

South Australia

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2015

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 (Road Rules—Ancillary and Miscellaneous Provisions) Variation Regulations 2015*.

2—Commencement

These regulations will come into operation on 25 October 2015.

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 (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014

4—Insertion of regulations 11A and 11B

After regulation 11 insert:

11A—Keeping a safe lateral distance when passing bicycle rider

- (1) Despite anything in rule 144, a driver of a motor vehicle driving past to the right of the rider of a bicycle travelling in the same direction as the driver must pass the bicycle at a sufficient distance from the bicycle.

Maximum penalty: \$2 500.

- (2) In this regulation, unless the contrary intention appears—

bicycle includes—

- (a) the rider of the bicycle and any passenger on the bicycle; and
- (b) any bicycle trailer towed by the bicycle and any passenger in or on the trailer; and
- (c) any basket or pannier bags attached to the bicycle or any trailer,

but does not include a flag or stick (whether or not flexible) attached to and projecting sideways from the bicycle or any trailer;

bicycle trailer has the same meaning as in rule 257(2);

lateral distance, from a bicycle that is being passed by the driver of a motor vehicle, means the distance between the following points:

- (a) the furthestmost point to the right on the bicycle; and
- (b) the furthestmost point to the left on the driver's vehicle or any projection from the vehicle (whether or not attached to the vehicle);

sufficient distance, from a bicycle that is being passed by the driver of a motor vehicle, means—

- (a) if the speed limit applying to the driver for the length of road is not more than 60 kilometres per hour—a lateral distance from the bicycle of at least 1 metre; or
- (b) if the speed limit applying to the driver for the length of road is more than 60 kilometres per hour—a lateral distance from the bicycle of at least 1.5 metres.

11B—Exemption from certain rules when passing bicycle rider

- (1) Despite anything in rule 132, 137, 138, 146 or 147, a driver of a motor vehicle driving past to the right of the rider of a bicycle travelling in the same direction as the driver may, if it is necessary in order to comply with regulation 11A for the passing of the rider, do any of the following:
 - (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, provided that the driver has a clear view of any approaching traffic and can do so safely;
 - (b) if the driver is driving on a road with a dividing line—drive to the right of the dividing line, provided that the driver has a clear view of any approaching traffic and can do so safely;
 - (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,
provided that the driver has a clear view of any approaching traffic and can do so safely;
 - (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, provided that the driver can perform the movement safely.
- (2) For the purposes of subregulation (1)(c), a dividing strip does not include a painted island and is to be taken to be at the same level as the road even if the dividing strip contains 1 or more raised pavement bars or markers.
- (3) Subregulation (1)(a), (b) and (c) do not apply to a service road other than a service road to which a two-way sign applies (in which case they apply to the service road as if it were a separate road).

5—Substitution of regulations 32 and 33

Regulations 32 and 33—delete the regulations and substitute:

32—Exemption for riders with disabilities

- (1) A rider of a bicycle who—
 - (a) is carrying a certificate; and
 - (b) is complying with any conditions stated in the certificate,is exempt from complying with rule 248 (No riding across a road on a crossing).
- (2) In this regulation—

certificate means a certificate that—

 - (a) is signed by a medical practitioner; and
 - (b) identifies the rider; and
 - (c) states that, in the opinion of the medical practitioner, the rider should be permitted to ride a bicycle across a pedestrian, children's or marked foot crossing on the ground of a physical disability or on any medical ground (whether or not it also states that the rider should, on such a ground, be permitted to ride a bicycle on a footpath); and
 - (d) displays no expiry date or, if it does display an expiry date, has not expired,and includes such a certificate issued before the commencement of this regulation.

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 8 October 2015

No 210 of 2015

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