
TRANSPORT

TR301*

Road Traffic Act 1974

**Road Traffic Code Amendment
Regulations 2003**

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Road Traffic Code Amendment Regulations 2003*.

2. The regulations amended

The amendments in these regulations are to the *Road Traffic Code 2000**.

[* *Published in Gazette 4 August 2000, p. 4213-538.*
For amendments to 4 August 2003 see Western Australian Legislation Information Tables for 2002, Table 4, p. 324-5, and Gazette 16 April and 11 June 2003.]

3. Regulation 3 amended

Regulation 3(1) is amended as follows:

- (a) in the definition of “built-up area” by deleting “one half kilometre” and inserting instead —
“ 500 m ”;
- (b) in the definition of “marked foot crossing” by deleting “or the road surface” and inserting instead —
“ on the road surface ”;
- (c) in the definition of “painted island” after “including” by inserting —
“ the ”;
- (d) after the definition of “rider” by inserting the following definition —

“

“**road marking**” means a word, figure, symbol, mark, line, raised marker or stud, on the surface of a carriageway, to direct or warn traffic;

”;

- (e) in the definition of “shared path” —
 - (i) after “at a “shared path” sign” by inserting —
“ or “shared path” road marking ”; and
 - (ii) in paragraph (a) after “sign” by inserting —
“ or “end shared path” road marking ”;
- (f) after the definition of “shared path” by inserting the following definition —

“

“**shared path road marking**” means a road marking consisting of the symbols used in the “shared path” sign, and an “end shared path road marking” consists of those symbols with the word “END”;

”.

4. Regulation 78 amended

- (1) Regulation 78(1) is amended by deleting “carriageway” and inserting instead —
“ road ”.
- (2) Regulation 78(2) is amended by deleting “carriageway” in the 7 places it occurs and inserting instead in each place —
“ road ”.

5. Regulation 119 amended

- (1) Regulation 119(2) is repealed and the following subregulation is inserted instead —

“

- (2) A person shall not drive a vehicle on or over a painted island unless —
- (a) it is to enter or leave the carriageway;
 - (b) it is to avoid an obstruction, in accordance with regulation 120(4); or
 - (c) it is to enter a turning lane that begins immediately after the painted island.

Points: 3 Modified penalty: 2 PU

”.

- (2) The example following regulation 119(4) is amended by deleting “crossed the single white line” and inserting instead —

“ commenced driving on the painted island ”.

6. Regulation 120 amended

Regulation 120(4) is amended by deleting “along a side of or surrounding” and inserting instead —

“ or on or over ”.

7. Regulation 176 amended

Regulation 176(6) is amended as follows:

- (a) by deleting “double”;
- (b) by inserting after “line”, in the 2 places it occurs —
“ , dividing strip ”.

8. Regulation 225 replaced

Regulation 225 is repealed and the following regulation is inserted instead —

“

225. Red bicycle crossing lights

The rider of a bicycle approaching a carriageway with bicycle crossing lights shall not enter that carriageway if —

- (a) a static red bicycle crossing light facing the rider is displayed; or
- (b) a red bicycle crossing light facing the rider is flashing.

Modified penalty: 3 PU

Example

Red bicycle crossing light
(bicycle symbol in red)



Green bicycle crossing light
(bicycle symbol in green)



”.

9. Regulation 227 amended

- (1) Regulation 227(1) is amended by deleting “or red”.
- (2) Regulation 227(2) is amended by deleting “or red”.
- (3) After regulation 227(2) the following subregulations are inserted —

“

- (3) If bicycle crossing lights at an intersection change from green to red (static or flashing) while a rider of a bicycle is in the intersection, the rider shall proceed to the nearest kerb, island or median strip and not continue until the bicycle crossing lights are green.

Modified penalty: 1 PU

- (4) If bicycle crossing lights at a place on a carriageway where the rider of a bicycle is crossing the carriageway change from green to red (static or flashing) while the rider is on the carriageway, the rider shall proceed to the nearest kerb, island or median strip and not continue until the bicycle crossing lights are green.

Modified penalty: 1 PU

- (5) Despite this regulation, if a rider cannot operate the bicycle crossing lights from a kerb, island or median strip, that rider may cross to the far side of the carriageway when —

- (a) the traffic-control signals display a circular green signal or a flashing circular yellow signal, or there is no circular red signal showing; and
- (b) it is safe to do so.

”.

10. Regulation 229 amended

Regulation 229 is amended by deleting “footpath” and inserting instead —

“ path ”.

11. Regulation 230 amended

Regulation 230 is amended as follows:

- (a) by deleting the definition of “child restraint” and inserting instead —

“

“child restraint” means a device that is fitted to a motor vehicle, that complies with the requirements of Australian Standard AS/NZS:1754-1991 (“Child restraint systems for use in motor vehicles”), or any subsequent version of, or amendments to, that standard, published jointly by the Standards Association of Australia and the Standards Association of New Zealand, and includes —

- (a) any device in the relevant standard that utilises as part of its design, a seat belt;
- (b) a device designed to be a child restraint that is integrated into a vehicle by the vehicle’s manufacturer; and
- (c) a device designed to be a child restraint that meets a standard other than AS/NZS:1754-1991, and has been approved for use, in writing, by the Director General;

”;

- (b) by deleting the full stop after the definition of “seat belt” and inserting a semicolon instead;
- (c) after the definition of “seat belt” by inserting the following definition —

“

“suitable child restraint” means a child restraint that is appropriate to restrain the size and weight of the child that is to use it, according to the recommendations of either the relevant version of the standard, or the manufacturer’s recommendations.

”.

12. Regulation 234 amended

Regulation 234(2)(b) is amended by deleting “approved”.

13. Regulation 237 amended

Regulation 237(2)(b) is amended by deleting “approved”.

14. Regulation 271 amended and transitional

- (1) Regulation 271(1) is amended by deleting “Director General” and inserting instead —

“ Commissioner of Police ”.

- (2) On the commencement of these regulations, a person who is the subject of an authorised person declaration by the Director General is to continue as an authorised person as if the declaration had been made by the Commissioner of Police.

15. Regulation 278 amended

Regulation 278(6) and (7) are repealed and the following subregulations are inserted instead —

“

- (6) Subregulation (3) does not apply to the driver of a vehicle towing a trailer (if the trailer is designed to carry passengers) or to the driver of an articulated vehicle (if the towed part of that articulated vehicle is designed to carry passengers) where —
- (a) a licence relating to that trailer, or that towed part of an articulated vehicle, has been endorsed by the Director General to the effect that it is suitable for the carriage of passengers;
 - (b) the towing speed does not exceed 80 km/h; and
 - (c) the vehicle is being driven in accordance with any conditions imposed upon the licence relating to the trailer or towed part of that articulated vehicle.
- (7) Subregulation (4)(a) does not apply to a person riding in or upon —
- (a) a trailer, if the trailer is designed to carry passengers; or
 - (b) the towed part of an articulated vehicle, if the towed part of that articulated vehicle is designed to carry passengers.

”.

16. Regulation 284 amended

Regulation 284(3) is repealed and the following subregulation is inserted instead —

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- (3) Regulations 233, 234 and 235 do not apply to the driver of a bus.

”.

17. Regulation 285B inserted

After regulation 285A the following regulation is inserted —

“

285B. Exemption for operators of “red light” cameras

- (1) A provision set out in the Table to subregulation (2) does not apply to a person employed by the Commissioner of Police (or a delegate) to install, clean,

maintain or operate cameras placed at intersections to record vehicles that do not comply with traffic lights, when that person is acting in the course of his or her employment if, in the circumstances —

- (a) the person is taking reasonable care; and
 - (b) it is reasonable that the provision should not apply.
- (2) Subregulation (1) applies to the provisions set out in the Table to this subregulation.

Table

- * regulation 140 (stopping in a *no stopping* area)
- * regulation 141 (stopping or parking in a *no parking* area)
- * regulation 142 (stopping on a carriageway with a yellow edge line)
- * regulation 143(2) (stopping within 20 m of an intersection with traffic-control signals)
- * regulation 158 (stopping in a shared zone)
- * regulation 165 (stopping on a path, median strip, nature strip or traffic island)
- * regulation 173 (parking for longer than indicated)
- * regulation 175 (parking where fees are payable)
- * regulation 181(2) (failing to secure a motor vehicle)
- * regulation 201 (person obstructing pedestrians or vehicles on a path)
- * regulation 204 (pedestrians on part of a path designated for bicycles only)
- * regulation 253 (driving on paths)
- * regulation 254 (driving on a nature strip).

”.

18. Regulation 297 amended

- (1) Regulation 297(1) is amended by inserting after “road sign” —
“ , road marking ”.
- (2) Regulation 297(2) is amended as follows:
 - (a) by inserting after “road sign” —
“ , road marking ”;
 - (b) by inserting after “road signs” —
“ , road markings ”.
- (3) Regulation 297(3) is amended by deleting “under regulation 15”.
- (4) Regulation 297(4) is amended by inserting after “road sign” —
“ , road marking ”.

- (5) After regulation 297(4) the following subregulation is inserted —

“

- (4a) A person shall not erect, establish, place, maintain or display —

- (a) a traffic sign;
- (b) a traffic-control signal; or
- (c) a road marking,

on a road, unless that person —

- (d) is authorised to do so by the Commissioner for Main Roads;
- (e) has the consent of the Commissioner for Main Roads to do so under this regulation; or
- (f) is otherwise entitled to do so under a written law of the State.

Modified penalty: 1 PU

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.