

Australian Light Vehicle Standards Rules and Heavy Vehicle (Vehicle Standards) National Regulation 2020 Amendment Package Consultation Draft

August 2020

Report outline

Title	Australian Light Vehicle Standards Rules and Heavy Vehicle (Vehicle Standards) National Regulation Explanation of 2020 amendments
Type of report	Information Report – Public Consultation
Purpose	To support the public consultation process for the 2020 amendments to the Australian Light Vehicle Standards Rules and the Heavy Vehicle (Vehicle Standards) National Regulation.
Abstract	This report explains the proposed amendments to the Australian Light Vehicle Standards Rules and the Heavy Vehicle (Vehicle Standards) National Regulation. Both the light and heavy vehicle standards are being amended to improve consistency with the <i>Australian Design Rules</i> , allow for the uptake safety systems technology and to clarify or improve the operation of current standards. The proposed changes will be considered by ministers for approval in November 2020.
Submission details	<p>Your comments regarding the draft changes are sought. Your comments will inform the recommendations we plan to present to ministers at the Transport and Infrastructure Council meeting in November 2020.</p> <p>Any individual or organisation can make comments by way of a submission to the NTC. To make an online submission, please visit www.ntc.gov.au and select 'Have your say' from the options on the homepage.</p> <p>Where possible, you should provide evidence, such as data and documents, to support your views. If you have any questions about the submission process, please email enquiries@ntc.gov.au.</p> <p>The public consultation period is open until 27 September 2020. Comments may be submitted online at www.ntc.gov.au</p>
Key words	Australian Design Rules, Australian Light Vehicle Standards Rules, Heavy Vehicle (Vehicle Standards) National Regulation.
Contact	National Transport Commission Level 3/600 Bourke Street Melbourne VIC 3000 Ph: (03) 9236 5000 Email: enquiries@ntc.gov.au www.ntc.gov.au

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Executive summary

The *Australian Light Vehicle Standards Rules 2015* (ALVSRs) are model rules that provide a basis for the in-service light vehicle standards in each jurisdiction.

For jurisdictions that apply the Heavy Vehicle National Law, in-service heavy vehicle standards are set out in the *Heavy Vehicle (Vehicle Standards) National Regulation* (HV(VS)NR). Jurisdictions that do not participate in the heavy vehicle national law scheme still use the HV(VS)NR as the basis for their in-service heavy vehicle standards.

The standards set out in the ALVSRs and the HV(VS)NR are based on the *Australian Design Rules* (ADRs) which are developed and administered by the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications. Both the light and heavy vehicle standards require a vehicle that is subject to an ADR when supplied to the market to continue to comply with that ADR for the life of the vehicle.

The ADRs have certain gaps in their application which are covered by the ALVSRs and the HV(VS)NR. In particular, the ADRs do not cover:

- Vehicles built before 1969.
- Combinations of vehicles.
- Every safety feature for vehicles built between 1969 and 1988.
- Ongoing maintenance requirements.

This document outlines the proposed amendments to the light and heavy vehicle standards, which will align the ALVSRs, the HV(VS)NR and the ADRs. It is not anticipated that any of the proposed amendments will have a significant impact on vehicle operators, other road users or the general public.

NTC will seek ministerial approval of these amendments in November 2020.

The NTC is seeking comment on the proposed amendments. The consultation period is open until 27 September 2020.

Context

The purpose of this report is to support the public consultation process and provide stakeholders with:

- an explanation of the proposed changes to the standards and the reasons for them
- a draft of the proposed changes to the standards.

1 Proposed amendments

Key points

The proposed amendments address emerging issues or other problems with the standards identified by key stakeholders.

The amendments to the HV(VS)NR and HV(MDL)NR allow a heavy vehicle to be fitted with a Blind Spot Information System and an Indirect Vision Device without infringing prescribed heavy vehicle width and length requirements. The amendments also update terminology to align with revised standards and enhance protection of road infrastructure.

The amendments to the ALVSRs clarify the exemption from compliance with ALVSRs in particular circumstances, and the application of omitted ADR requirements about motor bike handlebars.

1.1 Proposed amendments – Heavy Vehicle (Vehicle Standards) National Regulation and Heavy Vehicle (Mass, Dimension and Loading) National Regulation

1.1.1 Blind Spot Information Systems (BSIS)

Blind Spot Information Systems (BSIS) are technology systems to inform the driver of a vehicle of a possible collision with a bicycle near side. However, heavy vehicle operators are prevented from attaching BSIS technology to vehicles because of prescribed vehicle width requirements.

Installation of a BSIS may (depending on the combination) result in an infringement of the width restrictions in schedule 6 of the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (HV(MDL)NR).

The HV(MDL)NR prescribes the maximum width and length of heavy vehicles. Whilst section 8 provides that safety equipment such as side mirrors are excluded from the measurement of a vehicle's width there is no similar exemption for BSIS.

The amendments provide that a heavy vehicle may be fitted with BSIS and, like other existing exemptions, measurement of the width of a heavy vehicle does not include BSIS, provided that it does not protrude more than 100mm.

1.1.2 Indirect Vision Devices (IVDs)

Technological advances continue to drive the uptake of improved safety devices, the use of cameras and other indirect vision devices (IVDs). Some vehicle manufacturers are already replacing traditional rear vision mirrors with cameras while others are retrofitting these devices and other IVDs such as blind spot cameras, to existing vehicles. Recent amendments to United Nations regulations that are referenced in Australian Design Rules allow IVDs to be used in place of mirrors. However, heavy vehicle operators are prevented

from installing IVDs. One reason is that installation of an IVD may (depending on the combination) result in an infringement of the width and length restrictions in the Heavy Vehicle (Mass, Dimension and Loading) National Regulation (HV(MDL)NR).

The HV(MDL)NR prescribes the maximum width and length of heavy vehicles. Whilst other safety equipment is excluded from the measurement of a vehicle's width and length there is no similar exemption for an IVD.

The amendments provide that a heavy vehicle may be fitted with an IVD and, like existing exemptions, measurement of the width and length of a heavy vehicle does not include an IVD, provided that it does not protrude more than 150mm beyond the body of the vehicle, and the overall width of the vehicle does not exceed 2.5m.

1.1.3 Classes of Retroreflective Material

Reflective surfaces for warning signs, labels and other things that are required to be affixed to a heavy vehicle must comply with the joint Australia/New Zealand Standard about retroreflective devices (AS/NZ1906).

As part of the 2016-17 review of the AS/NZ1906 Standard for Retroreflective materials and devices for road traffic control purposes, 'Class 1' reflective material was renamed 'Class 400' to align with international provisions. Similarly, 'Class 2' reflective material was renamed 'Class 100'. As a result, consequential amendments to vehicle standards regulations are required. Clauses 5, 6, 12, 13, 14 and 15 amend provisions of the HV(VS)NR and HV(MDL)NR to ensure alignment with the revised standard.

1.1.4 Tyre Tread

Tyres fitted to heavy trailers that have cleats or other gripping devices are equally capable of causing damage to roads as those fitted to a heavy motor vehicle.

Regulation 28(1) of the HV(VS)NR prohibits the fitment of tyres to heavy motor vehicles that have cleats or other gripping devices that could damage road surfaces. However, this prohibition does not apply to heavy trailers because the definition of **heavy motor vehicle** in section 5 of the Heavy Vehicle National Law excludes a heavy trailer which is defined separately.

It is therefore appropriate that the prohibition in regulation 28(1) also apply to heavy trailers. Clause 11 extends the current prohibition to heavy trailers.

1.2 Proposed amendments – Australian Light Vehicle Standards Rules

1.2.1 Application of Light Vehicle Standards to vehicle complying with inconsistent ADR requirement (Rule 15)

Clause 3 amends Rule 15 so that the operation of the rule is expressed more clearly and precisely. The proposed amendment does not change the relationship between the ALVSRs and the ADRs as currently provided for in the rule.

The intended operation of Rule 15 is that if there is an inconsistency between an ALVSR requirement and an ADR requirement, **and** if a vehicle complies with the ADR requirement,

that vehicle is not required to comply with the ALVSR requirement. The rule provides an exemption from complying with the ALVSR requirement if the vehicle complies with the ADR.

To clarify the exemption, Rule 15 is amended to provide that a vehicle that is not required to comply with particular ADRs, but has been **modified** so that it does, is not required to comply with an inconsistent light vehicle standards rule. However, this only applies if the vehicle is of the same class or type as the vehicle to which the ADR requirement applies.

The following examples illustrate the operation of the Rule as an exemption:

Older vehicles to which ADRs do not apply or individually constructed vehicles

Generally, vehicles built prior to 1969 are not subject to second or third edition ADR requirements. To ensure the safety of these vehicles they are required to comply with the in-service vehicle standards set out in the ALVSRs. For example, a vehicle that is not subject to second or third edition ADR requirements would for the most part be required to comply with the braking requirements set out in ALVSR 121. However, a vehicle is not required to comply with the braking requirements set out in ALVSR 121 if it has been modified to comply with ADR braking requirements for that particular class or type of vehicle.

Newer vehicles to which ADRs do apply

For a vehicle manufactured in 2015, that vehicle is subject to all applicable ADR requirements upon its first supply to the Australian market and must continue to comply with those ADRs throughout its in-service life. For example, because a vehicle must continue to comply with any applicable ADRs about braking system requirements, it is exempt from having to comply with any in-service standards about braking systems set out in the ALVSRs that are inconsistent with applicable ADR braking requirements.

1.2.2 Motor bike handlebar height (Rule 53(3))

Rule 53(3) establishes the maximum height for motor bike handgrips on the handlebars – which is 380mm above the attachment point of the handlebars to the motor bike.

The way height is measured under the Rule is inconsistent with the way height is measured under ADR 57/00, which measures height from the lowest part of the upper surface of the driver's seat.

The ADR has referred to the seat since 1 July 1988, however, for reasons which are currently unknown, rule 53(3) of the original model law (Australian Vehicle Standards Rules 1999) changed the reference point to the attachment point.

The attachment point and the seat surface are almost invariably at a different height and the inconsistency can permit modifications from manufacturers design that may not be desirable from a safety perspective. The inconsistency also causes confusion, and it is therefore appropriate that the Rule is amended to align with the ADR.

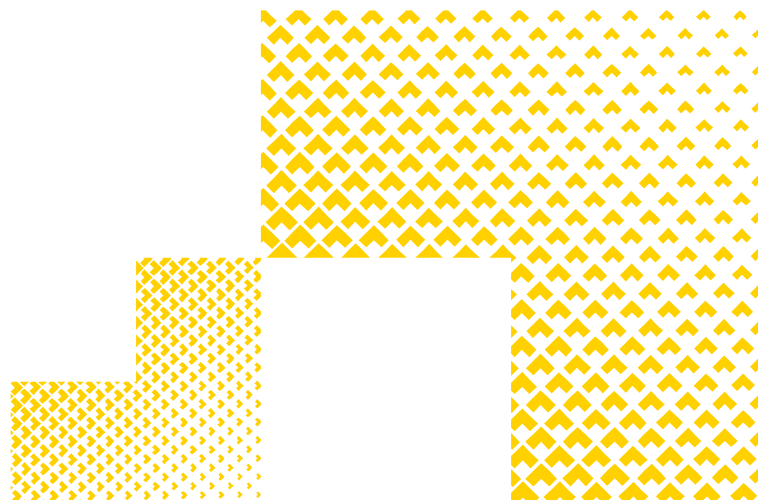
Clause 4 inserts a new Rule 53(3) to provide that, for motorbikes manufactured on or after 1 July 1988, the lowest part of the hand grip on the handlebars must not be higher than 380 mm above the lowest part of the upper surface of the driver's seat (thus mirroring the ADR).

The proposed new rule impacts individually constructed bikes that fall outside of the ADR requirements because they are not first supplied to the market by a vehicle manufacturer under the Commonwealth *Motor Vehicle Standards Act 1989*. However, the practice (past and present) across all Australian State and Territories is to require all individually

constructed bikes to comply with the ADR requirement that has been in force since 1 July 1988. On this basis it is proposed to include to all individually constructed bikes built on and from 1 July 1988 in the proposed amendment.

Importantly, the proposed amendments do not impact personally imported motor bikes imported under the Commonwealth Department of Infrastructure, Transport, Regional Development and Communications vehicle import scheme. Individuals and companies will remain exempt from the proposed amendments.

National Transport Commission
Level 3/600 Bourke Street
Melbourne VIC 3000
Ph: (03) 9236 5000
Email: enquiries@ntc.gov.au
www.ntc.gov.au



Australian Light Vehicle Standards Rules Amendment (Miscellaneous) 2020

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1 Name of rules

These rules are the *Australian Light Vehicle Standards Rules Amendment (Miscellaneous) 2020*.

2 Rules amended

These rules amend the *Australian Light Vehicle Standards Rules 2015*.

3 Rule 15

Omit the rule. Insert instead—

15 Application of Light Vehicle Standards to modified vehicle complying with inconsistent ADR requirement

A provision of Parts 4–10 does not apply to a vehicle that has been modified to comply with a requirement of a second or third edition ADR if—

- (a) the provision is inconsistent with the ADR requirement that the vehicle has been modified to comply with (regardless of whether or not the vehicle is required to comply with the ADR requirement); and
- (b) despite the inconsistency, the ADR requirement that has been complied with corresponds to a provision in Parts 4–10; and
- (c) the vehicle is of the same class or type as vehicles to which the ADR requirement applies.

Example. As the second and third edition ADR do not apply to a vehicle built in 1968, the vehicle must comply with rule 123 (What braking system a motor vehicle must have). If the owner of that type of vehicle modified the brakes so that the vehicle did comply with the second edition ADR, any requirement in rule 123 in relation to the vehicle's brakes that was inconsistent with the second edition ADR would no longer apply to the vehicle.

4 Rule 53 Steering gear and handlebars

Omit rule 53(3). Insert instead—

- (3) The lowest part of the hand grip on the handlebars must not be higher than—
 - (a) for a motor bike built before 1 July 1988—380 millimetres above the attachment point of the handlebars to the motor bike; or
 - (b) for a motor bike built on or after 1 July 1988—380 millimetres above the lowest part of the upper surface of the driver's seat.

Heavy Vehicle National Legislation Amendment (Miscellaneous) Regulation 2020

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PCC—consultation draft

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Part 1 Preliminary

1 Name of regulation

This regulation may be cited as the *Heavy Vehicle National Legislation Amendment (Miscellaneous) Regulation 2020*.

2 Commencement

This regulation commences on 22 February 2021.

Part 2 Amendment of Heavy Vehicle (Mass, Dimension and Loading) National Regulation

3 Regulation amended

This Part amends the *Heavy Vehicle (Mass, Dimension and Loading) National Regulation*.

4 Schedule 6 Dimension requirements

Insert after section 6A—

6B Length—indirect vision devices disregarded

For this Regulation, an indirect vision device fitted to a heavy vehicle in accordance with section 13C of Schedule 2 of the *Heavy Vehicle (Vehicle Standards) National Regulation*, is to be disregarded for the purposes of measuring the length of the heavy vehicle unless the device projects more than 150mm beyond the body of the heavy vehicle.

5 Schedule 8 Conditions of mass or dimension exemptions applying to class 1 heavy vehicles

Omit “Class 1 or 2” from paragraph (b) of the definition of *delineator* in section 3(3).
Insert instead “class 400 or 100”.

6 Schedule 8, section 41(a)

Omit “class 1 or 2”. Insert instead “class 400 or 100”.

Part 3 Amendment of Heavy Vehicle (Vehicle Standards) National Regulation

7 Regulation amended

This Part amends the *Heavy Vehicle (Vehicle Standards) National Regulation*.

8 Section 8 Measurement of width of vehicles

Omit “2.55m.” from section 8(1)(i). Insert instead “2.55m;”.

9 Section 8(1)(j) and (k)

Insert after section 8(1)(i)—

- (j) a blind spot information system fitted to the heavy vehicle, if the maximum distance across the body of the heavy vehicle, including the system, is not more than 2.6m;
- (k) an indirect vision device fitted to the heavy vehicle, if the overall width across the body of the heavy vehicle, including the device, is not more than 2.55m.

10 Schedule 2 Other vehicle standards applying to single heavy vehicles

Insert after section 13A—

13B Blind spot information systems

A heavy vehicle may be fitted with a blind spot information system that—

- (a) demonstrates compliance with section 6.6 (Blind Spot Information Static Tests) of *Addendum 150: UN Regulation No 151 Uniform provisions concerning the approval of motor vehicles with regard to the Blind Spot Information System for the Detection of Bicycles*; and
- (b) does not project more than 100mm beyond the body of the heavy vehicle.

13C Indirect vision devices

A heavy vehicle may be fitted with an indirect vision device—

- (a) that complies with the requirements of ADR 14/02; or
- (b) that is used for the sole purpose of observing the traffic area adjacent to the vehicle which cannot be observed by direct vision, if the device is fitted at least 2m above the ground.

11 Schedule 2, section 28(1)

Omit “heavy motor vehicle”. Insert instead “heavy vehicle”.

12 Schedule 2, section 78(3)(d)

Omit “class 1 or 2”. Insert instead “class 400 or 100”.

13 Schedule 2, section 108A(2)(c)

Omit “class 2”. Insert instead “class 100”.

14 Schedule 2, section 108B(2)(c)

Omit “class 2”. Insert instead “class 100”.

15 Schedule 3 Vehicle standards applying only to heavy combinations or particular heavy combinations

Omit “class 1 or 2” from section 6(2)(a). Insert instead “class 400 or 100”.