

TOW TRUCK DRIVER INFORMATION

INTRODUCTION

The information in this document has been developed to assist tow truck drivers to understand their requirements. It is not a legal document and in no way alters or affects the operation of the Tow Truck Industry Act 1998 (the Act) or the Tow Truck Industry Regulation 2020 (the Regulation).

The Act requires that the driver of a tow truck must hold a driver certificate issued by NSW Fair Trading (NSWFT). Serious penalties may be imposed for driving and operating a tow truck without an appropriate certificate.

What is the purpose of a tow truck driver certificate?

Certification is the system that is used by NSWFT to assess whether a person is of suitable character and fitness, aware of their responsibilities, and able to conduct themselves appropriately when driving and operating a tow truck. In this way it be a type of quality assurance system for tow truck operations.

The certificate is also used to allow members of the community to easily identify that a tow truck driver is authorised to tow their vehicle.

As a tow truck driver, you have certain responsibilities under the Act and the Regulation. The information provided below is intended as a guide to those responsibilities.

For more detailed information on specific subjects please refer to the Act or the Regulation.

If you have any questions or you would like clarification of any of the responsibilities listed below, please contact the NSWFT Tow Truck Investigation Unit on email tti@customerservice.nsw.gov.au or phone **133 220**.



- You must **at all times** hold a current Tow Truck Drivers Certificate.
- If at any time your motor vehicle driver's licence is revoked, cancelled or suspended, your tow truck drivers certificate is also cancelled and you must inform NSWFT of this. You must then notify NSWFT when your licence is reinstated.
- If you are convicted of a criminal offence, your driver's certificate may be affected. You must notify NSWFT in writing, not more than 14 days after a conviction or finding of guilt. For more information please contact NSWFT.
- You must wear your driver's certificate so that the certificate is **clearly visible** while you are:
 - (a) at, or in the vicinity of a motor vehicle accident; or
 - (b) driving or standing a tow truck on a road or road related area; or
 - (c) carrying out, or attempting to obtain, any towing work; or
 - (d) travelling in a tow truck as a passenger; or
 - (e) otherwise using or operating a tow truck.
- you must produce your driver's certificate on demand to an authorised officer or police officer.
- You must notify NSWFT in writing of any proposed change in the particulars specified in your driver's certificate. That notification must be given as soon as practicable after the proposed change occurs.

Your Behaviour

- You must always behave in a respectful and orderly manner while:
 - (a) operating the tow vehicle; or
 - (b) attending the scene of a motor vehicle accident; or
 - (c) complying with the requirement of an authorised officer;
 - (d) comply with any reasonable requirements made of you by an authorised officer or police officer;
 - (e) comply with any reasonable requirement made of you by an emergency services officer who is attending the scene of a motor vehicle accident.
 - (f) at any other time in the conduct of towing work or towing operations

Touting and Soliciting for work

- You must not, for the purpose of obtaining towing or repair work, or for the purpose of enabling any other person to obtain towing or repair work, give or receive, or offer to give or receive, any inducement or valuable thing (including money).
- You must not obtain or attempt to obtain from any person, the other person's authority for the repair of a motor vehicle that has been involved in an accident before it is delivered to the place specified in the towing authorisation.
- You must not, by threats, intimidation or coercion, do anything to any person for the purpose of any of the following:
 - (a) obtaining towing work;
 - (b) enabling another person to obtain towing work;
 - (c) preventing any other person from obtaining towing work;
 - (d) obtaining the work of repairing a motor vehicle that has been involved in an accident or that otherwise requires towing;
 - (e) enabling any other person to obtain the work of repairing a motor vehicle that has been involved in an accident or that otherwise requires towing;
 - (f) preventing any other person from obtaining the work of repairing a motor vehicle that has been involved in an accident or that otherwise requires towing.

Protective Clothing Policy

It is a condition of your certificate that you must comply with the Protective Clothing Policy and wear the following whenever driving or operating a tow truck.

- **Fluorescent Shirt/Vest** – Must be clearly visible at all times. At times when non reflective jackets or wet weather clothing is worn, a reflective vest/shirt must be worn over the top of the item.



- **Protective Footwear** – must be fully enclosed steel cap type boots or shoes. Thongs, sandals, runners or similar types of footwear do not comply



- **Approved Clothing** – must be industrial clothing made from a material which complies with the Australian Standards. Football shorts, tracksuit pants, dress trousers or similar types of clothing do not comply.

- **Towing on Shirt/Vest** – Must have 'TOWING' in block letters at least 7cm across the back of the shirt/vest. (4 digits trucks only).



Tow Truck Equipment

You must ensure the following equipment is kept and maintained in each tow truck that you drive.

- A flashing or rotating warning light that is maintained in good working order, and
- Fully adjustable mounted lights maintained in good working order for loading and unloading of motor vehicles, during hours of darkness.

NOTE: It is a requirement to have this equipment fitted and operational to reduce the risk of potential hazardous incidents for you and other persons whilst the tow truck is in the process of loading or unloading motor vehicles.

In addition, if you operate a **Category 'A'** or a tow truck that is permitted to attend accidents, the truck must always contain the following equipment :

- broom – handle must be at least 1 metre long;
- shovel – handle must be at least 1 metre long;
- durable container for the storage of any accident debris, ie bucket or similar container. Plastic garbage bags or hessian sacks are not suitable for this use.
- foam or dry chemical powder fire extinguisher (4.5kg capacity).

Vehicle number plates

- You must ensure that the tow vehicle number plates are visible while towing. If the number plate is likely to be obscured by a motor vehicle that is being towed, you must ensure that the number plate is:
 - displayed at the rear of the towed vehicle; or
 - displayed in such other manner so that it remains clearly visible.

NOTE: The operators name and licence number must be clearly displayed on the driver's side of the vehicle, and there must be a copy of the operator's schedule in the vehicle.

The following information relates specifically to the drivers of Category 'A' accident tow trucks

Towing Authorisations

Quotation for Towing Services
TA20 - 1XXXXXX

ITEM	NUMBER	COST
*Base tow fee		
*Subsequent tow fee (if applicable)		
*Excess Kilometres (if applicable)		
*After hours surcharge <i>Outside of 8am to 5pm Mon to Fri excluding public holidays</i>	20%	
GST	10%	
TOTAL		

Storage Fees**

* Towing fees must not exceed those prescribed in the schedule of Maximum Tow Fees.
** From 1 July 2016, fees for the storage of a light vehicle in an authorised holding yard commence immediately and are payable for each 24 hours or part thereof.
Subject to the implementation of IPART's recommendations, please visit the Fair Trading website: http://www.fairtrading.nsw.gov.au/thebusinessespecific_industries_and_businesses_low_towage for further information and updates on the maximum fees for towing, salvage and storage of light vehicles please visit the Fair Trading website.

Rights - Owner / Driver of towed vehicle
If you need a tow truck to assist you when you are involved in an accident, you have the right to:

- Decide where your vehicle will be towed
- Decide who will tow your vehicle
- Contact anyone prior to signing this form for assistance on the right place to tow the vehicle to (some contact numbers for insurers provided on the back of this page)
- Refuse to accept a tow for any reason (eg. if the tow truck is not suitable)
- Receive a copy of the towing authorisation form containing contact details for the tow truck operator who will be towing your vehicle

I acknowledge that I have advised the owner / driver of their rights in respect to this towing work, and that all charges for towing, storage and salvage have been explained.

SIGNATURE _____ DATE _____ TIME _____
(Tow Truck Driver)

OWNER / DRIVER COPY

NSW Fair Trading
Phone: 131 123 124
Email: fairtrading@nsw.gov.au
Mail: Locked Mail 972, Parramatta NSW 2124

Quotation for Towing Services

Towing Authorisation
TA20 - 2XXXXXX

NSW Fair Trading
Tow Truck Registration No: _____
Operator's Licence No: _____

1. TOW TRUCK OPERATOR / DRIVER DETAILS

Licensee Name: _____ Contact Phone No: _____
Address: _____
Tow Truck Driver Name (print): _____ Tow Truck Driver's Signature: _____
Driver's Certificate No: _____

2. VEHICLE / OWNER / DRIVER DETAILS

Driver's Name: _____ Phone No: _____
Driver's Address: _____
Vehicle Owner's Name: _____ Phone No: _____
Vehicle Owner's Address: _____
Registration No: _____ Make/Model of Vehicle: _____ Colour: _____

3. TOWING DETAILS

Towed From: _____
Destination specified by the owner/driver: _____
If the destination above is not accessible at time of the tow, the vehicle will be taken to my holding yard at _____ and then to the destination above as soon as practicable after it becomes accessible: _____ (holding yard address)

I, _____ based vehicle owner / driver have been provided with a copy of my rights in respect to this towing work, and an estimate of the charges for towing, storage and salvage. I acknowledge that this is the destination I want the vehicle towed to and authorize the towing of this vehicle. I also acknowledge that I am required to report this accident to the Police immediately.

Owner / Driver Signature: _____ Date / Time: _____

4. POLICE / AUTHORIZED OFFICER AUTHORIZATION

POLICE TO PAY: Reason for owner to pay tow: _____
OWNER TO PAY:

This authorisation has been completed and authorized by:
Police / Authorized Officer Name / Number (print): _____ LAC: _____
Capacity: _____ LAC Phone No: _____ Signature: _____

TOW TRUCK OPERATOR COPY

NSW Fair Trading
Phone: 131 123 124
Email: fairtrading@nsw.gov.au
Mail: Locked Mail 972, Parramatta NSW 2124

Towing Authorisation

- A towing authorisation must:
 - be in writing in the towing authorisation book supplied to you;
 - be signed by the person who has given the authorisation and by you;
 - specify the address where the motor vehicle is to be towed;
 - specify an alternate address being the licensee's holding yard;
 - be filled out in full;
 - you must have the person signing the authorisation to first read and understand the declaration before signing.
- When you obtain a towing authorisation, you must:
 - complete a written Quotation for Towing Services form, provide it to the person giving the authority and explain to them their rights regarding the tow;
 - immediately give a copy of the towing authorisation to the person who gave you the authorisation (blue copy);
 - within 72 hours of completing the towing work, deliver the original towing authorisation to the operator (white copy);
 - retain a copy of the towing authority in the towing authorisation book (pink copy).
- A towing authorisation for the towing of a motor vehicle may only be given by the owner/driver of the vehicle, a police officer or an authorised officer who are at the scene of the motor vehicle accident.
- You must not tow a vehicle that has been involved in an accident unless you first obtain a towing authorisation or are acting under the direction of a police officer or authorised officer.
- You must not obtain, or attempt to obtain, a towing authorisation unless the tow truck that will perform the tow is standing at or in the vicinity of the scene of the accident.
- The towing authorisation only authorises the towing of the motor vehicle that is specified in the

authority. It does not authorise you to tow another vehicle or organise the towing of another vehicle by another tow truck driver.

- If you obtain the authorisation to tow a motor vehicle, you must tow the vehicle to the destination specified on the authorisation
- You must not, without reasonable excuse, alter a towing authorisation after it has been signed.

TOWING NOTICE		TA20 - 1XXXXXXX
NSW Fair Trading	Date of Issue:	Time:
	Tow Truck Operator Name:	
Tow Truck Operators Licence No:		
Tow Truck Registration No:	Drivers Certificate No:	
Registration No. of vehicle being towed:		
Full Address of the destination the vehicle is to be towed:		
Name and signature of tow truck driver who obtained the completed towing authorisation:		
Name:		Signature:
NOTE: this notice must be completed in full and attached to any motor vehicle towed as a result of an accident. The sticker must not be removed from the vehicle unless removed by:		
1. The insurer of the vehicle		
2. If not insured the owner/driver of the vehicle		
3. A person acting under written authority of a person referred to in (1) or (2)		

Towing Notice

- Before you tow the vehicle, you must complete and attach a towing notice (green sticker) that contains the following information:
 - (a) the serial number of the towing authorisation;
 - (b) the operator's name and licence number;
 - (c) your name and your certificate number;
 - (d) the registration number of the motor vehicle;
 - (e) the place where the motor vehicle is to be towed.
- You must not remove a towing notice unless instructed by the insurer, or the owner or the driver of the vehicle.
- If you are directed by a police officer or an authorised officer to tow a motor vehicle without having to obtain a towing authorisation, you must tow the vehicle to the place specified by the police officer or the authorised officer or to the nearest place where the motor vehicle will not be an unreasonable obstruction to traffic.

Towing Fees

- You cannot charge more than the maximum fee determined by NSWFT for an accident tow or salvage tow.
- The current fees are located at <https://www.fairtrading.nsw.gov.au/buying-products-and->

Cleaning up after an accident

- You must, before leaving the scene of a motor vehicle accident, remove any debris caused by, or relating to, the motor vehicle you are towing unless otherwise directed by a police officer.

Comply with direction of authorised officers

- When attending the scene of a motor vehicle accident, you must comply with any reasonable direction given to you by an authorised officer, police officer or emergency services officer who is present at the scene and is exercising his or her official duties.

Persons not permitted to travel as passengers in a tow truck

- Nobody can travel as a passenger in a tow truck that is proceeding to or from the scene of a motor vehicle accident unless that person:
 - (a) was the driver of, or was a passenger in a motor vehicle involved in the accident; or
 - (b) is a certified driver who is travelling for the purpose of assisting you in carrying out towing work.

Tow truck to remain at accident site for minimal period

- You must not stand the tow truck at or within 500 metres of the scene of a motor vehicle accident:
 - (a) for a period longer than the time that is reasonably necessary;
 - (b) to obtain a towing authorisation; and
 - (c) to secure the motor vehicle to or onto the tow truck; or
 - (d) to clean up the debris after the accident; or
 - (e) without a reasonable excuse