

The Shopfront

YOUTH LEGAL CENTRE

Traffic Fact Sheet 11 – Motorbikes and scooters

1 Introduction

You must have a licence to ride a motorcycle, trike or motor scooter on NSW roads or road-related areas.

Remember that It is an offence to ride without a licence, or with a licence of the wrong class – see *Traffic Fact Sheet 3 – Driving without a licence*.

2 How do I get a motorcycle licence?

2.1 General information

For general information about getting a driver licence, see *Traffic Fact Sheet 1 – Getting a driver licence*.

For information about motorcycle licences, see the following information from the TfNSW website (or call them on 13 22 13):

TfNSW guide to getting a motorcycle licence: <https://www.nsw.gov.au/driving-boating-and-transport/driver-and-rider-licences/rider-licences/getting-your-rider-licence>

Motorcycle Riders Handbook: <https://roads-waterways.transport.nsw.gov.au/documents/roads/licence/motorcycle-riders-handbook.pdf>

You will have to pay fees at different stages for training, testing, and to get your licence. For information about fees, see <https://roads-waterways.transport.nsw.gov.au/roads/licence/fees/index.html>

2.2 Step 1: Getting your Ls

To get your Ls, you must:

- be at least 16 years and 9 months old.
- contact TfNSW to see whether you are in a declared or undeclared area (i.e. whether there is a training centre in your area):
 - if there is a training centre in your area, you must complete 2 sessions of pre-learner training before getting your Ls, which you can do from the age of 16 and 6 months (when you successfully complete this course, you will receive a “Certificate of Competence”, which is valid for only 3 months from the date of issue); or
 - if there is no training centre in your area, you are encouraged to do the pre-learner training, but the course is not compulsory in order to get your Ls;

- go to your nearest motor registry or service centre with proof of your identity (and a “Certificate of Competence” if you had to do the pre-learner training);
- fill in a licence application form;
- pass an eyesight test;
- pay for and pass the rider knowledge test; and
- pay a licence fee.

Your Ls are valid for 12 months. You need to be on them for at least 3 months before progressing to the next level. Unlike learning to drive a car, you can ride unsupervised while on your Ls.

Special conditions for learner riders

If you don't obey these rules, it's an offence. The penalties can be severe and you could get demerit points and lose your licence.

Motorcycle type

If you completed your pre-learner training course on an automatic transmission motorbike, you are restricted to riding only automatic motorbikes

You must only ride motorcycles that are on the list of TfNSW Approved Motorcycles for Novice Riders which can be found on the TfNSW website at

<https://www.nsw.gov.au/driving-boating-and-transport/driver-and-rider-licences/rider-licences/approved-motorcycles-for-novice-riders>

They must also have an engine capacity no greater than 660ml and a power-to-weight ratio no greater than 150 kilowatts per tonne.

For electric motorcycles, the power must be no greater than 25kW.

Display of L plate

Your L plate must be clearly displayed on the rear of the motorcycle.

Zero Blood Alcohol Concentration (BAC)

You cannot ride a motorcycle after consuming any alcohol as your BAC must be zero.

Mobile phones

Mobile phone use is banned for learners. You must not use a mobile phone (including hands free or loudspeaker functions) while riding, or while your motorcycle is stopped but not parked. See *Traffic Fact Sheet 10 – Driving and mobile phone use*.

Speed limit

You must not ride faster than 90 km/h and must observe the speed limit where it is below 90 km/h.

Any speeding offence committed by a learner will incur at least 4 demerit points.

Demerit points

If you incur 4 or more demerit points during a 3-year period, your licence may be suspended for 3 months. For more information see *Traffic Fact Sheet 4 – Licence suspension and appeals* and *Traffic Fact Sheet 5 – Demerit points*.

Passengers

You must not carry any pillion passengers.

Towing

You must not tow a trailer or any other vehicle.

Location restrictions

You must not ride in Parramatta Park, Centennial Park or Moore Park when in Sydney.

2.3 Step 2: Getting your P1s

To get your P1 licence, you must:

- have your Ls for at least three months;
- be at least 17 years of age;
- if you are located in a declared area, you will need to pass a pre-provisional training course which involves seven hours of training. You have to pass this course before your Ls expire, otherwise you will have to re-sit the pre-learner course. When you successfully complete this course, including an on-road ride component, you will get a “Certificate of Competence”, which is valid for 3 months from the date of issue. You will need to take this to the Motor Registry;
- if you are located in an undeclared area, you will not need to complete the pre-provisional training but must pass the “kerbside riders test” – an assessor will test you on basic road rules and ensure you can handle the bike;
- pass the Motorcycle Operator Skills Test (MOST) (also known as the Practical Riding Test) and pay the fee;
- go to your nearest motor registry with your learner rider licence as proof of your identity;
- fill in a licence application form;
- pass an eyesight test; and
- pay a licence fee.

A P1 rider licence is issued for 18 months and you must hold it for at least 12 months before being eligible to progress to a P2 rider licence.

The same **special conditions** that apply to learner riders apply to P1 riders.

2.4 Step 3: Getting your P2s

To get your P2 Licence, you must:

- be at least 18 years old;
- have your P1 licence for at least 12 months;
- go to your nearest motor registry with your P1 licence;
- fill in a licence application form;
- pass an eyesight test; and
- pay a licence fee.

If you are over 25, you may get an exemption from the P2 phase and progress from a P1 to a full licence if you:

- hold a current Australian unrestricted driver licence;
- have completed a minimum of 12 months on a P1 rider licence; and
- meet all other licensing requirements.

Special conditions for P2 riders

If you don't obey these rules, it's an offence. The penalties can be severe and you could get demerit points and lose your licence.

Approved motorcycles

You must only ride motorcycles that are on the list of TfNSW Approved Motorcycles for Novice Riders which can be found on the TfNSW website:

<https://www.nsw.gov.au/driving-boating-and-transport/driver-and-rider-licences/rider-licences/approved-motorcycles-for-novice-riders>

They must also have an engine capacity not greater than 660ml and a power to weight ratio not greater than 150 kilowatts per tonne.

Display of P plate

P2 riders must clearly display the green-on-white P plate at the back of the motorcycle.

Zero Blood Alcohol Concentration (BAC)

You cannot have any alcohol in your system when you ride your motorcycle as the legal alcohol limit in NSW is zero. It is also illegal to ride under the influence of drugs.

Mobile phones

Mobile phone use is banned for P2 riders. You must not use a mobile phone (including hands free or loudspeaker functions) while riding, or while your motorcycle is stopped but not parked. See *Traffic Fact Sheet 10 – Driving and mobile phone use* for more information.

Speed Limit

As a P2 rider, you must not ride faster than 100km/h and stick to speed limits if below 100km/h.

If you commit any speeding offence you'll receive a minimum of 4 demerit points. For excessive speed offences (more than 30km/h above the speed limit) an additional suspension or refusal period will apply.

Demerit points

As a P2 rider, if you reach or exceed 7 demerit points your P2 rider licence may be suspended or refused for 3 months. For more information see *Traffic Fact Sheet 4 – Licence suspension and appeals* and *Traffic Fact Sheet 5 – Demerit points*.

2.5 Step 4: Getting a full licence

Once you have held your P2 licence for 24 months, you can get a full licence.

All you need to do is go to your nearest motor registry, take your P licence and pay the unrestricted licence fee.

3 Registration

To ride a motorbike, moped or power assisted pedal cycle (over 200 watts in motor output) in public, the vehicle must be registered.

Driving an unregistered and uninsured vehicle is an offence attracting heavy on-the-spot fines, and even higher fines if the case goes to court. See *Traffic Fact Sheet 2 – Registering your vehicle*.

Warning: there are some kinds of motorbikes and similar vehicles that can't be registered because they don't meet design standards. See below for more information.

4 Mopeds, scooters, dirt bikes and other vehicles

4.1 Introduction

Some types of scooters and mopeds have the same licensing and registration rules as motorcycles.

Some types of small motorised bikes and scooters *cannot* be registered and it's illegal to ride them on roads and in public places.

Some types of motorised vehicles, like wheelchairs and power-assisted pushbikes, can be used without being registered and without needing a licence.

Make sure you know what the licensing and rego rules are before buying or using any vehicle. **Warning:** *if someone tries to sell you a small pocket bike or scooter, and tells you that you can ride it on the road without registering it, don't believe them!*

For more information see *Traffic Fact Sheet 12 - Bicycles & other non-motorised vehicles*.

4.2 Scooters

Like a motorbike, a motor scooter must be registered and you need a licence to ride it.

You can get a licence that restricts you to a 160cc or less automatic motor scooter. To get this licence you still need to complete all the tests but can skip the pre-provisional course.

Also, there are some types of small scooters (mostly foot scooters) that cannot be registered and cannot be legally ridden on roads. See below for more information.

4.3 Mopeds

Mopeds must be registered for use on roads or road-related areas. To register a moped, it must comply with the Australian Design Rules and must not exceed engine cylinder capacity of 50ml and maximum speed of 50km/h.

A moped rider must have a motorcycle rider's licence, wear an approved motorcycle helmet, and obey the same road rules as riders of motorcycles.

See information on *Moped laws* at

https://www.transport.nsw.gov.au/roadsafety/bicycle-riders/ebikes#Moped_laws

4.4 E-bikes

On 1 July 2021, the Australian Government updated the requirements for permitted e-bikes. Bicycles that meet the requirements for permitted e-bikes can be used on public roads and road-related areas. Petrol-powered bicycles and other powered bicycles that do not meet the e-bike requirements are illegal and may only be used on private property.

Power-assisted Pedal Cycles: Have one or more motors attached with a combined maximum power output of 200 watts, cannot be propelled exclusively by the motor/s, weigh less than 50 kg (including batteries) and, have a height-adjustable seat.

Electrically Power-assisted Cycles: Has a maximum continued rated power of 250 watts. This power output must be:

- Progressively reduced as the bicycle's speed increases beyond 6km/h; and
- Cut off when:
 - The bicycle reaches a speed of 25km/h; or
 - The rider stops pedalling and the travel speed exceeds 6km/h.

These do *not* need to be registered and the rider does not need a licence. However, you must wear a suitable safety helmet and obey the same laws as cyclists (see *Traffic Fact Sheet 12 – Pushbikes and other non-motorised vehicles*).

For more information, see *E-bikes and petrol-powered bicycles* at <https://roadsafety.transport.nsw.gov.au/stayingsafe/bicycle-riders/petrol-powered-bicycles.html>

4.5 Dirt bikes

Whether or not you can register your dirt bike will depend on which category of bike it belongs to. Most dirt bikes can be registered, unless they fall into a category of prohibited vehicle. See <https://roads-waterways.transport.nsw.gov.au/roads/vehicle-registration/unregistered-vehicles/rules-for-unregistered-vehicles/prohibited-vehicles.html>

If a bike is registered, it can be ridden on sealed and unsealed roads, trails and tracks on public land, private property and dirt bike parks.

Bikes that *cannot* be registered (which include Motocross bikes, mini bikes and quad bikes) can only be used on private property and commercial dirt bike parks or circuits.

4.6 Pocket bikes, motorised foot scooters and other motorised human transporters

Some vehicles do not comply with the minimum Australian design standards for safety and cannot be registered. These include pocket bikes (sometimes known as a 'minibike' or 'mini-moto'), motorised foot scooters (with or without a seat with an electric/petrol engine), motorised human transporters (such as the WheelMan or SEGWAY) and motorised skateboards (with an electric/petrol engine).

This means that it is an offence to use them on roads and in public areas such as footpaths, car parks and parks. It is OK to ride them on private property.

4.7 Motorised wheelchairs

Motorised wheelchairs and similar devices are exempt from registration if they cannot go faster than 10km/h and are used solely to transport a person with a disability that hinders their mobility.

You do not need a licence to operate a motorised wheelchair but must obey the same rules as a pedestrian.

5 Offences and penalties

5.1 General

Most offences for motorcycle riders carry the same penalties as for other motorists (see other *Traffic Fact Sheets* for details about some of these offences).

However, there are specific rules that apply only for motorcycle riders and these carry their own penalties:

5.2 Helmets

Motorcycle riders must wear an Australian Standard AS/NZS1698 motorcycle helmet. The helmet must be properly fitted and securely fastened to the rider's head.

If you or your passenger are caught riding without a helmet, you may be fined \$387 (or up to \$2,200 if you go to court) and get 3 demerit points. If both you and your passenger are without a helmet, you may be fined \$772 (or up to \$2,200 if you go to court) and get 6 demerit points.

5.3 Passengers

If you are a passenger on a motorbike you must sit astride the pillion seat facing forwards, and keep both feet on the footrests.

The rider of a motorbike must not ride with more than one passenger (unless you have a sidecar or other seat designed for a passenger, other than a pillion seat).

If you are on your Ls or P1 licence, you are not allowed to carry any pillion passengers.

If you are carrying a passenger who is 8 years old or younger, they must be carried in a sidecar.

You could be fined \$387 (or up to \$2,200 if you go to court) and get 3 demerit points for breaking any of these rules.

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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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