

# Factsheet: Road use of e-scooters in NSW

## Where can I use my e-scooter?

It is currently illegal to ride an e-scooter on a road or road related area in New South Wales.

**Road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

**Road related area** means an area that divides a road, a footpath or nature strip, a cycle path or an area used by the public for driving, riding or parking vehicles.

Therefore, an e-scooter can only be ridden on private property, which is not a road or road-related area.

## Why is it illegal to use on roads?

### Registration

Under the *Road Transport Act 2013* (NSW), a motor vehicle is defined as “a vehicle that is built to be propelled by a motor that forms part of the vehicle.”

Police consider an e-scooter to be a motor vehicle because its self-propelled movement is secondary to the function of the motor.

Whether an e-scooter is or isn't a “motor vehicle” is a matter yet to be determined by a court.

Motor vehicles must be registered in NSW. However, a scooter does not meet the requirements under the *Road Transport (Vehicle Registration) Regulation 2017* (NSW) as they do not satisfy the Australian Design Standards. They are therefore incapable of being registered.

It is illegal to drive an unregistered motor vehicle in NSW.

### Insurance

For the reasons above, an e-scooter is also incapable of being insured. *The Motor Accident Injuries Act 2017* (NSW) s 2.1 states that it is illegal to drive a motor vehicle without compulsory third party insurance.

### Licensing

You may be penalised for being an unlicensed driver or not having the correct type of license, or charged if your license has been suspended or disqualified. It is not possible to obtain a licence for an e-scooter.

Section 53(1)(a) of the *Road Transport Act 2013* (NSW) states that you cannot drive a motor vehicle on any road without being licensed for that purpose.

### **Motor vehicle tax**

Section 9(1)(a) of the *Motor Vehicle Taxation Act 1988* (NSW) states that is an offence for a motor vehicle to be used where registration tax has not been paid. Even though an e-scooter cannot be registered, it is not exempt from registration.

### **What are the penalties for using an e-scooter on roads?**

Use of an unregistered motor vehicle on the road is the same, with an on-the-spot fine of \$697, and a maximum court fine of \$5,500.

Use of an uninsured motor vehicle on the road has an on-the-spot fine of \$697, with a maximum court fine of \$5,500.

Both penalties will apply concurrently for using an e-scooter on the road, which means the penalties are not added together.

Police are also able to seize an unregistered vehicle that is being used on the road under s 79 of the *Road Transport Act 2013* (NSW).

You may also be penalised for not wearing an approved helmet, if relevant. This has an on-the-spot fine of \$344 and three demerit points, with a maximum court penalty of \$2,200 and three demerit points.

The penalty for driving a vehicle without tax being paid is \$686, with a maximum court penalty of \$1100.

In relation to driving unlicensed, the penalties are as follows:

Penalties	First Offence	Second or subsequent offences
Penalty notice	\$572	
Maximum court-imposed fine	\$2,200	\$3,300
Maximum prison term	N/A	6 months
Minimum disqualification	N/A	3 months
Default disqualification period	N/A	12 months

Source: nsw.gov.au

Penalties for driving with a suspended or disqualified license are as follows:

Penalties	First Offence	Second or subsequent offences
Maximum court-imposed fine	\$3,300	\$5,500
Maximum prison term	N/A	6 months
Minimum disqualification	1 month	3 months
Default disqualification period	3 months	12 months

Source: nsw.gov.au

## What about e-bikes?

There are only two types of e-bikes permitted on roads and road-related areas, power-assisted pedal cycles and electrically power-assisted cycles. These e-bikes must be designed to be predominately propelled or moved by the rider. They cannot be run exclusively or mostly by the motor.

A power-assisted pedal cycle:

- has one or more motors attached with a combined maximum power output of 200 watts
- cannot be propelled exclusively by the motor/s
- weighs less than 50 kg (including batteries), and
- has a height-adjustable seat.

An electrically power-assisted cycle has a maximum continued rated power of 250 watts, which 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.

It is illegal to use a petrol-powered bicycle in NSW.

## What should I do if I am fined for using an e-scooter?

If you are fined, you should seek legal advice. Provide a copy of your e-scooter specifications to the person providing legal advice. Also make a note of what you were doing when you were stop by police, and what police actually said before they issued you with a fine.

Redfern Legal Centre provides free legal advice regarding e-scooter fine. You may also want to contact your local CLC.

Fines need to be dealt with as soon as possible in order to avoid the fine increasing in cost, and being issued with an enforcement order. An enforcement order may result in suspension of your driver's licence , car registration and/or confiscation of property.

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