



New South Wales

Road Amendment (Electric Scooter Trial) Rule 2022

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Rule under the *Road Transport Act 2013*.

NATALIE WARD, MLC
Minister for Metropolitan Roads

Explanatory note

The object of this Rule is to establish an 18-month trial for the use, on roads and road related areas, of electric scooters borrowed or hired through share schemes agreed to by public authorities. In particular, this Rule does the following—

- (a) provides that the *Road Rules 2014* apply, with some modifications, to electric scooters and electric scooter riders in the same way they apply to bicycles and bicycle riders,
- (b) creates new rules, including offences, applicable specifically to electric scooters and electric scooter riders,
- (c) enables the issue of penalty notices for alleged offences against the new rules,
- (d) prohibits the use of electric scooters on roads outside areas specified by Transport for NSW,
- (e) exempts electric scooters from vehicle registration requirements,
- (f) exempts electric scooter riders from driver licensing requirements.

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1 Name of Rule

This Rule is the *Road Amendment (Electric Scooter Trial) Rule 2022*.

2 Commencement

This Rule commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Road Rules 2014

[1] Part 15–1

Insert after Part 15—

Part 15–1 Additional rules for electric scooter riders

Note 1— This Part contains rules that apply only to electric scooter riders. Most rules in these Rules apply to electric scooter riders in the same way as they apply to bicycle riders—see rule 262–3.

Note 2— *Electric scooter* is defined in the Dictionary. A vehicle is only an electric scooter for this Part if it is borrowed or hired through a share scheme. *Share scheme* is also defined in the Dictionary.

Division 1 General prohibition on electric scooters

262–1 NSW rule: Electric scooter use on roads prohibited

A person must not ride an electric scooter on a road.

Maximum penalty—20 penalty units.

Note 1— *Road* includes a road related area—see rule 11(2).

Note 2— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–2 NSW rule: Exemption to prohibition

For the Act, section 21(1)(b), Transport for NSW may, by notice published in the Gazette, exempt a person, or a class of persons, from rule 262–1 if the road is within an area specified in the notice.

Note— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

Division 2 Use of electric scooters

Note— The use of an electric scooter on a road that is not within an area specified by Transport for NSW is prohibited—see Division 1.

262–3 NSW rule: Application of Rules to electric scooters

(1) In these Rules, particularly Part 15—

- (a) a reference to a bicycle is taken to include a reference to an electric scooter, and
- (b) a reference to a bicycle rider is taken to include a reference to an electric scooter rider.

(2) Subrule (1)—

- (a) applies even if a rule, or a subrule, is an offence, but
- (b) does not apply to the extent that a rule is disappplied or modified by, or otherwise inconsistent with, this Part.

Note 1— Bicycle is defined in the Dictionary.

Note 2— Rules applicable to drivers of vehicles apply to riders of electric scooters because a reference in these Rules to a *driver* includes a reference to a rider, and a reference to *driving* includes a reference to riding—see rule 19.

Note 3— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–4 NSW rule: Riding on footpaths prohibited

(1) A rider of an electric scooter must not ride on a footpath.

Maximum penalty—20 penalty units.

- (2) In this rule—

footpath does not include a separated footpath.

Note 1— **Footpath** is defined in the Dictionary and **separated footpath** is defined in rule 239.

Note 2— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–5 NSW rule: Electric scooters not to be used on certain roads

- (1) A rider of an electric scooter must not ride on a road on which the ordinary speed limit is greater than 50 kilometres per hour.
Maximum penalty—20 penalty units.
- (2) Subrule (1) does not apply if the rider of the electric scooter is crossing a road and the rider—
- (a) crosses the road by the shortest safe route, and
 - (b) does not stay on the road for longer than is necessary to cross the road safely, and
 - (c) is not otherwise prohibited under these Rules from crossing the road while riding the electric scooter.
- (3) In this rule—

ordinary speed limit, for a length of road within a school zone, means the speed limit that applies outside the times of operation indicated on the *school zone sign*.

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

Note 1— **Road related area** is defined in rule 13, and **shoulder** is defined in rule 12.

Note 2— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–6 NSW rule: Electric scooter must ride single-file on roads

A rider of an electric scooter riding on a road must not ride alongside another vehicle or a pedestrian travelling on the road in the same direction as the rider unless the rider is overtaking the vehicle or pedestrian.

Maximum penalty—20 penalty units.

Note 1— **Pedestrian** is defined in rule 18 and **vehicle** is defined in rule 15.

Note 2— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–7 NSW rule: Riding electric scooters on bicycle paths, separated footpaths and shared paths

- (1) A rider of an electric scooter riding on a bicycle path, separated footpath or shared path must keep to the left of oncoming bicycle riders or other electric scooter riders on the path.
Maximum penalty—20 penalty units.
- (2) A rider of an electric scooter riding on a shared path must keep to the left of the path unless it is impracticable to do so.
Maximum penalty—20 penalty units.
- (3) A rider of an electric scooter riding on a shared path must also—
- (a) give way to a pedestrian who is on the shared path, and
 - (b) ride a sufficient distance from a pedestrian so that the rider can, if necessary, stop safely to avoid a collision with the pedestrian.

Maximum penalty—20 penalty units.

Note 1— 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.

Note 2— **Bicycle path** and **separated footpath** are defined in rule 239, **shared path** is defined in rule 242, **pedestrian** is defined in rule 18 and **bicycle** is defined in the Dictionary.

Note 3— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–8 NSW rule: Speed limits

A person must not ride an electric scooter at a speed greater than—

- (a) for a road—the lower of the following—
 - (i) 20 kilometres per hour,
 - (ii) for a length of road to which a *speed limit sign* applies—the number of kilometres per hour indicated by the number on the sign, or
- (b) for a shared path—10 kilometres per hour.

Maximum penalty—20 penalty units.

Note 1— **Shared path** is defined in rule 242.

Note 2— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–9 NSW rule: Wearing of bicycle helmets

A rider of an electric scooter must wear an approved bicycle helmet securely fitted and fastened on the rider's head.

Maximum penalty—20 penalty units.

Note 1— **Approved bicycle helmet** is defined in the Dictionary.

Note 2— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–10 NSW rule: Minimum age of electric scooter riders

A rider of an electric scooter must be at least 16 years of age.

Maximum penalty—20 penalty units.

Note— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–11 NSW rule: Carrying people or animals prohibited

A rider of an electric scooter must not carry another person or an animal.

Maximum penalty—20 penalty units.

Note— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–12 NSW rule: Equipment on an electric scooter

A person must not ride an electric scooter that does not have a bell, horn, or similar warning device, in working order.

Maximum penalty—20 penalty units.

Note— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–13 NSW rule: No sharp protrusions

An electric scooter must not be fitted with an object or fitting likely, because it is pointed or has a sharp edge, to increase the risk of bodily harm or injury to a person.

Maximum penalty—20 penalty units.

Note— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–14 NSW rule: Disapplied or modified provisions

- (1) Despite rule 262–3(1), the following provisions do not apply to an electric scooter—
 - (a) rules 245–246,
 - (b) rules 250–251,
 - (c) rules 256–258,
 - (d) rule 288, to the extent it applies to the rider of a bicycle riding on a footpath.
- (2) Rule 300–1 does not apply to a person riding an electric scooter.
- (3) In addition to rule 166, Part 12 also does not apply to an electric scooter parked in an electric scooter parking bay.

Note 1— Bicycle is defined in the Dictionary.

Note 2— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

262–15 NSW rule: Repeal of trial provisions

The following provisions are repealed at the end of the day that is 18 months after the commencement of this Part—

- (a) this Part,
- (b) the Dictionary, definitions of *electric scooter* and *share scheme*.

Note— This rule is an additional NSW rule. There is no corresponding rule in the *Australian Road Rules*.

[2] Dictionary

Insert in alphabetical order—

electric scooter means a vehicle, borrowed or hired through a share scheme, that—

- (a) has a footboard supported by 2 wheels aligned 1 in front of the other, and
- (b) is steered by handlebars that control the front wheel, and
- (c) is designed to be used by a single person, and
- (d) is propelled by an electric motor or motors, and
- (e) may also be propelled by—
 - (i) gravity, or
 - (ii) the rider pushing 1 foot against the ground, and
- (f) when propelled only by the motor or motors, is not capable of going faster than 20 kilometres per hour on level ground, and
- (g) is fitted with an effective stopping system controlled by using brakes, gears or motor control, and
- (h) does not have a seat or saddle.

Note 1— *Share scheme* is defined in this Dictionary.

Note 2— This is an additional NSW definition. There is no corresponding definition in the Dictionary of the *Australian Road Rules*.

share scheme means a scheme—

- (a) operating under an agreement entered into by or on behalf of a public authority with a person, and
- (b) through which the person offers electric scooters for loan or hire to members of the public.

Note 1— *Electric scooter* is defined in this Dictionary.

Note 2— This is an additional NSW definition. There is no corresponding definition in the Dictionary of the *Australian Road Rules*.

Schedule 2 Amendments to other legislation

2.1 Road Transport (Driver Licensing) Regulation 2017

Clause 98A

Insert after clause 98—

98A Electric scooters—the Act, s 53

- (1) A person is exempted from the requirements of the Act, section 53(1) and (3) in relation to the driving of an electric scooter within the meaning of the *Road Rules 2014*.
- (2) This clause is repealed at the end of the day that is 18 months after the commencement of this clause.

2.2 Road Transport (General) Regulation 2021

Schedule 5 Penalty notice offences

Insert in appropriate order in the matter relating to the *Road Rules 2014*—

Rule 262–1	Class 1	Level 2
Rule 262–4	Class 1	Level 2
Rule 262–5	Class 1	Level 2
Rule 262–6	Class 1	Level 2
Rule 262–7(1)	Class 1	Level 2
Rule 262–7(2)	Class 1	Level 2
Rule 262–7(3)	Class 1	Level 2
Rule 262–8	Class 1	Level 2
Rule 262–9	Class 1	Level 5
Rule 262–10	Class 1	Level 2
Rule 262–11	Class 1	Level 2
Rule 262–12	Class 1	Level 2
Rule 262–13	Class 1	Level 2

2.3 Road Transport (Vehicle Registration) Regulation 2017

Schedule 1 Application of Chapter 4 of Act and Regulation

Insert after clause 18—

18A Electric scooters—the Act, s 21

- (1) The registration provisions do not apply to an electric scooter within the meaning of the *Road Rules 2014*.
- (2) This clause is repealed at the end of the day that is 18 months after the commencement of this clause.