



Queensland

Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 26

made under the

State Penalties Enforcement Act 1999

Transport Operations (Road Use Management) Act 1995

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport Legislation and Another Regulation Amendment Regulation (No. 1) 2014*.

2 Commencement

This regulation commences on 7 April 2014.

Part 2 Amendment of Transport Operations (Road Use Management—Driver Licensing) Regulation 2010

3 Regulation amended

This part amends the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*.

4 Amendment of sch 3 (Demerit points)

(1) Schedule 3, section 4—

insert—

- section 162(1) of the Queensland Road Rules.

(2) Schedule 3, section 11, heading, after ‘traffic’—

insert—

lights, T

(3) Schedule 3, section 11—

insert—

- section 274
- section 275
- section 277
- section 279(2)

(4) Schedule 3, section 12—

insert—

- section 155A(1)

(5) Schedule 3, section 23—

insert—

- section 114(2)

(6) Schedule 3—

insert—

**23A Failing to keep a safe lateral distance when
passing bicycle rider**

The number of points for a contravention of the
Queensland Road Rules, section 144A(1) is 3.

(7) Schedule 3, section 43—

insert—

- section 164AA(2) or (3).

Part 3 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

5 Regulation amended

This part amends the *Transport Operations (Road Use Management—Road Rules) Regulation 2009*.

6 Amendment of s 132 (Keeping to the left of the centre of a road or the dividing line)

(1) Section 132(1), ‘section 133 or 139(1)’—

omit, insert—

section 133, 139(1) or 139A(1)

(2) Section 132(2), ‘section 134 or 139(2)’—

omit, insert—

section 134, 139(2) or 139A(2)

(3) Section 132(3), ‘section 139(2)’—

omit, insert—

section 139(2) or 139A(2)

(4) Section 132(4), ‘and 139(1) and (2)’—

omit, insert—

, 139(1) and (2) and 139A

7 Amendment of ss 137 and 138

Sections 137(1) and 138(1), after ‘section 139(4)’—

insert—

or 139A(3)

8 Insertion of new s 139A

Part 11, division 2—

insert—

139A Exceptions for passing bicycle rider

- (1) A driver on a two-way road without a dividing line or median strip may drive to the right of the centre of the road to pass the rider of a bicycle that is travelling in the same direction as the driver if—
 - (a) the driver has a clear view of any approaching traffic; and
 - (b) the driving is necessary to comply with section 144A(1) for the passing of the rider; and
 - (c) the driver can do so safely.
- (2) A driver on a road with a dividing line may drive to the right of the dividing line to pass the rider of a bicycle that is travelling in the same direction as the driver if—
 - (a) the driver has a clear view of any approaching traffic; and
 - (b) the driving is necessary to comply with section 144A(1) for the passing of the rider; and
 - (c) the driver can do so safely.
- (3) A driver may drive on a dividing strip that is at the same level as the road, or on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island to pass the rider of a bicycle that is travelling in the same direction as the driver if—
 - (a) the driver has a clear view of any approaching traffic; and

- (b) the driving is necessary to comply with section 144A(1) for the passing of the rider; and
- (c) the driver can do so safely.

Note—

For the requirement to give a left or right change of direction signal, see section 46 or 48.

- (4) For subsection (3), a dividing strip is taken to be at the same level as the road even if the dividing strip contains 1 or more pavement bars or markers.

9 **Amendment of s 144 (Keeping a safe distance when overtaking)**

Section 144, 'A driver'—

omit, insert—

Subject to section 144A(1), a driver

10 **Insertion of new s 144A**

After section 144—

insert—

144A Keeping a safe lateral distance when passing bicycle rider

- (1) The driver of a motor vehicle passing the rider of a bicycle that is travelling in the same direction as the driver must pass the bicycle at a sufficient distance from the bicycle.

Maximum penalty—40 penalty units.

Note—

Section 129 requires the rider of a bicycle on a road, other than a multi-lane road, to drive as near as practicable to the far left side of the road.

- (2) *A sufficient distance from the bicycle* is—

[s 11]

- (a) if the applicable speed limit is not more than 60km/h—a lateral distance from the bicycle of at least 1m; or
 - (b) if the applicable speed limit is more than 60km/h—a lateral distance from the bicycle of at least 1.5m.
- (3) For subsection (2), the lateral distance is the distance between the following points—
- (a) the furthestmost point to the left on the driver’s vehicle or any projection from the vehicle (whether or not attached to the vehicle);
 - (b) the furthestmost point to the right on the bicycle, any bicycle trailer towed by the bicycle, the rider or any passenger in or on the trailer.

Example of what is part of a bicycle for paragraph (b)—

a basket or pannier bags attached to the bicycle

Example of what is not part of a bicycle for paragraph (b)—

a flag or stick, whether or not flexible, attached to the bicycle, that projects sideways from the bicycle

11 Amendment of s 146 (Driving within a single marked lane or line of traffic)

(1) Section 146(1)—

insert—

- (g) passing the rider of a bicycle that is travelling in the same direction as the driver and the driver’s vehicle is not completely in a marked lane in order to comply with section 144A(1) for the passing of the rider.

(2) Section 146(2)—

insert—

- (f) the driver is passing a bicycle that is travelling in the same direction as the driver and the driver's vehicle is not completely in a single line of traffic in order to comply with section 144A(1) for the passing of the rider.

12 Amendment of s 147 (Moving from 1 marked lane to another marked lane across a continuous line separating the lanes)

Section 147(2)—

insert—

- (c) both of the following apply—
 - (i) the driver is passing the rider of a bicycle that is travelling in the same direction as the driver and the movement is necessary to comply with section 144A(1) for the passing of the rider;
 - (ii) the driver can perform the movement safely.

13 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

bicycle trailer see section 257(2).

Part 4 **Amendment of Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010**

14 **Regulation amended**

This part amends the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010*.

15 **Amendment of sch 3 (Other fees)**

Schedule 3, part 2, item 16—
omit.

Part 5 **Amendment of State Penalties Enforcement Regulation 2000**

16 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2000*.

17 **Amendment of sch 3 (Transport legislation)**

- (1) Schedule 3, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009*, omit the entries for the following provisions—
- sections 27(1) to 48(1)
 - sections 56(1) to 101A(1)
 - sections 111(1) to 149
 - section 152(1)

- sections 157(1) to 162(1)
- section 215(1)
- section 224
- sections 245 to 259
- sections 281 to 290
- section 300A
- section 301(3).

(2) Schedule 3, entry for *Transport Operations (Road Use Management—Road Rules) Regulation 2009—*

insert—

s 27(1)	³ / ₅	-
s 28(1)	³ / ₅	-
s 28(1A).....	³ / ₅	-
s 28(2A).....	1	-
s 29(1)	⁴ / ₅	-
s 31(1)	³ / ₅	-
s 32(1)	³ / ₅	-
s 32(2A).....	1	-
s 33(1)	⁴ / ₅	-
s 35(2)	1	-
s 36.....	1	-
s 37	⁴ / ₅	-
s 38	3	-
s 39(1)	⁴ / ₅	-
s 39(2)	⁴ / ₅	-
s 40	⁴ / ₅	-
s 41	⁴ / ₅	-
s 42	⁴ / ₅	-
s 46(1)	³ / ₅	-

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 Part 5 Amendment of State Penalties Enforcement Regulation 2000

[s 17]

s 46(4)	2/5	-
s 48(1)	3/5	-
s 56(1)	3	15
s 56(2)	3	15
s 57(1)	3	-
s 57(2)	3	-
s 57(3)	3	-
s 59(1)	3	-
s 60	3	-
s 60A(1)	3	-
s 60A(2)	3	-
s 61(2)	3	-
s 61(5)	3	-
s 62(1)	3	-
s 63(2)	3	-
s 63(3)	3	-
s 64	3	-
s 65(2)	3	-
s 66(1)	3	-
s 66(4)	3	-
s 67(2)	3	-
s 67(3)	3	-
s 67(4)	3	-
s 68(2)	3	-
s 68(3)	3	-
s 69(2)	3	-
s 69(2A)	3	-
s 69(3)	3	-
s 69A	3	-
s 70	3	-
s 71(1)	3	-
s 72(1)	3	-

s 73(1)	3	-
s 74(1)	3	-
s 75(1)	3	-
s 76(1)	1	-
s 76(2)	1	-
s 77(1)	1 ⁴ / ₅	-
s 78(1)	2 ¹ / ₃	-
s 78(2)	2 ¹ / ₃	-
s 79(1)	2 ¹ / ₃	-
s 79A(1)	1 ⁴ / ₅	-
s 80(2)	3	-
s 80(3)	3	-
s 80(4)	3	-
s 81(2)	3	-
s 82	1 ⁴ / ₅	-
s 83	3	-
s 84(1)(a)	3	-
s 84(1)(b)	3	-
s 85	3	-
s 86(1)	3	-
s 87(1)	3	-
s 87(3)	3	-
s 88(1)	4 ⁴ / ₅	-
s 88(2)	4 ⁴ / ₅	-
s 89(1)	4 ⁴ / ₅	-
s 89(2)	4 ⁴ / ₅	-
s 90	4 ⁴ / ₅	-
s 91(1)	4 ⁴ / ₅	-

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[s 17]

s 91(2)	4/5	-
s 92(1)	4/5	-
s 93(1)	1 ² /5	-
s 94.....	1 ² /5	-
s 95(1)	2/5	-
s 96(1)	1 ¹ /5	-
s 97(1)	1 ¹ /5	-
s 98(1)	1 ² /5	-
s 99(1)	1 ² /5	-
s 99(2)	1 ² /5	-
s 100.....	1 ² /5	-
s 101(1)	3	-
s 101(2)	3	-
s 101A(1).....	1 ² /5	-
s 111(1)	3/5	-
s 112(2)	3/5	-
s 112(3)	3/5	-
s 113(2)	3/5	-
s 113(3)	3/5	-
s 114(1)(a).....	3	-
s 114(1)(b).....	3	-
s 114(2)	3	-
s 115(1)	3/5	-
s 116.....	4/5	-
s 117(1)	3/5	-
s 117(2)	3/5	-
s 118(1)	3/5	-
s 118(2)	3/5	-
s 119.....	1	-

s 121.....	3	-
s 122.....	3	-
s 123.....	3	-
s 124.....	3	-
s 125(1)	1	-
s 126.....	$2\frac{1}{3}$	-
s 127(1)	$2\frac{1}{3}$	-
s 128.....	$\frac{2}{5}$	-
s 128A	$\frac{2}{5}$	-
s 129(1)	$\frac{4}{5}$	-
s 130(2)	$\frac{3}{5}$	-
s 131(1)	$\frac{2}{5}$	-
s 132(1)	$\frac{4}{5}$	-
s 132(2)	$1\frac{4}{5}$	-
s 132(2A).....	$1\frac{4}{5}$	-
s 132(3)	$1\frac{4}{5}$	-
s 135(1)	$\frac{4}{5}$	-
s 136.....	$\frac{4}{5}$	-
s 138(1)	$1\frac{4}{5}$	-
s 140.....	$1\frac{2}{5}$	-
s 141(1)	$1\frac{2}{5}$	-
s 141(2)	1	-
s 142(1)	$1\frac{2}{5}$	-
s 143(1)	$1\frac{2}{5}$	-
s 143(2)	$1\frac{2}{5}$	-
s 144.....	$1\frac{2}{5}$	-
s 144A(1).....	3	-
s 145.....	$\frac{3}{5}$	-
s 146(1)	$\frac{4}{5}$	-

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[s 17]

s 146(2)	4/5	-
s 147(1)	4/5	-
s 148(1)	3	-
s 148(2)	3	-
s 148A	3	-
s 149.....	3	-
s 152(1)	14/5	-
s 155(1)	1	-
s 155A(1).....	3	-
s 157(1)	2/5	-
s 159(1)	2/5	-
s 160(2)	12/5	-
s 160(3)	12/5	-
s 161(2)	12/5	-
s 161(3)	12/5	-
s 162(1)	11/5	-
s 163(2)	12/5	-
s 163(3)	12/5	-
s 163(4)	12/5	-
s 164(2)	12/5	-
s 164(3)	12/5	-
s 164(4)	12/5	-
s 164AA(2)	12/5	-
s 164AA(3)	12/5	-
s 196(1)	2/5	-
s 215(1)	1	-
s 224.....	3/5	-
s 233(1)	2/5	-
s 233(2)	2/5	-

s 245.....	1	-
s 246(1)	1	-
s 246(2)	1	-
s 246(3)	1	-
s 247(1)	1	-
s 247A	1	-
s 247B(1)	1	-
s 247B(2)	1	-
s 248(1)	1	-
s 248(2)	1	-
s 249.....	1	-
s 250(1)	1	-
s 251.....	1	-
s 252(1)	1	-
s 253.....	1	-
s 254(1)	1	-
s 254(2)	1	-
s 255.....	1	-
s 256(1)	1	-
s 256(2)	1	-
s 256(3)	1	-
s 257(1)	1	-
s 258.....	1	-
s 259.....	1	-
s 274.....	3	-
s 275.....	3	-
s 277.....	3	-
s 279(2)	3	-
s 279(3)	3	-
s 281.....	3	-
s 282.....	3	-
s 284.....	3	-

[s 17]

s 286(2)	3	-
s 286(3)	3	-
s 287(2)	2	-
s 287(3)	3	-
s 288(1)	$\frac{3}{5}$	-
s 288(4)	$2\frac{1}{3}$	-
s 289(1)	$\frac{3}{5}$	-
s 289(2)	$2\frac{1}{3}$	-
s 290.....	$\frac{3}{5}$	-
s 300A(1).....	3	-
s 301(3)	1	-

ENDNOTES

- 1 Made by the Governor in Council on 20 March 2014.
- 2 Notified on the Queensland legislation website on 21 March 2014.
- 3 The administering agency is the Department of Transport and Main Roads.

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