

WESTERN AUSTRALIA

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# ROAD TRAFFIC AMENDMENT ACT (No. 3)

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No. 32 of 1988

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AN ACT to amend the *Road Traffic Act 1974*.

[Assented to 24 November 1988]

The Parliament of Western Australia enacts as follows:

## Short title

1. This Act may be cited as the *Road Traffic Amendment Act (No. 3) 1988*.

## Principal Act

2. In this Act the *Road Traffic Act 1974*\* is referred to as the principal Act.

[\*Reprinted as approved 19 July 1983 and amended by Acts Nos. 95 and 102 of 1984, 89 and 54 of 1985 and 78 of 1986.]

**Commencement**

3. This Act shall come into operation on such day as is fixed by proclamation.

**Section 44 amended**

4. Section 44 of the principal Act is amended—

(a) in subsection (1) by inserting after paragraph (a) the following paragraph—

“ (aa) is unable to comply with the requirement of section 42 (2) (c) but, in the opinion of the Board—

(i) the applicant is capable of controlling the class of motor vehicle for which the driver's licence is sought under certain conditions or subject to certain limitations;

and

(ii) the denial of a driver's licence would occasion undue hardship or inconvenience; ” ;

(b) by inserting after “conditions”, wherever it occurs other than in subsection (1) (c), the following—

“ or limitations ”; and

(c) by inserting after “condition”; wherever it occurs, the following—

“ or limitation ”.

**Section 48 amended**

5. Section 48 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection—

“ (1a) Where the Board has reason to believe that the holder of a driver’s licence—

(a) suffers from a mental disorder or physical disability that is likely to impair his ability to control a motor vehicle except under certain conditions or subject to certain limitations; or

(b) is no longer capable, except under certain conditions or subject to certain limitations, of controlling the class of motor vehicle for which he holds the appropriate driver’s licence,

and that to refuse to renew that licence would occasion undue hardship or inconvenience it may renew the licence subject to such conditions as it thinks fit to impose and those conditions shall be endorsed on the driver’s licence. ”;

(b) in subsection (4) by inserting after “(1),” the following—

“ (1a), ”;

(c) in subsection (7) by deleting “The” and substituting the following—

“ Subject to subsection (1a), the ”; and

(d) in subsection (8) by inserting after “Where,” the following—

“ under subsection (1a) or ”.