

TASMANIA

VEHICLE AND TRAFFIC (DRIVER LICENSING AND VEHICLE REGISTRATION) AMENDMENT (MISCELLANEOUS) REGULATIONS 2017

STATUTORY RULES 2017, No. 93

CONTENTS

1. Short title
2. Commencement
3. Principal Regulations
4. Regulation 3 amended (Interpretation)
5. Regulation 10 amended (Learner licences)
6. Regulation 19 amended (Eligibility)
7. Regulation 21 amended (Requirements by Registrar)
8. Regulation 52 amended (Eligibility for registration of motor vehicles or trailers)
9. Regulation 54 amended (Compliance with relevant vehicle standards)
10. Regulation 104 substituted
 104. Modification of registered vehicles
 - 104A. Modification plate
11. Regulation 128 amended (Fees generally)
12. Regulation 140A inserted
 - 140A. Vehicle inspection stations
13. Schedule 1 amended (Fees)

**VEHICLE AND TRAFFIC (DRIVER LICENSING
AND VEHICLE REGISTRATION) AMENDMENT
(MISCELLANEOUS) REGULATIONS 2017**

I, the Lieutenant-Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Vehicle and Traffic Act 1999*.

Dated 20 November 2017.

A. M. BLOW
Lieutenant-Governor

By His Excellency's Command,

M. T. (RENE) HIDDING
Minister for Infrastructure

1. Short title

These regulations may be cited as the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Miscellaneous) Regulations 2017*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 3

3. Principal Regulations

In these regulations, the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010** are referred to as the Principal Regulations.

4. Regulation 3 amended (Interpretation)

Regulation 3(1) of the Principal Regulations is amended by inserting after the definition of *medium rigid vehicle licence* the following definitions:

modification, in relation to a vehicle or part of a vehicle, includes –

- (a) the addition of a component to, or the removal of a component from, the vehicle; and
- (b) a change to the vehicle that is not within the manufacturer's specifications for the vehicle;

modification plate means a plate, that is capable of being fitted or affixed to a vehicle, that is –

- (a) issued in relation to a modification under these regulations in a form approved by the Registrar; or

*S.R. 2010, No. 37

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 5

- (b) a plate or label that complies with section 87(4) of the HVNL; or
- (c) issued or approved, in relation to a modification, in accordance with a corresponding law;

modification specifications means the requirements specified by the Registrar for modifications, and vehicles so modified, under regulation 104(3);

5. Regulation 10 amended (Learner licences)

Regulation 10 of the Principal Regulations is amended as follows:

- (a) by omitting subregulation (10) and substituting the following subregulation:
 - (10) For the purposes of section 8(1)(c) of the Act, a person is exempt from the requirement to hold a motor cycle learner licence authorising the person to drive a motor cycle on a public street if –
 - (a) the person is driving the motor cycle on a public street while participating in a training course, or test or assessment, approved by the Registrar, that is required by the Registrar for the person to

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 5

obtain his or her motor cycle learner licence; and

- (b) while the person is participating in such a course, test or assessment, there is displayed on the rear of the motor cycle a sign issued or authorised by the Registrar that displays the letter “L” in black lettering on a yellow background.
- (b) by omitting paragraph (c) from the definition of *driving assessment officer* in subregulation (17) and substituting the following paragraph:
 - (c) a person –
 - (i) employed, contracted or otherwise connected with an organisation that has a written agreement with the Department to provide testing or assessing; and
 - (ii) who tests or assesses the driver in accordance with such an agreement.

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 6

6. Regulation 19 amended (Eligibility)

Regulation 19(8)(a) of the Principal Regulations is amended by omitting subparagraph (ii) and substituting the following subparagraph:

- (ii) in the case of a novice rider or the holder of a learner motor cycle licence, the applicant must have attended and successfully completed one or more of the following, as approved by the Registrar, in the operation and driving of motor cycles:
 - (A) a training course;
 - (B) an assessment that is written or practical or a combination of both;
 - (C) a test that is written or practical or a combination of both;

7. Regulation 21 amended (Requirements by Registrar)

Regulation 21 of the Principal Regulations is amended as follows:

- (a) by omitting from subregulation (1) “assessment,” and substituting “assessment, or complete a training course,”;
- (b) by omitting subregulation (6) and substituting the following subregulation:

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 8

- (6) The fee payable for a test, assessment or training course required by the Registrar under this regulation is –
- (a) if the test, assessment or training course is performed by an organisation that has an agreement with the Department to provide the test, assessment or training course, the fee specified by that organisation; or
 - (b) in all other cases, the applicable scheduled fee.

8. Regulation 52 amended (Eligibility for registration of motor vehicles or trailers)

Regulation 52(1) of the Principal Regulations is amended by inserting after paragraph (a) the following paragraph:

- (aa) in the case of a vehicle that has been modified, a modification plate has been issued in relation to each modification made to the vehicle; and

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 9

9. Regulation 54 amended (Compliance with relevant vehicle standards)

Regulation 54 of the Principal Regulations is amended by omitting subregulation (2) and substituting the following subregulations:

- (2) The Registrar may accept a modification plate issued in respect of a modification of a motor vehicle, or a trailer, as evidence that the modification complies with the relevant vehicle standards or is otherwise acceptable.
- (3) In the absence of satisfactory evidence under subregulation (1) or (2), an authorised officer or some other person approved by the Registrar may do either or both of the following:
 - (a) inspect the vehicle and, if satisfied that it complies with the relevant vehicle standards or the modification specifications, issue a certificate to that effect;
 - (b) inspect the modification and, if satisfied that it complies with the relevant vehicle standards or the modification specifications, issue a certificate, and modification plate, to that effect.
- (4) For the avoidance of doubt, an inspection under this regulation is an inspection to which section 58A of the Act applies.

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 10

10. Regulation 104 substituted

Regulation 104 of the Principal Regulations is rescinded and the following regulations are substituted:

104. Modification of registered vehicles

- (1) If a registered motor vehicle or trailer has been modified and is a heavy vehicle, a person must not use it, or permit its use, on a public street unless the modification and the vehicle so modified –
 - (a) both comply with the applicable relevant vehicle standards; or
 - (b) are both otherwise acceptable to the Regulator, within the meaning of the HVNL, under that Act.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a registered motor vehicle or trailer has been modified and subregulation (1) does not apply to the vehicle, a person must not use it, or permit its use, on a public street unless the modification and the vehicle so modified –
 - (a) both comply with the relevant vehicle standards; or
 - (b) are both otherwise acceptable to the Registrar.

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 10

Penalty: Fine not exceeding 20 penalty units.

- (3) For the purposes of these regulations, a modification, or a vehicle so modified, is acceptable to the Registrar if it meets the requirements specified by the Registrar for the modification and the vehicle so modified.

104A. Modification plate

- (1) If a vehicle, other than a heavy vehicle, is modified –
 - (a) in the case of a registered vehicle, the registered operator of the vehicle; or
 - (b) in any other case, a person responsible for the vehicle –

must ensure that the vehicle is inspected by a person, determined by the Registrar to be a person suitable to inspect the modifications, before the vehicle is used on a public street.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a person inspecting a vehicle under subregulation (1) is satisfied that the modification, and the vehicle as modified, meet the relevant vehicle

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 11

standards or the modification specifications, the person may –

- (a) issue a modification plate in respect of the modification and fit, or affix, the modification plate to the vehicle; and
- (b) on issuing a modification plate in respect of the modification, give a certificate to the registered operator of the vehicle, or a person responsible for the vehicle if the vehicle is unregistered, certifying that the person is satisfied that the modification and the vehicle as modified –
 - (i) meet the relevant vehicle standards; or
 - (ii) meet the modification specifications.

11. Regulation 128 amended (Fees generally)

Regulation 128(1) of the Principal Regulations is amended by omitting “this regulation” and substituting “these regulations”.

12. Regulation 140A inserted

After regulation 140 of the Principal Regulations, the following regulation is inserted in Part 10:

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

r. 13

140A. Vehicle inspection stations

The Registrar is to publish, in any manner or form that the Registrar considers appropriate, a list of the places that may be suitable or appropriate for specified inspections under the Act.

13. Schedule 1 amended (Fees)

Schedule 1 to the Principal Regulations is amended by omitting item 38 and substituting:

38.	Inspection fees in the case of a random inspection, not otherwise specified in this Schedule, of –		VT 58A VT 50(1)
	(a) a bus	50	
	(b) a heavy vehicle	35	

*Vehicle and Traffic (Driver Licensing and Vehicle Registration)
Amendment (Miscellaneous) Regulations 2017
Statutory Rules 2017, No. 93*

Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on [29 November 2017](#).

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* by –

- (a) clarifying the approval process for a modification to a vehicle; and
- (b) updating the eligibility requirements for a novice rider to apply for a motor cycle licence.