

Application to Operate a Category C Tow Truck

under clause 85 (2) of the Tow Truck Industry Regulation 2020

Application information

- Section 56 of the *Tow Truck Industry Act 1998* makes provision for the Tow Truck Industry Regulation 2020 to prohibit certain tow trucks. Clause 85 of the Regulation defines a prohibited tow truck as a one-tonne tow truck. However, a one-tonne tow truck that is operated under the authority of a licence is not a prohibited tow truck if the Secretary has approved its use and operation as a condition of the licence.
- Under Clause 85(3) of the Regulation a one-tonne tow truck means any tow truck that does not comply with the following requirements:
 - (a) A load capacity of at least 1.2 tonnes,
 - (b) A lifting apparatus with a safe working load of one tonne or more,
 - (c) Capacity to tow vehicles that exceed 2 tonnes.
- The application for an exemption under clause 85(2) of the Regulation must be made on the prescribed form. The Manager, Assessment Services will consider applications using the following criteria:
 - i Location of tow truck business
 - ii Type of work the vehicle will undertake
 - iii Other towing services available in the remote areas it is proposed to operate the tow truck, and
 - iv Frequency of use;
- If an exemption is granted, the maximum period of exemption for operators is the term of their existing licence. The vehicle will be listed as a "Category C vehicle" exempted under Clause 85(2) of the Regulation on the licence schedule. The vehicle will operate under the existing Category C licence conditions as determined by the Secretary. A new exemption application is required for all future Tow Truck operator licence applications.

Category C licence conditions

- NSW Fair Trading will determine the Category C conditions appropriate for the circumstances of the individual operator and application. These circumstances may include, but are not limited to, the type of towing work conducted and the geographical location of the operator.
- A Category C prohibited tow truck may be used and operated subject to conditions which may include but are not limited to:
 1. An approved Category C tow truck may only be used or operated for any general salvage/towing when all other approved Category A or B tow truck (s) operated by the licensee is/are not suitable.
 2. If used or operated in accordance with Condition 1, the approved Category C tow truck may only tow the vehicle to the nearest place of safety where the tow truck must be continued by an approved Category A or B tow truck operated by the licensee.

(Category C licence conditions continued)

3. An approved Category C tow truck may only attend the scene of an accident if an approved Category A tow truck operated by the licensee is already in attendance at the scene of the accident and all other approved tow truck (s) operated by the licensee are not suitable to undertake the salvage work required.
4. An approved Category C tow truck cannot tow a vehicle if the unladen mass of the vehicle being towed exceeds the unladen mass of the tow truck.
5. The lift capacity, as approved by Roads and Maritime Services (RMS), of the approved Category C tow truck must be prominently displayed on the tow truck.
6. The safe working load of the lifting apparatus of an approved Category C tow truck, if fitted must be prominently displayed on the tow truck.
7. Conditions imposed on this licence may be amended by varying, adding or omitting specific conditions at any time.

1. Licensee details

Licensee name

Operator licence number

Trading name

Address

Postcode

Phone

Mobile

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Please return this form to:

NSW Fair Trading, PO Box 972, Parramatta NSW 2124

www.fairtrading.nsw.gov.au | T: 13 32 20 | E: towtrucks@customerservice.nsw.gov.au

