
 - (a) keep to the left of any path the rider is on, except when the rider is overtaking; and
 - (b) give way to all pedestrians, including pedestrians riding wheeled recreational devices.

Modified penalty: 2 PU

230I. No passengers or animals on EPTs

A person riding an EPT shall not carry a passenger or animal on the EPT.

Modified penalty: 2 PU

230J. EPT rider not to cause obstruction

- (1) An EPT rider shall not unreasonably obstruct or prevent the free passage of any other EPT rider, a pedestrian or a vehicle by moving into the path of a vehicle or a pedestrian.
- (2) A person shall not leave an EPT in or upon a road so as to become an obstruction.

Modified penalty: 2 PU

Subdivision 3 — Provisions for commercial operators of EPTs**230K. EPTs not to be able to exceed 10 km/h and are to be fitted with warning devices**

- (1) A commercial operator shall ensure that each EPT supplied to a rider by the operator cannot travel at a speed exceeding 10 km/h.
- (2) A commercial operator shall ensure that each EPT supplied by the operator to a person is fitted with a bell, horn, or similar warning device, in working order.

Modified penalty: 2 PU

230L. EPTs only to be for supervised tours or during training for supervised tours

- (1) A commercial operator shall ensure that a person does not ride an EPT supplied by the operator unless —
 - (a) the person is taking part in a ride that —
 - (i) is part of; or
 - (ii) in preparation for,
a tour (a *supervised tour*) that is provided by the operator and supervised by the operator or a staff member of the operator; or
 - (b) the person is being trained in the use of the EPT by the operator or a staff member of the operator, in accordance with subregulation (2).

Modified penalty: 2 PU

- (2) A commercial operator shall not supply an EPT to a person to ride in a supervised tour provided by the

operator unless the operator or a staff member of the operator has —

- (a) trained the person in the use of the EPT, including getting on and off the EPT, stopping and starting the EPT, riding on slopes, managing intersections and various types of driving conditions; and
- (b) assessed the person as competent to ride the EPT.

Modified penalty: 2 PU

230M. Supervised tours

- (1) A commercial operator shall ensure that —
 - (a) each supervised tour provided by the operator is undertaken only during daylight hours; and
 - (b) there is a minimum of one staff member to 10 EPT riders on each supervised tour provided by the operator.

Modified penalty: 2 PU

- (2) A commercial operator shall ensure that each EPT rider on each supervised tour provided by the operator is aware —
 - (a) of the provisions of Subdivision 2; and
 - (b) that a failure to comply with provisions of that Subdivision may expose the rider to a penalty under this Code.

Modified penalty: 2 PU

- (3) A commercial operator shall ensure that each rider on a supervised tour provided by the operator is monitored for compliance with Subdivision 2.

Modified penalty: 2 PU

230N. Records to be kept and supplied on demand

- (1) A commercial operator shall keep records about the following —
 - (a) any loss, damage, injury or death to people or property caused by the operator or a staff member in relation to the operation of an EPT supplied by the operator or by anyone else arising in relation to the use of an EPT;
 - (b) any failure by the operator or a staff member to comply with this Subdivision;
 - (c) any failure by a rider to comply with a provision of Subdivision 2.

Modified penalty: 2 PU

- (2) At the written request of the Director General, a commercial operator is to provide a report (in the form, if any, approved by the Director General) to the Director General, about all or any of the matters mentioned in subregulation (1).

10. Regulation 247A amended

In regulation 247A(b)(ii) delete “diver” and insert:

driver

11. Regulation 253 amended

In regulation 253(2):

- (a) in paragraph (i) delete “vehicle.” and insert:

vehicle; or

- (b) after paragraph (i) insert:

- (j) a person who is 12 years of age or older riding an EPT —

- (i) that cannot travel at a speed exceeding 10 km/h; and

- (ii) in an EPT use area.

12. Regulation 289 amended

In regulation 289(1):

- (a) after paragraph (a)(i) insert:

or

- (b) after each of paragraph (c)(i) to (vii) and (ix) insert:

and

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.
