

South Australia



**ROAD TRAFFIC (SMALL-WHEELED VEHICLES) AMENDMENT ACT
1995**

No. 64 of 1995

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ANNO QUADRAGESIMO QUARTO
ELIZABETHAE II REGINAE

A.D. 1995

No. 64 of 1995

An Act to amend the Road Traffic Act 1961.

[Assented to 10 August 1995]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Road Traffic (Small-Wheeled Vehicles) Amendment Act 1995*.

(2) The *Road Traffic Act 1961* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 5—Interpretation

3. Section 5 of the principal Act is amended—

(a) by inserting in the definition of "pedestrian" in subsection (1) "and the rider of a small-wheeled vehicle" after "wheelchair";

(b) by inserting after the definition of "shared zone" in subsection (1) the following definition:

"small-wheeled vehicle" means a skateboard, roller-skates, in-line skates, scooter or other vehicle of a kind ordinarily used by a child at play or by an adult for recreational or sporting purposes that is designed to be propelled wholly or partially by human power, but does not include—

(a) a pedal cycle; or

(b) a vehicle that is fitted with a motor or that is designed to be propelled by the wind; or

(c) a vehicle of a class prescribed by regulation;;

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- (c) by inserting in the definition of "vehicle" in subsection (1) "a small-wheeled vehicle or" after "does not include".

Amendment of s. 6—Application of Act to driving, etc., on roads

4. Section 6 of the principal Act is amended—

- (a) by inserting "or small-wheeled vehicle" after "A reference in this Act to driving or riding a vehicle";
- (b) by inserting "or small-wheeled vehicle" after "is a reference to driving or riding a vehicle".

Amendment of s. 33—Road closing and exemptions for road events

5. Section 33 of the principal Act is amended by striking out from subsection (7)(d) "person walking" and substituting "pedestrian".

Amendment of s. 41—Directions for regulation of traffic

6. Section 41 of the principal Act is amended by striking out from subsection (1)(d) "person walking" and substituting "pedestrian".

Insertion of s. 99B

7. The following section is inserted after section 99A of the principal Act:

Use of small-wheeled vehicles

99B. (1) The following provisions apply to the riding of a small-wheeled vehicle on a road:

- (a) the rider must not—
- (i) ride on a designated road or part of a road; or
 - (ii) ride on a section of carriageway—
 - (A) that is alongside a continuous or broken centre line or dividing strip; or
 - (B) that is divided into marked lanes for traffic proceeding in the same direction; or
 - (C) that consists of, or is alongside, a bicycle lane; or
 - (iii) ride between sunset and sunrise or during a period of low visibility;
- (b) the rider must exercise due care and attention and show reasonable consideration for other persons using the road;
- (c) when on a carriageway, the rider—
- (i) must keep as near as is reasonably practicable to the left boundary of the carriageway; and
 - (ii) must, when passing a vehicle proceeding in the opposite direction, keep to his or her left of that vehicle; and

- (iii) must not pass a vehicle that is in motion and proceeding in the same direction; and
 - (iv) must give way to any vehicle that is on or about to enter the carriageway (other than where the driver of the vehicle is required by a provision of this Act or the regulations to give way to the rider as a pedestrian);
- (d) the rider must not—
- (i) ride abreast of a vehicle or of another small-wheeled vehicle; or
 - (ii) permit himself or herself to be drawn by any vehicle in motion; or
 - (iii) ride for more than 200 metres within 2 metres from the rear of a motor vehicle;
- (e) the rider must comply with—
- (i) the provisions of this Act and the regulations applicable to bikeways; and
 - (ii) section 99A (sounding warning to other users of a footpath or bikeway),

in the same way as if the rider were the rider of a pedal cycle.

(2) Nothing in this section prevents the rider of a small-wheeled vehicle from riding on a carriageway to cross directly between two sections of road on which the vehicle may be lawfully ridden.

(3) The driver of a vehicle must not permit a person riding a small-wheeled vehicle to attach himself or herself to, or be drawn by, that vehicle.

(4) A road authority incurs no civil liability because of any act or omission on its part in the design, construction, maintenance or management of a road to take account of the fact that the users or potential users of the road include riders of small-wheeled vehicles.

(5) In this section—

"designated", in relation to a road or part of a road, means a road or part of a road—

- (a) prescribed by regulation, or within an area prescribed by regulation; or
- (b) on or adjacent to which a traffic control device is erected, displayed or marked to indicate that the riding of a small-wheeled vehicle is not permitted on that road or part of a road;

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"dividing strip" means a dividing strip, safety island, safety bar, safety zone, traffic island, roundabout and any strip of land in a road marked off by lines on the road that divides the road into separate carriageways;

"management" of a road includes placement, design, construction or maintenance of traffic control devices, barriers, trees or other objects or structures on the road;

"road authority" means—

- (a) the Minister; or
- (b) the Commissioner of Highways; or
- (c) a council; or
- (d) any body or person in whom the care, control or management of a road is vested.

Amendment of s. 162C—Safety helmets

8. Section 162C of the principal Act is amended—

- (a) by inserting in subsections (1), (2) and (2a) "or small-wheeled vehicle" after "cycle" (wherever occurring);
- (b) by inserting in subsection (3)(a) "or small-wheeled vehicles" after "cycles";
- (c) by inserting in subsection (4) "or small-wheeled vehicle" after "pedal cycle".

Amendment of s. 176—Regulations

9. Section 176 of the principal Act is amended by inserting in subsection (1)(c) "or small-wheeled vehicles" after "vehicles".

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

ROMA MITCHELL Governor