

South Australia

Australian Road Rules Variation Rules 2014

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These rules may be cited as the *Australian Road Rules Variation Rules 2014*.

2—Commencement

These rules will come into operation on 2 March 2014.

3—Variation provisions

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

Part 2—Variation of *Australian Road Rules*

4—Variation of note 1 to Part 7

Part 7, note 1 following the heading to Part 7, last dot point—delete "rule 164" and substitute:

rules 163, 164 and 164A

5—Variation of rule 79—Giving way to police and emergency vehicles

Rule 79(2)—after "other rule" insert:

of the *Australian Road Rules*

6—Variation of rule 127—Keeping a minimum distance between long vehicles

- (1) Rule 127(2), definition of *required minimum distance*—delete the definition and substitute:

required minimum distance means:

- (a) for a road train that is behind a long vehicle—200 metres or, if another law of this jurisdiction specifies a different distance, that distance; or
- (b) for a long vehicle other than a road train that is behind a long vehicle—60 metres or, if another law of this jurisdiction specifies a different distance, that distance.

- (2) Rule 127(2), definition of *road train area*—delete the definition

7—Variation of rule 128A—Entering blocked crossings

Rule 128A—after its present contents (including the examples and note), now to be designated as subrule (1), insert:

- (2) Despite subrule (1), a driver may enter a children's crossing or a pedestrian crossing if:
 - (a) the crossing is immediately before an intersection that does not have traffic lights; and
 - (b) the crossing is not blocked; and
 - (c) before entering the crossing, the driver gives way to any pedestrian on the crossing.

8—Variation of rule 137—Keeping off a dividing strip

Rule 137—after subrule (2), including the notes, insert:

- (2A) For the purposes of subrule (2), a dividing strip is to be treated as being at the same level as the road even if it contains 1 or more raised pavement bars or markers.

9—Variation of rule 138—Keeping off a painted island

Rule 138(3)—after examples 1 and 2 insert:

In these examples, vehicle B is contravening the rule.

10—Substitution of rules 163 and 164

Rules 163 and 164—delete the rules and substitute:

163—Driving past the rear of a stopped tram at a tram stop

- (1) A driver must comply with this rule if:
- (a) the driver is driving behind the rear of a tram travelling in the same direction as the driver; and
 - (b) the tram stops at a tram stop, except at the far left side of the road; and
 - (c) there is no safety zone, dividing strip or traffic island between the tram and the part of the road where the driver is driving; and
 - (d) there is no other law of this jurisdiction (other than subrule (5)) that permits the driver to pass the tram without stopping.

Offence provision.

Note—

Dividing strip, *traffic island* and *tram stop* are defined in the dictionary, and *safety zone* is defined in rule 162.

- (2) The driver must stop before passing the rear of the tram.
- (3) After stopping in accordance with subrule (2), the driver must not proceed if:
- (a) 1 or more of the doors on the side of the tram closest to the driver are open or opening; or
 - (b) a pedestrian is entering or crossing the road between the tram tracks and the far left side of the road.
- (4) After stopping in accordance with subrule (2), if the tram remains at the tram stop and subrules (3)(a) and (b) do not apply, the driver must not proceed past the tram at a speed greater than 10 kilometres per hour.
- (5) However, subrules (2), (3) and (4) do not apply if the driver is directed to drive past the tram by an authorised person.

- (6) In this rule:
tram includes a bus travelling along tram tracks.

164—Stopping beside a stopped tram at a tram stop

- (1) A driver must comply with this rule if:
- (a) the driver is driving alongside, or overtaking, a tram travelling in the same direction as the driver; and
 - (b) the tram stops at a tram stop, except at the far left side of the road; and
 - (c) there is no safety zone, dividing strip or traffic island between the tram and the part of the road where the driver is driving; and
 - (d) there is no other law of this jurisdiction (other than subrule (5)) that permits the driver to pass the tram without stopping.

Offence provision.

Note—

Dividing strip, *traffic island* and *tram stop* are defined in the dictionary, and *safety zone* is defined in rule 162.

- (2) The driver must stop.
- (3) After stopping in accordance with subrule (2), the driver must not proceed if:
- (a) 1 or more of the doors on the side of the tram closest to the driver are open or opening; or
 - (b) a pedestrian is entering or crossing the road between the tram tracks and the far left side of the road.
- (4) After stopping in accordance with subrule (2), if the tram remains at the tram stop and subrules (3)(a) and (b) do not apply, the driver must not proceed past the tram at a speed greater than 10 kilometres per hour.
- (5) However, subrules (2), (3) and (4) do not apply if the driver is directed to drive past the tram by an authorised person.
- (6) In this rule:
tram includes a bus travelling along tram tracks.

164A—Staying stopped if a tram comes from behind a stopped driver and stops

- (1) A driver must comply with this rule if:
- (a) the driver is stopped beside a tram stop; and
 - (b) a tram stops at the tram stop, except at the far left side of the road; and

- (c) there is no safety zone, dividing strip or traffic island between the tram and the part of the road where the driver is driving; and
- (d) there is no other law of this jurisdiction (other than subrule (4)) that permits the driver to proceed past the tram.

Offence provision.

Note—

Dividing strip, *traffic island* and *tram stop* are defined in the dictionary, and *safety zone* is defined in rule 162.

- (2) The driver must not proceed if:
 - (a) 1 or more of the doors on the side of the tram closest to the driver are open or opening; or
 - (b) a pedestrian is entering or crossing the road between the tram tracks and the far left side of the road.
- (3) If the tram remains at the tram stop and subrules (2)(a) and (b) do not apply, the driver must not proceed past the tram at a speed greater than 10 kilometres per hour.
- (4) However, subrules (2) and (3) do not apply if the driver is directed to proceed past the tram by an authorised person.
- (5) In this rule:

tram includes a bus travelling along tram tracks.

11—Variation of rule 189—Double parking

- (1) Rule 189(1)—delete subrule (1), including the note, and substitute:

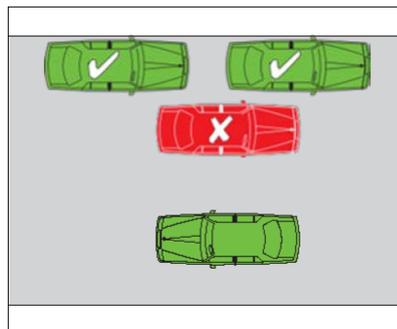
- (1) A driver must not stop on a road if to do so would put any part of the vehicle that he or she is driving between a vehicle that is parked on the road and the centre of the road.

Offence provision.

Examples—

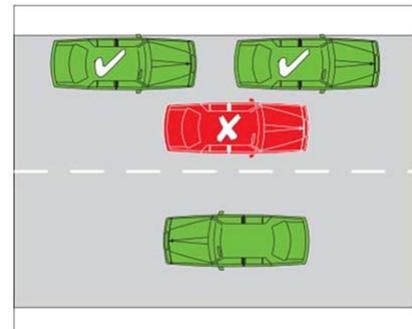
Example 1

Double parked on a two-way road without a dividing line



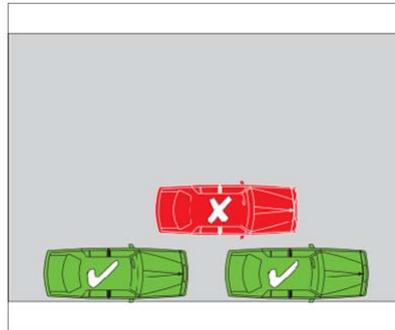
Example 2

Double parked on two-way road with a centre dividing line



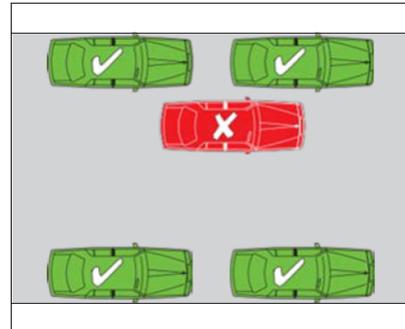
Example 3

Double parked on the right side of a one-way road with no vehicles parked on the left side of the road



Example 4

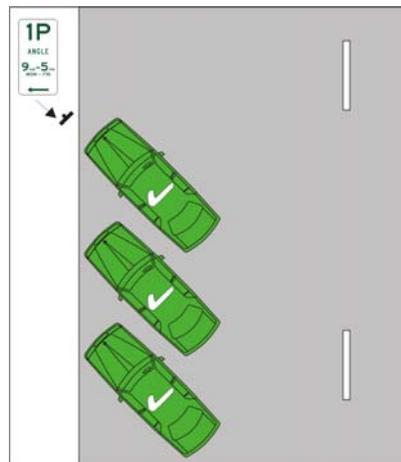
Double parked on the left side of a one-way road with other vehicles lawfully parked on the right side of the road



In the examples, the vehicle marked with an "X" is stopped in contravention of this rule.

- (2) Rule 189(2), examples—delete the examples and the sentences at the foot of the examples and substitute:

Example—



In the example, the angle-parked vehicles are not stopped in contravention of this rule.

12—Variation of rule 227—Using portable warning triangles

- (1) Rule 227—delete subrules (2) to (5) (inclusive) including the note at the foot of subrule (5), and substitute:
- (2) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is 80 kilometres per hour or more and the vehicle is not visible at any time for at least 300 metres in all directions from that place, the driver must use at least 3 portable warning triangles, placed in accordance with subrule (4), to warn other road users of the vehicle or load.

Offence provision.

Note 1—

Portable warning triangle is defined in the dictionary, *road* is defined in subrule (7) and *road user* is defined in rule 14.

Note 2—

See rule 220 for the requirement to operate certain lights on vehicles that are stopped.

- (3) If the driver stops on a road, or if some or all of any load being carried by the vehicle falls on to a road, at a place where the speed limit is less than 80 kilometres per hour and the vehicle is not visible at any time for at least 200 metres in all directions from that place, the driver must use at least 3 portable warning triangles, placed in accordance with subrule (5), to warn other road users of the vehicle or load.

Offence provision.

- (4) For the purposes of subrule (2), the driver must:
- (a) place 1 triangle at least 200 metres, but not over 250 metres, behind the vehicle or fallen load; and
 - (b) if the vehicle or fallen load is on a one-way or divided road, place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load; and
 - (c) if the vehicle or fallen load is not on a one-way or divided road, place 1 triangle at least 200 metres, but not over 250 metres, in front of the vehicle or fallen load; and
 - (d) place 1 triangle at the side of the vehicle, or fallen load, in a position that gives sufficient warning to other road users of the position of the vehicle or fallen load.

Note—

One-way road is defined in the dictionary and *divided road* is defined in subrule (7).

- (5) For the purposes of subrule (3), the driver must:
- (a) place 1 triangle at least 50 metres, but not over 150 metres, behind the vehicle or fallen load; and
 - (b) if the vehicle or fallen load is on a one-way or divided road, place 1 triangle between the triangle required by paragraph (a) and the vehicle or fallen load; and
 - (c) if the vehicle or fallen load is not on a one-way or divided road, place 1 triangle at least 50 metres, but not over 150 metres, in front of the vehicle or fallen load; and
 - (d) place 1 triangle at the side of the vehicle, or fallen load, in a position that gives sufficient warning to other road users of the position of the vehicle or fallen load.

- (6) A reference to "the vehicle or fallen load" in subrules (4) and (5) is to be read as a reference to "the vehicle or fallen load, as the case may be".

- (7) In this rule:

divided road means any length of a two-way road that has a median strip.

road does not include a road-related area, but includes any shoulder of the road.

Note 1—

Two-way road and ***median strip*** are defined in the dictionary, ***road-related area*** is defined in rule 13, and ***shoulder*** is defined in rule 12.

Note 2—

Although the presence of a median strip is necessary to establish that a road is a divided road, for the purposes of this rule the median strip is not part of the road (as it is a road-related area).

13—Variation of rule 232—Crossing a road at traffic lights

- (1) Rule 232(3)(b)—delete "nearest" and substitute:

far

- (2) Rule 232(3)—delete "Offence provision."

- (3) Rule 232—after subrule (3), including the note, insert:

(3A) Despite subrule (3), in the circumstances set out in that subrule the pedestrian may instead return to the side of the road, or to the safety area, that he or she has just left, but only if:

- (a) at the time the lights change, that side or safety area is closer to him or her than the side or safety area (whichever is the closer) that he or she was heading for at that time; and
- (b) he or she does not stay on the road for longer than is necessary to return to that side or safety area.

- (4) Rule 232(4)—delete "Offence provision."

14—Variation of rule 233—Crossing a road to or from a tram

Rule 233(5), note 2—delete "164" and substitute:

164A

15—Variation of rule 262—Proceeding when bicycle crossing lights change to yellow or red

- (1) Rule 262(2)(b)—delete "nearest" and substitute:

far

(2) After rule 262(2), including the note, insert:

(2A) Despite subrule (2), in the circumstances set out in that subrule the rider may instead return to the side of the road, or to the safety area, that he or she has just left, but only if:

- (a) at the time the lights change, that side or safety area is closer to him or her than the side or safety area (whichever is the closer) that he or she was heading for at that time; and
- (b) he or she does not stay on the road for longer than is necessary to return to that side or safety area.

16—Variation of rule 264—Wearing of seatbelts by drivers

(1) Rule 264(1)—delete "a seatbelt" and substitute:

an approved seatbelt

(2) Rule 264(1), note—before "*motor vehicle*" insert:

approved seatbelt,

17—Variation of rule 265—Wearing of seatbelts by passengers 16 years old or older

(1) Rule 265(2)(a)—delete "a seatbelt" and substitute:

an approved seatbelt

(2) Rule 265(2)—at the foot of subrule (2) insert:

Note—

Approved seatbelt is defined in the dictionary.

18—Variation of rule 266—Wearing of seatbelts by passengers under 16 years old

(1) Rule 266(2B)(b)—delete "a seatbelt" and substitute:

an approved seatbelt

(2) Rule 266(2B), note 1—after "subrule 7" insert:

, approved seatbelt is defined in the dictionary

(3) Rule 266(3A)—delete subrule (3A) and substitute:

(3A) A passenger who is 4 years old or older, but is less than 7 years old, must not be in the front row of a motor vehicle that has 2 or more rows of seats unless in the row or rows behind the front row:

- (a) all of the other seats are occupied by passengers who are also less than 7 years old; or
- (b) there is no empty seating position in which the passenger can sit in accordance with this rule.

Example—

This subrule would permit a 6 year old to sit in the front row of a vehicle that has 2 rows of seats if 2 occupied approved child restraints in the back row encroached on an empty seating position between them in a way that made it impossible for another approved child restraint or booster seat to be placed in that position.

- (4) Rule 266(4)(b)(i)—before "seatbelt" insert:
approved
- (5) Rule 266(5), note 2—delete "a seatbelt" and substitute:
an approved seatbelt
- (6) Rule 266(5A)—delete "a seatbelt" second occurring and substitute:
an approved seatbelt
- (7) Rule 266(6)(b)—before "seatbelt" insert:
approved

19—Variation of rule 267—Exemptions from wearing seatbelts

- (1) Rule 267(1)(b)—delete paragraph (b) and substitute:
 - (b) the person is a passenger in or on a motor vehicle with 2 or more rows of seats and there is not another law of this jurisdiction permitting the person to sit in the front row of seats, and the person is not in the front row of seats.
- (2) Rule 267(3)(a)—after "vehicle in" insert:
or on
- (3) Rule 267(3A)(a)—after "passenger in" insert:
or on
- (4) Rule 267(4)—after "vehicle in" insert:
or on
- (5) Rule 267(5)(a)—after "passenger in" insert:
or on

20—Variation of rule 299—Television receivers and visual display units in motor vehicles

Rule 299(2)—after paragraph (a) insert:

- (ab) the vehicle is a motor bike and the visual display unit is, or is part of, a driver's aid, and the driver is not holding the visual display unit in his or her hand; or

21—Variation of heading to rule 301

Heading to rule 301—delete "driving" and substitute:

in or on

22—Variation of rule 310—Exemption for road workers etc

Rule 310(2), first dot point—delete the item at the first dot point and substitute:

- Part 4 (Making turns), Division 1 (Left turns) and Division 2 (Right turns)

23—Variation of rule 312—Exemption for tow truck drivers

Rule 312(2), second dot point—after "Traffic lights" insert:

, traffic arrows

24—Insertion of rule 313B

After rule 313A insert:

313B—Exemption for breakdown vehicles

- (1) Another law of this jurisdiction may provide that a provision mentioned in subrule (2) does not apply to the driver of a breakdown vehicle while:
 - (a) the driver is engaged in repairing a disabled vehicle or is assisting a person to gain access to a vehicle in which the person has locked his or her vehicle access key; and
 - (b) the driver is unable to comply with the provision; and
 - (c) the breakdown vehicle is displaying a flashing light; and
 - (d) the driver is acting safely.
- (2) For subrule (1), the provisions are as follows:
 - rule 137 (Keeping off dividing strips)
 - rule 138 (Keeping off a painted island)
 - rule 147 (Moving from one marked lane to another marked lane across a continuous line separating the lanes)
 - rule 197 (Stopping on a path, dividing strip, nature strip or painted island)
 - rule 288(1) (Driving on a path)
 - rule 289 (Driving on a nature strip)
 - rule 290 (Driving on a traffic island).
- (3) In this rule:

breakdown vehicle means any vehicle driven by a person who is:

 - (a) a breakdown worker; and
 - (b) driving the vehicle in the course of his or her duties as a breakdown worker.

Note 1—

Vehicle is defined in rule 15.

Note 2—

Drive includes be in control of—see the definition in the dictionary.

breakdown worker means a person who is a breakdown worker for this rule under another law of this jurisdiction.

25—Variation of Dictionary

Dictionary, after the definition of *approved bicycle helmet* insert:

approved seatbelt means a seatbelt approved, for the *Australian Road Rules*, under another law of this jurisdiction.

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 rules come into operation as set out in these rules.

Made by the Governor

with the advice and consent of the Executive Council
on 13 February 2014

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