

Vehicle Standards Instruction (Light 29.2)

Change in Seating Positions

Released August 2016

The purpose of this Vehicle Standards Instruction (VSI) is to clarify the requirements when changing the seating capacity of a light vehicle.

Applicability:

This instruction applies to all light vehicles under 4.5 tonne except “L” category, which includes motorcycles, sidecars and trikes

Requirements:

LO1 certification is required if a change in adult seating capacity results in a change of Australian Design Rule (ADR) category.

For example, a 14 seat light omnibus “MD2” modified to a 12 seat light omnibus “MD1” requires an LO1 certification.

Not all seats fitted to light vehicles are counted when determining the ADR seating capacity. For the purposes of ADR compliance only category 1 seats (seats intended for adults) are considered.

Category 2 (seats restricted to use by children up to 12 years of age), Category 3 seats (seats restricted to use by children up to 8 years of age) and wheelchair positions are not included in determining the “Seating Capacity” of a light vehicle.

Wheelchairs are not recognised as automotive seats under the ADRs and should not be counted in the seating capacity.

LO1 certification is **not** required when a reduction in category 1 seating capacity (for example, 14 seats reduced to 6) results from the installation of certified wheelchair restraints.

In this instance, as the ADR category has not changed, the modification is certified under LK1 (seats) and K5 (wheelchair restraints) and the modification certificate and plate must reflect the revised adult seating capacity and the number of wheelchair positions (for example, 6 Seats + 2 WC).

Please Note:

Under the *Transport Operations (Road Use Management - Vehicle Standards and Safety) Regulation 2010*, the owner/operator of a vehicle must ensure any modification has been appropriately approved before the vehicle is used on a road.

It is also recommended, where possible, that all persons with a disability travelling in a motor vehicle are seated in an automotive seat and not in a wheelchair.

Driver licensing requirements continue to be assessed based on the number of eligible adult seating positions. For example, a light bus built or fitted to carry 14 adults that is modified to replace 2 seating positions with 2 wheelchair positions will still be considered a bus built or fitted to carry 14 adults for driver licensing purposes. If 4 category 1 seating positions were replaced with 2 wheelchair positions, the combined seating capacity would be 12 adults (10 seats + 2 WC). A bus of not more than 4.5t GVM, built or fitted to carry no more than 12 adults, is the maximum size that is permitted to be driven on a C class licence. This applies even when wheel chairs are not carried or occupied.

Further Information:

For further information, please contact the TMR Call Centre on 132380.