



New South Wales

Road Transport Amendment (Miscellaneous) Regulation 2020

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*.

ANDREW CONSTANCE, MP
Minister for Transport and Roads

Explanatory note

The objects of this Regulation are—

- (a) to amend the *Road Rules 2014*—
 - (i) to provide that requirements about indicating change of direction do not apply to drivers when entering or leaving roundabouts, and
 - (ii) to provide that drivers must give way to pedestrians on marked foot crossings with flashing yellow traffic lights, and
 - (iii) to provide that drivers of large vehicles may drive over central traffic islands when it is safe to do so, and
 - (iv) to make further provision with respect to lane filtering by riders of motor bikes—
 - (A) to allow lane filtering by riders of motor bikes holding unrestricted licences, and
 - (B) to provide that requirements about indicating change of direction do not apply to riders of motor bikes when lane filtering, and
 - (C) to provide that requirements about driving within a single marked lane or line of traffic do not apply to riders of motor bikes when lane filtering, and
 - (v) to update the signs indicating the start and end of tramways with those developed by Standards Australia to better distinguish them from signs indicating the start and end of bus lanes and tram lanes, and
 - (vi) to ensure the definition of **heavy vehicle** is consistent with the *Heavy Vehicle National Law (NSW)*, and
 - (vii) to allow bicycle riders to cross a road if a green bicycle light is showing, despite a red traffic light also showing, and
 - (viii) to make further provision with respect to the use of seatbelts and child restraints by persons with a medical condition or disability, and
 - (ix) to make further provision with respect to the use of helmets and footrests by the rider of a motor bike, and
 - (x) to omit the rule requiring a driver to take due care to not splash mud on bus passengers, and

- (xi) to omit a reference to a repealed provision, and
- (xii) to define certain terms used in the *Road Rules 2014*, and
- (b) to amend the *Road Transport (Driver Licensing) Regulation 2017* to update a cross-reference, and
- (c) to amend the *Road Transport (General) Regulation 2013* to omit a reference to a repealed provision and update a cross-reference.

This Regulation implements, with some minor modifications, certain amendments made to the *Australian Road Rules* by the Australian Road Rules (12th Amendment) approved by the Transport and Infrastructure Council.

This Regulation is made under the *Road Transport Act 2013*, including sections 23 (the general statutory rule-making power), 24, 25, 26, 32(1) and 195 and Schedule 1.

Road Transport Amendment (Miscellaneous) Regulation 2020

under the

Road Transport Act 2013

1 Name of Regulation

This Regulation is the *Road Transport Amendment (Miscellaneous) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2014

[1] Rule 44

Omit the rule. Insert instead—

44 Division does not apply to entering or leaving a roundabout or lane filtering

This Division does not apply to—

- (a) a driver entering, in or leaving a roundabout, or
- (b) the rider of a motor bike while lane filtering in accordance with rule 151A.

Note 1. Part 9 deals with giving change of direction signals when entering or leaving a roundabout.

Note 2. *Lane filtering* is defined in rule 151A.

[2] Rule 45 What is changing direction

Omit “from” from rule 45(2)(e). Insert instead “to, or from,”.

[3] Rule 45(3)(e)

Omit “from”. Insert instead “to, or from,”.

[4] Rule 65 Giving way at a marked foot crossing (except at an intersection) with a flashing yellow traffic light

Insert “or entering” after “on” in rule 65(2)(a).

[5] Rule 65(2), Note 3

Insert after Note 2—

Note 3. This subrule is not uniform with the corresponding subrule in rule 65 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[6] Rule 65(3), Note

Insert at the end of the subrule—

Note. This subrule is not uniform with the corresponding subrule in rule 65 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[7] Rule 72 Giving way at an intersection (except a T-intersection or roundabout)

Insert before Example to rule 72(4)—

Note. This subrule is not uniform with the corresponding subrule in rule 72 of the *Australian Road Rules*. However, the corresponding rule in the *Australian Road Rules* allows another jurisdiction to provide for drivers to be exempted from this rule. Different rules may apply in other Australian jurisdictions.

[8] Rule 73 Giving way at a T-intersection

Insert at the end of rule 73(5)—

Note. This subrule is not uniform with the corresponding subrule in rule 73 of the *Australian Road Rules*. However, the corresponding rule in the *Australian Road Rules* allows another jurisdiction to provide for drivers to be exempted from this rule. Different rules may apply in other Australian jurisdictions.

[9] Rule 80 Stopping at a children’s crossing

Insert at the end of rule 80(2)—

Note 3. This subrule is not uniform with the corresponding subrule in rule 80 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[10] Rule 80(3), Note

Insert at the end of the subrule—

Note. This subrule is not uniform with the corresponding subrule in rule 80 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[11] Rule 80(4), Note

Insert at the end of the subrule—

Note. This subrule is not uniform with the corresponding subrule in rule 80 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[12] Rule 81 Giving way at a pedestrian crossing

Renumber the Note to rule 81(2) as Note 1.

[13] Rule 81(2), Note 2

Insert at the end of the subrule—

Note 2. This subrule is not uniform with the corresponding subrule in rule 81 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[14] Rule 82 Overtaking or passing a vehicle at a children’s crossing or pedestrian crossing

Renumber the Note to the rule as Note 1.

[15] Rule 82, Note 2

Insert after Note 1 (as amended by item [14])—

Note 2. This rule is not uniform with the corresponding rule 82 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[16] Rule 115, heading

Omit “to the left of the central traffic island”.

[17] Rule 115(1)(c)

Insert “as near as practicable” after “traffic island,”.

[18] Rule 115(3)(c)

Insert at the end of rule 115(3)(b)—

, and

(c) the driver can safely drive over the central traffic island.

[19] Rule 141 No overtaking etc to the left of a vehicle

Insert at the end of rule 141(1)(c)—

, or

(d) the driver is lane filtering in accordance with rule 151A.

[20] Rule 141(1), Note

Omit “Dictionary.”. Insert instead “Dictionary and *lane filtering* is defined in rule 151A.”.

[21] Rule 146 Driving within a single marked lane or line of traffic

Insert after rule 146(1)(e)—

(e1) lane filtering in accordance with rule 151A, or

[22] Rule 146(1), Note 1

Omit “and *shoulder* is defined in rule 12.”.

Insert instead “, *shoulder* is defined in rule 12 and *lane filtering* is defined in rule 151A.”.

[23] Rule 146(2)(f)

Insert at the end of rule 146(2)(e)—

, or

- (f) the driver is lane filtering in accordance with rule 151A.

[24] Rule 147 Moving from one marked lane to another marked lane across a continuous line separating the lanes

Insert at the end of the rule—

Note 5. This rule is not uniform with the corresponding rule in rule 147 of the *Australian Road Rules*. However, the corresponding rule in the *Australian Road Rules* allows another jurisdiction to provide for drivers to be exempted from this rule. Different rules may apply in other Australian jurisdictions.

[25] Rule 151A

Omit rule 151–1. Insert instead—

151A Lane filtering between vehicles on a motor bike

- (1) The rider of a motor bike is *lane filtering* along a length of road if the rider rides the motor bike between 2 vehicles, each vehicle travelling in—
 - (a) the same direction as the motor bike, and
 - (b) separate, but adjacent, marked lanes or lines of traffic.
- (2) The rider of the motor bike must not unlawfully lane filter along a length of road.
Maximum penalty—20 penalty units.
- (3) For subrule (2), it is unlawful for the rider of a motor bike to lane filter along a length of road if any of the following circumstances apply—
 - (a) the rider is edge filtering,
 - (b) the rider is riding at a speed of more than 30 kilometres per hour,
 - (c) the rider is riding in a school zone,
 - (d) a *no filtering sign* applies to the length of the road,
 - (e) it is not safe to lane filter,
- (e1) the rider is not the holder of an unrestricted motor bike rider’s licence.

Note. This paragraph is an additional NSW paragraph. There is no corresponding paragraph in rule 151A(3) of the *Australian Road Rules*.

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).

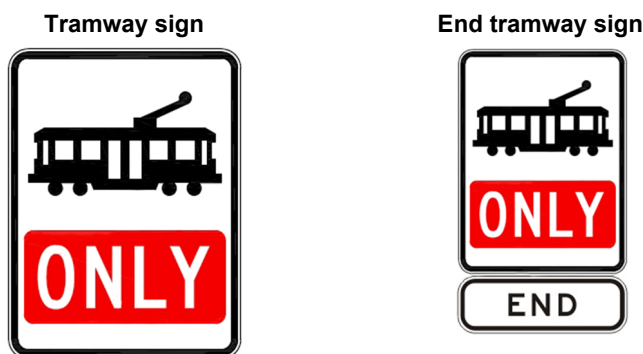
Note. *Length* of road, *motor bike*, *overtake* and *traffic* are defined in the Dictionary and *unrestricted motor bike rider’s licence* is defined in subrule (6).

- (4) A *no filtering sign* on a road applies to a length of road starting at the sign and ending at the nearer of the following—
 - (a) if the length of the road ends at a T-intersection or dead end—the end of the length of the road,
 - (b) the next *end no filtering sign* that is on the road.

- (5) For this rule, the rider of a motor bike is **edge filtering** along the length of a road if—
- (a) the rider changes direction towards the edge of the road to pass 1 or more vehicles on the road, or
 - (b) the rider changes direction towards the edge of the road to pass between 2 vehicles, 1 of which is stationary.
- (6) In this rule—
- end no filtering sign** means a traffic sign—
- (a) with a symbol displaying a motor bike positioned between 2 vehicles with a black diagonal line across the symbol, or
 - (b) with a symbol positioned below the symbol mentioned in paragraph (a) displaying the word “END” in black letters.
- no filtering sign** means—
- (a) a traffic sign with a symbol displaying a motor bike positioned between 2 vehicles with a red diagonal line across the symbol, or
 - (b) a traffic sign displaying the words “no filtering”.
- 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.

[26] Rule 155A Tramways

Omit entries for tramway sign and end tramway sign from the examples for rule 155A(4–1).
Insert instead—



[27] Rule 200 Stopping on roads—heavy and long vehicles

Omit “is” from the Note to rule 200(1) where firstly occurring.
Insert instead “and **heavy vehicle** are”.

[28] Rule 200(3)

Omit the definition of **heavy vehicle**.

[29] Rule 248 No riding across a road on a crossing

Renumber the Note to rule 248(1) as Note 1.

[30] Rule 248(1), Note 2

Insert after Note 1 (as amended by item [29])—

Note 2. This subrule is not uniform with the corresponding subrule in rule 248 of the *Australian Road Rules*. However, the corresponding rule in the *Australian Road Rules* allows another law of this jurisdiction to prohibit a rider of a bicycle from riding on a children's crossing, marked foot crossing or pedestrian crossing. Different rules may apply in other Australian jurisdictions.

[31] Rule 248(2), Note 1

Renumber the Note to the subrule as Note 1.

[32] Rule 248(2), Note 2

Insert after Note 1 (as amended by item [31])—

Note 2. This subrule is not uniform with the corresponding subrule in rule 248 of the *Australian Road Rules*. However, the corresponding rule in the *Australian Road Rules* allows another law of this jurisdiction to prohibit a rider of a bicycle from riding on a children's crossing, marked foot crossing or pedestrian crossing. Different rules may apply in other Australian jurisdictions.

[33] Rule 262, heading

Omit “**crossing lights change to yellow or red**”.

Insert instead “**crossing at an intersection or another place on road**”.

[34] Rule 262(4A)

Insert after rule 262(4)—

- (4A) If the bicycle crossing lights show a green bicycle crossing light, the rider may cross at the intersection, or another place on the road, even though the traffic lights show a red traffic light or yellow traffic light.

Note. *Bicycle crossing lights*, *green bicycle crossing light*, *red traffic light*, *traffic lights* and *yellow traffic light* are defined in the Dictionary.

[35] Rule 262A Proceeding when bicycle crossing light is green

Omit the rule.

[36] Rule 266 Wearing of seatbelts by passengers under 16 years old

Omit “Subrules (2), (2A) and (2B) do not apply in respect of” from rule 266(2C).

Insert instead “The driver does not have to ensure subrule (2), (2A) or (2B) is complied with for”.

[37] Rule 266(2D)

Omit “passenger”. Insert instead “driver”.

[38] Rule 267 Exemptions from wearing seatbelts

Insert “or disability” after “medical condition” in rule 267(3A)(a).

[39] Rule 267(4)

Omit “medical”.

[40] Rule 267–1 NSW rule—restraint of drivers who are holders of learner licences or provisional P1 or P2 licences and their passengers

Omit rule 267–1(6).

[41] Rule 270 Wearing motor bike helmets

Omit the definition of *approved motor bike helmet* from rule 270(3).

Insert instead—

approved motor bike helmet means a helmet—

- (a) made in compliance with—
 - (i) AS 1698, or
 - (ii) AS/NZS 1698, or
 - (iii) the United Nations Economic Commission for Europe standard 22.05 (the ***UN standard***), and
- (b) that has an identifying mark certifying compliance with a standard mentioned in paragraph (a), and
- (c) that is in good repair and proper working order and condition.

Examples of a helmet that is in good repair and proper working order and condition.

- 1 A helmet that is scratched or marked but the scratch or mark has not—
 - (a) penetrated the helmet’s outer shell, or
 - (b) damaged the helmet’s retention system, or
 - (c) damaged the helmet’s inner lining.
- 2 A helmet that is damaged to a degree that might reasonably be expected from the normal use of the helmet.

[42] Rule 271 Riding on motor bikes

Omit “The rider” from rule 271(1). Insert instead “Unless subrule (1A) applies, the rider”.

[43] Rule 271(1), Note 1

Renumber the Note to the subrule as Note 1.

[44] Rule 271(1), Note 2

Insert after Note 1 (as amended by item [43])—

Note 2. This subrule is not uniform with the corresponding subrule in rule 271 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[45] Rule 291–3 NSW rule—splashing mud on bus passengers

Omit the rule.

[46] Rule 292 Insecure or overhanging load

Renumber the Note to the rule as Note 1.

[47] Rule 292, Note 2

Insert after Note 1 (as amended by item [46])—

Note 2. This rule is not uniform with the corresponding rule in rule 292 of the *Australian Road Rules*. Different rules may apply in other Australian jurisdictions.

[48] Rule 292A

Insert after rule 292—

292A Australian Road Rule not reproduced

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Note. Rule 292A (Restricting movement of load) of the *Australian Road Rules* has not been reproduced in these Rules because clause 50R of the *Road Transport (General) Regulation 2013* provides for load requirements. This rule has been left blank in order to preserve uniformity of numbering with the *Australian Road Rules*.

[49] Rule 313–2 NSW rule—exemption for lane filtering by riders of motor bikes

Omit the rule.

[50] Schedule 2 Standard traffic signs used in NSW

Insert in alphabetical order in Schedule 2—

Tramway sign (rule 155A)



End tramway sign (rule 155A)



[51] Dictionary

Insert in alphabetical order in the Dictionary—

edge filtering—see rule 151A.

end no filtering sign—see rule 151A.

heavy vehicle means a vehicle with a GVM of more than 4.5 tonnes.

lane filtering—see rule 151A.

no filtering sign—see rule 151A.

Schedule 2 Amendment of Road Transport (Driver Licensing) Regulation 2017

[1] Schedule 2 Additional demerit point offences

Omit all of the matter relating to rule 151–1 under the heading *Road Rules 2014*.

[2] Schedule 2

Insert in appropriate order under the heading *Road Rules 2014*—

Rule 151A(2)	Unlawfully lane filter	3	3
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Schedule 3 Amendment of Road Transport (General) Regulation 2013

[1] Schedule 5 Penalty notice offences

Omit all of the matter relating to rules 151–1 and 291–3 under the heading *Road Rules 2014*.

[2] Schedule 5

Insert in appropriate order under the heading *Road Rules 2014*—

Rule 151A(2)

Class 1

Level 8