



Queensland

Transport and Other Legislation Amendment Regulation (No. 4) 2014

Subordinate Legislation 2014 No. 325

made under the

Transport Operations (Road Use Management) Act 1995
State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Transport and Other Legislation Amendment Regulation (No. 4) 2014*.

2 Commencement

This regulation commences on 1 February 2015.

Part 2 Amendment of Transport Operations (Road Use Management—Road Rules) Regulation 2009

3 Regulation amended

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

4 Replacement of s 44 (Division does not apply to entering or leaving a roundabout)

Section 44—

omit, insert—

44 Division does not apply to entering or leaving a roundabout or lane filtering

This division does not apply to—

- (a) a driver entering, in or leaving a roundabout;
or
- (b) the rider of a motorbike while lane filtering in compliance with section 151A.

5 Amendment of s 56 (Stopping on a red traffic light or arrow)

Section 56(3)(a) and (b)—

omit, insert—

- (a) in the case of a driver of a motor vehicle (other than a motorbike), is a reference to the first stop line that the driver comes, or came, to in approaching the lights; or
- (b) in the case of a rider of a bicycle or a motorbike, is a reference to the stop line that is nearest to the intersection.

6 Amendment of s 57 (Stopping for a yellow traffic light or arrow)

Section 57(4)(a) and (b)—

omit, insert—

- (a) in the case of a driver of a motor vehicle (other than a motorbike), is a reference to the first stop line that the driver comes, or came, to in approaching the lights; or
- (b) in the case of a rider of a bicycle or a motorbike, is a reference to the stop line that is nearest to the intersection.

7 Amendment of s 60A (Proceeding through a bicycle storage area before a red traffic light or arrow)

Section 60A, after ‘driver of a motor vehicle’—

insert—

(other than the rider of a motorbike)

8 Amendment of s 95 (Emergency stopping lane only signs)

- (1) Section 95, heading, ‘only signs’—

omit.

(2) Section 95(1)—

insert—

- (c) the driver is edge filtering in compliance with section 151B.

Note—

Only the rider of a motorbike may edge filter.

9 Amendment of s 141 (No overtaking etc. to the left of a vehicle)

(1) Section 141(1)—

insert—

- (d) the driver is lane filtering in compliance with section 151A or edge filtering in compliance with section 151B.

Note—

Only the rider of a motorbike may lane filter or edge filter.

(2) Section 141—

insert—

- (1A) Without limiting subsection (1)(c), it is not safe to overtake to the left of a stationary vehicle if it is reasonably likely the driver's vehicle could strike a pedestrian who is on or about to enter the road.

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

(1) Section 146(1)—

insert—

- (h) lane filtering in compliance with section 151A.

Note—

Only the rider of a motorbike may lane filter.

(2) Section 146(2)—

insert—

(g) the driver is lane filtering in compliance with section 151A.

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

Section 147(1)—

insert—

(e) the driver is lane filtering in compliance with section 151A.

Note—

Only the rider of a motorbike may lane filter.

12 Amendment of s 150 (Driving on or across a continuous white edge line)

(1) Section 150(1), ‘subsection (1A) or (1B)’—

omit, insert—

subsection (1A), (1B) or (1C)

(2) Section 150—

insert—

(1C) The rider of a motorbike may ride on or over a continuous white edge line on a road if the rider is edge filtering in compliance with section 151B.

13 Insertion of new ss 151A and 151B

Part 11, division 4—

insert—

151A Lane filtering between slow or stationary vehicles on a motorbike

- (1) The rider of a motorbike is *lane filtering* along a length of road if the rider rides the motorbike between—
 - (a) two adjacent lines of traffic travelling in the same direction as the motorbike; or
 - (b) two vehicles (regardless of whether the rider remains within a single marked lane), each vehicle travelling in—
 - (i) the same direction as the motorbike; and
 - (ii) separate, but adjacent, marked lanes.
- (2) The rider of a motorbike must not unlawfully lane filter along a length of road.
Maximum penalty—20 penalty units.
- (3) For subsection (2), if 1 or more of the following circumstances apply while a rider is lane filtering along a length of road, the rider is taken to have unlawfully lane filtered along the length of road—
 - (a) the rider does not hold an O type licence for the class of the motorbike;
 - (b) the rider rides at a speed of more than 30km/h;
 - (c) the rider rides in a school zone;
 - (d) it is not safe to lane filter.
- (4) In this section—
school zone means a school zone under section 23(2) but only during the times when a lower speed limit applies to a driver in the school zone than the speed limit that applies to a driver for a

length of road immediately outside the school zone.

151B Edge filtering past slow or stationary vehicles on a motorbike

(1) The rider of a motorbike is *edge filtering* along a length of road if the motorbike enters the edge of the road while the rider is passing 1 or more vehicles on the road.

(2) The rider of a motorbike must not unlawfully edge filter along a length of road.

Maximum penalty—20 penalty units.

(3) For subsection (2), if 1 or more of the following circumstances apply while a rider is edge filtering along a length of road, the rider is taken to have unlawfully edge filtered along the length of road—

(a) the rider does not hold an O type licence for the class of the motorbike;

(b) the speed limit for the length of road is less than 90km/h;

(c) the rider rides at a speed of more than 30km/h;

(d) the rider rides on any unsealed part of the road;

(e) it is not safe to edge filter.

(4) In this section—

edge, of a length of road—

(a) means the part of the road that is—

(i) to the left of the left edge line on the road; or

(ii) to the right of the right edge line on the road; and

- (b) includes an emergency stopping lane along the road.

14 Amendment of s 247B (Giving way while entering or in a bicycle storage area)

- (1) Section 247B(1) and (2), ‘rider of a bicycle’—

omit, insert—

rider of a bicycle or motorbike

- (2) Section 247B(2), ‘the bicycle’—

omit, insert—

the bicycle or motorbike

15 Amendment of s 270 (Wearing motorbike helmets)

Section 270(3), definition *approved motorbike helmet*—

omit, insert—

approved motorbike helmet means a helmet that—

- (a) complies with—
 - (i) AS 1698; or
 - (ii) AS/NZS 1698; or
 - (iii) the United Nations Economic Commission for Europe standard 22.05; or
 - (iv) another standard the chief executive considers is at least equal to a standard mentioned in paragraph (i) to (iii); and
- (b) bears a label, or similar mark, indicating compliance with a standard mentioned in paragraph (a).

16 Amendment of s 271 (Riding on motorbikes)

(1) Section 271(1) and (2)—

omit, insert—

- (1) The rider of a motorbike that is moving (other than a rider who is walking beside and pushing a motorbike), or the rider of a motorbike that is stationary but not parked, must be astride the rider's seat.

Maximum penalty—20 penalty units.

- (2) A passenger on a motorbike (except a passenger in a sidecar or on a seat, other than a pillion seat, designed for a passenger) that is moving, or is stationary but not parked, must be astride the pillion seat facing forwards.

Maximum penalty—20 penalty units.

(2) Section 271(5A)—

omit, insert—

- (5A) The rider of a motorbike must not ride with a passenger (except a passenger in a sidecar) unless—
 - (a) the passenger is at least 8 years old; and
 - (b) for a passenger on a pillion seat—
 - (i) the motorbike has footrests designed for use by a pillion passenger; and
 - (ii) the passenger's feet can, while the passenger is seated, reach the footrests designed for use by a pillion passenger.

17 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

O type licence see the *Transport Operations (Road Use Management—Driver Licensing) Regulation 2010*, schedule 9.

Part 3

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

18 Regulation amended

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

19 Amendment of sch 3 (Demerit points)

Schedule 3, part 4—

insert—

25A Unlawful lane filtering

The number of points for a contravention of the Queensland Road Rules, section 151A(2) is 3.

25B Unlawful edge filtering

The number of points for a contravention of the Queensland Road Rules, section 151B(2) is 3.

