

TR302*

Road Traffic Act 1974

Tow Truck Amendment Regulations 1999

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Tow Truck Amendment Regulations 1999*.

2. The regulations amended

The amendments in these regulations are to the *Tow Truck Regulations 1975**.

[* Reprinted as at 19 May 1986.

For amendments to 2 November 1999 see 1998 Index to Legislation of Western Australia, Table 4, p. 270.]

3. Regulation 2 amended

Regulation 2 is amended by inserting in the appropriate alphabetical position the following definition —

“

“**Commissioner**” means the Commissioner of Main Roads, appointed under section 7 of the *Main Roads Act 1930*;

”.

4. Regulation 13A amended

Regulation 13A is amended as follows:

- (a) in subregulation (1) by inserting after “Police Force” in both places where it occurs —

“ or the Commissioner, ”;

- (b) in subregulation (2)(a) by inserting after “Police Force” —
“ , or the Commissioner, ”;
- (c) in subregulation (2)(b) by inserting before “shall, unless” —
“ in the case of permission that has been given by a member of the Police Force, ”.

5. Regulation 14 amended

Regulation 14(1) is amended by deleting “The” and inserting instead —

“ Subject to regulation 15A, the ”.

6. Regulation 15 amended

Regulation 15(1) is amended by deleting “Where” and inserting instead —

“ Subject to regulation 15A, where ”.

7. Regulation 15A inserted

After regulation 15 the following regulation is inserted —

“

15A. Commissioner may authorize tow

- (1) Despite regulations 14 and 15, the driver of a tow truck may tow or attempt to tow away a vehicle from the scene of an accident or breakdown, or from the place of the vehicle’s abandonment, if that particular tow has first been authorized orally by the Commissioner on behalf of the driver, owner or person in charge of the vehicle.
- (2) The Commissioner may only give oral authorization to tow a vehicle if the tow involves removing the vehicle to the nearest place of safety from the scene of the accident or breakdown, or from the place of the vehicle’s abandonment, and to do will, in the opinion of the Commissioner, prevent or reduce an obstruction or a danger to the safety of persons or property.
- (3) Where an oral authorization has given rise to the towing of a vehicle, the driver of the tow truck involved shall complete in duplicate the statement of particulars described in regulation 14 (with the appropriate modifications) within 24 hours of the completing of the towing job.
- (4) The driver of a tow truck, who is required to complete a statement under subregulation (2), shall deliver the original of the completed statement to the person authorizing the tow, or that person’s representative.

- (5) The duplicate of the signed completed statement shall be handed by the driver of the tow truck to the person licensed to operate that tow truck, and shall thereafter be retained by the operator for a period of 12 months.
- (6) A driver of a tow truck who fails to complete or to deliver a statement in accordance with the provisions of this regulation is guilty of an offence.

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8. Regulation 17 amended

Regulation 17(a) is amended by inserting after “Police Force” —

“ , or the Commissioner, ”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.
