

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2013

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2013*.

2—Commencement

These regulations will come into operation on the day on which Part 3 of the *Statutes Amendment (Heavy Vehicle National Law) Act 2013* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

4—Variation of regulation 4—Interpretation

- (1) Regulation 4(1), definition of *B-double*—delete the definition and substitute:

B-double means a combination consisting of a prime mover towing 2 semi-trailers, with the first semi-trailer being attached directly to the prime mover by a fifth wheel coupling and the second semi-trailer being mounted on the rear of the first semi-trailer by a fifth wheel coupling on the first semi-trailer;

- (2) Regulation 4(1), definition of *converter dolly*—delete the definition and substitute:

commercial motor vehicle means—

- (a) a light motor vehicle constructed or adapted solely or mainly for the carriage of goods; or
- (b) a light motor vehicle of the type commonly called a utility; or
- (c) a bus that is a light motor vehicle;

converter dolly means a pig trailer with a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;

- (3) Regulation 4(1), definition of *fifth wheel coupling*—delete the definition and substitute:

fifth wheel coupling means a device (other than an upper rotating element and a kingpin) used with a prime mover, semi-trailer or converter dolly to—

- (a) permit quick coupling and uncoupling; and
- (b) provide for articulation;

- (4) Regulation 4(1)—after the definition of *GTM* insert:

pig trailer means a trailer—

- (a) with 1 axle group or a single axle near the middle of its load carrying surface; and
- (b) connected to the towing vehicle by a drawbar;

- (5) Regulation 4(1), definition of *road train*—delete "(counting as a single trailer a converter dolly supporting a semi-trailer)" and substitute:

, excluding any converter dolly supporting a semi-trailer

- (6) Regulation 4(1), definition of *tractor*—delete the definition and substitute:

towtruck has the same meaning as in the *Motor Vehicles Act 1959*;

tractor means a light motor vehicle used for towing purposes, other than—

- (a) a motor vehicle designed to carry goods or passengers; or
 - (b) a towtruck; or
 - (c) a prime mover;
- (7) Regulation 4(3)(a)—delete "*Road Transport (General) Act 2005*" and substitute:
Road Transport Act 2013
- (8) Regulation 4(4)(a)—delete "*Road Transport (General) Act 2005*" and substitute:
Road Transport Act 2013
- (9) Regulation 4(5)(a)—delete "*Road Transport (General) Act 2005*" and substitute:
Road Transport Act 2013

5—Variation of regulation 14—Apparatus approved as photographic detection devices

Regulation 14(2), definition of *prescribed heavy vehicle driving offence*—delete the definition and substitute:

prescribed heavy vehicle driving offence means an offence against regulation 44(1) of these regulations constituted of a contravention of or failure to comply with—

- (a) regulation 19B(1) of these regulations (Heavy vehicles and minimum allowable travel time); or
- (b) regulation 19E of these regulations (Evasive action in relation to Safe-T-Cam photographic detection device).

6—Variation of regulation 15—Prescribed offences for the purposes of section 79B

Regulation 15(2)(j) and (k)—delete paragraphs (j) and (k) and substitute:

- (j) regulation 44(1) of these regulations constituted of a contravention of or failure to comply with—
 - (i) regulation 19AD of these regulations (Evasive action in relation to average speed camera); or
 - (ii) regulation 19B(1) of these regulations (Heavy vehicles and minimum allowable travel time); or
 - (iii) regulation 19E of these regulations (Evasive action in relation to Safe-T-Cam photographic detection device).

7—Variation of regulation 19B—Heavy vehicles and minimum allowable travel time

Regulation 19B(3)—after "*Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*" insert:

or the *Heavy Vehicle (Fatigue Management) National Regulation (South Australia)*

8—Revocation of Part 3A

Part 3A—delete the Part

9—Substitution of regulation 20A

Regulation 20A—delete the regulation and substitute:

20A—Prohibition on towing more than 1 vehicle

- (1) Subject to this regulation, a light motor vehicle towing more than 1 vehicle must not be driven on a road.
- (2) If a light motor vehicle is driven in contravention of subregulation (1), the driver and the owner and the operator of the motor vehicle are each guilty of an offence.
- (3) Subregulation (1) does not apply to a tractor towing 2 vehicles.

10—Variation of regulation 23A—Warrants

Regulation 23A—delete "or police officer" wherever occurring

11—Revocation of regulations 23B, 23C and 23D

Regulations 23B, 23C and 23D—delete regulations 23B, 23C and 23D

12—Variation of regulation 24—Vehicle identification plates and numbers

- (1) Regulation 24(5)—delete "a police officer or"
- (2) Regulation 24(5)—delete "police officer or"

13—Variation of regulation 25—Modification of motor vehicles

- (1) Regulation 25(1)—before "motor vehicle" insert:
light
- (2) Regulation 25(2)—before "motor vehicle" insert:
light
- (3) Regulation 25(4)—delete "motor vehicle with a GVM of 4.5 tonnes or less" and substitute:
light motor vehicle
- (4) Regulation 25(5)—delete subregulation (5)

14—Variation of regulation 26—Wheels and tyres

- (1) Regulation 26(1)—before "vehicle" insert:
light
- (2) Regulation 26(2)—before "vehicle" first occurring insert:
light
- (3) Regulation 26(3)—after "motor vehicle or trailer" insert:
that is a light vehicle

- (4) Regulation 26(3)(d)—delete "(other than a motor vehicle with a GVM over 4.5 tonnes or a trailer)"
- (5) Regulation 26(4)—after "motor vehicle or trailer" insert:

that is a light vehicle
- (6) Regulation 26(4)(c)—delete "(other than a vehicle with a GVM over 4.5 tonnes)"
- (7) Regulation 26(5)—before "motor vehicle" insert:

light
- (8) Regulation 26(6)—delete "motor vehicle with a GVM of 4.5 tonnes or less" and substitute:

light motor vehicle

15—Variation of regulation 32—Prescribed classes of light vehicles for purposes of section 145(1b)

Regulation 32—delete "the following are vehicles of a prescribed class" and substitute:

the following classes of light vehicles are prescribed:

16—Revocation of regulation 34A

Regulation 34A—delete the regulation

17—Substitution of regulation 35

Regulation 35—delete the regulation and substitute:

35—Prescribed class of vehicles for purposes of section 161A

For the purposes of section 161A of the Act, wind-powered light vehicles commonly known as land yachts are prescribed.

18—Variation of regulation 42—Design, maintenance etc requirements for vehicles to which Part 4A of Act applies

Regulation 42—after subregulation (5) insert:

- (6) In this regulation—

vehicle standards—

 - (a) in relation to a heavy vehicle—means the heavy vehicle standards under the *Heavy Vehicle National Law (South Australia)*;
 - (b) in relation to a light vehicle—means the light vehicle standards.

19—Variation of regulation 43—Fees for inspections

- (1) Regulation 43(1), definition of *heavy vehicle*—delete the definition

- (2) Regulation 43(1), definition of *Transport Department inspection*, (c)—delete paragraph (c) and substitute:
- (c) section 139(1)(ab)(i), (ab)(ii) or (ac)(ii)(A) or (B) of the *Motor Vehicles Act 1959*; or
- (3) Regulation 43(2) and (2a)—delete subregulations (2) and (2a) and substitute:
- (2) The following fees are payable for a Transport Department inspection or Central Inspection Authority inspection of a vehicle (or, where a particular inspection is specified, for a Transport Department inspection or Central Inspection Authority inspection of that kind):

Type of vehicle and inspection	Fee
1. Heavy vehicles and buses	
(1) Inspection of a motor vehicle (other than a bus)	\$241
(2) Inspection of—	
(a) a converter dolly	\$81
(b) a trailer other than a converter dolly	\$162
(3) Inspection of a bus	\$241
(4) Further inspection of a vehicle	\$81
2. Vehicles other than heavy vehicles or buses	
(1) Inspection of a vehicle for the purposes of an exemption under section 163AA of the Act or regulation 46	\$241
(2) Inspection of a vehicle for the purposes of section 139(1)(ab)(i) or (ii) or (1)(ac)(ii)(A) or (B) of the <i>Motor Vehicles Act 1959</i>	\$241
(3) Inspection of LPG-converted vehicle for the purposes of the <i>Dangerous Substances Act 1979</i>	\$241
(4) Any other inspection of a vehicle	\$162
(5) Further inspection of a vehicle	\$81

- (4) Regulation 43(3)—delete subregulation (3)
- (5) Regulation 43(3a)—delete "or (2a)"

20—Substitution of regulation 43A

Regulation 43A—delete the regulation and substitute:

43A—Fees for light vehicle permits

- (1) In this regulation—

light vehicle permit means an exemption under section 163AA of the Act in relation to a dimension limit for a light vehicle or light vehicle combination in the *Road Traffic (Light Vehicle Standards) Rules 2013* or the *Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013*;

supplied vehicle specifications in relation to an application for assessment, means details of a vehicle's dimensions and mechanical and other specifications supplied to the Transport Department by the applicant.

- (2) The following fees are payable to the Transport Department:
- (a) on application for the issue or renewal of a light vehicle permit—\$71;
 - (b) on application for an assessment of supplied vehicle specifications for the purposes of a light vehicle permit—
 - (i) \$47; and
 - (ii) for inspection of a vehicle to verify the supplied vehicle specifications—\$241;
 - (c) if—
 - (i) a detailed or complex assessment is required in relation to an application for the issue or renewal of a light vehicle permit; and
 - (ii) such an assessment involves the detailed inspection (or inspection other than at Transport Department premises) of a vehicle, the survey or inspection of proposed routes, the assessment of plans, maps or specifications, the examination of bridges or other transport infrastructure, the determination of road work or other work required to enable the use of a proposed route, the consideration of conditions that may be applicable to the permit, or any other exceptional action or costs,

a fee of the Minister's estimate of the reasonable cost of providing that detailed and complex assessment.
- (3) A fee under subregulation (2)(b) is payable for each vehicle whose specifications are to be assessed (including each vehicle forming part of a combination) and is payable in addition to any fee payable under subregulation (2)(a) and (c).

21—Variation of Schedule 9—Expiation fees

- (1) Schedule 9, Part 2—delete Part 2 and substitute:

Part 2—Offences against the *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40H(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to stop vehicle, or not move it, or not interfere with vehicle or its equipment or load</i>	
	(a) if direction relates to heavy vehicle	\$600
	(b) if direction relates to light vehicle	\$247

Road Traffic (Miscellaneous) Variation Regulations 2013
Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle to specified location—</i>	
	(a) if direction relates to heavy vehicle	\$600
	(b) if direction relates to light vehicle	\$247
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move light vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction</i>	\$247
40K(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to vacate or not occupy driver's seat, or to leave or not enter vehicle—</i>	
	(a) if direction relates to heavy vehicle	\$600
	(b) if direction relates to light vehicle	\$247
40V(4)	<i>Person subject to direction contravening or failing to comply with section—</i>	
	contravention specified in section 40V(4)(b)(i)	\$664
40W(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to produce records, devices or other things</i>	\$664
40X(3)	<i>Person subject to direction contravening or failing to comply with section—</i>	
	contravention specified in section 40X(3)(b)(i)	\$600
40Y(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to provide assistance to officer to enable effective exercise of officer's powers</i>	\$600
45A	<i>Driving at speed exceeding applicable speed limit by 45 kph or more—</i>	
	(a) if vehicle being driven is a road train being driven on a prescribed road	\$1 030
	Note—	
	See clause 3 of this Schedule.	
	(b) in any other case	\$927
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood—</i>	
	contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood	\$548
47BA(1)	<i>Driving with prescribed drug in oral fluid or blood</i>	\$548
91(3)	<i>Failing to comply with direction of ferry operator</i>	\$300
110C(2)	<i>Selling or offering for sale for use on roads motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer—</i>	
	offence not committed in course of trade or business	\$243

Road Traffic (Miscellaneous) Variation Regulations 2013
Variation of *Road Traffic (Miscellaneous) Regulations 1999*—Part 2

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
110C(3)	<i>Driving motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer</i>	\$243
117(1)	<i>Light vehicle in breach of light vehicle standards or maintenance requirement driven on road—being driver of vehicle</i>	\$373
118(1)	<i>Light vehicle in breach of light vehicle standards or maintenance requirement driven on road—being operator of vehicle</i>	\$373
123	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being driver of vehicle—</i>	
	(a) exceeding a mass limit by less than 50%	\$200
	(b) exceeding a mass limit by 50% or more	\$400
	(c) contravening a dimension or load restraint requirement	\$200
124(1)	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being operator of vehicle—</i>	
	(a) exceeding a mass limit by less than 50%	\$200
	(b) exceeding a mass limit by 50% or more	\$400
	(c) contravening a dimension or load restraint requirement	\$200
146(3)	<i>Engaging in conduct in contravention of direction of authorised officer to driver or operator of light vehicle to rectify specified breaches of light vehicle mass, dimension or load restraint requirement, or move vehicle to specified location and not proceed from there until breaches are rectified</i>	\$247
146(8)	<i>Engaging in conduct in contravention of condition of authorisation granted by authorised officer to driver of light vehicle authorising vehicle to continue journey</i>	\$247
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
s 33(9)	<i>Failing to comply with direction of police officer</i>	\$247
s 53B(1)	<i>Selling radar detector or jammer or storing or offering radar detector or jammer for sale</i>	\$384
s 82(1)	<i>Speeding while passing school bus</i>	
	Exceeding the speed limit while passing a school bus—	
	by less than 10 kph	\$155
	by 10 kph or more but less than 20 kph	\$340
	by 20 kph or more but less than 30 kph	\$690
	by 30 kph or more	\$824

Road Traffic (Miscellaneous) Variation Regulations 2013
 Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
s 83(1)(a)	<i>Speeding while passing emergency vehicle</i> Exceeding 40 kph while passing an emergency vehicle—	
	by less than 10 kph	\$155
	by 10 kph or more but less than 20 kph	\$340
	by 20 kph or more but less than 30 kph	\$690
	by 30 kph or more	\$824
s 83A(1)	<i>Standing etc or placing goods or sign on carriageway, dividing strip or traffic island for purpose of soliciting business etc</i>	\$93
s 83A(2)	<i>Buying or offering to buy goods from person standing etc on carriageway etc in contravention of section 83A(1)</i>	\$93
s 85(2)	<i>Leaving stationary vehicle in prohibited area near Parliament House etc without authority</i>	\$110
s 87	<i>Walking without due care or attention etc</i>	\$44
s 95	<i>Riding on vehicle without consent of driver</i>	\$93
s 99A	<i>Bicycle rider riding on footpath or other road-related area failing to give warning to pedestrians etc</i>	\$52
s 99B(1)	<i>Riding wheeled recreational device or wheeled toy without due care or attention etc</i>	\$52
s 99B(2)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area abreast of another vehicle etc</i>	\$52
s 99B(3)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area without giving warning to pedestrians etc</i>	\$52
s 107(1)	<i>Driving, drawing, hauling, dragging over road any implement, sledge etc</i>	\$218
s 107(2)	<i>Removing or interfering with road infrastructure, or damaging road infrastructure other than by reasonable use</i>	\$218
s 108(1)	<i>Depositing certain articles or materials on road</i>	\$208
s 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	\$93
s 145(3)	<i>Failing to comply with direction of police officer or authorised officer to stop light vehicle or produce light vehicle for examination</i>	\$247
s 145(5f)	<i>Defacing, altering, obscuring or removing defective vehicle label affixed to light vehicle</i>	\$373
s 145(6)	<i>Driving, selling etc light vehicle contrary to terms of defect notice</i>	\$533

Road Traffic (Miscellaneous) Variation Regulations 2013
Variation of *Road Traffic (Miscellaneous) Regulations 1999*—Part 2

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
s 161A(1)	<i>Driving light vehicle to which section 161A applies without Ministerial approval</i>	\$269
s 162C(1)	<i>Riding wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$93
s 162C(2)	<i>Riding wheeled recreational device or wheeled toy on which is carried child under 16 years not wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$93
s 162C(2a)	<i>Parent or other person having custody or care of child under 16 years causing or permitting child to ride or be carried on wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	\$90
167(1)	<i>Causing or permitting another person to commit an offence against Act or regulations—</i> causing or permitting commission of expiable offence	the expiation fee prescribed for the expiable offence
174B	<i>Further offence for continued parking contravention</i>	\$45
(2)	Schedule 9, Parts 4, 5 and 6—delete Parts 4, 5 and 6	
(3)	Schedule 9, Part 7, table, item relating to regulation 20A—before " <i>vehicles</i> " insert: <i>light</i>	
(4)	Schedule 9, Part 7, table, item relating to regulation 25(2)—before " <i>vehicle</i> " first occurring insert: <i>light</i>	

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2013

No 301 of 2013

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