Speed Limiter Compliance

Fact sheet for the heavy vehicle industry

December 2019

Towards Zero – our road safety target

New South Wales is committed to the Towards Zero road safety strategy, with the long term goal of zero trauma on the NSW road network. Speed remains the number one behavioural factor in deaths and injuries on our roads, contributing to about 40% of fatalities between 2014 and 2018.

Because of their size and weight, heavy vehicles pose a greater risk to other road users. Ensuring that heavy vehicles do not speed is therefore very important.

Background

Under NSW road transport law, the maximum speed limit for a vehicle with a Gross Vehicle Mass (GVM) of more than 4.5 tonnes is 100 km/h.

Under Australian Design Rule (ADR) 65, certain larger heavy vehicles are limited to a maximum road speed limit of 100 km/h. This is typically controlled by software installed by engine manufacturers which is designed to limit the vehicle to a maximum speed of 100 km/h.

Which heavy vehicles are speed limited?

Heavy vehicles which are required to comply with ADR 65 include:

a) heavy goods vehicles built after 1987 with a Gross Vehicle Mass (GVM) greater than 15 tonnes
b) buses built after 1987, used to provide a public passenger service, with a GVM greater than 14.5 tonnes
c) heavy goods vehicles with a GVM greater than 12 tonnes with an engine:
    i. over 300 horsepower, built after 1990
    ii. up to 300 horsepower, built after June 1991
d) buses built after 1990, used to provide a public passenger service, with a GVM greater than 5 tonnes.

Speed limiter compliance

Transport for NSW aims to improve road safety for the heavy vehicle industry and the broader community through effective regulatory programs and high quality compliance, enforcement and adjudication programs and systems.

Transport for NSW's Compliance Operations inspectors undertake heavy vehicle Engine Control Module (ECM) checks to ensure that heavy vehicles comply with the maximum road speed limit.

The Speed Management Program, including ECM checks, was introduced following a fatal crash in 2012 on the Hume Highway which uncovered multiple cases of maximum road speed non-compliance.

Inspectors use original equipment manufacturer software to analyse the ECM for non-compliance, current settings and possible tampering with the setting that may impact on the vehicle's maximum speed.

Inspectors use vehicle and engine data to monitor speed limit compliance and, where required, take enforcement action on non-compliant heavy vehicles and operators, including issuing defect notices and penalty notices.

NSW inspectors involved in the ECM checks are specially trained in partnership with NSW TAFE to inspect a heavy vehicle's ECM installed by engine manufacturers for specified engine types.

Tyre sizes

Tyre sizes have an impact on the vehicle's maximum speed limit and whether defect notices are issued. Tyre revolutions per kilometre vary based on the tyre make, model, load on the tyre and normal tyre wear.

Gearing ratios are also relevant. Therefore, when checking an ECM, NSW inspectors take tyre revolutions, engine revolutions per minute (RPM) and gearing ratios into account.

Case study

A recent case study demonstrates the importance of not breaching maximum speed limitation laws, and the significant penalties that can apply.

In 2019, a truck driver was given maximum penalties for four offences after his truck was found to be able to reach speeds of 130 km/h. The heavy vehicle offender was fined $26,400 and penalised nine demerit points by Goulburn Local Court after his truck was found to have a speed limiter tampering device on board, allowing it to travel at a maximum speed of 130 km/h.

The Victorian-based driver was stopped at the Marulan North heavy vehicle safety station, where it was alleged he also had a laptop on board with software which allowed him to adjust the vehicle speed for three different engine types, as well as a number plate shield.

By handing down the toughest penalties available, the court clearly demonstrated that these types of offences will not be tolerated.

This case study serves as a warning to other heavy vehicle operators that it is not a matter of if, but when, you are caught if you tamper with speed limiters.

Chain of Responsibility

All parties in the road transport supply chain have specific obligations under the law to prevent breaches of the law. It is called the Chain of Responsibility (CoR) and it requires every responsible person in the supply chain to take positive steps to prevent offences, including speed limiter offences.

All those with responsibility for activities that affect compliance with road transport laws may be held legally accountable if they do not meet their obligations. CoR legislation recognises the effects of the actions, inactions and demands of off-road parties in the transport chain.

More information

For further information on heavy vehicle compliance see www.rms.nsw.gov.au/business-industry/heavy-vehicles/safety-compliance/index.html.