

Western Australia

Road Traffic Act 1974

Road Traffic (Tow Truck) Regulations 1975

Road Traffic (Tow Truck) Regulations 1975

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Road Traffic (Tow Truck) Regulations 1975

1. Citation

These regulations may be cited as the *Road Traffic (Tow Truck) Regulations 1975* ¹.

[Regulation 1 amended in Gazette 1 Nov 2002 p. 5399.]

2. Interpretation

In these regulations unless the context requires otherwise —

appropriate authority means the Chief Inspector of Machinery or Inspector as defined in the *Inspection of Machinery Act 1921* ²;

articulated vehicle has the same meaning as is given to that expression in the *Road Traffic Code 2000*;

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

crane means a lifting device approved by the appropriate authority as defined by the *Inspection of Machinery Act 1921* ²;

GVM has the same meaning as it has in the Vehicle Standards;

load capacity, in relation to a vehicle, means the difference between its GVM and its unloaded mass;

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;

unloaded mass has the same meaning as it has in the Vehicle Standards;

Vehicle Standards means the *Road Traffic (Vehicle Standards) Regulations 2002* and the *Road Traffic (Vehicle Standards) Rules 2002*.

[Regulation 2 amended in Gazette 10 Nov 1977 p. 4192; 25 May 1984 p. 1386; 28 Sep 1990 p. 5073; 7 Dec 1999 p. 5998; 1 Dec 2000 p. 6762; 1 Nov 2002 p. 5399; 3 Jan 2003 p. 11.]

3. Licensing

- (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 Feb 1982 p. 405.]

4. General equipment

- (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 unloaded mass and GVM 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 Gazette 10 Nov 1977 p. 4192;
2 Feb 1982 p. 405; 1 Nov 2002 p. 5399.]*

5. Lights and warning devices

- (1) Every tow truck shall be equipped with —
 - (a) a flashing amber light for use in circumstances limited by the *Road Traffic Code 2000* 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 *Road Traffic (Vehicle Standards) Regulations 2002* 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 relating to lights 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 Australia³ and maintained in good order.

[Regulation 5 amended in Gazette 10 Nov 1977 p. 4192; 28 Sep 1990 p. 5073; 1 Dec 2000 p. 6762; 1 Nov 2002 p. 5400.]

6. Overlength vehicles

Notwithstanding the Vehicle Standards, 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 Nov 1977 p. 4192;
28 Sep 1990 p. 5073; 1 Nov 2002 p. 5400.]*

[7. Deleted in Gazette 1 Nov 2002 p. 5400.]

8. Cranes

- (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* ².

9. Crane operators

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.

10. Classification and limitation

- (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 a GVM 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	GVM of vehicle
1	2 030 kg
2	5 080 kg

*[Regulation 10 amended in Gazette 10 Nov 1977 p. 4192;
1 Nov 2002 p. 5400.]*

11. Lifting procedures

- (1) The GVM of any vehicle being lifted shall not be more than the GVM 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 Gazette 10 Nov 1977 p. 4192;
2 Feb 1982 p. 405; 1 Nov 2002 p. 5401.]*

12. Tow truck brakes

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% when tested at its unloaded mass.

[Regulation 12 amended in Gazette 1 Nov 2002 p. 5400.]

13. Brakes of towed vehicle

- (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.

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- (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 authorise the vehicle to be towed, by a tow truck of the appropriate class, to the nearest place of safety.
- (4) A person shall not alter the setting of the brake (slack) adjusters of a vehicle fitted with maxi-spring emergency/parking brakes for the purpose of towing the vehicle.

*[Regulation 13 amended in Gazette 10 Nov 1977 p. 4192;
2 Feb 1982 p. 405; 2 Jun 1989 p. 1612.]*

13A. Permission to tow articulated vehicles

- (1) Notwithstanding regulation 279(1) of the *Road Traffic Code 2000*, a Class 3 tow truck may, with the permission of a member of the Police Force or the Commissioner, tow a disabled articulated vehicle which, in the opinion of that member of the Police Force or the Commissioner, 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, or the Commissioner, 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) in the case of permission that has been given by a member of the Police Force, 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 authorised; 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 p. 1386-7; amended in Gazette 7 Dec 1999 p. 5998-9; 1 Dec 2000 p. 6763; 1 Nov 2002 p. 5401.]

14. Authority to tow or salvage

- (1) Subject to regulation 15A, 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 —

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- (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 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 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 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 Feb 1982 p. 405;
7 Dec 1999 p. 5999.]*

15. Member of Police Force may authorise tow or salvage

- (1) Subject to regulation 15A, 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 authorising 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 Feb 1982 p. 405;
7 Dec 1999 p. 5999.]*

15A. Commissioner may authorise 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 authorised orally by the Commissioner on behalf of the driver, owner or person in charge of the vehicle.
- (2) The Commissioner may only give oral authorisation 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 authorisation 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 authorising 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.

[Regulation 15A inserted in Gazette 7 Dec 1999 p. 5999-6000.]

16. Production of authority to tow or salvage

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 Feb 1982 p. 405.]

17. Extent of authority to tow or salvage

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, or the Commissioner, 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 Feb 1982 p. 405; 7 Dec 1999 p. 6000.]

18. Offences

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

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

Notes

- ¹ This is a compilation of the *Road Traffic (Tow Truck) Regulations 1975* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any previous reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Tow Truck Regulations 1975</i> ⁴	29 May 1975 p. 1553-7 10 Nov 1977 p. 4192	1 Jun 1975 14 Nov 1977
Reprint of the <i>Tow Truck Regulations 1975</i> authorised 31 Jul 1979 published in <i>Gazette</i> 6 Aug 1979 p. 2271-7 (includes amendments listed above)		
<i>Tow Truck Amendment Regulations 1982</i>	2 Feb 1982 p. 405	2 Feb 1982 (see r. 2)
<i>Tow Truck Amendment Regulations 1984</i>	25 May 1984 p. 1386-7	1 Jul 1984 (see r. 2)
Reprint of the <i>Tow Truck Regulations 1975</i> as at 19 May 1986 published in <i>Gazette</i> 11 Jun 1986 p. 1957-68 (includes amendments listed above)		
<i>Tow Truck Amendment Regulations 1989</i>	2 Jun 1989 p. 1612	2 Jun 1989
<i>Regulations Amendment (Towed Agricultural Implements) Regulations 1990 Pt. 7</i>	28 Sep 1990 p. 5073	1 Nov 1990 (see r. 2)
<i>Tow Truck Amendment Regulations 1999</i>	7 Dec 1999 p. 5998-6000	7 Dec 1999
<i>Tow Truck Amendment Regulations 2000</i>	1 Dec 2000 p. 6762-3	1 Dec 2000 (see r. 2)
<i>Road Traffic (Vehicle Standards) (Consequential Provisions) Regulations 2002 Pt. 8</i>	1 Nov 2002 p. 5388-400	1 Nov 2002 (see r. 2)
Reprint of the <i>Road Traffic (Tow Truck) Regulations 1975</i> as at 8 Nov 2002 (includes amendments listed above)		
<i>Road Traffic (Vehicle Standards 2002) Amendment Regulations 2002 r. 13(3)</i>	3 Jan 2003 p. 5-11	3 Jan 2003

- ² Repealed by the *Machinery Safety Act 1974* which was repealed by the *Acts Amendment (Occupational Health Safety and Welfare) Act 1987*.

- ³ The Standards Association of Australia has changed its corporate status and its name. It is now Standards Australia International Limited (ACN 087 326 690). It also trades as Standards Australia.

- ⁴ Now known as the *Road Traffic (Tow Truck) Regulations 1975*; citation changed (see note to r. 1).