

TR302\*

Road Traffic Act 1974

## **Road Traffic Code Amendment Regulations (No. 4) 2000**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations may be cited as the *Road Traffic Code Amendment Regulations (No. 4) 2000*.

**2. Commencement**

These regulations come into operation immediately after the *Road Traffic Code 2000* comes into operation.

**3. The regulations amended**

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

[\* *Published 4 August 2000, pp. 4213-4539.*]

**4. Regulation 3 amended**

Regulation 3 is amended as follows:

- (a) in the definition of “dividing line” after “2 parallel lines” by inserting —  
“ approximately one line width apart ”;
- (b) in the definition of “painted island” by deleting “on which there are stripes marked on the road surface in white or another colour contrasting with the colour of the road;” and inserting instead —  
“  
which may be further identified by stripes marked on the enclosed road surface, or by the enclosed road surface being a contrasting colour, but not including road within a dividing line;  
”;
- (c) in the definition of “path” by deleting “separated path” and inserting instead —  
“ separated footpath ”;
- (d) in the definition of “road sign” after “screen,” by inserting —  
“ road marking, ”;
- (e) in the definition of “speed zone” in paragraph (a) after “sign” by inserting —  
“ or an “end speed limit” sign ”.

**5. Regulation 9 amended**

Regulation 9(3) is amended by deleting “against the *Road Traffic Code 1965* (as amended from time to time),”.

**6. Regulation 15 amended**

Regulation 15(1) is amended by deleting paragraph (c) and the “and” following that paragraph.

**7. Regulation 21 amended**

Regulation 21(2) is amended as follows:

- (a) in paragraph (a) after “vehicle” by inserting —  
“ or combination ”;

- (b) in paragraph (b) by deleting “the vehicle” and inserting —

“

the rearmost part of the vehicle (or of the combination, if that is the case)

”.

**8. Regulation 26 amended**

Regulation 26(2) is amended as follows:

- (a) in paragraph (a) after “vehicle” by inserting —  
“ or combination ”;

- (b) in paragraph (b) by deleting “the vehicle” and inserting —

“

the rearmost part of the vehicle (or of the combination, if that is the case)

”.

**9. Regulation 28 amended**

Regulation 28(1) is amended by deleting “Modified penalty: 2 PU”.

**10. Regulation 35 amended**

Regulation 35 is amended by deleting “Points: 2 Modified penalty: 2 PU”.

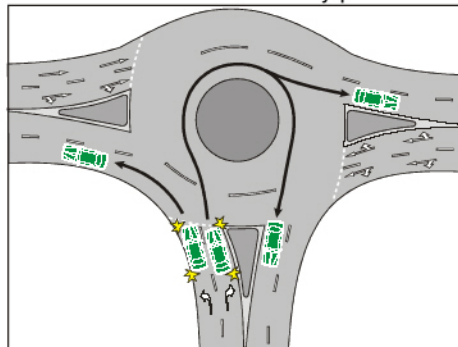
**11. Regulation 92 amended**

- (1) Regulation 92(4) is amended by deleting “Modified penalty: 1 PU”.
- (2) After regulation 92(7), example 4 is deleted and the following example is inserted instead —

“

Example 4

Roundabout with 3 entry points



”.

**12. Regulation 123 amended**

(1) Regulation 123(1) is amended as follows:

- (a) after “a vehicle” by inserting —  
“ or combination ”;
- (b) after “that vehicle” by inserting —  
“ or combination ”.

(2) Regulation 123(2) is amended as follows:

- (a) after “a vehicle” by inserting —  
“ or combination ”;
- (b) after “that vehicle” by inserting —  
“ or combination ”.

**13. Regulation 127 amended**

Regulation 127(2) is amended as follows:

- (a) in paragraph (a) after vehicle by inserting —  
“ or combination ”;
- (b) in paragraph (b) by deleting “the vehicle” and inserting —  
“  
the rearmost part of the vehicle (or of the combination, if that is the case)  
”.

**14. Regulation 168 amended**

Regulation 168(1) is amended by deleting “more than 7.5 m in length” and inserting instead —

“ 7.5 m in length or longer ”.

**15. Regulation 174 amended**

Regulation 174(1)(b) is amended by deleting “a disabled person” and inserting instead —

“ a person with a disability ”.

**16. Regulation 216 amended**

Regulation 216(5) is amended by deleting “abreast.” and inserting instead —

“ on the path. ”.

**17. Regulation 235 amended**

Regulation 235(1) is amended before “child restraint” by inserting —

“ suitable ”.

**18. Regulation 238A inserted**

After regulation 238 the following regulation is inserted —

“

**238A. Driver not to allow passengers in open utes, trays, etc.**

- (1) The driver of a passenger car derivative or goods vehicle shall not cause or permit a passenger to travel in or on the back of that vehicle.  
Points: 3 Modified penalty: 3 PU
- (2) It is a defence in proceedings for an offence against subregulation (1) for the driver to prove that —
  - (a) at the relevant time the driver was an officer of a detention centre (as defined in section 3 of the *Young Offenders Act 1994*) or an officer of a prison, and the passenger was lawfully detained;
  - (b) at the relevant time, the passenger was undergoing or giving *bona fide* medical treatment; or
  - (c) at the relevant time —
    - (i) the passenger was engaged in work that required the passenger to alight from and re-enter the vehicle at frequent intervals; and
    - (ii) the vehicle was being driven at a speed not exceeding 25 kilometres per hour.
- (3) On or before 31 December 2005, the driver does not commit an offence under subregulation (1) if —
  - (a) the passenger is in a part of the passenger car derivative, or goods vehicle, that is enclosed;
  - (b) all seating positions in that vehicle are occupied by other passengers;
  - (c) the doors and hatches used to enter that part of the vehicle are closed; and
  - (d) any goods carried in that part of the vehicle are securely stowed.
- (4) In subregulation (3) —  
“**enclosed**” means enclosed —
  - (a) at the time of manufacture; or
  - (b) by a “roll over protection device” to which is affixed an identification plate, approved by the Director General, indicating that the device is constructed and fitted in an approved manner.

”.

**19. Regulation 240 amended**

Regulation 240(1) is repealed and the following subsection is inserted instead —

“

- (1) The Director General may, in writing, exempt —
- (a) the driver of a particular vehicle and any passenger on that vehicle; or
  - (b) a particular vehicle or class of vehicles, either generally, or for a specified time or purpose, from any of the provisions in Division 2 or 3, or regulation 238A or 239.

”.

**20. Regulation 241 amended**

- (1) Regulation 241(1) is amended after “under regulation 235(1)” by inserting —

“ , 238A(1) ”.

- (2) Regulation 241(3) is amended after “against regulation 235(1)” by inserting —

“ , 238A(1) ”.

**21. Regulation 286 amended**

Regulation 286 is amended after “apply to the driver of an oversize vehicle” by inserting —

“

who is being escorted or piloted by an accredited pilot

”.

**22. Regulation 289 amended**

- (1) Regulation 289(1)(c) is amended as follows:

- (a) after subparagraph (iv) by inserting the following subparagraph —

“

- (iva) a vehicle or vehicle combination that exceeds the maximum height, width, length or mass limitations under the Vehicle Standards while that vehicle, or that combination, is subject to a permit issued under those regulations, requiring those lights;

”;

- (b) after subparagraph (v) by inserting the following subparagraphs —

“

- (va) a self-propelled agricultural implement that does not conform to the Vehicle Standards, but

where the signalling devices comply with the equipment described in regulation 404 of those regulations and the vehicle is travelling on a road;

- (vb) a vehicle towing an agricultural implement, and that agricultural implement, when that implement does not conform to the Vehicle Standards, but where the signalling devices comply with the equipment described in regulation 404 of those regulations and the vehicle is travelling on a road;

”;

- (c) in subparagraph (ix) by deleting “bus” and inserting instead —

“ motor vehicle ”.

- (2) Regulation 289(2) is amended as follows:

- (a) in paragraph (a) by deleting “Division 1 or” and inserting instead —

“ Division 1; ”;

- (b) after paragraph (a) by inserting the following paragraph —

“

- (ab) that are a part of an alarm system; or

”.

**23. Regulation 298 amended**

- (1) Regulation 298(1) is amended after “sign on” by inserting —

“ a ”.

- (2) Regulation 298(2) is amended by deleting “vehicle unless that vehicle” and inserting instead —

“

the rearmost part of a vehicle (or of a combination, if that is the case) unless that vehicle (or combination)

”.

By Command of the Governor,

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

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