

House of Assembly—No 54

As laid on the table and read a first time, 8 February 2023

South Australia

**Statutes Amendment (Personal Mobility Devices)
Bill 2022**

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Personal Mobility Devices) Act 2022*.

2—Commencement

This Act comes into operation 3 months after it is assented to by the Governor.

Part 2—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 5—Interpretation

- 10 (1) Section 5(1)—after the definition of *motor bike* insert:
 - motorised scooter* means a scooter that is propelled by 1 or more electric motors and complies with the requirements in paragraph (e) of the definition of *scooter*;
- 15 (2) Section 5(1)—after the definition of *P2 licence* insert:
 - personal mobility device* means a device that—
 - (a) has at least 1 wheel; and
 - (b) is designed to be used by 1 person; and
 - (c) is propelled by an electric motor or motors: and
 - 20 (d) when propelled only by the motor or motors, is not capable of travelling over 25 kilometres per hour on level ground; and

(e) is fitted with an effective stopping system controlled by using brakes, gears or motor control; and

(f) is not more than—

(i) 1,250 millimetres in length by 700 millimetres in width by 1,350 millimetres in height and, when the device is not carrying a person or other load, 25 kilograms in weight; or

(ii) 700 millimetres in length by 1,250 millimetres in width by 1,350 millimetres in height and, when the device is not carrying a person or other load, 60 kilograms in weight,

and includes a motorised scooter but does not include a bicycle or motorised wheelchair;

(3) Section 5(1)—after the definition of *scene of an accident* insert:

scooter means a device that—

(a) has 2 or more wheels and a footboard supported by the wheels; and

(b) is steered by handlebars; and

(c) is designed to be used by a single person; and

(d) is propelled by any 1 or more of the following:

(i) gravity;

(ii) the user pushing 1 foot against the ground;

(iii) an electric motor or motors; and

(e) if it is fitted with an electric motor or motors, complies with the following requirements:

(i) its maker certifies (either by means of a plate attached to the motor or each motor, or by means of engraving on the motor or each motor) the ungoverned power output of the motor, or each motor;

(ii) the maximum power output of the motor, or the combined maximum power output of the motors, is not more than 200 watts;

(iii) when propelled only by the motor or motors, the scooter is not capable of going faster than 10 kilometres per hour on level ground;

4—Insertion of section 13

After section 12B insert:

13—Exemption from registration and insurance for personal mobility device

A personal mobility device may be driven on roads without registration or insurance under Part 4.

5—Insertion of section 98AAH

After section 98AAG insert:

98AAH—Exemption from holding a driver's licence or learner's permit for personal mobility device

5 A person may drive a personal mobility device without holding a licence or learner's permit.

Part 3—Amendment of *Road Traffic Act 1961*

6—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *motor bike* insert:

10 *motorised scooter* means a scooter that is propelled by 1 or more electric motors and complies with the requirements in paragraph (e) of the definition of scooter;

(2) Section 5(1)—after the definition of *pedestrian* insert:

personal mobility device means a device that—

- 15 (a) has at least 1 wheel; and
- (b) is designed to be used by 1 person; and
- (c) is propelled by an electric motor or motors; and
- (d) when propelled only by the motor or motors, is not capable of travelling over 25 kilometres per hour on level ground; and
- 20 (e) is fitted with an effective stopping system controlled by using brakes, gears or motor control; and
- (f) is not more than—
- (i) 1,250 millimetres in length by 700 millimetres in width by 1,350 millimetres in height and, when the device is not carrying a person or other load, 25 kilograms in weight; or
- 25 (ii) 700 millimetres in length by 1,250 millimetres in width by 1,350 millimetres in height and, when the device is not carrying a person or other load, 60 kilograms in weight,

30 and includes a motorised scooter but does not include a bicycle or motorised wheelchair;

(3) Section 5(1)—after the definition of *road-related area* insert:

scooter means a device that—

- (a) has 2 or more wheels and a footboard supported by the wheels; and
- (b) is steered by handlebars; and
- 35 (c) is designed to be used by a single person; and
- (d) is propelled by any 1 or more of the following:
- (i) gravity;

- (ii) the user pushing 1 foot against the ground;
- (iii) an electric motor or motors; and
- (e) if it is fitted with an electric motor or motors, complies with the following requirements:
 - (i) its maker certifies (either by means of a plate attached to the motor or each motor, or by means of engraving on the motor or each motor) the ungoverned power output of the motor, or each motor;
 - (ii) the maximum power output of the motor, or the combined maximum power output of the motors, is not more than 200 watts;
 - (iii) when propelled only by the motor or motors, the scooter is not capable of going faster than 10 kilometres per hour on level ground;

- (4) Section 5(1), definition of *wheeled recreational device*—after "means a" insert:
personal mobility device or any other

7—Insertion of section 174CA

After section 174C insert:

174CA—Personal mobility device not to be banned

- (1) The *Australian Road Rules* apply to a personal mobility device as if it were a motorised scooter (and a reference to a motorised scooter in the *Australian Road Rules* is taken to include a reference to a personal mobility device).
- (2) The application of the *Australian Road Rules* to a personal mobility devices in accordance with subsection (1) cannot be modified, limited or disapplied except in accordance with a notice under subsection (3).
- (3) Subject to subsection (7), the Minister may, by notice in the Gazette, modify or limit the application of the *Australian Road Rules* in relation to personal mobility devices.
- (4) A notice must not be made under subsection (3) except in pursuance of a resolution passed by both Houses of Parliament.
- (5) Notice of a motion for a resolution under subsection (4) must be given at least 14 sitting days before the motion is passed.
- (6) The provisions of a notice made under subsection (3) may vary in their application to personal mobility devices according to the type of device or the circumstances to which the provision relates.
- (7) A law of this jurisdiction cannot prohibit the use of personal mobility devices on a road or road related area as contemplated by rule 244C of the *Australian Road Rules*.