

The Shopfront

YOUTH LEGAL CENTRE

Traffic Fact Sheet 12 – Pushbikes and non-motorised vehicles

1 Introduction

When riding your bike, it is important to remember that bicycles are treated as vehicles. This means that cyclists must obey most of the road safety rules that apply to cars and other vehicles.

There are also specific rules for bike riders. For more information, see *A handbook for bicycle riders*: <http://www.rms.nsw.gov.au/documents/roads/bicycles/bicycle-riders-handbook.pdf>.

2 What is a bicycle?

A bicycle is any vehicle with 2 or more wheels that is built to be powered through a belt, chain or gears. This includes pedicabs, penny-farthings, tricycles, and motorised bicycles with a maximum engine output of 200 watts or less.

Note that motorised bicycles with an engine-power exceeding 200 watts must be registered in the same way as other vehicles. For more information, see the RMS website (<http://www.rms.nsw.gov.au/registration/index.html>) or see *Traffic Fact Sheet 11 – Motorbikes and scooters*.

3 Safety requirements for bicycles

3.1 Helmets

When riding a bicycle you must wear an approved bicycle helmet that is securely fitted and fastened on your head.

3.2 Lights

If you are riding at night or in hazardous weather conditions, your bike must display:

- a white light on the front of your bike that is visible for at least 200 metres;
- a red light on the rear of your bike that is visible for at least 200 metres; and
- a red reflector on the rear of your bike that is illuminated by a vehicle's headlight (on low beam) minimum of 50 metres.

3.3 Horns, bells and brakes

Your bike must include a working horn or bell, and at least one working brake.

4 Where can and can't you ride?

4.1 Where can you ride?

- On the road, as far left as possible (unless there is a marked bicycle lane – in this case you must ride in the bicycle lane);
- In marked bicycle lanes;
- In transit lanes (lanes reserved for vehicles carrying a certain number of people);
- In marked bus lanes (but not bus-*only* lanes);
- In emergency stopping lanes;
- On shared bicycle and pedestrian paths, however you are encouraged to allow pedestrians a metre of space on these shared paths.

4.2 Where can't you ride?

- On the footpath, unless you are under 12 years old or supervising a child under 12;
- On marked pedestrian crossings;
- In bus-only lanes, which will be clearly signposted;
- On roads with a 'no bicycles' sign – a white sign with a black bicycle and red cross through it.

5 Other special road rules for bicycle riders

There are many rules that apply specially to bike riders. For example:

- You must have at least one hand on the handlebars at all times;
- You must sit on the bike facing forward;
- You can only carry as many passengers as the bike is designed to carry – ie. any passengers must sit in a seat designed for a passenger;
- You must keep at least 2 metres between your bike and the vehicle in front;
- You are allowed to ride alongside one other rider (no more), as long as the gap between you is no more than 1.5 metres;
- In multi-lane roundabouts, you are allowed to turn right from the left lane;
- You are allowed to overtake slow/stopped vehicles from the left;
- You must indicate that you are turning by giving a left or right hand-signal;
- You do not need to signal to other vehicles that you are coming to a stop;
- You must not hold onto another moving vehicle. The fine for doing so is \$337.

6 Penalties for offences

See our other *Traffic Fact Sheets* for information about penalties for speeding, drink-driving and other offences that are not specific to cyclists.

The penalties for some of the more common cycling offences are:

Offence	Penalty notice (on- the-spot fine)	Max penalty (if it goes to court)
Negligent riding	\$448	\$2,200
Not wearing a helmet	\$337	\$2,200
Holding onto another vehicle	\$337	\$2,200
Riding without working lights, bell, or brakes	\$112	\$2,200
Most other offences (eg riding on pedestrian crossing, riding on footpath, not riding in bicycle lane)	\$112	\$2,200

7 Riding with alcohol or drugs in your system

As a cyclist, you *cannot* be charged with driving with a “prescribed concentration of alcohol” (PCA) in your blood, or with a “prescribed illicit drug” (cannabis, speed, ecstasy or cocaine) present in your “oral fluid” (saliva), blood or urine.

Also, police have no power to stop cyclists for Random Breath Tests or Random Oral Fluid Tests.

However, as a cyclist you *can* be charged with *driving under the influence* of alcohol or any other drug (DUI).

Usually, police could only charge you for riding under the influence based on their observations or your own admissions about how intoxicated you are. Or, if there is an accident where a cyclist is taken to hospital, a doctor has a duty to take a blood sample. If the sample shows enough alcohol or drugs in the cyclist’s system, the cyclist could be charged.

Driving under the influence can carry serious penalties including fines and even imprisonment. The potential penalties are the same as if you were driving a car or riding a motorbike. You could also be disqualified from having a car or motorbike licence, even if the offence was committed on a pushbike.

For more information see *Traffic Fact Sheet 8 – Drugs, alcohol and driving*.

8 Rules for motorists around cyclists

In 2016 the Minimum Passing Distance rule was introduced. This means that a driver who passes a bike rider must allow a distance of 1 metre when the speed limit is under 60km/h, and 1.5 metres when the speed limit is higher.

If a driver is caught coming closer than this, they may be fined \$337 (on the spot) or up to \$2,200 (if dealt with in court).

9 Skateboards and other wheeled recreational devices

9.1 Legal wheeled recreational devices

These include rollerblades, skateboards, roller-skates, non-motorised scooters and unicycles. They do not include golf buggies. They also do not include the *illegal* wheeled recreational devices listed below.

When riding a legal wheeled recreational device you are *treated as a pedestrian* – ie. only pedestrian road rules apply. See below for where you can and can't ride them.

9.2 Where can you ride your wheeled recreational device?

- On the footpath, as far left as possible, and give way to pedestrians.
- On the road, as far left as possible (with some exceptions - see below).

9.3 When and where are you *not* allowed to ride?

- Alongside another person on a wheeled recreational device or wheeled toy (a kids' toy pushed with the feet);
- On a road at night (between sunset and sunrise);
- With a person who is wholly or partly assisting in propelling the device by means other than human power (including being towed or pushed);
- On a road that has a dividing line or a median strip, has a speed limit exceeding 50 km/h, is one way and has more than one marked lane, or prohibits the riding of wheeled recreational devices.

9.4 Alcohol and other drugs

Wheeled recreational devices and toys are not classed as vehicles and so you cannot be charged with drink-driving or drug-driving offences.

However there are various rules for riding a wheeled device, and your ability to remember and obey these rules may be affected if you are intoxicated.

9.5 Illegal wheeled recreational devices

There are certain motorised vehicles which, although they resemble legal recreational devices, have been deemed unsafe for personal use. *This means that it is an offence to use them on roads, footpaths and other public areas.*

These include: motorised foot scooters (with or without a seat); electric/petrol engine Mini bikes or monkey bikes; motorised human transporters such as the WheelMan, or SEGWAY, and motorised skateboards.

For more information on safety regulations applicable to these vehicles, see <http://www.rms.nsw.gov.au/registration/unregisteredvehicles/scootersminibikes.html>. See also *Traffic Fact Sheet 11 – Motorbikes and scooters*.

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The information in this fact sheet contains a basic summary of the law in New South Wales. It is not legal advice. If you need legal advice, you should speak to a lawyer.

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