

Factsheet: Riding e-scooters on NSW roads



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 related area' includes footpaths, cycle paths and parking areas. Therefore, an e-scooter can only be ridden on private property, which is not a road or road-related area.

Shared e-scooter trials

The NSW Government is currently working with a number of NSW councils to conduct shared e-scooter trials. You can find more information about the locations of these trials at <https://www.transport.nsw.gov.au/roadsafety/road-users/e-scooters>.

Are there penalties for riding an e-scooter on a road?

The penalty for riding an e-scooter on a road or road related area is a fine of up to \$2,200.

You may also be fined or charged for other offences including use of an uninsured and unregistered motor vehicle or driving/riding unlicensed.

The penalties mentioned do not apply when riding an e-scooter provided by

local councils currently trialling shared e-scooters, which include Kogarah, Albury, Forster-Tuncurry, and Wollongong.

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 it is self-propelled by a motor.

To legally drive/ride a motor vehicle in NSW, it must be registered. E-scooters cannot be registered because they do not meet the requirements under the Road Transport (Vehicle Registration) Regulation 2017 (NSW), as they do not satisfy the Australian Design Standards. It is illegal to drive an unregistered motor vehicle in NSW.

Insurance

For the reasons above, an e-scooter cannot be 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

Section 53(1)(a) of the Road Transport Act 2013 (NSW) states that you cannot

drive a motor vehicle on any road without having a relevant licence, but it is not possible to obtain a licence for an e-scooter.

Riders of e-scooters can be fined or issued a court attendance notice for riding unlicensed or not having the correct type of license or charged if their license has been suspended or disqualified.

Motor vehicle tax

Section 9(1)(a) of the Motor Vehicle Taxation Act 1988 (NSW) states that it 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 tax.

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

Use of an uninsured motor vehicle on the road has an on-the-spot fine of \$818, with a maximum court fine of \$2,200. Use of an unregistered motor vehicle on the road is the same, with an on-the-spot fine of \$818, and a maximum court fine of \$2,200.

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

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

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

Penalties	First Offence	Second or subsequent offence
Penalty Notice	\$572	Not available for subsequent offence
Maximum court-imposed fine	\$2,200	\$3,300
Maximum prison term	n/a	6 months
Minimum disqualification	n/a	3 month
Default disqualification period	n/a	12 months

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

Tip 1: Deal with fines promptly.

Tip 2: If you ignore a fine, the fine amount will increase, and your licence could be suspended.

Tip 3: Your options for appealing a fine reduce as the fine becomes more overdue.

Tip 4: If you are fined, you should seek legal advice.

Other rules relating to use of e-scooters
Even if you are riding an e-scooter legally in one of the local government areas running a shared e-scooter trial, there are still a number of offences to be aware of:

Penalties	On the spot fine	Maximum court fine
Riding on the footpath	\$136	\$2,200
Riding on a road with speed limit over 50Km/h	\$136	\$2,200
Not riding in single file	\$136	\$2,200
Riding under the age of 16	\$136	\$2,200
Exceeding maximum operating speed limit of 20Km/h	\$136	\$2,200
Carrying other people of animals	\$136	\$2,200
Riding under the influence of alcohol	Same penalties as driving	
Riding under the influence of a drug	Same penalties as driving	
Fail to wear a helmet	\$410	\$2,200
Use mobile phone while riding	\$410	\$2,200

What about e-bikes

See our ebike fact sheet for more information about ebikes.

Where can I get legal advice about a fine?

- **Redfern Legal Centre** (if you live in the inner city of Sydney or are an international student): fill in our web form at <https://rlc.org.au/contact>, or call 9698 7277.
- Your local community legal centre: <https://www.clcnsw.org.au/community-legal-centres-nsw>
- **Shopfront Youth Legal Centre** (25 years and under): 02 9322 4808
- **Law Access/Legal Aid NSW**: 1300 888 529
- **Aboriginal Legal Service**: 1800 765 767

Produced by Redfern Legal Centre

This factsheet is not a substitute for legal advice. If you have a problem, please contact Redfern Legal Centre at ww.rlc.org.au/contact or phone 02 9698 7277