



Queensland

Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 2) 2008

Subordinate Legislation 2008 No. 351

made under the

State Penalties Enforcement Act 1999

Transport Operations (Passenger Transport) Act 1994

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Commencement	3
Part 2	Amendment of Transport Operations (Passenger Transport) Regulation 2005	
3	Regulation amended in pt 2	3
4	Amendment of s 57 (Immediate suspension of taxi service licences—Act, s 79)	3
5	Amendment of s 72 (Definitions for div 3)	3
6	Amendment of s 79 (Records to be kept when vehicle used as a substitute taxi)	4
7	Amendment of s 98 (Transfer, lease or surrender of limousine service licences—Act, s 89)	4
8	Amendment of s 105 (Luxury motor vehicles—Act, sch 3, def luxury motor vehicle, paragraph (a)).	4
9	Insertion of new ss 105A and 105B	4
	105A Special purpose limousines—Act, sch 3, def special purpose limousine	5
	105B Prescribed details for booking for limousine service—Act, sch 3, def prescribed details	6

Transport Operations (Passenger Transport) and Another Regulation Amendment
Regulation (No. 2) 2008

Contents

10	Amendment of s 116 (Requirements for the use of a substitute limousine)	6
11	Amendment of s 137 (Public passenger vehicles—Act, sch 3, def public passenger vehicle)	7
12	Insertion of new s 137A	7
	137A Requirements for road-based public passenger vehicle	7
13	Amendment of s 142 (Records to be maintained)	8
14	Insertion of new pt 12, div 4	8
	Division 4 Transitional provisions for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 2) 2008	
	158C Definition for div 4.	8
	158D Section 137A does not apply in relation to particular motor vehicles	8
	158E Particular motor vehicles continue to be luxury motor vehicles.	9
15	Replacement of sch 4 (Luxury motor vehicles)	9
	Schedule 4 Vehicles that are luxury motor vehicles	
	Schedule 4A Vehicles that may be special purpose limousines	
16	Amendment of sch 8 (Public passenger vehicles)	12
17	Amendment of sch 9 (Fees and levy)	12
18	Amendment of sch 11 (Dictionary)	12
Part 3	Amendment of State Penalties Enforcement Regulation 2000	
19	Regulation amended in pt 3	13
20	Amendment of sch 3 (Transport legislation)	13

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 2) 2008*.

2 Commencement

This regulation commences on 24 October 2008.

Part 2 Amendment of Transport Operations (Passenger Transport) Regulation 2005

3 Regulation amended in pt 2

This part amends the *Transport Operations (Passenger Transport) Regulation 2005*.

4 Amendment of s 57 (Immediate suspension of taxi service licences—Act, s 79)

Section 57(3), note—
omit.

5 Amendment of s 72 (Definitions for div 3)

Section 72, definitions *licensed taxi* and *relevant area*—
omit.

6 Amendment of s 79 (Records to be kept when vehicle used as a substitute taxi)

Section 79, heading, from ‘vehicle’—

omit, insert—

‘**substitute taxi used instead of a licensed taxi**’.

7 Amendment of s 98 (Transfer, lease or surrender of limousine service licences—Act, s 89)

(1) Section 98(4) to (6)—

renumber as section 98(5) to (7).

(2) Section 98—

insert—

‘(4) Subsections (1) to (3) do not apply to a special purpose limousine service licence.’

8 Amendment of s 105 (Luxury motor vehicles—Act, sch 3, def *luxury motor vehicle*, paragraph (a))

Section 105(a)—

omit, insert—

‘(a) a motor vehicle mentioned in schedule 4 that—

(i) has a wheelbase of at least 2800mm; and

(ii) is not more than the vehicle’s maximum age limit mentioned in schedule 4; or’.

9 Insertion of new ss 105A and 105B

After section 105—

insert—

‘105A Special purpose limousines—Act, sch 3, def *special purpose limousine*

- ‘(1) The following motor vehicles are motor vehicles that may be used under a special purpose limousine service licence—
- (a) a passenger car that—
 - (i) is at least 30 years old from the date of manufacture; and
 - (ii) has not been modified other than for an approved modification purpose; and
 - (iii) is not a street rod vehicle;
 - (b) a stretched version of a passenger vehicle mentioned in schedule 4A that—
 - (i) is at least the minimum age stated for the vehicle in schedule 4A; and
 - (ii) has not been modified other than for an approved modification purpose.

Note for paragraph (a)(ii) and (b)(ii)—

See the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* for requirements about modifying a vehicle, including a passenger car or a stretched version of a passenger vehicle that is to become a special purpose limousine.

- ‘(2) In this section—
- approved modification purpose***, in relation to a passenger car or passenger vehicle, means to modify the car or vehicle—
- (a) to make it a stretched version of a passenger car or passenger vehicle; or
 - (b) for the safety or comfort of passengers in the car or vehicle, including, for example, to allow for wheelchair access; or
 - (c) to enhance the appearance of the car or vehicle.

Example of modification to enhance the appearance of a passenger car or passenger vehicle—

attaching a flared guard

street rod vehicle see the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*, schedule 4.

‘105B Prescribed details for booking for limousine service—Act, sch 3, def *prescribed details*

‘For the Act, schedule 3, definition *prescribed details*, the following details about a booking for a limousine service are prescribed—

- (a) the name and contact details of the hirer of the limousine service;
- (b) the date and time when the passengers are to be picked up;
- (c) the locations where the passengers are to be picked up and dropped off;
- (d) the agreed fare for the limousine service, if the fare is to be paid to the driver.’

10 Amendment of s 116 (Requirements for the use of a substitute limousine)

- (1) Section 116(1)(c)—

omit, insert—

‘(c) is—

- (i) if the vehicle is used under a special purpose limousine service licence—a special purpose limousine; or
- (ii) if the vehicle is used under a limousine service licence other than a special purpose limousine service licence—a luxury motor vehicle.’

- (2) Section 116(2), ‘as a limousine.’—

omit, insert—

‘as—

- (a) if the vehicle is to be used under a special purpose limousine service licence—a special purpose limousine for which a special purpose limousine service licence is in force; or
- (b) otherwise—a limousine.’.

11 Amendment of s 137 (Public passenger vehicles—Act, sch 3, def *public passenger vehicle*)

- (1) Section 137(3), footnote—

omit.

- (2) Section 137, after subsection (3)—

insert—

‘Note—

The conditions of limousine service licences provide for the vehicles that may be used for limousine services. See section 87(2)(b) of the Act.’.

12 Insertion of new s 137A

After section 137—

insert—

‘137A Requirements for road-based public passenger vehicle

- ‘(1) A person must not operate a public passenger service using a road-based public passenger vehicle that does not have a right-hand drive.

Maximum penalty—20 penalty units.

- ‘(2) For subsection (1), a road-based public passenger vehicle has a right-hand drive if the centre of the steering control of the vehicle is either—

- (a) to the right of the centre of the vehicle when viewed by a person in the vehicle who is facing to the front of the vehicle; or

(b) in line with the centre of the vehicle.

‘(3) In this section—

road-based public passenger vehicle means a public passenger vehicle used to transport members of the public by road.’.

13 Amendment of s 142 (Records to be maintained)

(1) Section 142, ‘If the Act requires a person’—

omit, insert—

‘If, under the Act, a person is required’.

(2) Section 142, after penalty—

insert—

‘(2) Subsection (1) does not apply to a record required to be kept under section 87F of the Act.’.

14 Insertion of new pt 12, div 4

After section 158B—

insert—

‘Division 4 Transitional provisions for Transport Operations (Passenger Transport) and Another Regulation Amendment Regulation (No. 2) 2008

‘158C Definition for div 4

‘In this division—

commencement means commencement of this section.

‘158D Section 137A does not apply in relation to particular motor vehicles

‘(1) This section applies in relation to a motor vehicle stated in a limousine service licence, in force at the commencement, that

does not have a right-hand drive in the way required under section 137A.

- ‘(2) Section 137A does not apply to the operation of a public passenger service using the vehicle if—
- (a) the public passenger service is a limousine service operated under a limousine service licence; and
 - (b) the limousine service is operated by a person who was the registered operator of the vehicle immediately before the commencement.
- ‘(3) However, subsection (2) stops having effect when the person sells or otherwise transfers the vehicle to another person.

‘158E Particular motor vehicles continue to be luxury motor vehicles

- ‘(1) This section applies if—
- (a) a motor vehicle of a type that was mentioned in schedule 4, as in force from time to time before the commencement, is stated in a limousine service licence in force at the commencement; and
 - (b) the maximum age limit that applies to the vehicle under section 105(a) after the commencement is lower than the maximum age limit that applied to the vehicle under section 105(a) before the commencement.
- ‘(2) The vehicle continues to be a luxury motor vehicle until the vehicle reaches the maximum age limit that applied to the vehicle under section 105(a) before the commencement.’.

15 Replacement of sch 4 (Luxury motor vehicles)

Schedule 4—
omit, insert—

‘Schedule 4 Vehicles that are luxury motor vehicles

section 105

Type of vehicle	Maximum age limit for vehicle
Category A passenger car of either of the following makes— <ul style="list-style-type: none">• Bentley• Rolls Royce	unlimited
Category B passenger car with a recommended retail price (without optional extras) of the amount that is at least twice the luxury car tax threshold	12 years from the date of manufacture
Category C passenger car with a recommended retail price (without optional extras) of the amount that is at least the luxury car tax threshold, but less than the amount that is twice the luxury car tax threshold	6 years from the date of manufacture
Category D a stretched version of a passenger car mentioned under the heading ‘Category A’	unlimited
Category E a stretched version of a passenger car mentioned under the heading ‘Category B’	18 years from the date of manufacture

Category F

a stretched version of a passenger car mentioned under the heading 'Category C'

12 years from the date of manufacture

Category G

a stretched version of a passenger vehicle of any of the following makes—

12 years from the date of manufacture

- Ford Territory
- Hummer H2
- Hummer H3

'Schedule 4A Vehicles that may be special purpose limousines

section 105A

Type of vehicle

Minimum age limit for vehicle

Category A

passenger car with a recommended retail price (without optional extras) of the amount that is at least twice the luxury car tax threshold

18 years from the date of manufacture

Category B

passenger car with a recommended retail price (without optional extras) of the amount that is at least the luxury car tax threshold, but less than the amount that is twice the luxury car tax threshold

12 years from the date of manufacture

Category C

passenger vehicle of any of the following makes— 12 years from the date of manufacture’.

- Ford Territory
- Hummer H2
- Hummer H3

16 Amendment of sch 8 (Public passenger vehicles)

(1) Schedule 8, entry for limousine service, column 1, after ‘service’—

insert—

‘other than a limousine service provided under a special purpose limousine service licence’.

(2) Schedule 8, after entry for limousine service—

insert—

‘limousine service provided under a special purpose limousine service licence special purpose limousine’.

17 Amendment of sch 9 (Fees and levy)

Schedule 9, item 4—

omit, insert—

‘4 Limousine service licence, or renewal of a limousine service licence—

- (a) if the licence is a special purpose limousine service licence 2000.00
- (b) otherwise 134.05’.

18 Amendment of sch 11 (Dictionary)

(1) Schedule 11, definitions *authorised provider, licensed taxi, relevant area* and *schedule 4 vehicle*—

(2) Schedule 3, entry for *Transport Operations (Passenger Transport) Regulation 2005*—
insert—

‘s 137A(1) 2’.

ENDNOTES

- 1 Made by the Governor in Council on 23 October 2008.
- 2 Notified in the gazette on 24 October 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport.

© State of Queensland 2008