



ANNO QUINTO

GEORGE VI REGIS.

A.D. 1941.

No. 46 of 1941.

An Act to amend the Road Traffic Act, 1934-1941.

[Assented to 27th November, 1941.]

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

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 2), 1941". Short titles.

(2) The Road Traffic Act, 1934-1941, as amended by this Act, may be cited as the Road Traffic Act, 1934-1941.

(3) The Road Traffic Act, 1934-1941, is hereinafter called "the principal Act".

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

3. Paragraph 10 of section 27 of the principal Act is amended by adding at the end thereof the following proviso :— Amendment of s. 27 (10) of principal Act—Traders' plates.

Provided that if—

(a) the person to whom general traders' plates have been issued (hereinafter called "the trader") lends a motor vehicle, owned by him and bearing those plates, to any person (hereinafter called the "customer")—

(i.) who owns a motor vehicle which is in possession of the trader for the purpose of being repaired, altered, tested, or having additions made thereto : or

(ii.) who is the prospective purchaser of a motor vehicle from the trader; and

(b) the motor vehicle is driven by the customer, or by any person authorized by the customer to drive it, while the customer's motor vehicle is being repaired, altered, tested, or added to, or for the purpose of enabling the customer to determine whether the motor vehicle is suitable for him,

the motor vehicle whilst so driven shall be deemed to be driven for purposes directly connected with the business carried on by the trader.

Amendment of
s. 43 of
principal Act—
Consequential
amendment.

4. Section 43 of the principal Act is amended by striking out subsection (3) thereof.

Amendment of
s. 50 of
principal Act—
Notice of
change of place
of business of
holder of
traders' plate.

5. Section 50 of the principal Act is amended by adding at the end thereof the following subsection (the previous part of section 50 being read as subsection (1) thereof):—

(2) Every person to whom any traders' plates have been issued and who changes his principal place of business during the period of operation of those plates shall, within fourteen days of so doing, give written notice to the registrar of his new principal place of business.

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

6. Section 53 of the principal Act is amended—

(a) by striking out the word "three" in the fifth line and inserting in lieu thereof the word "twelve":

(b) by striking out the words "more than twelve months" in the sixth line and inserting in lieu thereof the words "less than three months or more than two years".

Amendment
of s. 61 of the
principal Act—

7. Section 61 of the principal Act is amended by inserting after paragraph XII. of subsection (1) thereof the following paragraph:—

Regulations.

XIIA. Providing for the transfer or cancellation of the registration of a motor vehicle when the ownership of the vehicle passes to any person on the bankruptcy of the registered owner, or on repossession of the vehicle pursuant to a hire-purchase agreement, or on any other involuntary alienation, and prescribing the conditions under which refunds of the registration fee may be made in such cases, and any other matters relevant to such changes of ownership.

8. The following section is enacted and inserted in the principal Act after section 69 :—

Enactment of
s. 69a of the
principal Act—

69a. (1) If—

Liability in
tort of person
taking vehicle
on hire and
driving them
for carriage of
passengers and
goods for hire.

(a) the owner of a motor vehicle lets it on hire to a person who, for the purpose of or by virtue of any industrial award is deemed to be a servant of that owner; and

(b) whilst the vehicle is so let the person taking it on hire drives it in the course of a business of carrying passengers or goods for hire,

that person shall, as regards liability for any injury, loss, or damage caused by him whilst so driving the vehicle, be deemed to be the servant of the owner and to have been so driving the vehicle in the course of his employment by the owner.

(2) In this section “industrial award” means any award, order or determination of the Commonwealth Court of Conciliation and Arbitration, or of the Industrial Court or any industrial board constituted by or under the Industrial Code, 1920-1937.

9. (1) Subsection (1) of section 70s of the principal Act is repealed and the following subsection is enacted and inserted in lieu thereof :—

Amendment of
s. 70s of prin-
cipal Act—

70s. (1) No person shall—

Persons entitled
to Act in con-
nection with
claims.

(a) for or in the expectation of directly or indirectly receiving any reward accept instructions or authority to act on behalf of any person in respect of the making, commencement, resisting, compromise or settlement of any claim or action for damages for the death of or bodily injury to any person or for injury to the property of any person arising out of the use of a motor vehicle;

(b) for or in the expectation of directly or indirectly receiving any reward make, commence, cause to be made or commenced, negotiate, settle, or compromise, on behalf of any person, any such claim or action;

(c) hold himself out as being willing to act for reward on behalf of any person in making, commencing, resisting, negotiating, settling, or compromising any such claim or action.

(2) Subsection (2) of section 70s of the principal Act is amended by adding at the end thereof the following words:—

“or to any person employed or instructed by an approved insurer to act on its behalf in connection with any claim or action, in a case where that insurer is liable to indemnify the person against whom the claim is made or the action brought.”

Amendment of
s. 119 of the
principal Act.
Definition of
“trailer”.

10. Section 119 of the principal Act is amended by striking out paragraph (a) in the definition of “trailer” in subsection (1) thereof.

Amendment of
s. 128 of
principal Act—

11. Subsection (1a) of section 128 of the principal Act is amended so as to read as follows:—

Certain
pedestrians
to walk on
left of road

(1a) Subsection (1) of this section shall not apply to—

(a) a person walking on the carriage-way of a road if he is drawing or pushing any vehicle, or leading any animal:

(b) any persons marching on the carriage-way of a road in a column or other regular formation,

but section 124 of this Act shall apply to all such persons.

Amendment of
s. 132 of the
principal Act—
Consequential
amendment.

12. Section 132 of the principal Act is amended by striking out subsection (3) thereof.

Enactment of
s. 141a. of
principal Act—

13. The following section is enacted and inserted in the principal Act after section 141 thereof:—

Driving
without
clear view.

141a. If any person drives on any road a motor vehicle while any part of the vehicle, or the load on the vehicle, or anything attached or affixed to the vehicle prevents him from having a clear view of the areas in front and on either side of the vehicle, he shall be guilty of an offence.

Amendment of
s. 142 of
principal Act—
Length of
vehicles and
trailers.

14. Subsection (1) of section 142 of the principal Act is amended by striking out paragraphs (b) and (c) thereof and inserting in lieu thereof the following paragraph:—

(b) the over-all length of the vehicle (including the length of any trailers attached thereto and of any load projecting from the front or rear of the vehicle) exceeds sixty-six feet; or

(c) the vehicle has more than two trailers attached thereto.

15. The following section is enacted and inserted in the principal Act after section 156 thereof :—

Enactment of
s. 156a of
principal Act—

156a. (1) For the purposes of this section the following shall be exempt vehicles—

Exemption of
fire, ambulance,
and police
vehicles from
certain
provisions.

- (a) any motor vehicles used by the Fire Brigades Board or by a fire brigade, while it is being driven to any place in answer to a call for the services of a fire brigade, or is in use at a fire :
- (b) any motor ambulance while it is being driven in the course of, or in connection with, the carriage of patients :
- (c) any motor vehicle being driven by a member of the police force in the execution of his duty.

(2) While a vehicle is an exempt vehicle, the following provisions of this Act, namely :—Paragraph (b) of subsection (1) of section 40a ; paragraph (b) of section 123 ; sections 124 to 127 inclusive, 130a, 130b, 130c, 131 to 133 inclusive, 136, 137, subsection (1) of section 139, 143a, 146, 147, 169, 174 to 176 inclusive, shall not apply in relation to that vehicle or the owner, driver, or person in charge thereof.

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

G. J. R. MURRAY, Deputy Governor.