



ANNO TRICESIMO SEPTIMO

ELIZABETHAE II REGINAE

A.D. 1988

No. 74 of 1988

An Act to amend the Road Traffic Act, 1961

[Assented to 24 November 1988]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Road Traffic Act Amendment Act (No. 3), 1988*.
- (2) The *Road Traffic Act, 1961*, is in this Act referred to as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. Section 5 of the principal Act is amended by inserting in subsection (1) after the definition of "pedal cycle" the following definition:

"pedestrian" includes a person in a wheelchair.

Exemption of certain vehicles from compliance with certain provisions

4. Section 40 of the principal Act is amended by inserting in paragraph (d) of subsection (1) "or road maintenance" after "road making".

Wearing of seat belts is compulsory

5. Section 162ab of the principal Act is amended—

- (a) by striking out from paragraph (b) of subsection (1) " , in the same row of seating positions,";

and

- (b) by striking out subsections (2), (3), (4) and (5) and substituting the following subsections:

(2) A person must not drive a motor vehicle in which there is a child of or above the age of one year but under the age of 16 years—

- (a) who is occupying a seating position that is equipped with a seat belt, unless the child is wearing the seat belt and it is properly adjusted and securely fastened;

(b) who is occupying a seating position that is equipped with a child restraint, unless—

(i) the child is using the restraint;

and

(ii) the restraint is of a kind declared by regulation to be suitable for use by a child of that child's age and mass and is properly adjusted and securely fastened;

or

(c) who is occupying a seating position that is not equipped with a seat belt or child restraint, if there is a seating position that is equipped with—

(i) a seat belt;

or

(ii) a child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass,

and that is not occupied by another person.

(3) Subject to subsection (4), a person must not drive a motor vehicle of a prescribed class in which there is a child under the age of one year, unless the child—

(a) is occupying a seating position;

and

(b) is using a properly adjusted and securely fastened child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass.

(4) Subsection (3) does not apply if all seating positions in the motor vehicle are occupied by other persons.

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

D. B. DUNSTAN, Governor