

TR302*

Road Traffic Act 1974

Road Traffic (Vehicle Standards 2002) Amendment Regulations 2002

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Road Traffic (Vehicle Standards 2002) Amendment Regulations 2002*.

2. The regulations amended

The amendments in these regulations, other than regulation 13, are to the *Road Traffic (Vehicle Standards) Regulations 2002**.

[* Published in Gazette 9 August 2002, p. 3903-4020.]

3. Regulation 5 amended

Regulation 5(1)(e) and (f) are deleted.

4. Regulation 10A inserted

After regulation 10 the following regulation is inserted in Part 2 —

“

10A. Permissible movement of defective vehicles

- (1) This regulation applies in relation to a vehicle if it —
 - (a) does not comply with a particular provision of this Part or the Vehicle Standards; and

- (b) is not exempt from compliance with the provision under another provision of these regulations or the Vehicle Standards.
- (2) Despite the vehicle's failure to comply with the provision, a person is not guilty of an offence under this Part in relation to driving the vehicle on a road if the vehicle —
 - (a) is being driven in accordance with a compliance notice issued in respect of its failure to comply with that provision;
 - (b) cannot be moved, but arrangements for it to be removed from the road are made as soon as practicable;
 - (c) is being or has been, as far as practicable, removed from the carriageway for the purpose of repairing it or arranging for it to be removed from the road, and the vehicle is repaired or removed from the road as soon as practicable;
 - (d) is being driven directly to a place where it is to be repaired, and driving it on the road is unlikely to endanger any person or property; or
 - (e) is being tested for the purpose of repairing it, and driving it on the road is unlikely to endanger any person or property.
- (3) Subsection (2) does not prevent a person —
 - (a) from examining the vehicle or giving a direction in relation to the vehicle under regulation 62;
 - (b) from issuing a compliance notice for the vehicle in respect of its failure to comply with the provision referred to in this subregulation, if the person considers it necessary to give further directions in respect of the vehicle in the interests of the safety of persons or property; or
 - (c) from issuing a compliance notice for the vehicle in respect of a failure to comply with any other provision of these regulations or the Vehicle Standards.

”.

5. Regulation 43 amended

- (1) Regulation 43(2) is amended as follows:
 - (a) after paragraph (b) by deleting “or”;
 - (b) at the end of paragraph (c) by deleting the full stop and inserting a semicolon instead;

(c) after paragraph (c) by inserting —

“

or

- (d) the vehicle has been constructed, equipped or adapted so as to enable it to be driven by a person with a physical disability who cannot safely drive a vehicle that has not been so constructed, equipped or adapted.

”.

- (2) Regulation 43(3) is amended by deleting “for the vehicles” and inserting instead —

“ to require the vehicles ”.

6. Regulation 52 amended

Regulation 52 is amended by deleting “an exemption” and inserting instead —

“

a departmental exemption granted on an application under regulation 42

”.

7. Regulation 63 amended

Regulation 63(a) is amended by inserting after “writing” —

“ in a form approved by the Director General ”.

8. Regulation 64 amended

- (1) After regulation 64(1) the following subregulation is inserted —

“

- (1a) A person who issues a compliance notice for a vehicle may, in addition to serving the notice, affix in a conspicuous place on the vehicle, a sticker in a form approved by the Director General indicating that a compliance notice is in force for the vehicle.

”.

- (2) Regulation 64(2) is amended as follows:

- (a) after paragraph (a) by deleting “or”;
- (b) at the end of paragraph (b) by deleting the full stop and inserting instead —
- “ ; and ”;
- (c) after paragraph (b) by inserting the following paragraph —

“

- (c) if a sticker is affixed to the vehicle under subregulation (1a), remove the sticker from the vehicle.

”.

- (3) After regulation 64(2) the following subregulation is inserted —

“

- (3) If a compliance notice is issued in respect of a defect that requires rectification, subregulation (2)(c) does not apply to a person who is repairing that defect if —
- (a) it is reasonably necessary to remove the sticker in order to repair the defect;
 - (b) the person re-affixes the sticker to the vehicle when the defect has been repaired; and
 - (c) the vehicle is not driven on a road until the sticker has been re-affixed.

”.

9. Regulation 69 amended

Regulation 69(6) is amended by deleting “rule 181” and inserting instead —

“ rule 178 ”.

10. Schedule 1 amended

- (1) Schedule 1 clause 5(1) is amended by deleting “motor”.

- (2) Schedule 1 clause 11(1) is amended as follows:

- (a) by deleting “subclauses (2) and (3)” and inserting instead —
“ subclause (2) ”;
- (b) after paragraph (a) by deleting “or”;
- (c) in paragraph (b), by deleting “vehicle.” and inserting instead —
“ vehicle; or ”;
- (d) after paragraph (b) by inserting the following paragraph —

“

- (c) 150 mm beyond the extreme outer portion of the vehicle on either side.

”.

- (3) Schedule 1 clause 11(2) and (3) are repealed and the following subclause is inserted instead —

“

- (2) In the case of a motor bike, the maximum longitudinal projection beyond the outer extremity of the wheels, of any part of the vehicle, or the load or equipment on the vehicle, must not exceed —
- (a) for a motor bike only —
 - (i) 150 mm in the case of the front wheel; and
 - (ii) 300 mm in the case of the rear wheel;

- (b) for a motor bike with an attached sidecar —
- (i) 600 mm in the case of the front wheel; and
 - (ii) 900 mm in the case of the rear wheel.

”.

- (4) Schedule 1 Division 7 Table 1 is amended in the shoulder clause by inserting after “2(6),” —

“ 3, ”.

11. Schedule 2 amended

- (1) Schedule 2 clause 3(1)(b) is amended by deleting “Part 3 of” and inserting instead —

“ Part 3 or under ”.

- (2) Schedule 2 clause 43(4) is amended by deleting “over 10 mm high.” and inserting instead —

“ at least 3 mm, but not more than 10 mm, high. ”.

- (3) Schedule 2 clause 48 is amended by deleting the diagram at the end of the clause and inserting the following diagram instead —

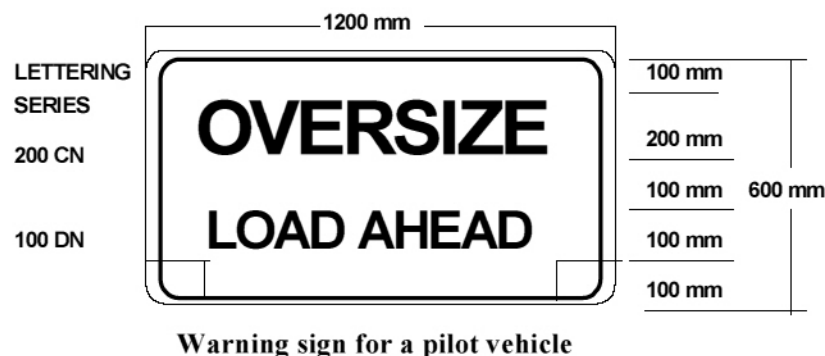
“



”.

- (4) Schedule 2 clause 51 is amended by deleting the diagram at the end of the clause and inserting the following diagram instead —

“



”.

12. Glossary amended

- (1) The amendments in this regulation, other than subregulation (11), are to clause 1(1) of the Glossary.

- (2) The following definitions are inserted in their appropriate alphabetical positions —

“

“**transport enforcement vehicle**” means a vehicle in respect of which a declaration under subclause (3)(b) is in force;

“**unloaded mass**” means the mass of the vehicle in running order, equipped with all standard equipment and with all fuel and other fluid reservoirs filled to nominal capacity, but unoccupied and without any other load;

”.

- (3) The definition of “75 mm kingpin” is amended by deleting “rule 165(3)” and inserting instead —

“ rule 159(3) ”.

- (4) The definition of “adopted standard” is amended by deleting “rule 24” and inserting instead —

“ rule 18 ”.

- (5) The definition of “ADR” is amended by deleting “rule 14” and inserting instead —

“ rule 8 ”.

- (6) The definition of “bus” is amended by deleting “that 9” and inserting instead —

“ than 9 ”.

- (7) The definition of “emergency vehicle” is amended by inserting after paragraph (d) —

“

or

- (e) a vehicle in respect of which a declaration under subclause (3)(a) is in force;

”.

- (8) The definition of “national standard” is amended by deleting “rule 15” and inserting instead —

“ rule 9 ”.

- (9) The definition of “second edition ADR” is amended by deleting “rule 17” and inserting instead —

“ rule 11 ”.

- (10) The definition of “third edition ADR” is amended by deleting “rule 18” and inserting instead —

“ rule 12 ”.

- (11) After clause 1(2) of the Glossary the following subclause is inserted —

“

- (3) The Director General may declare a vehicle, or each vehicle in a class of vehicles, to be —

- (a) an emergency vehicle; or
(b) a transport enforcement vehicle,

for the purposes of these regulations and the Vehicle Standards.

”.

13. Consequential amendments to other regulations

- (1) The *Road Traffic (Licensing) Regulations 1975** are amended in regulation 3(1) by deleting the definition of “unloaded mass” and inserting the following definition instead —

“

“unloaded mass” has the same meaning as it has in the Vehicle Standards;

”.

[* Reprinted as at 20 September 2002.

For amendments to 12 December 2002 see *Gazette 1 November 2002*.]

- (2) The *Road Traffic (Towed Agricultural Implements) Regulations 1995** are amended in regulation 16(2) by deleting the definition of “unloaded mass” and inserting the following definition instead —

“

“unloaded mass” has the same meaning as it has in the Vehicle Standards.

”.

[* Published in *Gazette 12 May 1995*, p. 1809-18.

For amendments to 12 December 2002 see *2001 Index to Legislation of Western Australia, Table 4, p. 294 and Gazette 1 November 2002*.]

- (3) The *Road Traffic (Tow Truck) Regulations 1975** are amended in regulation 2 by deleting the definition of “unloaded mass” and inserting the following definition instead —

“

“unloaded mass” has the same meaning as it has in the Vehicle Standards;

”.

[* Reprinted as at 8 November 2002.]

By Command of the Governor,

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