# Authorised Version

## Road Safety Road Rules Amendment Rules 2018

S.R. No. 6/2018

## TABLE OF PROVISIONS

<table>
<thead>
<tr>
<th>Rule</th>
<th>Provision</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Objective</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Authorising provision</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Principal Rules</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Riding a bicycle</td>
<td>2</td>
</tr>
<tr>
<td>5</td>
<td>Television receivers and visual display units in motor vehicles</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>Use of mobile phones</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>New rule 313B inserted</td>
<td>3</td>
</tr>
<tr>
<td>8</td>
<td>Traffic control devices applying on school days</td>
<td>6</td>
</tr>
<tr>
<td>9</td>
<td>Dictionary</td>
<td>7</td>
</tr>
</tbody>
</table>

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Endnotes 8
Road Safety Road Rules Amendment Rules 2018

The Governor in Council makes the following Rules:
Dated: 30 January 2018
Responsible Minister:

LUKE DONNELLAN
Minister for Roads and Road Safety

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective
The objective of these Rules is to amend the Road Safety Road Rules 2017—
(a) to clarify when a vehicle is stationary but not parked, for the purposes of rules regarding the use of television receivers, visual display units and mobile phones; and
(b) to exempt drivers of railway incident response vehicles from specified road rules; and
(c) to make other minor amendments.

2 Authorising provision
These Rules are made under section 95D of the Road Safety Act 1986.

3 Principal Rules
In these Rules, the Road Safety Road Rules 2017\(^1\) are called the Principal Rules.
4 Riding a bicycle

In rule 245(a) of the Principal Rules, for "sit" substitute "be".

5 Television receivers and visual display units in motor vehicles

After rule 299(4) of the Principal Rules insert—

"(5) For the purposes of this rule, a vehicle is stationary but not parked if it is stationary in a marked lane or line of traffic on a road.

Note

Line of traffic and marked lane are defined in the dictionary.".

6 Use of mobile phones

(1) In rule 300(1)(b) of the Principal Rules omit "in a motor vehicle (other than a motor bike)".

(2) Rule 300(1)(c) of the Principal Rules is revoked.

(3) In the note to rule 300(1) of the Principal Rules omit "motor bike, ".

(4) In rule 300(1C)(b) of the Principal Rules omit "in or on the bicycle, wheeled recreational device or vehicle".

(5) After rule 300(1C) of the Principal Rules insert—

"(1D) For the purposes of this rule, stationary but not parked includes being stationary—

(a) in a marked lane or line of traffic on a road; or

(b) in a bicycle lane or bicycle storage area.

Note

Bicycle storage area, line of traffic and marked lane are defined in the dictionary. Bicycle lane is defined in rule 153.".

Authorised by the Chief Parliamentary Counsel

2
(6) In rule 300(2) of the Principal Rules, for "bicycle, wheeled recreational device or vehicle" (where twice occurring) substitute "motor vehicle, bicycle, wheeled recreational device or vehicle that is not a motor vehicle".

(7) In rule 300(3) of the Principal Rules, for "the rider" substitute "the driver of a motor vehicle, or the rider".

(8) After rule 300(3) of the Principal Rules insert—

"(3A) For the purposes of this rule, a motor vehicle may be parked even though—

(a) the key to the vehicle is located in the vehicle's ignition lock; or

(b) the engine of the vehicle is running.".

(9) In rule 300(4) of the Principal Rules, in the definition of affixed to, for "vehicle" (where twice occurring) substitute "vehicle or wheeled recreational device".

7 New rule 313B inserted

After rule 313A of the Principal Rules insert—

‘313B Exemptions for drivers of railway incident response vehicles

(1) A provision mentioned in subrule (2) does not apply to the driver of a railway incident response vehicle engaged in accessing or responding to a railway accident or incident if—

(a) it is not practicable for the driver to comply with the provision; and

(b) the driver is taking reasonable care; and
(c) the railway incident response vehicle is—

(i) at the scene of a railway accident or incident; and

(ii) displaying flashing amber lights (whether or not it is also displaying other lights).

(2) For the purposes of subrule (1), the provisions are as follows—

- rule 56 (Stopping for a red traffic light or arrow);
- rule 57 (Stopping for a yellow traffic light or arrow);
- rule 100 (No entry signs);
- Part 9 (Roundabouts);
- rule 121 (Stopping and giving way at a stop sign at a level crossing);
- rule 122 (Giving way at a give way sign or give way line at a level crossing);
- rule 123 (Entering a level crossing when a train or tram is approaching etc.);
- rule 124 (Leaving a level crossing);
- Part 12 (Restrictions on stopping and parking).

(3) A provision mentioned in subrule (4) does not apply to the driver of a railway incident response vehicle engaged in accessing or responding to a railway accident or incident if—
(a) it is not practicable for the driver to comply with the provision; and
(b) the driver is taking reasonable care; and
(c) the railway incident response vehicle is—
   (i) approaching the scene of the railway accident or incident; and
   (ii) in congested traffic that would prohibit access to the railway accident or incident; and
   (iii) displaying flashing amber lights (whether or not it is also displaying other lights).

(4) For the purposes of subrule (3), the provisions are as follows—

• Division 1 (Left turns at intersections) of Part 4 (Making turns);
• rule 88 (Left turn signs);
• rule 89 (Right turn signs);
• rule 90 (No turns signs);
• rule 91 (No left turn and no right turn signs);
• rule 92 (Traffic lane arrows);
• rule 99 (Keep left and keep right signs);
• the following Divisions of Part 11 (Keeping left, overtaking and other driving rules) provided the vehicle does not exceed 20 kilometres per hour—
  Division 2 (Keeping to the left), Division 3 (Overtaking), Division 6 (Driving in marked lanes designated for
special purposes) and Division 7 (Passing trams and safety zones);

- Part 12 (Restrictions on stopping and parking).

(5) In this Rule—

rail infrastructure has the same meaning as it has in the Rail Safety National Law (Victoria);

rail transport operator means Metro Trains Melbourne Pty Ltd (ACN 136 429 948) or the V/Line Corporation as continued under section 128 of the Transport Integration Act 2010;

railway incident response vehicle means a motor vehicle which is marked "incident response" and operated by or on behalf of a rail transport operator for the purpose of responding to incidents that involve rail infrastructure or rolling stock over which the rail transport operator has effective control and management;

rolling stock has the same meaning as it has in the Rail Safety National Law (Victoria).

8 Traffic control devices applying on school days

In rule 317A(3) of the Principal Rules, for "regulation 10 of the Education and Training Reform Regulations 2007" substitute "regulation 13 of the Education and Training Reform Regulations 2017".
9 Dictionary

In the dictionary to the Principal Rules—

(a) **insert** the following definition—

"**Head, Transport for Victoria** has the same meaning as in section 3 of the [Transport Integration Act 2010](https://www.legislation.vic.gov.au/);",

(b) in the definition of **authorised person**, in paragraph (b), after "Secretary to the Department of Economic Development, Jobs, Transport and Resources" **insert** "or the Head, Transport for Victoria".
Endnotes

1 Rule 3: S.R. No. 41/2017.