



New South Wales

# Road Transport Legislation Amendment (Lane Use by Motor Bikes) Regulation 2014

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

DUNCAN GAY, MLC  
Minister for Roads and Freight

## Explanatory note

The objects of this Regulation are:

- (a) to amend the *Road Rules 2008* to make it an offence for a motor bike rider to lane split at a speed exceeding 30 kilometres per hour and to enable certain motor bike riders to lane filter between vehicles provided they do not exceed that speed, and
- (b) to amend the *Road Transport (Driver Licensing) Regulation 2008* to make the new offence of lane splitting a demerit point offence that attracts 3 demerit points, and
- (c) to amend the *Road Transport (General) Regulation 2013* to make the new offence of lane splitting a penalty notice offence.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general rule-making power), 24, 26, 32 and 195 and Schedule 1.

## **Road Transport Legislation Amendment (Lane Use by Motor Bikes) Regulation 2014**

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### **1 Name of Regulation**

This Regulation is the *Road Transport Legislation Amendment (Lane Use by Motor Bikes) Regulation 2014*.

### **2 Commencement**

This Regulation commences on 1 July 2014 and is required to be published on the NSW legislation website.

## Schedule 1 Amendment of Road Rules 2008

### [1] Rule 151-1

Insert after rule 151:

#### 151-1 NSW rule: lane splitting by riders of motor bikes at speeds exceeding 30 kilometres per hour

The rider of a motor bike must not ride past another motor vehicle being driven in the same direction as the rider if the rider is:

- (a) in the same marked lane as, or on a dividing line adjacent to, the vehicle while passing the vehicle, and
- (b) riding the motor bike at a speed in excess of 30 kilometres per hour.

Maximum penalty: 20 penalty units.

**Note 1.** *Dividing line*, *marked lane* and *motor bike* are defined in the Dictionary.

**Note 2.** Rule 313-2 (NSW rule: exemption for lane filtering by riders of motor bikes) exempts certain riders from rule 146 while lane filtering at a speed not exceeding 30 kilometres per hour. Lane filtering in excess of that speed may be an offence under this rule.

**Note 3.** This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

### [2] Rule 313-2

Insert after rule 313-1:

#### 313-2 NSW rule: exemption for lane filtering by riders of motor bikes

- (1) Rule 146 does not apply to the rider of a motor bike while the rider is lane filtering if:
  - (a) the rider is the holder of an unrestricted motor bike rider's licence, and
  - (b) the motor bike is being ridden at a speed not exceeding 30 kilometres per hour, and
  - (c) the length of road on which the motor bike is being ridden is not in a school zone, and
  - (d) it is safe to do so.

**Example of when lane filtering is not safe.** A rider lane filtering between vehicles in a manner that does not seek to avoid collisions (including lane filtering between vehicles when there is insufficient clearance between those vehicles).

**Note 1.** *Length* of road, *motor bike*, *overtake* and *traffic* are defined in the Dictionary and *unrestricted motor bike rider's licence* is defined in subrule (5).

**Note 2.** Lane filtering at a speed in excess of 30 kilometres per hour may be an offence under rule 151-1 (NSW rule: lane splitting by riders of motor bikes at speeds exceeding 30 kilometres per hour).

- (3) The rider of a motor bike is *lane filtering* if the motor bike is ridden between other vehicles that are being driven in 2 adjacent marked lanes in the same direction as the rider.

**Note.** *Marked lane* is defined in the Dictionary.

- (4) However, the rider of a motor bike is not lane filtering if the rider rides past a parked vehicle.

**Note.** *Park* is defined in the Dictionary.

(5) In this rule:

*unrestricted motor bike rider's licence* means an Australian driver licence (other than a provisional licence or learner licence) that authorises its holder to ride a motor bike.

**Note 1.** *Australian driver licence*, *learner licence* and *provisional licence* are defined in the Act and *motor bike* is defined in this Dictionary.

**Note 2.** This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

## **Schedule 2 Consequential amendment of Regulations**

### **2.1 Road Transport (Driver Licensing) Regulation 2008**

#### **Schedule 2 Additional demerit point offences**

Insert after the matters relating to rule 150 of the *Road Rules 2008*:

Rule 151-1	Lane splitting at speed exceeding 30km/h	3	3
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### **2.2 Road Transport (General) Regulation 2013**

#### **Schedule 5 Penalty notice offences**

Insert after the matter relating to rule 150 (1) of the *Road Rules 2008*:

Rule 151-1	Class 1	Level 8
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