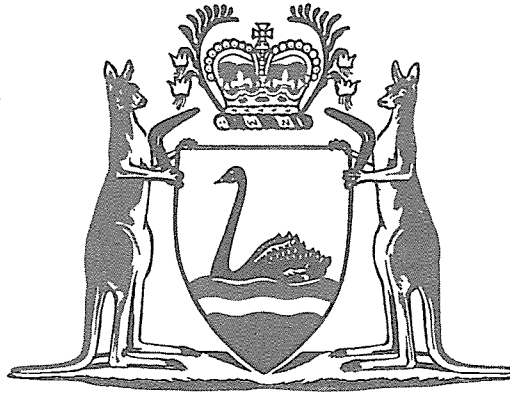


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ROAD TRAFFIC ACT 1974

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TOW TRUCK  
REGULATIONS 1975



Reprinted under the *Reprints  
Act 1984* as at 19 May 1986.

WESTERN AUSTRALIA

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ROAD TRAFFIC ACT 1974

**TOW TRUCK REGULATIONS 1975**

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ARRANGEMENT

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ROAD TRAFFIC ACT 1974

**TOW TRUCK REGULATIONS 1975**

**Citation**

1. These regulations may be cited as the *Tow Truck Regulations 1975*<sup>1</sup>.

**Interpretation**

2. In these regulations unless the context requires otherwise—

“aggregate mass” has the same meaning as is given to that expression in the *Vehicle Standards Regulations 1977*;

“appropriate authority” means the Chief Inspector of Machinery or Inspector as defined in the *Inspection of Machinery Act 1921*<sup>2</sup>;

“articulated vehicle” has the same meaning as is given to that expression in the *Road Traffic Code 1975*;

“crane” means a lifting device approved by the appropriate authority as defined by the *Inspection of Machinery Act 1921*<sup>2</sup>;

“load capacity” means the difference between the tare of a vehicle and the aggregate mass calculated in accordance with the *Vehicle Standards Regulations 1977*;

“tow truck” means a motor vehicle equipped with a crane used or intended to be used for the lifting, salvaging, carrying or towing of vehicles and includes any motor vehicle to which is attached (temporarily or otherwise) a device or trailer which is used or intended to be used for the lifting, salvaging and carrying of any motor vehicle.

[Regulation 2 amended in *Gazettes* 10 November 1977 p. 4192; 25 May 1984 p. 1386.]

**Licensing**

3. (1) Subject to subregulation (2), a person shall not—

- (a) use or drive a tow truck on a road; or
- (b) operate any vehicle as a tow truck,

unless it is licensed by the Board for use as a tow truck and it complies with the requirements of these regulations and any conditions imposed thereunder.

(2) Where a tow truck was licensed as such prior to the coming into operation of these regulations the Board may permit it to be continued to be operated as such, notwithstanding that the specifications or equipment of that tow truck do not conform to the requirements of these regulations, subject to such conditions as the Board may specify in the licence.

(3) A licence granted under subregulation (2) shall extend only for such period as the Board may consider necessary or expedient, and the Board may from time to time require the vehicle to be inspected and tested before permitting the renewal of the licence as a tow truck.

*[Regulation 3 amended in Gazette 2 February 1982 p. 405.]*

**General equipment**

4. (1) Every tow truck shall be fitted with dual wheels on the rear axle or axles on both the left side and right side, unless the Board otherwise approves in specified circumstances.

(2) Every tow truck shall have its steering wheel on the right hand side of the longitudinal axis of the vehicle.

(3) The driver's seat on every tow truck shall be so constructed that no person can occupy any portion of the seat on the right hand side of the driver.

(4) Every tow truck shall be equipped with suitable spacer bars and safety chains to enable the driver of the tow truck to exercise efficient control over the towed vehicle while it is being towed; and the spacer bars shall be so designed as to minimize any damage to the towed vehicle caused by the towing vehicle or its equipment.

(5) Every tow truck shall be equipped with a fire extinguisher of a type and capacity approved by the Board and maintained in an effective condition and installed in a position where it is readily available for use.

(6) Every tow truck shall be equipped with a broom and such other equipment as is necessary for the removal of any broken glass, debris, oil, etc., deposited on the roadway as a result of an accident or breakdown.

(7) Every tow truck shall have the name and address of the owner of the vehicle, together with the tare and aggregate mass of the vehicle and its class as determined by these regulations, clearly marked on some conspicuous part of the right hand side of the vehicle, in letters at least 50 millimetres high and 25 millimetres wide.

*[Regulation 4 amended in Gazettes 10 November 1977 p. 4192; 2 February 1982 p. 405.]*

**Lights and warning devices**

5. (1) Every tow truck shall be equipped with—

- (a) a flashing amber light for use in circumstances limited by the *Road Traffic Code 1975* and not otherwise; and
- (b) a suitable adjustable white light so mounted that during the hours of darkness it is capable of effectively illuminating the area in which the coupling of the tow truck to any vehicle to be lifted or towed is to be effected, in addition to the vehicle lights and reflectors required under the provisions of the *Vehicle Standards Regulations 1977*, with respect to motor vehicles generally.

(2) Every tow truck shall have equipment which can be placed on the towed vehicle and connected electrically to the towing vehicle of such a kind as to enable the requirements of the *Vehicle Standards Regulations 1977*, as to the display of rear lamps, stop lamps, clearance lamps and flashing turn signal lamps, to be observed by both vehicles whilst any vehicle is being towed.

(3) Every tow truck shall be equipped with not less than 3 portable warning devices complying with the Standard Specification for warning signs set out in A.S.S.E. 38 of the Standards Association of Australia and maintained in good order.

[Regulation 5 amended in Gazette 10 November 1977 p. 4192.]

**Overlength vehicles**

6. Notwithstanding the provisions of Regulation 1101 of the *Vehicle Standards Regulations 1977*, the maximum overall length of a tow truck and the vehicle it is towing may exceed 16.8 metres if—

- (a) signs bearing the word "Overlength" in black lettering, 200 millimetres high on a yellow background are affixed to the front and rear of the combination of vehicles; and
- (b) if the towing takes place during the hours of darkness, the inscriptions on those signs are of reflective material.

[Regulation 6 amended in Gazette 10 November 1977 p. 4192.]

**Maximum mass**

7. The mass of the tow truck together with the crane loaded to its maximum safe working load, shall not exceed the aggregate mass determined in accordance with the *Vehicle Standards Regulations 1977*.

[Regulation 7 substituted in Gazette 10 November 1977 p. 4192.]

**Cranes**

8. (1) The design, construction and marking of the crane fitted to a tow truck, its attachments and supporting structure shall be generally in accordance with the requirements of Australian Standard No. CB 2-1960, S.A.A. Crane and Hoist Code as amended from time to time and be approved by the appropriate authority.

(2) The crane shall be located and mounted on the tow truck in the manner generally or specifically directed by the appropriate authority, and shall comply with the stability requirements of the standard specified in subregulation (1).

(3) Every tow truck crane shall be provided with adequate means for supporting the load in its raised position whilst under tow.

(4) A tow truck does not comply with this regulation unless—

- (a) a certificate has been issued by the appropriate authority certifying that the design of the crane is in accordance with the standard specified in subregulation (1);
- (b) the crane has satisfactorily passed working and stability tests; and
- (c) there is in force in relation thereto a current certificate of annual inspection by the appropriate authority under the *Inspection of Machinery Act 1921*<sup>2</sup>.

#### Crane operators

9. A person shall not operate a power operated crane on a tow truck unless he is the holder of a relevant certificate of competency issued by the appropriate authority.

#### Classification and limitation

10. (1) Tow trucks shall be classified in accordance with the following specifications:—

Class 1—

Tow trucks having a load capacity of not less than 1 270 kg and fitted with a crane having a safe working load of not less than 1 045 kg.

Class 2—

Tow trucks having a load capacity of not less than 3 040 kg and fitted with a crane having a safe working load of not less than 2 540 kg.

Class 3—

Tow trucks having a load capacity of not less than 6 125 kg and fitted with a crane having a safe working load of not less than 5 080 kg.

(2) A tow truck shall be limited to the lifting, carrying, towing or salvaging of vehicles having an aggregate mass appropriate to the load capacity of the tow truck, and shall not be operated so as to exceed the following limits:—

Class of tow truck.	Aggregate mass of vehicle.
1	2 030 kg
2	5 080 kg

[Regulation 10 amended in Gazette 10 November 1977 p. 4192.]

#### Lifting procedures

11. (1) The aggregate mass of any vehicle being lifted shall not be more than the aggregate mass of the tow truck.

(2) The mass supported by the crane of a tow truck shall not be more than the safe working load of that crane.



(3) When a vehicle has been partially but not fully lifted for towing by a tow truck, it shall be supported by means other than the hoist rope or chain of the crane and some of the mass shall be taken on at least 2 wheels or a single axle of the towed vehicle before the tow truck is put in motion.

(4) When a vehicle has been fully lifted for towing by a tow truck, it shall be wholly supported on the carrying area of the tow truck, or on a trailer approved by the Board for that purpose, and adequately secured before the tow truck is put in motion.

(5) The towed vehicle shall not be supported by the hoist rope or chain of the crane whilst the tow truck is in motion.

(6) Notwithstanding subregulation (4), a tow truck shall not be used to lift and carry any vehicle which is so damaged that it can not be safely towed on any 2 wheels of a single axle unless that tow truck has been approved by the Board for the purpose.

*[Regulation 11 amended in Gazettes 10 November 1977 p. 4192; 2 February 1982 p. 405.]*

#### **Tow truck brakes**

12. The service brakes of every tow truck shall be maintained in an efficient condition at all times, and the reading as measured with a Tapley Brake Meter shall be at least 60 per cent when tested at its tare weight.

#### **Brakes of towed vehicle**

13. (1) In the case of a Class 3 tow truck towing a vehicle of which the driver of the tow truck has control of the braking system, and the brakes can be used, there shall be no limitation on the mass of the towed vehicle.

(2) Where a Class 3 tow truck is required to tow a vehicle which is damaged to such an extent as to prevent coupling of the braking system to the tow truck, it shall be lawful for the brakes to be operated from the driving position of the towed vehicle.

(3) Where a vehicle is so damaged as to prevent the braking system from being used, any member of the Police Force may authorize the vehicle to be towed, by a tow truck of the appropriate class, to the nearest place of safety.

*[Regulation 13 amended in Gazettes 10 November 1977 p. 4192; 2 February 1982 p. 405.]*

#### **Permission to tow articulated vehicles**

13A. (1) Notwithstanding regulation 1612 (1) of the *Road Traffic Code 1975*, a Class 3 tow truck may, with the permission of a member of the Police Force, tow a disabled articulated vehicle which, in the opinion of that member of the Police Force, it would not be safe to uncouple to allow towing of part only of the vehicle, to a place where it will not constitute a hazard to traffic or to any person.

(2) The permission referred to in subregulation (1)—

- (a) may be subject to such conditions as the relevant member of the Police Force considers are appropriate which, without limiting the generality of the foregoing, may include conditions relating to the route to be taken or the speed at which the vehicle is to be towed; and

(b) shall, unless the member of the Police Force concerned is to be in attendance throughout the towing operation, be evidenced by a document in writing completed in duplicate and signed by that member of the Police Force, containing the following particulars—

- (i) the registered number of the tow truck;
- (ii) the registered number or numbers or other identifying particulars of the articulated vehicle;
- (iii) the place from where the articulated vehicle is to be moved;
- (iv) the place to where the articulated vehicle is to be taken;
- (v) the date, time, and period during which, towing is authorized; and
- (vi) the conditions to be observed whilst towing.

(3) The original of the document referred to in subregulation (2) (b) shall be carried by the driver of the tow truck and shall be produced on demand to any member of the Police Force.

(4) The duplicate of the document referred to in subregulation (2) (b) shall be retained by the member of the Police Force who signed it.

(5) A driver of a tow truck who tows or attempts to tow away any articulated vehicle except in accordance with this regulation and any condition imposed pursuant to subregulation (2) is guilty of an offence.

*[Regulation 13A inserted in Gazette 25 May 1984 pp. 1386-7.]*

#### Authority to tow or salvage

14. (1) The driver of a tow truck shall not tow or attempt to tow away or salvage any vehicle from the scene of an accident, until he has completed in duplicate a statement containing the following particulars:—

- (a) the name and address of the person licensed to operate the tow truck;
- (b) the name and address of the driver of the tow truck;
- (c) the registered number of the tow truck;
- (d) the name and address of the owner of the vehicle to be towed or salvaged, if that is known;
- (e) the name and address of the person authorizing the motor vehicle to be towed or salvaged, and his rank or number if the person giving the authority is a member of the Police Force;
- (f) the make and registered number of the vehicle to be towed or salvaged;
- (g) the place from where the vehicle is to be moved;
- (h) the place to where the vehicle is to be taken;
- (j) the date and time at which the authority to tow or salvage is signed,

and has signed, and obtained the signature of the person authorizing the tow or salvage to, both copies of that statement when so completed.

(2) The original of the signed completed statement shall be handed by the driver of the tow truck to the person authorizing the tow or salvage.

(3) The duplicate of the signed completed statement shall be handed by the driver to the person licensed to operate that tow truck, and shall thereafter be retained by the operator for a period of 12 months.

(4) A driver of a tow truck who tows or attempts to tow away or salvage any vehicle contrary to the provisions of this regulation is guilty of an offence.

*[Regulation 14 amended in Gazette 2 February 1982 p. 405.]*

#### **Member of Police Force may authorize tow or salvage**

15. (1) Where, owing to the absence or incapacity of the driver or person in charge of a vehicle involved in an accident, authority to tow away or salvage that vehicle cannot be obtained, a member of the Police Force may give that authority on behalf of the driver, owner or person in charge of the damaged vehicle for the purpose only of—

- (a) removing the vehicle to a place of safe custody for use as an exhibit in future court proceedings;
- (b) removing the vehicle to the nearest place of safety from the scene of the accident in the interest of the owner; or
- (c) removing the vehicle in order to prevent or reduce an obstruction or a danger to the safety of persons or property.

(2) A member of the Police Force authorizing the removal of any vehicle under subregulation (1) shall himself sign the authority for the vehicle to be towed or salvaged.

*[Regulation 15 amended in Gazette 2 February 1982 p. 405.]*

#### **Production of authority to tow or salvage**

16. Every driver of a tow truck shall produce on demand to any member of the Police Force the authority required by regulation 14.

*[Regulation 16 amended in Gazette 2 February 1982 p. 405.]*

#### **Extent of authority to tow or salvage**

17. An authority obtained by a driver of a tow truck under these regulations to tow or salvage a vehicle—

- (a) does not commit a member of the Police Force to any personal liability, cost or charge;
- (b) is evidence only of the giving of an authority for the removal of the vehicle and in respect of salvage and storage connected therewith, but not for the carrying out of any repair or for any other purpose.

*[Regulation 17 amended in Gazette 2 February 1982 p. 405.]*

#### **Offences**

18. (1) A person who—

- (a) causes or attempts to cause, or induces or attempts to induce, by any trick, pretence, force, threat or persistent soliciting, or unfair means, any person to sign an authority to lift, salvage, carry or tow any vehicle involved in an accident;

- (b) intimidates or attempts to intimidate by threat or force the driver of any tow truck from lifting, salvaging, carrying or towing any such vehicle if that driver is acting in accordance with the provisions of these regulations; or
- (c) refuses or neglects to deliver up a vehicle or any articles of value in a vehicle when requested by the owner, where the charges referred to in regulation 17 in respect of the carrying, salvaging, towing or storage of that vehicle, have been tendered by the owner to such person and no lawful cause for such refusal of neglect is proved,

is guilty of an offence.

(2) A person who commits an offence against these regulations is liable—

- (a) for a first offence, to a penalty not exceeding \$100; and
- (b) for a second or subsequent offence, to a penalty not exceeding \$200.

[Regulation 18 amended in Gazette 10 November 1977, p. 4192.]

#### NOTES

<sup>1</sup> This reprint is a compilation as at 19 May 1986 of the *Tow Truck Regulations 1975* and includes all amendments in the reprint published in the *Gazette* on 6 August 1979 and all amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Regulations	Gazettal	Commencement	Miscellaneous
<i>Tow Truck Regulations 1975</i> (Regulations effecting amendments included in the previous reprint are not referred to in this Table)	29 May 1975 pp. 1553-57	1 June 1975	
<i>Tow Truck Amendment Regulations 1982</i>	2 February 1982 p. 405	2 February 1982	
<i>Tow Truck Amendment Regulations 1984</i>	25 May 1984 pp. 1386-87	1 July 1984	

<sup>2</sup> See now *Machinery Safety Act 1974*.