

MOTORISED WHEELCHAIRS

Safety and the Law

Insurance, injury and damage

As a service to members of the community with disabilities, the Motor Accident Commission provides users of motorised wheelchairs with third party bodily injury insurance cover at no cost. No application is required.

However, the insurance only covers your legal liability for injury to other people as a result of an accident involving your motorised wheelchair. It does not cover any injury you may sustain or cover the cost of any damage to your motorised wheelchair, or damage to any other person's vehicle or property.

Most household insurance policies cover legal liability for injury to other persons or damage to their property, but it is unusual for the insurance to include accidental damage to your wheelchair. If you require cover for damage to your motorised wheelchair, it is suggested that you seek advice from an insurance company.



This document is not intended to be used as a legal document. Its aim is to set out, in simple form, a summary of the legislative requirements that apply to motorised wheelchairs. The statements in this brochure should not be taken as precise legal interpretations of the law. If you require a more detailed statement of the law, you are advised to refer to the Motor Vehicles Act and Regulations and the Australian Road Rules. Legislation is available at: www.parliament.sa.gov.au.

For further information contact:

Department for Transport,
Energy and Infrastructure
PO Box 1,
Walkerville SA 5081
Telephone: 13 10 84

www.dtei.sa.gov.au



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What
You

NEED

to

Know

Users of motorised wheelchairs have the same responsibilities as other road users.

Introduction	Pedestrian Use	Road Use	Safety tips
<p>A motorised wheelchair (also referred to as gophers or scooters) can be of great benefit to a person with a physical condition that limits their ability to walk long distances. However, there are important safety issues to consider when driving one of these motorised wheelchairs on a footpath or road.</p> <p>If you already have one of these motorised wheelchairs or are considering purchasing one, you need to understand how its size (weight) and capacity determines where and how you may use it.</p> <p>The Motor Vehicles Act and the Australian Road Rules prescribe the use of motorised wheelchairs to ensure the safety of the user, other pedestrians and road users. These requirements are set out in this guide.</p>	<p>Under the Australian Road Rules, a motorised wheelchair that is not capable of travelling at a speed greater than 10km/h and is used by a person who is unable to walk or has difficulty walking is treated as a pedestrian.</p> <p>As such, users of motorised wheelchairs must observe the same road rules applicable to all pedestrians, including:</p> <ul style="list-style-type: none">• using the footpath or nature strip where one is available• keeping to the far left or far right of a road where no footpath or nature strip is provided or is not practicable to use• not travelling in bike lanes• crossing a road at pedestrian lights and at traffic lights, and• not causing a traffic hazard or obstruction.	<p>Many motorised wheelchairs do not have the capacity to travel faster than 10 km/h but if a motorised wheelchair can travel over 10 km/h it may only be driven on a footpath if:</p> <ul style="list-style-type: none">• it does not travel faster than 10 km/h, and• it has an unladen mass not exceeding 110 kilograms, and• the user has a physical condition with a reasonable need to use the motorised wheelchair. <p>A motorised wheelchair is exempt from the requirements of a driver's licence, registration and insurance when driven on a road by a person who reasonably requires the use of the vehicle because of some physical infirmity. However, exemption is subject to the following conditions:</p> <ul style="list-style-type: none">• the vehicle is specifically designed and constructed (not merely adapted) for the transport of a person with some physical infirmity or disability• it has seating for one person only• is capable of short low speed journeys only, and• has an unladen mass not exceeding 250 kilograms. <p>Users of motorised wheelchairs with an unladen mass over 250 kilograms are not exempt from the requirement to hold a driver's licence, vehicle registration and insurance.</p>	<p>When using your motorised wheelchair on a footpath, it may not always be safe to travel at a speed up to 10km/h. Your speed should be reduced accordingly depending on the conditions of the footpath and other users.</p> <p>When using your motorised wheelchair on the road, being seen by other road users is one of the major difficulties faced by all road users. This is due mainly to the size of the wheelchair relative to other vehicles.</p> <p>Driving on the footpath is a much safer alternative. However, if you need to drive on or over a road it is recommended that you do so safely by adhering to the following safety tips:</p> <ul style="list-style-type: none">• Display a bicycle flag. These are available from most bicycle shops and will assist in making your vehicle more visible to other road users.• It is not recommended that you drive on the road at night, but if you need to do so, you should wear bright clothing and display a white light to the front of the vehicle and a red light to the rear.• Never assume that motorists have seen you and will give way. Use pedestrian crossings or cross at open areas with high visibility. If you must travel on the road, keep as close to the left or right as possible.• Look for cars entering or exiting driveways and warn pedestrians as you approach. When travelling in congested areas, use the slowest speed possible. Always travel up and down ramps and inclines in as straight a line as possible to avoid tipping the vehicle over.