



ANNO DUODECIMO

GEORGII VI REGIS.

A.D. 1948.

No. 55 of 1948.

An Act to amend the Road Traffic Act, 1934-1947.

[Assented to 22nd December, 1948.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the " Road Traffic Act Amendment Act, 1948 ".

(2) The Road Traffic Act, 1934-1947, as amended by this Act, may be cited as the " Road Traffic Act, 1934-1948 ".

(3) The Road Traffic Act, 1934-1947, is hereinafter called " the principal Act ".

Commence-
ment.

2. (1) The several sections of this Act (other than sections 1, 2, and 3) shall come into operation on such days as are respectively fixed by the Governor by proclamation.

(2) Sections 1, 2, and 3 shall come into operation on the day on which this Act receives the Royal Assent.

Incorporation.

3. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
s. 8c of
principal Act—

4. Section 8c of the principal Act is amended so as to read as follows :—

Certificates of
insurance.

8c. The Registrar shall not register a motor vehicle unless when the application for registration is made there is lodged with him a certificate in the prescribed form given by or on behalf of an approved insurer certifying that one or more policies of insurance complying with

Part IIA. of this Act have been issued by that insurer in relation to the said motor vehicle, and that the insurance provided by those policies will remain in force throughout the period for which registration is applied for and for fourteen days after the end of that period.

5. Subsection (3) of section 17 of the principal Act is amended—

Amendment of s. 17 (3) of principal Act—
Registration cards.

(a) by adding after the word “ who ” in the first line the words “ drives on any road, or causes or permits any person to drive ” ; and

(b) by striking out the word “ drives ” in the first line.

6. Section 38a of the principal Act is amended by inserting after subsection (1) thereof the following subsection :—

Amendment of s. 38a of principal Act—
Suspension of licence and disqualification of holder.

(1a) If any person after being convicted for an offence against any of the following sections of this Act, namely, sections 43, 43b, 121, and 131, is convicted for a second or subsequent offence against the same section, the court shall order that that person shall be disqualified for a period fixed by the court or until further order from holding or obtaining a driver's licence : Provided that the court, if satisfied by evidence given on oath, that any such offence is trifling, may certify accordingly and if such a certificate is given the offence to which it relates shall not be taken into account for purposes of this subsection.

7. The following section is enacted and inserted in the principal Act after section 43a thereof :—

Enactment of s. 43b of principal Act—

43b. (1) Any person who drives a motor vehicle on a road in a municipality, town, or township at a greater speed than forty miles an hour shall be guilty of an offence.

Speed in municipalities and towns.

(2) This section shall not restrict the operation of any other provision of this Act relating to the speed at which motor vehicles may be driven.

8. Section 48 of the principal Act is amended—

Amendment of s. 48 of principal Act—

(a) by leaving out the word “ twenty ” in the eighth line of subsection (1) and inserting in lieu thereof the word “ thirty ” ;

Driving while drunk or under the influence of drugs.

(b) by striking out the words “ or may refrain from ordering disqualification ” at the end of subsection (2) and inserting in lieu thereof “ but not less than fourteen days ”.

(c) by adding at the end thereof the following subsection :—

(4) For the purposes of subsection (1) of this section a person shall be deemed to be incapable of exercising effective control of a vehicle if at the relevant time owing to the influence of intoxicating liquor or a drug the use of any mental or physical faculty of that person was lost or appreciably impaired. This subsection shall not be deemed to restrict the meaning of the words "incapable of exercising effective control of a vehicle".

Amendment of
s. 91 of
principal Act—
Penalty for
breach of
width of tyres
provisions.

9. Section 91 of the principal Act is amended by inserting after the word "pence" in the third line the words "and not more than ten shillings".

Amendment of
s. 115 of
principal Act—
Penalty for
breach of
provisions as to
lights, etc.

10. Section 115 of the principal Act is amended—

(a) by striking out the word "two" in the third line and inserting in lieu thereof the word "five";

(b) by striking out the word "five" in the last line and inserting in lieu thereof the word "ten".

Amendment of
s. 119 of
principal Act—
Definitions.

11. Section 119 of the principal Act is amended—

(a) by inserting after the word "but" in the fourth line of the definition of "vehicle" therein the words "except as provided in subsection (3) of this section";

(b) by adding at the end thereof the following subsection :—

(3) In sections 120, 121, 123, and 139, of this Act, the word "vehicle" shall include a tramcar.

Amendment of
s. 121a of
principal Act—
Driving while
drunk or
under influence
of drugs.

12. Section 121a of the principal Act is amended by inserting at the end thereof the following subsection :—

(3) For the purposes of subsection (1) of this section a person shall be deemed to be incapable of exercising effective control of a vehicle or animal if, at the relevant time, owing to the influence of intoxicating liquor or a drug, the use of any mental or physical faculty of that person was lost or appreciably impaired. This subsection shall not be deemed to restrict the meaning of the words "incapable of exercising effective control of a vehicle".

Amendment of
s. 123 of
principal Act—
Police
directions and
traffic signs.

13. Section 123 of the principal Act is amended by inserting after subsection (4) thereof the following subsection :—

(4a) Notwithstanding the other provisions of this section a tramcar may, while an amber light is showing—

- (a) be driven over the stop line for the purpose of turning ; and
- (b) complete a turn.

14. Section 130c of the principal Act is amended by striking out subsections (1), (2), and (3) thereof, and inserting in lieu thereof the following subsections :—

Amendment of s. 130c of principal Act—
Lines on roads.

(1) The Commissioner of Highways may mark on any part of a road—

- (a) a broken line for the purpose of indicating the division of that road into traffic lanes ;
- (b) on either side of any broken line a continuous line for the purpose of controlling the movement of traffic to the right as hereinafter provided.

Every such line shall be of the colour and width fixed by the Commissioner.

(2) Where a continuous line is on the left-hand side of a broken line, it shall be a traffic control line within the meaning of this section.

(3) If any person drives or rides a vehicle or animal so that the whole or any part of that vehicle or animal passes over a traffic control line marked on the right-hand side of the traffic lane in which the vehicle or animal was being driven, he shall be guilty of an offence : Provided that no person shall be punished for contravening the foregoing provisions of this subsection, if he proves that he was obliged to cross the traffic control line in order to avoid an accident or owing to an obstruction on the roadway.

15. The following section is enacted and inserted in the principal Act after section 130c :—

Enactment of s. 130d of principal Act—

130d. (1) The Commissioner of Police may—

Speed limits on bridges.

- (a) cause to be erected in accordance with this section, signs indicating a speed limit for vehicles crossing any bridge ;
- (b) cause any signs erected under this section to be removed.

(2) The powers conferred on the Commissioner of Police by this section may be exercised either of his own motion or on the application of the municipal or district council in whose area the bridge is situated.

(3) If the Commissioner of Police refuses an application made to him by a council under this section the council may appeal to the Minister against the decision of the Commissioner.

When an appeal is so made the Minister after obtaining such information as he thinks fit shall decide the matter and his decision shall be final.

(4) The speed limit for a bridge shall be indicated by two signs. One shall be placed at or near each abutment of the bridge, or on the approach to the bridge within two hundred yards of each abutment.

(5) A sign erected under this section shall—

(a) have marked thereon figures showing the miles per hour of the speed limit intended to be fixed thereby, followed by the letters m.p.h.;

(b) be of such size and shape and be erected in such manner as the Commissioner of Police determines.

(6) A person who drives a vehicle on a bridge at a speed in excess of that indicated by the signs erected on that bridge or the approaches thereof pursuant to this section shall be guilty of an offence.

(7) The allegation in a complaint that any signs are erected pursuant to this section shall be *prima facie* evidence of that fact.

(8) The Commissioner of Highways shall at the request of the Commissioner of Police provide and erect on behalf of the Commissioner of Police any signs which the Commissioner of Police desires to erect under this section.

Amendment of
s. 142 of
principal Act—
Width of
vehicles and
number of
trailers.

16. Section 142 of the principal Act is amended—

(a) by inserting after the word "vehicle" in the seventh line of subsection (1), and in the seventh line of subsection (3), in each case the words "or of any trailer attached thereto";

(b) by inserting at the end of subsection (7) the words "and 'trailer' includes any vehicle of any kind drawn by a motor vehicle".

Amendment of
s. 148a of
principal Act—
Leading
animals.

17. Section 148a of the principal Act is amended by striking out the word "six" in the first line and inserting in lieu thereof the word "twelve".

18. Section 154 of the principal Act is amended by adding at the end of subsection (1) thereof the words "or to any vehicle operated or licensed by the Municipal Tramways Trust".

Amendment of
s. 154 of
principal Act—
Vehicles used
for carrying
passengers for
hire.

19. Section 157 of the principal Act is amended—

Amendment of
s. 157 of
principal Act—
Evidentiary
provisions.

(a) by inserting after paragraph (d) of subsection (2) thereof the following paragraph :—

(e) that any place is or was a road ;

(b) by striking out subsection (3) thereof and inserting in lieu thereof the following :—

(3) A document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by a superintendent or an inspector of police, and purporting to certify that any stop-watch or speedometer specified therein had been tested on a day mentioned therein and was shown by the test to be accurate to the extent indicated in the document, shall be *prima facie* evidence of the facts certified and that the stop-watch or speedometer was accurate to the said extent on each of the fourteen days following the day of the test.

In the name and on behalf of His Majesty, I hereby assent
to this Bill.

C. W. M. NORRIE, Governor.