

TASMANIA

ROAD AMENDMENT (PERSONAL MOBILITY DEVICES) RULES 2021

STATUTORY RULES 2021, No. 100

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ROAD AMENDMENT (PERSONAL MOBILITY DEVICES) RULES 2021

I, the 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 rules under the *Traffic Act 1925*.

Dated 29 November 2021.

B. BAKER
Governor

By Her Excellency's Command,

MICHAEL DARREL JOSEPH FERGUSON
Minister for Infrastructure and Transport

1. Short title

These rules may be cited as the *Road Amendment (Personal Mobility Devices) Rules 2021*.

2. Commencement

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

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3. Principal Rules

In these rules, the *Road Rules 2019** are referred to as the Principal Rules.

4. Rule 15 amended (What is a vehicle)

Rule 15 of the Principal Rules is amended by inserting “a personal mobility device,” after “wheelchair,”.

5. Rule 18 amended (Who is a pedestrian)

Rule 18 of the Principal Rules is amended as follows:

- (a) by omitting from paragraph (d) “toy.” and substituting “toy; and”;
- (b) by inserting the following paragraph after paragraph (d):
 - (e) a person in or on a personal mobility device, unless otherwise expressly stated.
- (c) by omitting from the note “*Wheelchair*” and substituting “*Personal mobility device, wheelchair*”.

*S.R. 2019, No. 61

6. Rule 238 amended (Pedestrians travelling along a road (except in or on a personal mobility device, wheeled recreational device or toy))

Rule 238(3) of the Principal Rules is amended as follows:

- (a) by inserting “personal mobility device,” after “on a” in the definition of *pedestrian*;
- (b) by inserting in note 1 “*personal mobility device*,” after “12, and”;
- (c) by inserting the following note after note 2:

Note 3 Persons travelling on roads in or on a personal mobility device are dealt with in rule 244G.

7. Rule 239 amended (Pedestrians on a bicycle path or separated footpath)

Rule 239(2)(a) of the Principal Rules is amended as follows:

- (a) by omitting from subparagraph (ii) “and” and substituting “or”;
- (b) by inserting the following subparagraph after subparagraph (ii):
 - (iii) travelling in or on a personal mobility device; and

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8. Part 14, Division 3 inserted

After rule 244C of the Principal Rules, the following Division is inserted in Part 14:

Division 3 – Rules for persons travelling in or on personal mobility devices

Note 1 For the *Road Rules*, a person in or on a personal mobility device is a pedestrian, not a rider – see rule 18(e). This Division contains rules that apply only to persons travelling in or on personal mobility devices.

Note 2 *Personal mobility device* is defined in the dictionary.

244D. Application of Division

- (1) This Division applies to a PMD user.
- (2) In these rules –

PMD user means a person travelling
in or on a personal mobility
device.

244E. No personal mobility devices sign

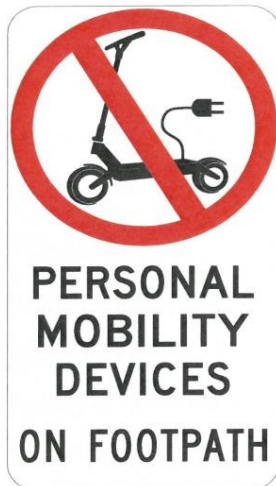
A PMD user must not travel past a *no personal mobility devices sign*.

Penalty: Fine not exceeding 5 penalty
units.

Example No personal mobility devices sign

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244F. Personal mobility devices not to be used on certain roads

- (1) A PMD user must not travel on –
 - (a) a road with a dividing line or median strip unless the road is a declared road; or
 - (b) a road on which the speed-limit is greater than 50 kilometres per hour; or

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-
- (c) a one-way road with more than one marked lane unless the road is a declared road.

Penalty: Fine not exceeding 5 penalty units.

Note Dividing line, marked lane, median strip and one-way road are defined in the dictionary.

- (2) Subrule (1) does not apply to a PMD user if –

- (a) there is an obstruction on a footpath, nature strip, bicycle path or shared path adjacent to the road (the *adjacent area*); and
- (b) because of the obstruction, it is impracticable to travel on the adjacent area; and
- (c) the PMD user travels less than 50 metres along the road to avoid the obstruction.

- (3) A PMD user must not travel on a road –

- (a) that is declared, under another law of this jurisdiction, to be a road on which personal mobility devices are prohibited; or
- (b) at another time if another law of this jurisdiction prohibits personal mobility devices from

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being on all roads, or that road, at that time.

Penalty: Fine not exceeding 5 penalty units.

(4) Subrules (1) and (3) do not apply to a PMD user who is crossing a road if the PMD user –

- (a) crosses the road by the shortest safest route; and
- (b) does not stay on the road for longer than is necessary to cross the road safely; and
- (c) is not prohibited, under another law of this jurisdiction, from crossing the road in or on the personal mobility device.

(5) In this rule –

declared road means a road that has been declared under the *Traffic Act 1925* or another law of this jurisdiction to be a road on which a PMD user may travel;

road does not include a road-related area, but includes the shoulder of the road.

Note *Road-related area* is defined in rule 13, and *shoulder* is defined in rule 12.

244G. Travelling in or on a personal mobility device on a road

- (1) A PMD user travelling on a road –
- (a) must keep as far to the left side of the road as is practicable; and
 - (b) must not travel alongside more than one other pedestrian or vehicle travelling on the road in the same direction as the PMD user unless the PMD user is overtaking other pedestrians or vehicles.

Penalty: Fine not exceeding 5 penalty units.

- (2) In this rule –

road does not include a road-related area, but, in subrule (1)(b), includes the shoulder of the road.

Note *Road-related area* is defined in rule 13, and *shoulder* is defined in rule 12.

244H. Travelling in or on a personal mobility device on a crossing, footpath or shared path

- (1) A PMD user travelling on a crossing, footpath or shared path must –
- (a) give way to a pedestrian who is on the crossing, footpath or shared path; and

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- (b) travel a sufficient distance from a pedestrian so that the PMD user can, if necessary, stop safely to avoid a collision with the pedestrian.

Penalty: Fine not exceeding 5 penalty units.

Note 1 Footpath is defined in the dictionary.

Note 2 For this rule, *give way* means the person must slow down and, if necessary, stop to avoid a collision – see the definition in the dictionary.

- (2) A PMD user travelling on a crossing, footpath or shared path must keep to the left of the crossing, footpath or shared path unless it is impracticable to do so.

Penalty: Fine not exceeding 5 penalty units.

- (3) This rule does not apply if another law of this jurisdiction prohibits travelling in or on a personal mobility device on the footpath.
- (4) In this rule –

pedestrian does not include a person in or on a personal mobility device.

244I. Travelling in or on a personal mobility device on separated footpath

- (1) A PMD user must not travel on the part of a separated footpath designated for the use of pedestrians unless the PMD user –
- (a) is crossing the separated footpath by the shortest safest route; and
 - (b) does not stay on the separated footpath for longer than is necessary to cross the separated footpath safely.

Penalty: Fine not exceeding 5 penalty units.

- (2) In this rule –

pedestrian does not include a person in or on a personal mobility device.

Note Separated footpath is defined in rule 239.

244J. Travel to left of oncoming PMD users or bicycle riders on a path

A PMD user travelling on a bicycle path, footpath, separated footpath or shared path must keep to the left of oncoming bicycle riders or other PMD users on the path.

Penalty: Fine not exceeding 2 penalty units.

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Note Separated footpath and bicycle path are defined in rule 239 and bicycle is defined in the dictionary.

244K. Personal mobility devices being towed, &c.

- (1) A person must not travel in or on a personal mobility device that is being towed by a vehicle.

Penalty: Fine not exceeding 5 penalty units.

- (2) A PMD user must not hold onto a vehicle while the vehicle is moving.

Penalty: Fine not exceeding 5 penalty units.

- (3) A PMD user must not travel within 2 metres of the rear of a moving motor vehicle continuously for more than 200 metres.

Penalty: Fine not exceeding 5 penalty units.

Note Vehicle is defined in rule 15.

244L. Wearing of helmets by PMD users

A PMD user must wear an approved bicycle helmet securely fitted and fastened on the PMD user's head, unless the PMD user is exempt from wearing a bicycle helmet under another law of this jurisdiction.

Penalty: Fine not exceeding 2 penalty units.

Note *Approved bicycle helmet* is defined in the dictionary.

244M. Carrying people or animals on a personal mobility device

A PMD user must not carry another person or animal on the personal mobility device.

Penalty: Fine not exceeding 5 penalty units.

244N. Minimum age of PMD user

A PMD user must be 16 years old or older.

Penalty: Fine not exceeding 5 penalty units.

244O. Speed limits

A PMD user must not travel in or on a personal mobility device –

- (a) on a footpath at a speed exceeding 15 kilometres per hour; or
- (b) on a shared path, separated footpath, bicycle path or road at a speed exceeding 25 kilometres per hour.

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Penalty: Fine not exceeding 20 penalty units.

244P. Travelling at night

A PMD user must not travel at night, or in hazardous weather conditions causing reduced visibility, unless the personal mobility device, or the PMD user, displays –

- (a) a flashing or steady white light that is clearly visible for at least 200 metres from the front of the personal mobility device; and
- (b) a flashing or steady red light that is clearly visible for at least 200 metres from the rear of the personal mobility device; and
- (c) a red reflector that is clearly visible for at least 50 metres from the rear of the personal mobility device when light is projected onto it by a vehicle's headlight on low-beam.

Penalty: Fine not exceeding 5 penalty units.

Note *Low-beam* and *night* are defined in the dictionary.

244Q. Bicycle crossing lights provisions apply to PMD users

- (1) Rules 260, 261 and 262 apply to a PMD user as if the PMD user were the rider of a bicycle.
- (2) If subrule (1) applies to a PMD user and rule 231, 232 or 235A also applies to that PMD user, that PMD user must comply with subrule (1).

Note 1 *Bicycle* is defined in the dictionary, and *rider* is defined in rule 17.

Note 2 Rules 231, 232 and 235A specify requirements for pedestrians crossing roads or pedestrian level crossings at pedestrian lights or traffic lights.

244R. No sharp protrusions

A personal mobility device must not be fitted with any object or fitting that, because it is pointed or has a sharp edge, is likely to increase the risk of bodily harm or injury to a person.

Penalty: Fine not exceeding 5 penalty units.

244S. Using mobile phones on personal mobility devices

- (1) A person must not use a mobile phone that the person is holding in the person's hands while the person is using a personal mobility device.

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Penalty: Fine not exceeding 5 penalty units.

(2) In this rule –

use, in relation to a mobile phone, includes any of the following:

- (a) holding the phone to, or near, the ear, whether or not engaged in a phone call;
- (b) writing, sending or reading a text message on the phone;
- (c) turning the phone on or off;
- (d) operating any other function of the phone.

9. Rule 248 amended (Riding across a road on a crossing)

Rule 248 of the Principal Rules is amended by inserting after subrule (5) the following subrule:

(6) In this rule –

pedestrian does not include a person in or on a personal mobility device.

Note *Personal mobility device* is defined in the dictionary.

10. Rule 250 amended (Riding on a footpath or shared path)

Rule 250(3) of the Principal Rules is amended as follows:

- (a) by omitting “footpath.” from the definition of *footpath* and substituting “footpath;”;
- (b) by inserting the following definition after the definition of *footpath*:

pedestrian does not include a person in or on a personal mobility device.

- (c) by omitting the note and substituting the following notes:

Note 1 Separated footpath is defined in rule 239.

Note 2 Personal mobility device is defined in the dictionary.

11. Rule 251 substituted

Rule 251 of the Principal Rules is rescinded and the following rule is substituted:

251. Riding to the left of oncoming bicycle riders or personal mobility device users on a path

The rider of a bicycle riding on a bicycle path, footpath, separated footpath or shared path must keep to the left of an oncoming bicycle rider and a person

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using a personal mobility device on the path.

Penalty: Fine not exceeding 2 penalty units.

Note *Bicycle path* and *separated footpath* are defined in rule 239, *footpath* and *personal mobility device* are defined in the dictionary, and *shared path* is defined in rule 242.

12. Rule 336 amended (How separated footpath signs and separated footpath road markings apply)

Rule 336 of the Principal Rules is amended by inserting after subrule (3) the following subrule:

(4) In this rule –

pedestrian does not include a person
in or on a personal mobility
device.

Note *Personal mobility device* is defined in the dictionary.

13. Rule 366 amended (Travelling in or on personal mobility device, wheeled recreational device or wheeled toy without due care, &c.)

Rule 366 of the Principal Rules is amended by inserting “personal mobility device,” after “or on a”.

14. Schedule 5 amended (Dictionary)

Clause 1 of Schedule 5 to the Principal Rules is amended as follows:

- (a) by omitting paragraph (b) from the definition of *bicycle* and substituting the following paragraph:
 - (b) includes an electrically power-assisted cycle within the meaning of vehicle standards determined under the *Road Vehicle Standards Act 2018* of the Commonwealth, as amended from time to time; but
- (b) by inserting “personal mobility device,” after “include a” in paragraph (c) of the definition of *bicycle*;
- (c) by inserting the following definitions after the definition of *permit zone*:

personal mobility device means a device that –

- (a) has at least one wheel; and
- (b) is designed to be used by one person; and
- (c) is propelled by an electric motor or motors; and
- (d) when propelled only by the motor or motors, is not capable of travelling over 25 kilometres per hour on level ground; and

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(e) is fitted with an effective stopping system controlled by using brakes, gears or motor control; and

(f) is not more than 1 250 millimetres in length by 700 millimetres in width by 1 350 millimetres in height and, when the device is not carrying a person or other load, 45 kilograms in weight –

but does not include a bicycle, motorised scooter, motorised wheelchair or wheeled recreational device;

PMD user – see rule 244D;

(d) by inserting “personal mobility device,” after “bicycle,” in paragraph (b) of the definition of *wheeled recreational device*.

15. Schedule 3 amended (Other permitted traffic signs)

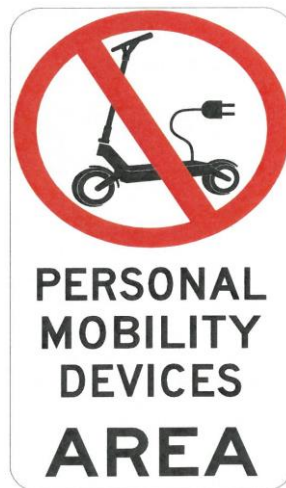
Schedule 3 to the Principal Rules is amended by inserting after –

No parking sign (for an area) (rule 168)



the following traffic signs:

No personal mobility devices sign (rule 244E)



No personal mobility devices sign (rule 244E)



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No personal mobility devices sign (rule 244E)



No personal mobility devices sign (rule 244E)



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

Notified in the *Gazette* on 1 December 2021.

These rules are administered in the Department of State Growth.

EXPLANATORY NOTE
(This note is not part of the rules)

These rules amend the *Road Rules 2019* by regulating the use of personal mobility devices on certain roads.