

PROHIBITED TOW TRUCK POLICY

- Section 56 of the *Tow Truck Industry Act 1998* makes provision for the *Tow Truck Industry Regulation 2020* (“Regulation”) 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. Applications must include the following criteria:
 - Location of tow truck business,
 - Type of work the vehicle will primarily undertake,
 - Frequency of use, and
 - Other towing services available in the remote areas it is proposed to operate the tow truck,
- 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. A new exemption application is required for future tow truck operator licence applications including renewals.
- Fair Trading will determine Category C conditions appropriate for the circumstances, towing operations and location/s of the applicant.

CATEGORY C LICENCE CONDITIONS

Category C – prohibited tow truck which may be used and operated subject to the following conditions:

Please note: The Secretary may include all or some of these conditions or may impose other conditions appropriate for the circumstances, towing operations and location of the applicant.

1. Conditions imposed on this licence may be amended by varying, adding or omitting specified conditions at any time.
2. 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 trucks operated by the licensee are not suitable.
3. If used or operated in accordance with Condition 2, the approved Category C tow truck may only tow the vehicle to the nearest place of safety where the tow must be continued by an approved Category A or B tow truck operated by the licensee.
4. 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 trucks operated by the licensee are not suitable to undertake the salvage work required.
5. An approved Category C tow truck may not tow a vehicle if the unladen mass of the vehicle being towed exceeds the unladen mass of the tow truck.
6. The lift capacity, as approved by Transport for NSW, of the approved Category C tow truck must be prominently displayed on the tow truck.
7. 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.

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