

Queensland



Subordinate Legislation 1995 No. 368

Traffic Act 1949

**TRAFFIC AMENDMENT REGULATION (No. 2)
1995**

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MINOR AMENDMENTS

Short title

1. This regulation may be cited as the *Traffic Amendment Regulation (No. 2) 1995*.

Commencement

2. This regulation commences on 4 March 1996.

Regulation amended

3. This regulation amends the *Traffic Regulation 1962*.

Amendment of s 105 (Classes of driver's licences)

4.(1) Section 105(1) and (1A)—

omit, insert—

‘**105.(1)** The licence class stated on a licence indicates the type of vehicle the licence holder is authorised to drive.’.

(2) Section 105(2), ‘class’—

omit, insert—

‘type’.

(3) Section 105—

insert—

‘**(2A)** No fee is payable for the endorsement.’.

(4) Section 105(4), ‘class’—

omit, insert—

‘type’.

Insertion of new s 106A

5. In part 16—

insert—

‘Upgrading provisional or open licence class

‘106A.(1) A person must not be issued with—

- (a) a provisional or open class LR or MR licence unless the person has held a provisional or open class C licence for at least 1 year;¹ or
- (b) a provisional or open class HR licence unless the person has held a provisional or open—
 - (i) class C licence for at least 2 years; or
 - (ii) class LR or MR licence for at least 1 year; or
- (c) a provisional or open class HC licence unless the person has held a provisional or open class MR or HR licence for at least 1 year; or
- (d) a provisional or open class MC licence unless the person has held a provisional or open class HR or HC licence for at least 1 year.²

‘(2) The person must have held the licence continuously for the period mentioned in subsection (1).’.

Amendment of s 109 (Learner’s permit)

6.(1) Section 109—

insert—

‘(2B) A person must not be issued with—

- (a) a class R learner’s permit unless the person has held a provisional or open class RE licence for at least 1 year; or
- (b) a class LR, MR or HR learner’s permit unless the person has held a provisional or open class C licence; or
- (c) a class HC learner’s permit unless the person has held a provisional or open class MR or HR licence; or
- (d) a class MC learner’s permit unless the person has held a

¹ See section 137 for a description of licence classes.

² Also see section 106(7) for the requirement to complete a training course.

provisional or open class HR or HC licence.’.

(2) Section 109(3)(a), (b) and (f)—

omit.

(3) Section 109(3)(d), from ‘has, for’ to ‘drive the class’—

omit, insert—

‘holds, and has held for at least 1 year, a provisional or open licence for the type’.

(4) Section 109(3)(e), ‘or position’—

omit.

(5) Section 109(5) and (6)—

omit, insert—

‘(5) The holder of a learner’s permit must not drive a motor vehicle unless—

(a) for a vehicle with seating capacity for a passenger—

(i) a passenger sits next to the holder; and

(ii) the passenger holds, and has held for 1 year, a provisional or open licence for the type of vehicle being driven; or

(b) for a vehicle without seating capacity for a passenger—the holder is driving under the direction of a person who holds, and has held for 1 year, a provisional or open licence for the type of vehicle being driven by the holder.

Maximum penalty—20 penalty units.’.

Amendment of s 137 (Codes on driver’s licences)

7.(1) Section 137(1), ‘1 July 1991’—

omit, insert—

‘4 March 1996’.

(2) Section 137(1), table—

omit, insert—

Table

Column 1	Column 2
Code	Licence type
L	learner's permit
P	provisional licence
O	open licence
D	duplicate licence
	Licence class
UD	a specially constructed vehicle
RE	a moped
	a motorcycle with an engine capacity of not more than 250 mL, with or without a trailer
R	a class RE vehicle
	a motorcycle, with or without a trailer
C	a moped
	a motor car, with or without a trailer
LR	a class C vehicle
	a motor omnibus of not more than 8 t GVM, built or fitted to carry not more than 30 adult passengers, with or without a trailer of not more than 9 t GVM
	a motor truck (including a prime mover) of not more than 8 t GVM, with or without a trailer of not more than 9 t GVM
MR	a class LR vehicle
	a motor omnibus of more than 8 t GVM with not more than 2 axles, with or without a trailer of not more than 9 t GVM
	a motor truck with not more than 2 axles, with or without a trailer of not more than 9 t GVM

HR	a class MR vehicle a motor omnibus, with or without a trailer of not more than 9 t GVM an articulated motor omnibus a motor truck, with or without a trailer of not more than 9 t GVM
HC	a class HR vehicle a motor truck, with or without a trailer an articulated motor vehicle
MC	a class HC vehicle a B-double a road train
	Licence condition
A	licensee may only drive vehicle with automatic transmission
B	licensee may only drive vehicle with synchromesh gearbox
M	licensee may only drive while carrying, and in accordance with, a medical certificate
S	licensee may only drive while wearing corrective lenses
V	licensee may only drive while carrying, and in accordance with, a vehicle modification notice
X1	licensee may only drive while carrying, and in accordance with, an order under section 20A of the Act
X2	licensee may only drive vehicle with an 'L' plate in accordance with section 109'.

(3) Section 137(2) and (3)—

omit, insert—

'(2) A code specified on a driver's licence issued before 4 March 1996 indicates the corresponding driver's licence type, class, class condition,

condition or description—

- (a) for a licence issued before 1 July 1991—specified by the chief executive for the licence; or
- (b) otherwise—prescribed immediately before the commencement.’.

SCHEDULE**MINOR AMENDMENTS**

section 3

1. Section 4—*insert—*

‘**“GVM”** stands for gross vehicle mass.’.

2. Section 104(2)(b)(ii)—*omit, insert—*

‘(ii) require the applicant to give the superintendent a doctor’s certificate, in the approved form, stating that the applicant is medically fit to drive a motor vehicle under the class of licence applied for.’.

3. Section 106—*insert—*

‘(7) A superintendent must not issue a provisional or open class MC licence to a person unless the person has successfully completed a training course approved by the chief executive.’.

4. Section 107(2)(c), ‘class’—*omit, insert—*

‘type’.

5. Section 108A(6)—*omit.*

SCHEDULE (continued)

6. Section 111, ‘class’—*omit, insert—*

‘type’.

7. Section 117A—*omit.***8. Section 134(1)(a)(i), ‘class’—***omit, insert—*

‘type’.

ENDNOTES

1. Made by the Governor in Council on 14 December 1995.
2. Notified in the gazette on 15 December 1995.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Transport.