Road Transport Legislation Amendment (Bicycle Riders) Regulation 2016
under the
Road Transport Act 2013

His 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, Maritime and Freight

Explanatory note
The objects of this Regulation are as follows:
(a) to require motorists to keep a specified minimum distance from a bicycle when passing to the right of the bicycle on a road,
(b) to provide that the offence under the Road Rules 2014 of not obeying the applicable speed limit (which currently applies to bicycle riders as well as motorists) may be dealt with by way of a penalty notice if the offence is committed by a bicycle rider,
(c) to increase the level of the penalty payable under penalty notices for offences under the Road Rules 2014 that relate to the use of bicycles or to persons riding bicycles,
(d) to prescribe the offence of failing to keep the minimum distance when passing to the right of a bicycle as an offence for which demerit points may be incurred.

This Regulation is made under the Road Transport Act 2013, including sections 23 and 24 (the general regulation and rule-making power), sections 32 (1) (b) and 195 and Schedule 1.
Road Transport Legislation Amendment (Bicycle Riders) Regulation 2016

under the

Road Transport Act 2013

1 Name of Regulation

This Regulation is the Road Transport Legislation Amendment (Bicycle Riders) Regulation 2016.

2 Commencement

This Regulation commences on 1 March 2016 and is required to be published on the NSW legislation website.
Schedule 1 Amendment of Road Rules 2014

Rules 144–1 and 144–2

Insert after rule 144:

144–1 NSW rule: keeping a safe distance when passing bicycle rider

(1) The driver of a motor vehicle driving past to the right of a bicycle that is travelling on a road in the same direction as the motor vehicle must pass the bicycle at a safe distance from the bicycle.

Maximum penalty: 20 penalty units.

(2) A safe distance from the bicycle is:

(a) if the speed limit applying to the driver of the motor vehicle for the length of the road is not more than 60 kilometres per hour—a distance of at least 1 metre, or

(b) if the speed limit applying to the driver of the motor vehicle for the length of the road is more than 60 kilometres per hour—a distance of at least 1.5 metres,

measured laterally from the furthest right side of the bicycle to the furthest left side of the motor vehicle or any part of the vehicle (including anything attached to or projecting from the vehicle).

(3) For the purposes of subrule (2), bicycle includes any bicycle trailer towed by the bicycle, the rider or any passenger on the bicycle or in or on the trailer and any basket or pannier bags attached to the bicycle or trailer, but does not include any flag or stick (whether or not flexible) attached to and projecting sideways from the bicycle or trailer.

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

144–2 NSW rule: exceptions for passing bicycle rider

(1) The driver of a motor vehicle driving past to the right of a bicycle that is travelling on a road in the same direction as the motor vehicle may, if it is necessary in order to comply with rule 144–1 while passing the bicycle, do any of the following but only if the driver can do so safely and has a clear view of any approaching traffic:

(a) if the driver is driving on a two-way road without a dividing line or median strip—drive to the right of the centre of the road,

(b) if the driver is driving on a road with a dividing line—drive to the right of the dividing line,

(c) drive:

(i) on a dividing strip that is at the same level as the road, or

(ii) on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island,

(d) if the driver is driving on a multi-lane road—drive so that the driver’s vehicle is not completely in a marked lane,

(e) if the driver is driving on a road with 2 or more lines of traffic travelling in the same direction as the driver, but without marked lanes—drive so that the driver’s vehicle is not completely in a single line of traffic,

(f) if the driver is driving on a multi-lane road—move from one marked lane to another marked lane across a continuous line separating the lanes.
(2) Subrule (1) has effect despite anything in rule 132, 137, 138, 146 or 147.

(3) For the purposes of subrule (1) (c), a dividing strip does not include a painted island and is taken to be at the same level as the road even if the dividing strip contains 1 or more raised pavement bars or markers.

Note. This rule is an additional NSW rule. There is no corresponding rule in the Australian Road Rules.
Schedule 2  Amendment of Road Transport (General) Regulation 2013

[1] Schedule 5 Penalty notice offences

Insert at the end of the matter relating to rule 20 of the Road Rules 2014:

Rule 20, in relation to a bicycle (except where the applicable speed limit is specified by rule 24–2) Class 1 Level 2

[2] Schedule 5

Omit the matter relating to rules 27–303 of the Road Rules 2014 (other than any matter relating to rules 182 (1), 183 (1), 184 (1), 195 (1), 195 (1–1) and 196 (1) or to rule 187 (1) specifically).

Insert instead:

Rule 27, Rule 28 (1) and (1A), Rule 29, Rule 31, Rule 32 (1), Rule 33, Rule 88, Rule 89, Rule 90, Rule 91, Rule 92, Rule 98, Rule 99, Rule 100:

(a) in relation to a motor vehicle Class 1 Level 4
(b) in relation to a bicycle Class 1 Level 2
(c) in relation to any other vehicle Class 1 Level 1


Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, otherwise than in school zone Class 1 Level 4

Rule 37, Rule 39, Rule 40, Rule 41, Rule 42, in school zone Class 1 Level 5

Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71, Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299, Rule 300, Rule 300–1, otherwise than in school zone Class 1 Level 6

Rule 38, Rule 62, Rule 63, Rule 64 (a), Rule 64 (c), Rule 65 (2) (a), Rule 65 (2) (b), Rule 67 (1), Rule 68 (1), Rule 69 (1), Rule 70, Rule 71, Rule 101, Rule 288, Rule 289, Rule 290, Rule 297 (2), Rule 299, Rule 300, Rule 300–1, in school zone Class 1 Level 6


Rule 56, Rule 59, Rule 80, Rule 81, in relation to a vehicle not being a motor vehicle or a bicycle Class 1 Level 1

Rule 56 (1), in relation to a motor vehicle otherwise than at toll booth or in school zone Class 1 Level 6

Rule 56 (1), in relation to a motor vehicle in school zone Class 1 Level 7

Rule 56 (1), in relation to a motor vehicle or bicycle at toll booth Class 1 Level 3

Rule 56 (1), Rule 59, in relation to a bicycle otherwise than at toll booth Class 1 Level 6

Rule 56 (2), Rule 80, Rule 81, Rule 82, in relation to a motor vehicle otherwise than in school zone Class 1 Level 6
<table>
<thead>
<tr>
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<th>(a) in relation to</th>
<th>Class</th>
<th>Level</th>
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<td>56 (2), Rule 80, Rule 81, Rule 82</td>
<td>a motor vehicle in school zone</td>
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<td>7</td>
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<tr>
<td>56 (2), Rule 80, Rule 81</td>
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<td>57, Rule 60, Rule 60A, Rule 61, Rule 64</td>
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<td>Rule 297 (1), Rule 297 (1A), Rule 297 (3), otherwise than in school zone</td>
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<td>57, Rule 60, Rule 60A, Rule 61, Rule 64</td>
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<td>Rule 297 (1), Rule 297 (1A), Rule 297 (3), in school zone</td>
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<tr>
<td>59</td>
<td>in relation to a motor vehicle otherwise than at toll booth or in school zone</td>
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<td>59</td>
<td>in relation to a motor vehicle in school zone</td>
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<td>7</td>
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<td>59</td>
<td>in relation to a motor vehicle or bicycle at toll booth</td>
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<td>72, Rule 73, Rule 74, Rule 75, Rule 76, Rule 77, Rule 84, Rule 85, Rule 86, Rule 87, Rule 108, Rule 114, Rule 136, Rule 140, Rule 142, Rule 144, Rule 144–1, Rule 145, Rule 148, Rule 148A, Rule 149, Rule 154, Rule 157 (1), Rule 159, Rule 224, Rule 224–1, Rule 264, Rule 265 (1), Rule 266, Rule 267–1, Rule 268, Rule 268–2, Rule 268–3, Rule 269, Rule 270 (1) (a), Rule 270 (2), Rule 271 (1) (a), Rule 271 (2) (a), Rule 271 (2) (a) and (3), Rule 271 (4), Rule 271 (5), Rule 271 (5A) Rule 271 (5B), Rule 271 (5C), Rule 271–1 (1) Rule 271–2 (1), Rule 287, Rule 298, Rule 298–1</td>
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<td>(a) in relation to a bicycle</td>
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<tr>
<td>(b) in relation to any other vehicle not being a motor vehicle or bicycle</td>
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<td>83:</td>
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<td>(a) in relation to a motor vehicle</td>
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<tr>
<td>(b) in relation to a bicycle</td>
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<tr>
<td>(c) in relation to any other vehicle</td>
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<td>93, Rule 94, Rule 95, Rule 96, Rule 97, Rule 101A, Rule 111, Rule 115, Rule 116, Rule 125, Rule 128, Rule 143, Rule 155, Rule 156</td>
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<td>102:</td>
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<tr>
<td>(a) in relation to a driver who drives through or under (or attempts to drive through or under) a tunnel, bridge or other structure to which a clearance sign or low clearance sign relates</td>
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<td>1, 2</td>
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Rule 106

Rule 119:
(a) in relation to the rider of a bicycle
(b) in relation to any other rider

Rule 119:
Class 1 Level 2
Class 1 Level 1

Rule 127 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone
Class 1, 2 Level 11

Rule 127 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone
Class 1 Level 6

Rule 128A, otherwise than in school zone
Class 1 Level 4

Rule 128A, in school zone
Class 1 Level 5

Rule 129, Rule 137, Rule 138:
(a) in relation to a motor vehicle
(b) in relation to a bicycle
(c) in relation to any other vehicle

Rule 129, Rule 137, Rule 138:
Class 1 Level 4
Class 1 Level 2
Class 1 Level 1

Rule 130, Rule 131, Rule 135:
(a) in relation to a motor vehicle
(b) in relation to a bicycle
(c) in relation to any other vehicle

Rule 130, Rule 131, Rule 135:
Class 1 Level 5
Class 1 Level 2
Class 1 Level 1

Rule 132:
(a) in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone
(b) in relation to a class B or class C motor vehicle not in a Safe-T-Cam zone or average speed detection zone
(c) in relation to a motor vehicle that is not a class B or class C motor vehicle
(d) in relation to a bicycle
(e) in relation to any other vehicle

Rule 132:
Class 1, 2 Level 11
Class 1 Level 5
Class 1 Level 5
Class 1 Level 5
Class 1 Level 2
Class 1 Level 1

Rule 146, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 147, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 150 (1), in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone
Class 1, 2 Level 11

Rule 146, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone, Rule 147, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone
Class 1 Level 4

Rule 150 (1), otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone
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Rule 151:
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(b) in relation to any other rider

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Rule 203 (1) | Class 1, 12, 15 | Level 7
Rule 205A–1 (1) | Class 1, 12, 15, 16 | Level 4
Rule 208 (1) and (6) | Class 1, 12 | Level 4
Rule 215–1, in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone | Class 1, 2 | Level 11
Rule 215–1, otherwise than in relation to a class B or class C motor vehicle in a Safe-T-Cam zone or average speed detection zone | Class 1 | Level 2
Rule 220–1 (1) Class 1 Level 2
Rule 221–1, Rule 294–3, Rule 300–5 Class 1, 2 Level 2
Rule 221–2 Class 1 Level 2
Rule 222–1, Rule 300–4 Class 1, 2 Level 5
Rule 222–2, Rule 291–1 Class 1, 2 Level 3
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Rule 245–1 Class 1 Level 6
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Rule 265 (3) (where driver drives with 1 unrestrained passenger) Class 1 Level 5
Rule 265 (3) (where driver drives with 2 unrestrained passengers) Class 1 Level 8
Rule 265 (3) (where driver drives with 3 unrestrained passengers) Class 1 Level 10
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Rule 270 (1) (a) and (b) (where unhelmeted rider rides bike with one unhelmeted passenger only) Class 1 Level 8
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Rule 270 (1) (b) (where helmeted rider rides bike with one unhelmeted passenger only) Class 1 Level 5
Rule 270 (1) (b) (where helmeted rider rides bike with 2 unhelmeted passengers) Class 1 Level 8
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Rule 292 (a), Rule 292 (b) Class 1, 2, 12 Level 6
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Rule 293 (2) Class 1, 2, 16 Level 6
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Rule 296 (1), otherwise than in school zone Class 1 Level 3
Rule 296 (1), in school zone Class 1 Level 4
Rule 300–2 (1) Class 1 Level 6
Schedule 3 Amendment of Road Transport (Driver Licensing) Regulation 2008

Schedule 2 Additional demerit point offences

Insert after the matter relating to rule 143 (1A) of the Road Rules 2014:

Rule 144–1 Fail to keep safe distance when passing bicycle    2  2