



ANNO SECUNDO

GEORGI VI REGIS.

A.D. 1938.

No. 2416.

An Act to amend the Road Traffic Act, 1934-1936.

[Assented to 15th December, 1938.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles. 1. (1) This Act may be cited as the " Road Traffic Act Amendment Act, 1938 ".

(2) The Road Traffic Act, 1934-1936, as amended by this Act, may be cited as the " Road Traffic Act, 1934-1938 ".

2183, 1934. (3) The Road Traffic Act, 1934-1936, is in this Act referred to as " the principal Act ".

Incorporation. 2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of s. 7 (1) of principal Act—
Exemption from registration of vehicles used for fire-fighting purposes. 3. Subsection (1) of section 7 of the principal Act is amended by inserting at the end thereof the following passage:—

Provided further that this subsection shall not apply if the motor vehicle is driven on any road whilst carrying persons or fire-fighting appliances to or from any fire.

Enactment of s. 7a of principal Act— 4. The following section is enacted and inserted in the principal Act after section 7 thereof —

Permits to use certain tractors and other vehicles without registration.

7a. (1) The Registrar may at his discretion without fee grant to any primary producer who owns a tractor or unregistered motor vehicle a permit to drive that tractor or motor vehicle along any route specified in the permit, for the purpose only of enabling the tractor or motor vehicle to be

used in connection with the working of two or more separate parcels of land worked in conjunction with each other by that primary producer. Any such permit shall be subject to such conditions as the Registrar thinks proper. The Registrar shall not grant a permit for a tractor under this section, unless the tractor is equipped with pneumatic tyres or other tyres which, in the Registrar's opinion, will not cause undue damage to roads.

(2) Any such tractor or motor vehicle may be driven in accordance with the terms of a permit granted under this section without registration.

(3) If any tractor or motor vehicle for which a permit is in force under this section is driven on any road otherwise than in accordance with the terms and conditions of the permit the person driving the tractor or motor vehicle shall be guilty of an offence and liable to a penalty not exceeding twenty-five pounds.

5. The following section is enacted and inserted in the principal Act after section 8b thereof :—

Enactment of s. 8c of principal Act—

8c. After the thirty-first day of March, nineteen hundred and thirty-nine, the Registrar shall not register any motor vehicle unless, when the application for registration is made, there is produced to him a certificate given by or on behalf of an approved insurer, certifying that a policy of insurance has been issued by that insurer in relation to the motor vehicle, and that the policy complies with Part IIA. of this Act, and will unless lawfully cancelled remain in operation throughout the period for which registration is applied for.

Certificates of Insurance.

6. Paragraph (7) of section 9 of the principal Act is amended by inserting at the end thereof the following passage :—

Amendment of s. 9 (7) of the principal Act—

The carriage of goods or passengers on any motor vehicle which is on the establishment of any unit of the military forces of the Commonwealth, if those goods or passengers are carried in connection with military training or other military operations carried on by the Commonwealth, shall not be regarded as the carriage of goods or passengers within the meaning of subparagraph (b) of this paragraph.

Vehicles used for military purposes.

7. Paragraph (13) of section 9 of the principal Act is amended by inserting at the end thereof the following subparagraph :—

Amendment of s. 9 (13) of the principal Act.

(g) any motor vehicle owned by a consular officer *de carriere* who is a national of the country which he represents and who resides in the State.

Enactment of paragraph (13A) of section 9 of the principal Act—

Fees for registration of ambulances.

8. (1) The following paragraph is enacted and inserted in section 9 of the principal Act after paragraph 13 thereof :—

(13A) Where the Treasurer is satisfied that any motor ambulance is operated by a municipal or district council, or by any society or association otherwise than for the purpose of monetary gain to the individual members thereof, he may, at his discretion, direct that that ambulance shall be registered without fee.

Where any such ambulance has been registered since the first day of March, nineteen hundred and thirty-eight, and the registration fee has been paid therefor the Treasurer may at his discretion refund the amount of that fee to the council, society, or association which paid it.

(2) Paragraph (13) of section 9 is amended by inserting at the end of subdivision (a) thereof the words “or any motor vehicle owned by a voluntary fire-fighting organization and used solely for the purposes of fire-fighting”.

Amendment of s. 21 of the principal Act—
Refunds of registration fee.

9. (1) Subsection (2) of section 21 of the principal Act is amended by adding at the end thereof the following paragraph :—

(d) If the motor vehicle has been used by a person engaged in business as a seller of motor vehicles, for the purpose of demonstrating its qualities to prospective purchasers, but has ceased to be so used.

(2) The following subsection is inserted in section 21 of the principal Act after subsection (4) thereof :—

(4a) Where the registration of a vehicle used for the purpose of demonstration as mentioned in paragraph (d) of subsection (2) of this section is cancelled, and the owner of the vehicle applies forthwith after the cancellation for the registration of another vehicle which the Registrar is satisfied will be used for the said purpose of demonstration, the Registrar shall credit such amount in respect of the registration which has been cancelled, and make such charge for the registration of the other vehicle—

(a) that in respect of the month in which the application for registration is made the applicant shall pay one-twelfth of the annual registration fee for one vehicle only, plus the transfer fee of two shillings and sixpence :

(b) that if the fees for registration of the two vehicles are different the said payment shall be one-twelfth of the greater fee.

10. The following section is enacted and inserted in the principal Act after section 21 thereof :—

Enactment of s. 21a of the principal Act—

21a. (1) Whenever the registration of a motor vehicle has become void before the expiration of the period for which it was granted, the Registrar or any person authorised by him or any member of the police force may remove from that vehicle the registration card relating to that registration and for the purpose of so doing may at any reasonable time enter and remain upon any place or premises.

Destruction of registration card.

(2) Any person who hinders the Registrar or any person authorised by him or any member of the police force in the exercise of any power conferred by this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

11. Section 27 of the principal Act is amended as follows :—

Amendment of s. 27 of the principal Act—
General trader's plates.

(a) Subsection (3) is repealed :

(b) Subsection (4) is amended by striking out the word " limited " in the first line thereof :

(c) Subsection (6) is amended by striking out lines three to eight inclusive thereof and inserting in lieu thereof the following :—

For the issue or extension of operation of one pair of general trader's plates, eleven pounds eleven shillings.

For the issue or extension of operation of a second or any subsequent pair of general traders' plates, eight pounds eight shillings.

12. The following section is enacted and inserted in the principal Act after section 31 thereof :—

Enactment of s. 31a of principal Act—

31a. (1) Where the Registrar is satisfied that owing to the age or any physical defect or infirmity of any applicant for a driver's licence it is desirable that any licence issued to that applicant should be subject to restrictive conditions, the Registrar may issue to that applicant a licence containing conditions as to the localities in which the applicant shall be entitled to drive, or the class or equipment of the vehicles which the applicant shall be entitled to drive or as to any other matters which the Registrar thinks necessary for the purpose of preventing danger to the applicant or the public.

Restricted drivers' licences.

(2) In any case where the Registrar is satisfied that, by reason of the distance necessary to be travelled by an applicant for a driver's licence to be examined as provided by section 32a, it would be unreasonable to require the

applicant to submit to such an examination, he may, without examination as provided by section 32a, issue to the applicant a licence as provided by subsection (1) of this section.

(3) If any such applicant is not willing to accept a licence containing any such conditions proposed by the Registrar the Registrar may refuse him a licence and the refusal shall be subject to appeal as mentioned in section 32 of this Act.

(4) If any person contravenes any such condition he shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Amendment of s. 32 of the principal Act—
Tests of applicants for renewal of licences.

13. Section 32 of the principal Act is amended—

- (a) by inserting after the words “applicant for” in the first line thereof the words “the issue or renewal of”; and
- (b) by inserting after the word “grant” in the seventh line thereof the words “any application for the issue or renewal of”.

Amendment of s. 32a of the principal Act—
Examination of applicants for driver's licence.

14. Section 32a of the principal Act is amended by adding at the end of subsection (1) thereof the following passage:—

Although a person may have answered correctly at least three-quarters of the questions asked in the examination, the Registrar may treat him as having failed if he has given an incorrect answer to any question dealing with any rule which in the Registrar's opinion is one of special importance.

Amendment of s. 40 of principal Act—
Warning appliances.

15. Section 40 of the principal Act is amended by inserting after the word “road” in the first line thereof the following words “or who, being the owner, causes or permits any person to drive on any road”.

Amendment of s. 42 of the principal Act—
Yellow lights.

16. Section 42 of the principal Act is amended by inserting after the word “white” occurring in paragraph (a) of subsection (1) and in paragraph (a) of subsection (2) thereof, in each case the words “yellow or amber-coloured”.

Amendment of s. 42 of the principal Act—
Sidelights on vehicles more than six feet six inches wide.

17. Subsection (1A) of section 42 of the principal Act is amended—

- (a) by striking out the word “seven” in the second line thereof and inserting in lieu thereof the word “six,” and by inserting after the word “feet” in the same line the words “six inches”.
- (b) by inserting after the word “vehicle” in the eighth line thereof the words “clearly visible at a distance of at least two hundred yards from the front of the

vehicle, and a bright red light clearly visible at a distance of at least two hundred yards from the rear of the vehicle, or alternatively two lighted lamps showing respectively a green light and a red light complying with the foregoing provisions of this subsection”.

18. Section 42c of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection :—

Amendment of s. 42c of principal Act—
Mirrors.

(2) Any person who drives or who, being the owner, causes or permits any person to drive on any road a motor vehicle which in any respect fails to comply with this section shall be guilty of an offence.

19. (1) Subsection (9) of section 42a is amended by striking out in the fourth line thereof the word “ retaining ”.

Amendment of s. 42a of principal Act—
Brakes on motor vehicles.

(2) The following subsection is enacted and inserted in section 42a after subsection (9) thereof :—

(9A) A three wheeled motor vehicle (not being a motor cycle with a sidecar attached) shall be equipped with two independent brakes, one of which shall be capable of stopping the vehicle within forty feet and the other a brake of reasonable efficiency.

(3) The following subsection is enacted and inserted in section 42a after subsection (12) thereof :—

(12A) The Governor may make regulations prescribing the standards or percentages of efficiency (as ascertained or measured by any brake-testing apparatus mentioned in the regulations) for brakes on motor vehicles of any class and if the brakes on any motor vehicle do not comply with any such regulation, that motor vehicle shall be deemed not to comply with this section.

Nothing in this subsection or in the regulations made under this subsection shall affect the obligation to comply with the other subsections of this section.

20. Section 48 of the principal Act is repealed and the following section is enacted and substituted therefor :—

Re-enactment of s. 48 of principal Act—

48. (1) Any person who—

(a) drives a motor vehicle ; or

(b) occupies the driver’s seat and attempts to put a motor vehicle in motion,

Driving whilst drunk or under the influence of drugs.

whilst he is so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle shall be guilty of an offence.

Road Traffic Act Amendment Act, 1938.

Penalty—For a first offence, a fine of not less than twenty pounds and not more than fifty pounds and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three months.

For a second offence, a fine of not less than fifty pounds and not more than one hundred pounds, or imprisonment for not less than two months and not more than six months, or both such fine and imprisonment, and in any case disqualification from holding and obtaining a driver's licence for such period as the court thinks fit but in no case less than six months.

For a third or any subsequent offence, imprisonment for not less than three months and not more than twelve months and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three years.

(2) Notwithstanding any other Act the minimum amount of any fine and the minimum period of imprisonment or disqualification prescribed by this section shall not be reduced or mitigated in any way except as follows:—

In the case of a first offence, the court, if it is satisfied by evidence given on oath that the offence is trifling, may order disqualification for a period less than three months or may refrain from ordering disqualification.

(3) The court by which any person is convicted under this section on the complaint of a member of the police force, may, in addition to ordering any other penalty, order on the application of the complainant that the defendant pay to the complainant a reasonable sum to cover the expenses of any of the following things:—

- (a) Apprehending the defendant :
- (b) Conveying him to any police station :
- (c) Keeping him in custody until trial :
- (d) Medically examining him.

Any amount received by the complainant under this section shall be paid by him into the general revenue of the State.

Amendment of s. 53 of the principal Act—
Penalty for using motor vehicle without consent of the owner.

21. Subsection (1) of section 53 of the principal Act is amended by striking out therein all words after " offence " in the third line and inserting in lieu thereof the following:—

Penalty—For a first offence, imprisonment for not more than three months. For any subsequent offence, imprisonment for not more than twelve months.

22. Section 59 of the principal Act is repealed and the following section is enacted and substituted in lieu thereof :—

Repeal and re-enactment of s. 59 of the principal Act—

59. (1)—

Penalty on improper use of vehicles registered for reduced fee.

- (a) If any commercial motor vehicle, for the registration of which a reduced registration fee has been paid as allowed by paragraph (7) of section 9 of this Act, is during the period of the registration used for the carriage of His Majesty's mails, goods, or passengers for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer ; or
- (b) if any commercial motor vehicle for the registration of which a reduced registration fee has been paid as allowed by paragraph (8) or (9) of section 9 of this Act is during the period of the registration used for any purpose other than a purpose set out in the said paragraph (8) or (9) as the case may be ; or
- (c) if any motor tractor for the registration of which a reduced registration fee has been paid as allowed by paragraph (10) of section 9 of this Act is during the period of the registration used for any purpose other than a purpose set out in the said paragraph (10),

and the balance of the full registration fee for the said period has not been paid before the vehicle is so used, then the person driving the vehicle and, if that person is employed by any other person to drive the vehicle, then the employer also shall be guilty of an offence.

(2) The carriage of goods and passengers on any motor vehicle which is on the establishment of any unit of the military forces of the Commonwealth, shall not, if those goods or passengers are carried in connection with military training or other military operations carried on by the Commonwealth, be regarded as the carriage of goods or passengers within the meaning of paragraph (a) of subsection (1) of this section.

23. Section 61 of the principal Act is amended by adding at the end of subsection (1) thereof the following paragraph :—

Amendment of s. 61 of principal Act—

- xv. Requiring motor vehicles to be provided with apparatus for deflecting, dipping, dimming, or otherwise adjusting the headlights thereof and for regulating the use of such apparatus.

Regulations.

Enactment of
s. 67e of the
principal Act—

Suspension of
orders of dis-
qualification.

24. The following section is enacted and inserted in the principal Act after section 67d thereof:—

67e. (1) A person who by virtue of an order of a court under this Act is disqualified from holding and obtaining a driver's licence may appeal against the order in the same manner as against a conviction.

(2) Pending the hearing and determination of any such appeal the operation of any such order may be suspended—

(a) in the case of an order made by a court of summary jurisdiction, by the court which made the order, or a judge of the Supreme Court;

(b) in the case of an order made by the Supreme Court, by a judge of that Court.

(3) An order of suspension may be made before or after the institution of the appeal, but shall not have any effect until the defendant—

(a) has duly instituted the appeal and paid the appropriate court fees; and

(b) has served on the Registrar the order of suspension or a copy thereof, and a notice that the appeal has been duly instituted and the fees paid.

Amendment of
s. 70c of
principal Act—

Requirements
in respect of
policies.

25. (1) Section 70c of the principal Act is amended by striking out subparagraph (iii.) of subsection (2) thereof, and by inserting after subsection (2) the following subsection:—

(2a) Every policy which relates to a vehicle used for the carriage of passengers for hire by a person a substantial part of whose usual business is such carriage must indemnify the insured in respect of any claim based on the death of or bodily injury to any person who, as a passenger carried or about to be carried for hire, was being conveyed in or on or was entering or alighting from that vehicle. Except as mentioned in this subsection, it shall not be necessary to insure against any claim for death of or injury to any person driving or being conveyed in or on, or entering or alighting from any vehicle.

(2) Subsection (3) of section 70c of the principal Act is repealed.

Amendment of
s. 70d of the
principal Act—

Liability of
insurers.

26. (1) Subsection (1) of section 70d of the principal Act is amended by striking out the proviso thereto and inserting in lieu thereof the following:—

Provided that before the action in which judgment was obtained against the insured person, came on for hearing, the insurer knew that that action had been commenced: Provided also that the right to recover under this subsection shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured is indemnified or as to the persons in respect of whose death or injury the insured is indemnified.

(2) Subsection (6) of section 70d of the principal Act is amended—

(a) by striking out the words “fare-paying passenger as mentioned in paragraph (b) of this subsection” in the fifth and sixth lines of paragraph (a) thereof and inserting in lieu thereof the words “passenger carried or about to be carried for hire in a vehicle such as mentioned in subsection (2a) of section 70c of this Act”:

(b) by striking out the word “fare-paying” (twice occurring) in paragraph (b) thereof.

27. Subsection (7) of section 70d of the principal Act is amended by inserting at the end thereof the following passage:—

The Treasurer may out of the general revenue of the State and without any appropriation other than this Act pay the amount of any judgment obtained against a nominal defendant under this section and of the nominal defendant's costs; and the approved insurers who are under this subsection liable for such judgment and costs shall upon demand made by the Treasurer repay to him their respective proportions of any amounts so paid by him.

Amendment of s. 70d of principal Act—

Payment by Treasurer of certain judgments.

28. Section 70f of the principal Act is amended by inserting at the end thereof the following subsection:—

(3) Where, as the result of the use of a motor vehicle an accident happens which results in the death of or bodily injury to any person, as well as damage to property, and claims are made in respect of the death or bodily injury and also in respect of the damage to property, and the person against whom claims are made is insured against his liability for death or bodily injury but not against his liability for damage to property, then nothing said or done in any negotiations for settlement of either of the claims, and no judgment given in any legal proceedings in respect of either of the claims, shall be evidence in any legal proceedings in respect of the other claim unless the negotiations or proceedings in respect of both claims are conducted or controlled by the person against whom the claims are made with the authority of the insurer, or by the insurer with the authority of the said person.

Amendment of s. 70f of principal Act—

Admission made in proceedings conducted by insurers.

29. Section 70g of the principal Act is amended as follows:—

(a) Paragraph (b) of subsection (1) is struck out:

(b) After the word “insurer” in the third line of paragraph (c) of subsection (1) the words “who issued the policy of insurance in force under this Part in relation to the said motor vehicle” are inserted:

Amendment of s. 70g of the principal Act—
Payments for emergency treatment.

Road Traffic Act Amendment Act, 1938.

(c) Subsection (2) thereof is repealed and the following subsection enacted in lieu thereof :—

(2) Where bodily injury (including fatal injury) is caused by or arises out of the use of two or more motor vehicles in respect of which policies were issued by different insurers each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section :

(d) Subsection (3) is amended by inserting after paragraph (b) thereof the following paragraph :—

(c) of the injured person or his personal representatives to the person to whom the payment is made under this section.

(e) The following subsections are enacted and inserted at the end of section 70g :—

(5) Every policy issued in pursuance of this Part of this Act which is in force at the time of the enactment of this subsection shall be deemed to impose an obligation on the insurer named therein to make the payments prescribed by this section.

Every policy of insurance issued after the enactment of this subsection shall not be deemed to comply with this Part unless it binds the insurer to make the payments prescribed by this section.

(6) A sum payable under this section shall be recoverable as if it were a simple contract debt due from the insurer to the person entitled to that sum.

(7) The Commissioner of Police shall if so requested by a person who alleges that he is entitled to a payment under this section furnish that person with any information at his disposal as to the identification marks of any motor vehicle which that person alleges to be a motor vehicle out of the use of which the death or bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which the death or bodily injury arose.

(8) Any person who was using a motor vehicle at the time when death or bodily injury was caused by or arose from such use, shall upon request of any person who alleges that he is entitled to a payment under this section, furnish such person with the name and address of the insurer who issued the policy in force in relation to that vehicle at the time of the death or injury.

30. The following sections are enacted and inserted in Part II A. of the principal Act after section 70o thereof:—

Enactment of ss. 70p to 70s of principal Act—

70p. Any contract (whether under seal or not) by virtue of which any person in advance contracts out of any right to claim damages or any other remedy for the negligence of any other person in driving a motor vehicle shall to that extent be void.

Contracting out of liability for negligence.

70q. Notwithstanding anything in any enactment, a person issuing a policy of insurance whether under this Part or otherwise in relation to a motor vehicle shall, as from the date of the policy, be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of these persons or classes of persons.

Rights of persons named in policies.

70r. (1) Where any claim has been made by or on behalf of any person for bodily injury caused by or arising out of the use of a motor vehicle, such person shall from time to time if and as required by the person against whom the claim is made, submit himself for examination by a duly qualified medical practitioner provided and paid by the person against whom the claim is made: Provided that a person shall not be required to submit himself for examination under this section otherwise than in accordance with such regulations (if any) as may be made by the Governor nor at more frequent intervals than are prescribed by those regulations.

Medical examination of claimants.

(2) If any person refuses to submit himself to any examination as required by this section, or in any way obstructs the examination his right to commence proceedings or (if commenced) to continue proceedings shall be suspended until the examination has taken place.

(3) A person shall not be entitled to any damages or compensation for any period during which he refuses to submit himself to or obstructs the examination or during which he has unreasonably delayed making a claim.

(4) Upon demand made by or on behalf of the person submitting himself to an examination under this section the person against whom the claim is made shall deliver to him a full and true copy of any report of the medical practitioner, and if default is made in such delivery for one week the report shall cease to be privileged from discovery.

70s. (1) No person shall directly or indirectly for personal gain—

Soliciting instructions to persons claiming.

(a) solicit or hold himself out as being willing to accept instructions or authority to act on behalf of any other person in respect of the making or commencement of any claim or

action for damages for the death of or bodily injury to any person arising out of the use of a motor vehicle or in respect of the negotiation, compromise or settlement of such claim or action ; or

(b) on behalf of any other person make or commence or cause to be made or commenced any claim or action for such damages aforesaid, or negotiate settle or compromise any such claim or action when made or commenced.

(2) This section shall not apply to any solicitor or barrister who is carrying on his profession in the ordinary way nor to any officer of an association acting in the course of his duties for a member of such association.

(3) Any agreement to pay any money for work done or services rendered contrary to this section shall be void, and any money so paid shall be recoverable by the person who has paid it.

Amendment of heading to Part V.

31. The heading to Part V. of the principal Act is amended by inserting after the word "LIGHTS" the words "AND EQUIPMENT".

Enactment of ss. 112a-112c—

32. The following sections are enacted and inserted in the principal Act after section 112 thereof :—

Brakes on bicycles.

112a. No person shall ride any bicycle or tricycle on any road unless that bicycle or tricycle is equipped with an efficient brake in proper working order.

Warning devices on bicycles.

112b. No person shall ride any bicycle or tricycle on any road unless that bicycle or tricycle has attached thereto a bell or other suitable instrument capable of giving audible and sufficient warning of the approach of that bicycle or tricycle.

A siren shall not be a suitable instrument within the meaning of this section.

Duty to use warning instrument.

112c. Every rider of a bicycle or tricycle shall, whenever necessary, by sounding the warning instrument attached thereto, give audible and sufficient warning of the approach of the bicycle or tricycle.

Amendment of s. 122 of the principal Act—

33. Section 122 of the principal Act is amended by adding at the end thereof the following subsection :—

Railway crossings.

(3) Subsection (1) of this section shall not apply to any part of the State not comprised within a municipality or a district council district.

34. Section 128 of the principal Act is amended by inserting after subsection (1) thereof the following subsections :—

Amendment of s. 128 of the principal Act—

(1a) Subsection (1) of this section shall not apply to a person walking on the carriage-way of a road parallel with the line of traffic thereon if he is drawing or pushing any vehicle or leading any animal, but section 124 of this Act shall apply to any such person.

Pedestrians pushing vehicles, etc.

(1b) If any person riding or driving any vehicle or animal upon any road, does not, when passing any pedestrian who is proceeding towards him on the same side of the road, keep on his right hand side of that pedestrian, he shall be guilty of an offence.

35. The following sections are enacted and inserted in the principal Act after section 130 thereof :—

Enactment of ss. 130a and 130b of principal Act—

130a. (1) The Commissioner of Police or any municipal or district council with the approval of the Commissioner of Police may erect or cause to be erected on the left hand side of any road at or near the place where the road joins or intersects any other road, or near the approach to any bridge, a sign containing in clearly legible letters or figures of the size prescribed by regulation—

Stopping and slowing down at intersections and bridges.

(a) the word “ Stop ” ; or

(b) the words “ Slow m.p.h. ”, indicating the number of miles per hour to which speed is to be reduced.

(2) Provided that the Commissioner shall not less than one month before the erection of any such sign publish in the *Government Gazette* a notice of his intention to erect such sign specifying the type of sign which he proposes to erect and the place where it is to be erected.

(3) Any person objecting to the erection of any such sign shall in writing set out to the Minister the grounds of his objection and the Minister may thereupon either prohibit or approve the erection, with or without modification, of such sign, and the Minister's decision shall be final.

(4) When any such sign containing the word “ stop ” is erected the rider or driver of a vehicle or animal in the street in which the sign is erected—

(a) shall before entering the junction or intersection at or near which the sign is erected, stop his vehicle or animal ; and

(b) shall not enter that junction or intersection until the road on both sides thereof is sufficiently clear of traffic so as to allow his vehicle or animal to pass through the junction or intersection without danger.

(5) When any such sign requiring a reduction of speed is erected the rider or driver of any vehicle or animal in the street in which the sign is erected shall not—

- (a) enter the junction or intersection at or near which the sign is erected until the road on both sides thereof is sufficiently clear of traffic so as to allow his vehicle or animal to pass through the intersection or junction without danger; or
- (b) drive or ride his vehicle or animal across any part of the junction or intersection at a speed exceeding that mentioned in the sign; or
- (c) drive or ride his vehicle or animal across the bridge at the approach to which the sign is erected at a speed exceeding that mentioned in the sign.

(6) Section 131 of this Act shall not apply to any junction or intersection at or near which a sign is erected under this section.

(7) In this section—

“ intersection ” means the quadrilateral or other area comprised within straight lines joining the corners formed by the intersection of two or more roads :

“ junction ” means that part of a road which is comprised between the lines formed by the production of the alignments of another road which abuts on the first mentioned road.

(8) The Commissioner of Highways shall, at the request of the Commissioner of Police, provide and erect on behalf of the Commissioner of Police any signs which the Commissioner of Police desires to erect under this section.

The cost of all signs so erected shall be defrayed from the moneys appropriated by Parliament for main roads.

Stop signs at
railway
crossings.

130b. (1) The South Australian Railways Commissioner may on any road at or near any level crossing erect signs clearly visible to traffic approaching the crossing and containing in clearly legible letters of the size prescribed by regulation the word “ stop ”.

(2) The rider or driver of any vehicle or animal approaching a level crossing at or near which any such sign is erected from the direction in which the sign is facing shall stop his vehicle at least ten yards away from the railway line, and if he fails to do so shall be guilty of an offence.

(3) In this section “ level crossing ” means a place at which a road and a railway cross each other at the same level.

130c. (1) The Commissioner of Highways may mark on any part of any road a double line running longitudinally along the road at or near the centre of the carriage way thereof.

Centre lines on roads.

(2) Every such line shall be of the colour and width prescribed by regulations.

(3) If any person drives or rides any vehicle or animal so that the whole or any part of that vehicle or animal is on his right hand side of any line marked on a road in accordance with this section he shall be guilty of an offence:

Provided that no person shall be punished for failing to comply with this section if the court is of the opinion that he was obliged to cross the line in order to avoid an accident, or owing to an obstruction on the roadway.

(4) The allegation in any complaint for an offence against this section that any line was marked on any road in accordance with this section shall be *prima facie* evidence of that fact.

36. (1) Subsection (3) of section 133 of the principal Act is amended by adding at the end thereof the following proviso:—

Amendment of principal Act, s. 133—

Provided that no person shall be convicted of an offence against this subsection unless the prosecution shows that on or near the road on which the defendant rode or drove a vehicle or animal as aforesaid there was a sign bearing in clear letters the word “school”, “school playground” or “children’s playground”, as the case may be, and erected in such a position as to give reasonable warning to the defendant of the existence of the school or playground.

Speed past schools and playgrounds.

(2) Subsection (4) of section 133 of the principal Act is amended by adding at the end thereof the words “and ‘school’ includes any church or other building used as a Sunday school, together with the land used in connection therewith”.

37. Section 134 of the principal Act is amended by inserting after subsection (1) thereof the following subsection:—

Amendment of principal Act, s. 134—

(1A) No person shall be deemed to have signified his intention to turn to the right as required by subsection (1) of this section unless he has given the signal prescribed by that subsection continuously for a distance of one hundred feet before the point where his vehicle commences to turn.

Signals.

38. Section 139 of the principal Act is amended as follows:—

Amendment of s. 139 of the principal Act—
Duty to stop and report accident.

(a) After the word “animal” in the third line of subsection (1) the words “or any other property real or personal” are inserted:

(b) At the end of subsection (4) the following additional proviso is inserted:—

Provided also that it shall be a defence to a charge of an offence under this section if it is shown that the only damage or injury resulting from the accident

Road Traffic Act Amendment Act, 1938.

was damage or injury to property owned by the defendant :

(c) At the end of the section the following subsection is added :—

(5) An apparently genuine document produced by the prosecution, purporting to be signed by the Commissioner of Police and to certify that any accident specified in the document (whether by reference to the approximate time and place thereof, or to the person or persons involved or otherwise so as to reasonably identify it) had not been reported at a police station or to a police constable prior to any date mentioned in the certificate shall be *prima facie* evidence of the matter so certified.

Amendment of s. 140 of the principal Act—

39. Section 140 of the principal Act is amended by inserting at the end thereof the following subsection :—

Information to identify driver.

(3) In this section the term “ owner ” shall include a bailee.

Amendment of s. 142 of the principal Act—

40. Section 142 of the principal Act is amended by adding at the end thereof the following subsection :—

Width of vehicles.

(8) For the purposes of this section any frame work fixed or placed on a motor vehicle shall be deemed to be the load or portion of the load of that motor vehicle.

Enactment of s. 143a of the principal Act—

41. The following section is enacted and inserted in the principal Act after section 143 thereof :—

Place where passengers must not be carried.

143a. No person shall on any road drive any motor vehicle carrying any person on the roof or bonnet thereof, or on the driver's seat on the right hand side of the driver.

Amendment of s. 147 of principal Act—
Bicycles ridden abreast.

42. Section 147 is amended—

(a) by inserting after the word “ driven ” in the first line the words “ or ridden ” ; and

(b) by adding at the end of paragraph (a) of the proviso to subsection (1) thereof the words “ at any place more than five miles from the General Post Office at Adelaide ”.

Amendment of s. 153 of principal Act—

43. Paragraph (a) of subsection (1) of section 153 of the principal Act is amended so as to read as follows :—

Closing roads for races.

(a) That any road or part of a road upon which any races or tests are to be held, and any other adjacent or adjoining road or part of any such road shall be closed to traffic on any day or days :

44. The following section is enacted and inserted in the principal Act after section 153 thereof :—

Enactment of s. 153a of principal Act—

153a. If the Treasurer is satisfied that any vehicle is intended to be ridden or driven on roads solely for the purpose of taking part in a street procession or other like entertainment, he may in writing exempt the owner and driver of that vehicle from the obligation to comply with any specified provisions of this Act on any day or days.

Vehicles taking part in processions.

45. Section 154 of the principal Act is amended by inserting at the end thereof the following subsections :—

Amendment of s. 154 of principal Act—

(3) Any certificate granted under this section may contain a condition prescribing the maximum number of passengers which may lawfully be carried upon the vehicle to which the certificate relates.

Vehicles used for carrying passengers for hire.

Any person who drives any vehicle carrying more than the maximum number of passengers prescribed in a certificate relating to such vehicle shall be guilty of an offence.

(4) An apparently genuine document produced by the prosecution and purporting to be signed by the Registrar of Motor Vehicles and to certify that any vehicle specified in the certificate has not during any period specified in the certificate been inspected and certified to be safe for the carriage of passengers as required by this section shall be *prima facie* evidence of the fact so certified.

(5) It shall lie on the defendant to prove that any vehicle in respect of which a complaint has been laid under this section was driven pursuant to a licence under the Road and Railway Transport Act, 1930, or under any by-law of a local governing authority.

(6) The Governor may make any regulations necessary or convenient for the due administration and enforcement of this section and may by regulations impose penalties recoverable summarily and not exceeding ten pounds for breach of any such regulation.

46. Section 157 of the principal Act is amended by adding at the end thereof the following subsections, the previous part of section 157 being read as subsection (1) thereof :—

Amendment of s. 157 of the principal Act—

(2) In any complaint for an offence against this Act or against any regulation under this Act allegations as to all or any of the following matters—

Evidentiary provision.

(a) that any sign was lawfully placed on or near any road, or that any such sign was for any purpose specified in the complaint :

Road Traffic Act Amendment Act, 1938.

- (b) that any sign on a road was erected under or complied with any specified statutory provision :
- (c) that any sign on a road contained any specified words :
- (d) that any specified place was or was not on any specified date an authorised crossing place on any line of railway,

shall be *prima facie* evidence of the matters so alleged.

(3) An apparently genuine document produced by the prosecution and purporting to be signed by the Commissioner of Police or the Superintendent or any Inspector of Police and to certify that any stop watch or speedometer specified therein had been tested and found correct on any date specified therein shall be *prima facie* evidence that that stop watch or speedometer was correct on each of the fourteen days following that date.

Repeal of s. 160
of principal
Act.

47. Section 160 of the principal Act is repealed.

Amendment of
s. 167 of the
principal Act—
Stopping
vehicles on
bridges.

48. Section 167 of the principal Act is amended by striking out the word "main" in the second line of subsection (1) thereof, and by inserting after the word "accident" occurring in the third and the seventh lines thereof in each case the words "or the purpose of enabling any person to enter or alight from the vehicle".

In the name and on behalf of His Majesty, I hereby assent
to this Bill.

W. DUGAN, Governor.