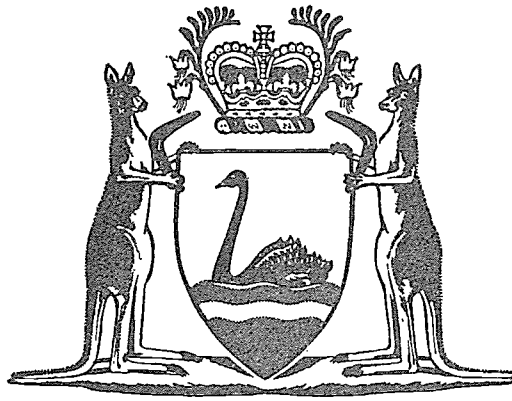


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Crown Law Department,
Perth, 31st July, 1979.

THE undermentioned Regulations made under the provisions of the Road Traffic Act, 1974, and amended from time to time up to and including the 10th November, 1974, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General.

R. M. CHRISTIE,
Under Secretary for Law.

ROAD TRAFFIC ACT, 1974.

TOW TRUCK REGULATIONS, 1975.

PUBLISHED in the *Government Gazette* on the 29th May, 1975, and now reprinted incorporating all the amendments thereto published in the *Government Gazette* on the 10th November, 1977, pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Attorney General dated 31st July, 1979.

ROAD TRAFFIC ACT, 1974.

TOW TRUCK REGULATIONS, 1975.

1. These regulations may be cited as the Tow Truck Regulations, 1975. Citation.

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;
 - “crane” means a lifting device approved by the appropriate authority as defined by the Inspection of Machinery Act, 1921;
 - “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.Interpretation.
Amended by
G.G.
10/11/77,
p. 4192.

3. (1) Subject to subregulation (2) of this regulation, 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 Authority for use as a tow truck and it complies with the requirements of these regulations and any conditions imposed thereunder. Licensing
and specifications.
 - (2) Where a tow truck was licensed as such prior to the coming into operation of these regulations the Authority 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 Authority may specify in the licence.
 - (3) A licence granted under subregulation (2) of this regulation shall extend only for such period as the Authority may consider necessary or expedient, and the Authority may from time to time require the vehicle to be inspected and tested before permitting the renewal of the licence as a tow truck.

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 Authority otherwise approves in specified circumstances. General
equipment.
Amended by
G.G.
10/11/77,
p. 4192.
 - (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 minimise 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 Authority 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 fifty millimetres high and twenty-five millimetres wide.

Lights and
warning
devices.
Amended by
G.G.
10/11/77,
p. 4192.

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 three 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.

(4) [Deleted by G.G. 10/11/77, p. 4192.]

Overlength
vehicles.
Amended by
G.G.
10/11/77,
p. 4192.

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.

Overweight
vehicles.
Substituted
by G.G.
10/11/77,
p. 4192.

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.

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) of this regulation.

(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) of this regulation;
- (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.

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. Crane operators.

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

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. Amended by G.G. 10/11/77, p. 4192.

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

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

(2) The mass supported by the crane of a tow truck shall not be more than the safe working load of that crane. Amended by G.G. 10/11/77, p. 4192.

(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 two 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 Authority 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) of this regulation, 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 two wheels of a single axle unless that tow truck has been approved by the Authority for the purpose.

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. Tow truck brakes.

Brakes of
towed
vehicle.
Amended by
G.G.
10/11/77,
p. 4192.

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 patrolman may authorise the vehicle to be towed, by a tow truck of the appropriate class, to the nearest place of safety.

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 authorising the motor vehicle to be towed or salvaged, and his rank or number if the person giving the authority is a patrolman;
- (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 authorising 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 authorising 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 twelve 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.

Patrolman
may
authorise.

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 patrolman 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 patrolman authorising the removal of any vehicle under subregulation (1) of this regulation, shall himself sign the authority for the vehicle to be towed or salvaged.

Production
of authority.

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

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

- (a) does not commit a patrolman 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.

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 of these regulations 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 or 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 one hundred dollars; and
 - (b) for a second or subsequent offence, to a penalty not exceeding two hundred dollars.
- (3) [*Deleted by G.G. 10/11/77, p. 4192.*]

