

South Australia

Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) (Electric Personal Transporters) Variation Regulations 2019

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) (Electric Personal Transporters) Variation Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which they are made.

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—Variation of regulation 3—Interpretation

Regulation 3, definition of *electric personal transporter*—delete the definition and substitute:

electric personal transporter has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 2014*;

5—Substitution of regulation 30

Regulation 30—delete the regulation and substitute:

30—Operator of electric personal transporter to provide instruction, support

- (1) The operator of an electric personal transporter must not cause or permit a person to ride the transporter unless the operator—
 - (a) has first taken reasonable steps to provide the person with adequate instruction as to—
 - (i) the safe use of the transporter; and
 - (ii) the requirements of the Rules and these regulations as to riding or being carried on the transporter; and
 - (iii) the area in which the transporter may be used; and
 - (b) supervises the use of the transporter by the person to the extent that such supervision is reasonably required.

Maximum penalty: \$2 500.

- (2) Subject to regulation 30B, the operator of an electric personal transporter must not cause or permit—
 - (a) a person under the age of 12 years; or
 - (b) a person who is not wearing a safety helmet that complies with this regulation and is properly adjusted and securely fastened,

to ride or be carried on the transporter.

Maximum penalty: \$2 500.

- (3) If an electric personal transporter is involved in a crash in which a person is killed or injured and the operator of the transporter (not being the rider of the transporter) is present at the scene of the crash, the operator—
 - (a) must give all possible assistance; and

- (b) not more than 90 minutes after the crash must report to a police officer at the scene or at a police station for the purpose of providing particulars of the crash.

Maximum penalty: \$2 500.

- (4) It is a defence to a charge of an offence against subregulation (3) to prove that—
 - (a) the defendant was unaware that the crash had occurred and that the defendant's lack of awareness was reasonable in the circumstances; or
 - (b) in relation only to a failure to comply with subregulation (3)(a), the defendant—
 - (i) genuinely believed on reasonable grounds that compliance with subregulation (3)(a) would endanger the physical safety of the defendant or another person; and
 - (ii) at the earliest opportunity notified police, ambulance or some other authority responsible for providing emergency services of the crash; or
 - (c) in relation only to a failure to comply with subregulation (3)(b), the defendant—
 - (i) had a reasonable excuse for the failure to comply; and
 - (ii) reported to a police officer as soon as possible after the crash.
- (5) A safety helmet complies with this regulation if it is a helmet approved for motor bike riders or bicycle riders under regulation 51 of the *Road Traffic (Miscellaneous) Regulations 2014*.

Note—

It is an offence to drive an electric personal transporter on a road without the approval of the Minister—see section 161A of the Act and regulation 48 of the *Road Traffic (Miscellaneous) Regulations 2014*.

30A—Additional rules for persons travelling on wheeled recreational devices that are electric personal transporters

- (1) This regulation applies despite anything in the Rules (provided that a provision of the Rules applicable to the use of a wheeled recreational device continues to so apply except to the extent of any inconsistency with this regulation).

Note—

For examples of rules applicable to the use of wheeled recreational devices, including electric personal transporters, see rules 239A to 244 inclusive.

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Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

- (2) Subject to regulation 30B, a person must not ride, or be carried on, an electric personal transporter unless the person is wearing a safety helmet that complies with this regulation and is properly adjusted and securely fastened.
- Maximum penalty: \$2 500.
- (3) A person must not ride an electric personal transporter at a speed greater than—
- (a) 15 kilometres per hour; or
- (b) if a lesser speed is required in the circumstances to allow the person to stop safely in order to avoid endangering any person—that speed.
- Maximum penalty: \$2 500.
- (4) A person must not ride an electric personal transporter without due care or attention or without reasonable consideration for other persons.
- Maximum penalty: \$2 500.
- (5) A person must not ride an electric personal transporter unless the person has proper control of the transporter.
- Maximum penalty: \$2 500.
- (6) A person who rides an electric personal transporter must not cause or permit another person to ride or be carried on the transporter at the same time.
- Maximum penalty: \$2 500.
- (7) A person who has possession or control of an electric personal transporter must not cause or permit a person under the age of 12 years to ride or be carried on the transporter.
- Maximum penalty: \$2 500.
- (8) A person must not ride an electric personal transporter within 2 metres of the rear of a moving motor vehicle continuously for more than 200 metres.
- Maximum penalty: \$2 500.
- (9) A person must not, on a footpath or other road-related area, ride an electric personal transporter abreast of another wheeled recreational device or a vehicle or wheeled toy.
- Maximum penalty: \$2 500.
- (10) A person who rides an electric personal transporter on a footpath or other road-related area must, if it is necessary to do so for the purpose of averting danger, give warning (by a warning device or other means) to pedestrians or other persons using the footpath or other road-related area.
- Maximum penalty: \$2 500.

- (11) A person who rides an electric personal transporter on a children's crossing, marked foot crossing or pedestrian crossing on a road—
- (a) must keep to the left of the crossing unless it is impracticable to do so; and
 - (b) must keep to the left of any oncoming bicycle rider or person riding an electric personal transporter; and
 - (c) must give way to any pedestrian on the crossing; and
 - (d) must not stay on the crossing for longer than necessary to cross the road safely.

Maximum penalty: \$2 500.

- (12) A person who rides an electric personal transporter is exempt from compliance with rule 240(2)(b) (Wheeled recreational devices and toys not to be used on certain roads) and regulation 29(5) (Areas on which wheeled recreational devices and toys prohibited), but must not ride at night, or in hazardous weather conditions causing reduced visibility, unless the transporter, or the person riding the transporter, displays—
- (a) a flashing or steady white light that is clearly visible for at least 200 metres from the front of the transporter; and
 - (b) a flashing or steady red light that is clearly visible for at least 200 metres from the rear of the transporter; and
 - (c) a red reflector that is clearly visible for at least 50 metres from the rear of the transporter when light is projected onto it by a vehicle's headlight on low-beam.

Maximum penalty: \$2 500.

- (13) A person who rides an electric personal transporter is exempt from compliance with rule 240(1) (Wheeled recreational devices and toys not to be used on certain roads) if—
- (a) there is an obstruction on a footpath, nature strip, bicycle path or shared path adjacent to a road (an *adjacent area*); and
 - (b) because of the obstruction it is impracticable to travel on the adjacent area; and
 - (c) the person who rides the transporter travels less than 50 metres along the road to avoid the obstruction.
- (14) A safety helmet complies with this regulation if it is a helmet approved for motor bike riders or bicycle riders under regulation 51 of the *Road Traffic (Miscellaneous) Regulations 2014*.

30B—Use of helmets on electric personal transporters

- (1) A requirement under regulation 30(2) or 30A(2) that a person be wearing a safety helmet does not apply if that person—
- (a) is of the Sikh religion; and

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Part 2—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

- (b) is wearing a turban.
- (2) It is a defence to a charge of an offence against regulation 30(2) or 30A(2) for the defendant to prove that there were in the circumstances of the case special reasons justifying non-compliance with the requirements of the provision.

6—Substitution of regulation 66A

Regulation 66A—delete the regulation and substitute:

66A—Wheeled recreational device

Despite anything in the definition of *wheeled recreational device* in the dictionary at the end of the Rules, for the purposes of that definition and the Rules (apart from rule 287 (Duties of a driver involved in a crash) and rule 300 (Use of mobile phones))—

- (a) an electric personal transporter is a wheeled recreational device; and
- (b) a reference in the Rules to "rollerblades, rollerskates or a similar wheeled recreational device" will be taken to include a reference to an electric personal transporter.

Note—

It is an offence to drive an electric personal transporter on a road without the approval of the Minister—see section 161A of the Act and regulation 48 of the *Road Traffic (Miscellaneous) Regulations 2014*

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 14 February 2019

No 14 of 2019

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