

1995—No. 729

TRAFFIC ACT 1909—REGULATION

(Relating to number-plates on bicycle racks)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Traffic Act 1909, has been pleased to make the Regulation set forth hereunder.

MICHAEL KNIGHT, MP
Minister for Roads.

Commencement

1. This Regulation commences on 15 December 1995.

Amendments

2. The Motor Traffic Regulations 1935 are amended:
 - (a) by omitting the words “number plate” and “number plates” wherever occurring (except where occurring in paragraph 10 of Schedule F) and by inserting instead the words “number-plate” and “number-plates” respectively;
 - (b) by inserting in Regulation 2 (1) in alphabetical order the following definitions:

“**Bicycle Rack**” means a device designed or adapted for attachment to the rear of any motor vehicle (other than a motor cycle or a motor tricycle) and designed or adapted for use for the transport of bicycles, wheelchairs, invalid chairs or other apparatus or, if approved by the Authority, other vehicles.

“**Bicycle Rack Number-plate**” means a number-plate issued to the registered owner of a motor vehicle for display on a bicycle rack on the motor vehicle.

- (c) by inserting in Regulation 2 (2) (b) after the word “plate” the matter “(other than a bicycle rack number-plate)”;
- (d) by inserting after Regulation 2 (3) the following clause:
 - (4) For the purposes of these Regulations:
 - (a) a bicycle rack number-plate issued under these Regulations is taken to be issued for use on a motor vehicle; and
 - (b) a bicycle rack number-plate displayed, in accordance with these Regulations, on a bicycle rack on a motor vehicle is taken to be placed on the motor vehicle concerned; and
 - (c) for the purpose of determining whether a bicycle rack number-plate has the same letters, figures, symbols and colours as another number-plate issued under these Regulations, the following are to be disregarded:
 - (i) any words and matter displayed on the other number-plate as required by Regulation 14 (2B);
 - (ii) the words “NSW — THE PREMIER STATE” (if displayed on the other number-plate);
 - (iii) the words and matter displayed on the bicycle rack number-plate as required by Regulation 14AA (4).
- (e) by inserting in Regulations 13 (3) (g) and (5) (a), 14 (2B), 14A (3) and 15 after the word “number-plate” wherever occurring the matter “(other than a bicycle rack number-plate)”;
- (f) by inserting after Regulation 14 the following Regulation:

Bicycle rack number-plates

14AA. (1) The registered owner of a motor vehicle (other than a motor cycle or a motor tricycle) may apply for a bicycle rack number-plate.

(2) On receipt of such an application, the Authority may issue, in addition to the number-plates issued under Regulation 14 (2) (a), a bicycle rack number-plate having the same distinguishing number as the registration of the motor vehicle on which the number-plate is, by means of the bicycle rack, to be placed.

(3) The fee prescribed in item 13A of Schedule A is to be paid before any bicycle rack number-plate is issued under this Regulation.

(4) A bicycle rack number-plate issued under these Regulations is to conform to such specifications as the Authority may determine and is to display:

- (a) the matter “NSW” and “bike rack” and such other words as the Authority may determine with the approval of the Minister; or
- (b) the words “New South Wales” and “bike rack” and such other words as the Authority may determine with the approval of the Minister.
- (g) by inserting in Regulation 14A (4) after the matter “clause (3)” the matter “(and, if a bicycle rack number-plate is also returned, on receipt of that number-plate),”;
- (h) by inserting in Regulation 17 (2) after the word “number-plate” where secondly occurring the matter “(unless the number-plate is a bicycle rack number-plate)”;
- (i) by inserting in Regulation 17 (3) after the word “number-plate” where firstly occurring the matter “(other than a bicycle rack number-plate)”;
- (j) by inserting after Regulation 17 (3) the following clause:
 - (3A) However, if a bicycle rack number-plate (and no other number-plate) is surrendered under this Regulation, the owner may apply for, and the Authority may, on payment of the fee prescribed in item 13A of Schedule 1, cause to be issued in substitution for the surrendered bicycle rack number-plate, a bicycle rack number-plate with the same number as the surrendered bicycle rack number-plate.
- (k) by inserting in Regulation 17 (4) (a) after the words “two number-plates” where firstly occurring the matter “(neither of which is a bicycle rack number-plate)”;
- (l) by inserting in Regulation 17 (4) (b) after the words “one number-plate only” the matter “(not being a bicycle rack number-plate)”;
- (m) by inserting in Regulation 20 (1) after the word “number-plate” where firstly occurring the matter “(other than a bicycle rack number-plate)”;
- (n) by inserting in Regulation 20 (1) (b) after the word “number-plate” where firstly occurring the matter “(including a bicycle rack number-plate)”;
- (o) by inserting after Regulation 20 (1) the following clause:
 - (1A) If a bicycle rack number-plate (but no other number-plate with the same letters, symbols, figures and colours) is lost, stolen or destroyed, the owner of the vehicle to which the number-plate relates must, as soon as practicable after discovering the loss, theft or destruction, notify the Authority in writing accordingly.

- (p) by inserting in Regulation 20 (2) after the word “number-plate” where thirdly occurring the matter “(unless the number-plate is a bicycle rack number-plate)”;
- (q) by inserting in Regulation 21A (1) after the word “number-plate” where firstly occurring the matter “(other than a bicycle rack number-plate)”;
- (r) by inserting after Regulation 104 (3) the following clauses:
 - (4) Clause (1) does not apply in relation to the number-plate displayed on the rear of a motor vehicle if a bicycle rack number-plate is also displayed on the vehicle.
 - (5) A bicycle rack number-plate displayed on a motor vehicle must:
 - (a) be securely affixed to a bicycle rack securely affixed to the rear of the vehicle; and
 - (b) be placed parallel to the rear axle of the vehicle with no part of the plate higher than 1.7 m from the ground; and
 - (c) be able to be clearly seen from any position on the roadway or either footpath at a distance of 5 m to the rear of the vehicle; and
 - (d) be illuminated, at all times when the vehicle is driven between the hours of sunset and sunrise, with white light so as to render visible at a distance of 20 m each letter, symbol or figure on the plate; and
 - (e) have the same distinguishing number as the registration number of the vehicle.
 - (6) A person must not:
 - (a) stand or drive a motor vehicle on a public street at any time if a bicycle rack number-plate is displayed on the vehicle otherwise than in accordance with clause (5) (a)–(c) and (e); or
 - (b) drive a motor vehicle on a public street between the hours of sunset and sunrise if a bicycle rack number-plate is displayed on the vehicle otherwise than in accordance with clause (5) (d).
- (s) by inserting in Regulation 105 after the word “number-plate” where firstly occurring the matter “(other than a bicycle rack number-plate)”;

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(t) by inserting after item 13 of Schedule A the following matter:

13A. Issue of a bicycle rack number-plate or issue of a bicycle rack number-plate in substitution for a surrendered bicycle rack number-plate—
Regulations 14AA (3) and 17 (3A) 25

(u) by omitting from paragraph 10 of Schedule F the words “number plate” and by inserting instead the matter “number-plate (other than a bicycle rack number-plate)”;

(v) by inserting in Table A of Part 2 of Schedule K after the matter referring to Regulation 104 (2) the following matter:

Regulation 104 (5) (a), (b), (c) or (d) and (6) 61
Regulation 104 (5) (e) and (6) 184

EXPLANATORY NOTE

At present, it is an offence under the Motor Traffic Regulations 1935 to stand or drive a motor vehicle on a public street if (among other things) any number-plate on the vehicle is not clearly legible from certain positions and distances specified in the Regulations. A bicycle rack attached to the rear of a vehicle might obscure the rear number-plate of the vehicle.

This Regulation amends the Motor Traffic Regulations 1935 so as to provide for the issue by the Roads and Traffic Authority of number-plates (to be known as “bicycle rack number-plates”) for attachment to bicycle racks. These number-plates will have the same distinguishing numbers as the registration numbers of the vehicles on which they are to be used. A person driving (or standing) a vehicle the rear number-plate of which is obscured by a bicycle rack will no longer commit an offence if the appropriate bicycle rack number-plate is displayed on the vehicle in accordance with the new Regulation 104 (5). It will, however, be an offence to drive or stand a vehicle displaying a bicycle rack number-plate otherwise than in accordance with that clause.

This Regulation is made under the Traffic Act 1909 and, in particular, section 3 (the general regulation-making power — specially section 3 (1) (k) and (l)) and section 18B (Penalty notices for certain offences).
