

Queensland



Tow Truck Act 1973

TOW TRUCK REGULATION 1999

**Reprinted as in force on 1 July 2003
(includes commenced amendments up to 2003 SL No. 106)**

Reprint No. 2C

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 1 July 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Queensland



TOW TRUCK REGULATION 1999

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
2	Commencement	5
3	Definitions	5
PART 2—APPROVALS		
<i>Division 1—Who may apply</i>		
4	Eligibility to apply for a driver's certificate	5
5	Eligibility to apply for an assistant's certificate	6
<i>Division 2—Application for an approval</i>		
6	Definition for div 2	6
7	Application for approval	6
8	Chief executive may require satisfactory evidence	7
9	Applicant to undertake test or be medically examined	7
<i>Division 3—Grant, renewal or refusal of an approval</i>		
10	Grant of certificate or miscellaneous permit	8
11	Identity card for holder of a certificate	8
12	Holder to sign certificate or miscellaneous permit	8
13	Duplicate approval.	9
<i>Division 4—Obligations of an approval holder</i>		
14	Conditions of licence.	9
15	Change of name and address	10
16	Licence or towing permit to be kept in safe custody.	11
17	Certificate or miscellaneous permit to be carried	11
18	Dress of holder of approval	11

Tow Truck Regulation 1999

19	Conduct of holder of approval	11
19A	Conduct at scene of incident	12
20	No disclosure of information	13
21	Remaining at the scene of an incident	13
<i>Division 5—Other obligations</i>		
22	Damaging or destroying documents	13
23	Delivery of expired approval	14
<i>Division 6—Cancellation, suspension or surrender of approval</i>		
24	Additional grounds for amending, suspending or cancelling licence or certificate	14
25	Procedure for amending, suspending or cancelling licence or certificate	14
26	Surrender of approval	16
PART 5—GENERAL		
48	Records to be kept	17
49	Custody of records	17
50	Towing authority to be completed	17
50A	First vehicle to be towed	18
51	Authorised officer may authorise tow	18
52	Shortest route to be used	19
53	Vehicle owner liable for towing charge	19
54	Towing charges	19
55	No charge for business hours viewing	20
56	Notice of storage charges	20
57	Removal from place of storage	20
58	Chief executive may investigate charges	21
59	Movable property to be kept in safe custody	21
60	Tow truck specifications	21
61	Disposal of tow truck	21
62	Exemption from the Act, ss 5, 13 and 26	22
63	Exemption from Act if no class 4 tow truck	23
64	Fees	23
PART 6—TRANSITIONAL PROVISIONS		
65	Existing approvals	23

	SCHEDULE 1	24
	TOW TRUCK SPECIFICATIONS	
	SCHEDULE 2	30
	FEEES	
	SCHEDULE 3	31
	MAXIMUM TOWING CHARGES	
	SCHEDULE 4	32
	TOW TRUCK REGULATED AREAS	
	SCHEDULE 5	34
	DICTIONARY	
	ENDNOTES	
1	Index to endnotes	37
2	Date to which amendments incorporated.	37
3	Key	37
4	Table of reprints	38
5	List of legislation	38
6	List of annotations	39

TOW TRUCK REGULATION 1999

[as amended by all amendments that commenced on or before 1 July 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Tow Truck Regulation 1999*.

2 Commencement

This regulation commences on 1 July 1999.

3 Definitions

(1) The dictionary in schedule 5 defines particular words used in this regulation.

(2) Definitions used elsewhere in the regulation are signposted in the dictionary.

PART 2—APPROVALS

Division 1—Who may apply

4 Eligibility to apply for a driver's certificate

(1) A person is eligible to apply for a driver's certificate if the person—

- (a) is 18 years or more; and
- (b) holds a driver's licence authorising the driving of the class of vehicle for which the certificate is sought; and

(c) is able to show the person has the ability to drive a tow truck.

(2) A person is able to show the person has the ability to drive a tow truck if the person—

- (a) has held a driver's licence authorising the driving of a tow truck of the class for which the certificate is sought for a continuous period of 3 years before an application for the certificate is made; or
- (b) can demonstrate, to the satisfaction of the chief executive, by a practical driving test, that the person has—
 - (i) the ability to drive and properly control a tow truck of the class for which the certificate is sought whilst towing a motor vehicle; and
 - (ii) the ability to position a tow truck and correctly prepare a motor vehicle for towing; and
 - (iii) a thorough knowledge of the correct procedures for towing various classes of motor vehicles.

5 Eligibility to apply for an assistant's certificate

A person is eligible to apply for an assistant's certificate if the person is 16 years or more.

Division 2—Application for an approval

6 Definition for div 2

In this division—

“applicant” means a person applying for an approval.

7 Application for approval

An application for an approval must be—

- (a) made in the approved form; and
- (b) supported by enough information to enable the chief executive to decide the application; and
- (c) accompanied by the prescribed fee.

8 Chief executive may require satisfactory evidence

(1) Before deciding an application, the chief executive may by written notice to the applicant require the applicant to produce satisfactory evidence to the chief executive of any of the following—

- (a) the applicant's—
 - (i) name and address; and
 - (ii) age; and
 - (iii) current driver licence;
- (b) whether the applicant has previously been the holder of an approval issued under the Act or under a corresponding law;
- (c) any other information relevant to the application required by the chief executive.

(2) In this section—

“**corresponding law**” means a law of another state that provides for the same matter as the Act.

9 Applicant to undertake test or be medically examined

(1) Before deciding an application, the chief executive may, by written notice to the applicant require the applicant to—

- (a) undertake a test decided by the chief executive; or
- (b) be medically examined by a doctor.

(2) If the applicant is examined under subsection (1)(b), the applicant must give to the chief executive a medical certificate signed by the doctor who examined the applicant stating—

- (a) the doctor personally examined the applicant knowing the person to be an applicant; and
- (b) the date of the examination; and
- (c) if, in the doctor's opinion, having regard to the health and safety of the public generally, the applicant is mentally and physically an appropriate person to hold an approval.

(3) The chief executive may require the applicant to obtain the medical certificate, or a further medical certificate, from a doctor decided by the chief executive.

(4) In this section—

“test” includes a written or oral test and a driving test.

Division 3—Grant, renewal or refusal of an approval

10 Grant of certificate or miscellaneous permit

(1) The chief executive must refuse an application for a certificate, or for a miscellaneous permit, if the applicant is not an eligible person to apply for a certificate under section 4 or 5;

(2) The chief executive may refuse an application for a certificate or a miscellaneous permit if—

- (a) the applicant has been convicted of a disqualifying offence; or
- (b) the applicant has had a driver’s licence suspended, modified or cancelled.

(3) However, subsection (2)(a) does not apply if the rehabilitation period for the conviction under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired or has not been revived.

11 Identity card for holder of a certificate

(1) If the chief executive grants a certificate to a person, the chief executive must give the person an identity card.

(2) The identity card must—

- (a) contain a recent photograph of the person; and
- (b) identify the person as a certificate holder; and
- (c) state the person’s identifying number as a certificate holder; and
- (d) state an expiry date; and
- (e) be signed by the certificate holder.

12 Holder to sign certificate or miscellaneous permit

If the chief executive grants a certificate or a miscellaneous permit to a person, the person must on receipt of the certificate or permit, sign it in ink

with the person's usual signature in the space provided on the certificate or permit.

Maximum penalty—20 penalty units.

13 Duplicate approval

(1) The holder of an approval that has been lost or damaged, must apply to the chief executive for a duplicate approval within 7 days of the loss or damage.

Maximum penalty—20 penalty units.

(2) The application must be in the approved form accompanied by—

- (a) the prescribed fee; and
- (b) the original approval, unless it has been lost.

(3) On receipt of an application under subsection (2), the chief executive must if satisfied that the approval has been lost or damaged, issue a duplicate approval.

(4) On issue, the duplicate approval becomes the approval and the original approval ceases to have effect.

(5) In this section—

“lost” includes stolen or destroyed.

Division 4—Obligations of an approval holder

14 Conditions of licence

(1) It is a condition of every licence that a licence holder must—

- (a) offer towing services, 24 hours a day, 7 days a week; and
- (b) conduct the business from premises owned or leased solely by the licence holder; and
- (c) conduct the business from premises that conform with the requirements of the relevant local government under the *Local Government Act 1993*; and
- (d) supply communication equipment suitable for the deployment of mobile units—

- (i) at the premises; and
- (ii) in motor vehicles licensed under the Act; and
- (e) have a holding yard as a place of safe storage.

(2) However, the chief executive may exempt a licence from a condition mentioned in subsection (1).

(3) In deciding whether or not to give the exemption, the chief executive must consider the following—

- (a) whether a condition has been substantially complied with;
- (b) whether compliance with the condition is unnecessary in the particular circumstances;
- (c) whether the action taken or proposed to be taken for the matter that is the subject of the exemption is as effective as, or more effective than, compliance with the condition.

(4) A person must not contravene a condition of a licence imposed under subsection (1).

Maximum penalty—20 penalty units.

15 Change of name and address

(1) If the holder of an approval changes the holder's name or residential or business address, the holder must within 14 days—

- (a) notify the chief executive in writing; and
- (b) produce the approval to the chief executive to note the change.

Maximum penalty—20 penalty units.

(2) If the chief executive is satisfied the information supplied by the holder is correct, the chief executive must endorse the change on the approval.

(3) The endorsement must state—

- (a) the changed name or residential or business address; and
- (b) the date the endorsement was made.

16 Licence or towing permit to be kept in safe custody

The holder of a licence or a towing permit must keep the licence or permit in safe custody at the place of business stated in the licence or permit.

Maximum penalty—20 penalty units.

17 Certificate or miscellaneous permit to be carried

The holder of a certificate or a miscellaneous permit must carry the certificate or permit while acting or purporting to act under the authority of the certificate or permit.

Maximum penalty—20 penalty units.

18 Dress of holder of approval

The holder of an approval must, when acting under the authority of the approval, be neatly dressed.

Maximum penalty—20 penalty units.

19 Conduct of holder of approval

(1) The holder of an approval must not when acting under the authority of the approval—

- (a) advertise or promote the business of anyone other than the holder of the licence or towing permit under which the holder is acting; or
- (b) seek business for anyone other than the holder of the licence or towing permit under which the holder is acting; or
- (c) wear clothing displaying, or display, including display on the tow truck stated in the approval, any advertising or markings other than the following particulars—
 - (i) the business name, place of business or telephone number of the approval holder;
 - (ii) the name of the wearer;

Tow Truck Regulation 1999

- (iii) if the holder is the agent of an approved organisation—the details mentioned in subparagraph (i) for the approved organisation.

Maximum penalty—20 penalty units.

(2) The particulars mentioned in subsection (1)(c) must be in printing of a uniform size and style.

Maximum penalty—20 penalty units.

(3) In this section—

“approved organisation” means—

- (a) a motoring organisation; or
- (b) an organisation providing benefits for motorists; approved in writing by the chief executive.

19A Conduct at scene of incident

The holder of an approval must not when acting under the authority of the approval at the scene of an incident, either directly or indirectly—

- (a) cause or threaten wilful injury to a person; or
- (b) cause or threaten wilful damage to a person’s property; or
- (c) intimidate or harass a person; or
- (d) abuse or insult a person; or
- (e) prejudice the delivery of first aid or medical treatment to a person who is receiving, or needs to receive, first aid or medical treatment; or
- (f) obtain, or attempt to obtain, the signature of an owner of a motor vehicle involved in the incident, or the owner’s agent, on a towing authority, if the owner or agent appears unable to make an informed decision about whether or not to sign the towing authority.

Maximum penalty—20 penalty units.

Examples of an owner or agent who may be unable to make an informed decision under paragraph (f)—

1. An owner or agent who has been injured in the incident.

2. An owner or agent who is distressed as a result of someone else being killed or injured in the incident.

20 No disclosure of information

The holder of an approval must not disclose information about an incident or seizure of a motor vehicle obtained while acting under the authority of the approval, to anyone other than—

- (a) the owner of a motor vehicle involved in the incident or seizure, or the owner's agent; or
- (b) an authorised officer; or
- (c) the holder's principal or employer, or an agent or employee of the holder, where the agency or employment is directly related to the towing of motor vehicles.

Maximum penalty—20 penalty units.

21 Remaining at the scene of an incident

(1) The holder of an approval acting under the authority of the approval must not remain at the scene of an incident if the tow truck the holder is operating is not classified to tow a motor vehicle involved in the incident.

Maximum penalty—20 penalty units.

(2) The holder does not contravene subsection (1) if the holder remains at the scene to give first aid to a person injured in the incident.

Division 5—Other obligations

22 Damaging or destroying documents

A person must not wilfully damage or destroy an approval or towing authority.

Maximum penalty—20 penalty units.

23 Delivery of expired approval

A person who was the holder of an approval that has expired must deliver the approval to the chief executive within 14 days after it expires.

Maximum penalty—20 penalty units.

Division 6—Cancellation, suspension or surrender of approval

24 Additional grounds for amending, suspending or cancelling licence or certificate

Each of the following is a ground for amending, suspending or cancelling a licence or certificate—

- (a) the holder of the licence or certificate becomes incapable of properly driving the class of motor vehicle stated in the licence or certificate because of a medical condition, or physical or mental incapacity;
- (b) the holder of the licence or certificate has, since the issue of the approval, been charged with or convicted of a disqualifying offence;
- (c) the holder of the licence or certificate has permitted the motor vehicle stated in the licence or certificate to become unsafe for use under the licence or certificate;
- (d) the holder of the licence or certificate has given false or misleading information—
 - (i) to the chief executive in an application for the renewal of the licence or certificate; or
 - (ii) to an authorised officer.¹

25 Procedure for amending, suspending or cancelling licence or certificate

(1) If the chief executive considers a ground exists to amend, suspend or cancel a licence or certificate (the “**proposed action**”), the chief executive must give the holder of the licence or certificate written notice—

¹ Section 21 (Cancellation or suspension of licences or certificates) of the Act also states grounds for the chief executive to cancel or suspend licences or certificates.

Tow Truck Regulation 1999

- (a) stating the proposed action; and
- (b) stating the ground for the proposed action; and
- (c) outlining the facts and circumstances forming the basis for the ground; and
- (d) if the proposed action is to amend the licence or certificate (including a condition of the licence or certificate)—stating the proposed amendment; and
- (e) if the proposed action is to suspend the licence or certificate—stating the proposed suspension period; and
- (f) inviting the holder to show (within a stated time of at least 28 days) why the proposed action should not be taken.

(2) If, after considering all written representations made within the stated time, the chief executive still considers a ground exists to take the proposed action, the chief executive may—

- (a) if the proposed action was to amend the licence or certificate—amend the licence or certificate; or
- (b) if the proposed action was to suspend the licence or certificate—suspend the licence or certificate for no longer than the period stated in the notice; or
- (c) if the proposed action was to cancel the licence or certificate—amend the licence or certificate, suspend the licence or certificate for a period, or cancel the licence or certificate.

(3) The notice the chief executive must give the holder of the licence or certificate under section 28 of the Act if the chief executive suspends or cancels the licence or certificate, must also state the holder may appeal against the chief executive's decision under that section.

(4) If the amendment the chief executive decides to make is other than the imposition or variation of a condition mentioned in section 28(b) or (c) of the Act, the chief executive must give the holder the notice required under that section and subsection (3) for the amendment.

(5) The decision takes effect on the later of the following—

- (a) the day the notice under section 28 of the Act or subsection (4) is given to the holder;
- (b) the day stated in the notice.

(6) However, despite subsection (1), if the chief executive considers it necessary in the public interest, the chief executive may, by written notice given to the holder, immediately suspend the licence or certificate until the earliest of the following—

- (a) the chief executive informs the holder of the licence or certificate of the chief executive's decision by notice under section 28 of the Act or subsection (4), given after complying with subsections (1) and (2);
- (b) the end of 56 days after the notice is given to the holder.

(7) If the chief executive immediately suspends the licence or certificate, the notice must state the reasons for the decision.

(8) Subsections (1) to (7) do not apply—

- (a) if the chief executive proposes to amend the licence or certificate only—
 - (i) for a formal or clerical reason; or
 - (ii) in another way that does not adversely affect the interests of the holder; or
- (b) if the holder asks the chief executive to amend or cancel the licence or certificate and the chief executive proposes to give effect to the request.

(9) The chief executive may amend or cancel a licence or certificate under subsection (8) by written notice given to the holder.

26 Surrender of approval

(1) The holder of an approval may surrender the approval by sending it to the chief executive with written notice of the surrender.

(2) The approval ceases to have effect on the day the notice is received by the chief executive, unless a later date is stated in the notice.

PART 5—GENERAL

48 Records to be kept

(1) The holder of a licence or towing permit, must record the prescribed particulars for every motor vehicle towed under the licence or towing permit from the scene of an incident or seizure—

- (a) at the place of business stated in the licence or permit; and
- (b) within 24 hours of the particulars being supplied to, or becoming known to, the holder.

Maximum penalty—20 penalty units.

(2) In this section—

“**prescribed particulars**” means the following particulars—

- (a) the name and address of the person who gave the holder information about the incident or seizure;
- (b) the place, date and approximate time of the incident or seizure;
- (c) the make, and registration or other identification number, of the vehicles in the incident or seizure;
- (d) the registration or other identification number of the tow trucks attending the incident or seizure.

49 Custody of records

The holder of a licence or towing permit must keep a record made under section 48—

- (a) in safe custody at the place of business stated in the licence or permit; and
- (b) for at least 12 months from the day the record was made.

Maximum penalty—20 penalty units.

50 Towing authority to be completed

(1) This section applies if the driver of a tow truck, acting under the authority of a driver’s certificate or a miscellaneous permit, intends to tow a motor vehicle from the scene of an incident or seizure.

(2) The driver must—

- (a) properly and fully complete a towing authority for the vehicle for signature by an authorising person for the vehicle; and
- (b) after the authorising person signs the towing authority, give the signed copy of the towing authority to the authorising person.

Maximum penalty—20 penalty units.

50A First vehicle to be towed

(1) This section applies if the driver of a tow truck, acting under the authority of a driver's certificate or a miscellaneous permit (the “**driver**”), has obtained an authorising person's signature under section 50 to tow a motor vehicle (the “**first vehicle**”) from the scene of an incident or seizure.

(2) The driver must not obtain, or attempt to obtain, an authorising person's signature for any other motor vehicle until the first vehicle has been towed from the scene of the incident or seizure in accordance with this regulation.

Maximum penalty—20 penalty units.

51 Authorised officer may authorise tow

(1) This section applies if the owner of a damaged or seized motor vehicle, or the owner's agent, is absent from the motor vehicle or incapacitated.

(2) An authorised officer may sign a towing authority for the motor vehicle.

(3) The driver of a tow truck towing the motor vehicle under the towing authority must tow the motor vehicle to—

- (a) the nearest holding yard available to the driver; or
- (b) if directed by a police officer, the nearest police station or other premises directed by the police officer.

Maximum penalty—20 penalty units.

(4) If the motor vehicle to be towed is a damaged motor vehicle, the holder of the licence or towing permit for the tow truck stated in the towing authority must give the original towing authority to the chief executive within 7 days after the motor vehicle is towed.

Maximum penalty—20 penalty units.

(5) If the motor vehicle to be towed is a seized motor vehicle, the driver of a tow truck stated in the towing authority, must give the original towing authority to the authorised officer before the motor vehicle is towed.

Maximum penalty—20 penalty units.

52 Shortest route to be used

The driver of a tow truck authorised by a towing authority to tow a motor vehicle from the scene of an incident or seizure must, as soon as practicable, tow the motor vehicle to the address stated on the towing authority by the shortest and most direct route.

Maximum penalty—20 penalty units.

53 Vehicle owner liable for towing charge

(1) This section applies if a motor vehicle is towed under a towing authority signed by an authorised officer.

(2) The owner of the motor vehicle is liable for the payment of the towing charges payable for towing the motor vehicle.

54 Towing charges

(1) The holder of an approval must not charge more than the amount stated in schedule 3 for a standard tow of a damaged motor vehicle from an incident.

Maximum penalty—20 penalty units.

(2) The holder of an approval may only charge an amount that is reasonable in all the circumstances for towing—

- (a) a damaged motor vehicle from an incident other than a standard tow; or
- (b) a seized motor vehicle.

Maximum penalty—20 penalty units.

(3) In this section—

“**standard tow**” includes—

- (a) up to 60 minutes working time at the scene; and

- (b) removing the motor vehicle from the scene to a place stated in the towing authority; and
- (c) up to 72 hours storage of the motor vehicle in a holding yard.

“working time” means time spent at the scene of an incident—

- (a) preparing a motor vehicle for towing; and
- (b) cleaning up the scene of the incident;

after an authorising person for the motor vehicle has signed a towing authority for the motor vehicle.

55 No charge for business hours viewing

A person must not impose a charge on the owner of a motor vehicle stored in the yard, or the owner’s agent, to view the motor vehicle during business hours.

Maximum penalty—20 penalty units.

56 Notice of storage charges

The holder of a licence or towing permit must not impose a charge for the storage of a motor vehicle in the holder’s holding yard unless the holder gives the owner of the motor vehicle, or the owner’s agent, written notice, served by post or by delivering it to the owner personally, stating—

- (a) the charge is to be imposed no sooner than 2 days after service of the notice; and
- (b) the amount of the charge.

Maximum penalty—20 penalty units.

57 Removal from place of storage

(1) A person must not charge for towing or moving a motor vehicle stored in a holding yard to the entrance of the yard.

Maximum penalty—20 penalty units.

(2) Subsection (3) applies if—

- (a) a motor vehicle is stored in the holding yard of the holder of a license or towing permit; and

- (b) the owner of the motor vehicle, or the owner's agent requests the holder to release the motor vehicle.

(3) The holder must release the motor vehicle as soon as is practicable but no longer than 4 business hours after the request by towing or moving the motor vehicle to an accessible position at the entrance of the holding yard.

Maximum penalty—20 penalty units.

58 Chief executive may investigate charges

The chief executive may investigate the charges imposed for towing or salvaging a motor vehicle.

59 Movable property to be kept in safe custody

The holder of a licence or towing permit must keep movable property mentioned in section 12(2)(h) of the Act in safe custody until the property is returned to the owner or the owner's agent.

Maximum penalty—20 penalty units.

60 Tow truck specifications

(1) A person must not drive, use or operate a tow truck unless the tow truck—

- (a) is in a good and serviceable condition; and
- (b) conforms with the requirements of schedule 1; and
- (c) is operated in accordance with the requirements of schedule 1.

Maximum penalty—20 penalty units.

(2) In this section—

“**tow truck**” includes a trailer carrying a motor vehicle.

61 Disposal of tow truck

(1) The holder of a licence or towing permit must, before disposing of a tow truck, remove from the tow truck any marking that indicates or tends to indicate that it is a tow truck that a licence or permit applies to.

Maximum penalty—20 penalty units.

(2) The holder must, within 7 days of disposing of a tow truck, give the chief executive written notice of the name and address of the person acquiring the tow truck.

Maximum penalty—20 penalty units.

(3) The holder must—

- (a) if the licence or permit is for that tow truck only—surrender and return the licence or permit to the chief executive; or
- (b) if the licence or permit is for more than one tow truck—return the licence or permit to the chief executive for amendment; and
- (c) return to the chief executive any towing authorities issued for the tow truck.

Maximum penalty—20 penalty units.

62 Exemption from the Act, ss 5, 13 and 26

(1) A person who travels in, or is employed on or about, or who uses a tow truck, in any of the circumstances mentioned in subsection (2) is exempt from sections 5, 13 and 26 of the Act.

(2) The circumstances for subsection (1) are when the tow truck is—

- (a) being used to tow—
 - (i) a motor vehicle that is registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, in the name of the owner of the tow truck; or
 - (ii) a motor vehicle other than a damaged or seized motor vehicle; or
- (b) being used by a qualified motor mechanic for road testing the tow truck, for, or after completion of, mechanical adjustment or repairs to the tow truck or its equipment; or
- (c) being used in an area outside an area stated in schedule 4.

63 Exemption from Act if no class 4 tow truck

(1) This section applies if the recovery of a damaged or seized motor vehicle (the “**recovered vehicle**”) from the scene of an incident or seizure requires a class 4 tow truck, and no class 4 tow truck is based within a 100 km radius of the scene of the incident or seizure.

(2) A person who uses a motor vehicle equipped with a crane or hoist, having a safe working load of not less than 5 t, to recover and load the recovered vehicle on the motor vehicle for removal from the scene of the incident or seizure, is exempt from the Act if the person uses the motor vehicle in accordance with directions given by an authorised officer.

64 Fees

The fees payable under the Act are stated in schedule 2.

PART 6—TRANSITIONAL PROVISIONS

65 Existing approvals

(1) This section applies if an approval in force under the Act immediately before the commencement of this section is subject to a condition imposed under the expired regulation.

(2) The condition is taken to be imposed under this regulation and continues to apply to the approval to the greatest practicable extent until the approval expires or it is sooner amended or cancelled.

(3) In this section—

“**expired regulation**” means the *Tow Truck Regulation 1988* in force immediately before its expiry on 30 June 1999.

SCHEDULE 1**TOW TRUCK SPECIFICATIONS**

section 60

PART 1—TRAY OR PLATFORM TOW TRUCKS

1. This part applies only to a tow truck that is a tray tow truck or platform tow truck.

2. Tow trucks are classified as 1 of the following classifications—

- (a) class 1T;
- (b) class 2T;
- (c) class 3T;
- (d) class 4T;
- (e) class 5T.

3. A tow truck must have a load capacity appropriate to the loaded mass of any motor vehicle it is required to carry for its classification.

4. A class 1T tow truck must have a load capacity of not less than 2.4 t.

5. A class 2T tow truck must have a load capacity of not less than 5.5 t.

6. A class 3T tow truck must have a load capacity of not less than 11 t.

7. A class 4T tow truck must have a load capacity of not less than 16 t.

8. A class 5T tow truck—

- (a) must have a load capacity of not less than 100 kg; and
- (b) is equipped with a rack able to hold a motor cycle in a secure position while carrying the motor cycle.

SCHEDULE 1 (continued)

**PART 2—TOW TRUCKS OTHER THAN TRAY OR
PLATFORM TOW TRUCKS**

1. This part applies only to a tow truck that is a tow truck other than a tray tow truck or a platform tow truck.

2. Tow trucks are classified as 1 of the following classifications—

- (a) class 1;
- (b) class 2;
- (c) class 3;
- (d) class 4.

3. A tow truck must have a load capacity appropriate to the loaded mass of any motor vehicle it is required to carry for its classification.

4. A class 1 tow truck must—

- (a) have a load capacity of not less than 1.2 t; and
- (b) be equipped with a crane or hoist with a safe working load of not less than 1 t; and
- (c) be limited to the lifting and carrying or towing of motor vehicles with a loaded mass of not more than 2 t.

5. A class 2 tow truck must—

- (a) have a load capacity of not less than 3 t; and
- (b) be equipped with a crane or hoist with a safe working load of not less than 2.5 t; and
- (c) be limited to the lifting and carrying or towing of a motor vehicle with a loaded mass of not more than 5 t.

6. A class 3 tow truck must—

- (a) have a load capacity of not less than 6 t; and

SCHEDULE 1 (continued)

- (b) be equipped with a crane or hoist with a safe working load of not less than 5 t; and
 - (c) be limited to the lifting and carrying or towing of a motor vehicle with a loaded mass of not more than 10 t.
7. A class 4 tow truck must—
- (a) have a minimum gross combination mass of 25 t; and
 - (b) be equipped with—
 - (i) tandem or tri rear axle group; and
 - (ii) a power operated winch; and
 - (iii) a crane or hoist having a safe working load not less than 5 t.

PART 3—EQUIPMENT

1. Dolly wheel equipment must comply with the following requirements—
- (a) be used only in conjunction with a class 1 tow truck;
 - (b) not be more than 2.5 m in overall width;
 - (c) be equipped with suitable curved tyre saddles of sufficient length to adequately support the load;
 - (d) have a load capacity of not less than 1.2 t;
 - (e) be fitted with adequate means to restrain the particular axles of the motor vehicle being supported by the dolly wheels before and during towing;
 - (f) be conspicuously marked in letters and figures of not less than 50 mm in height and 25 mm in width as follows:—
“Max. load 1.2 t”.

SCHEDULE 1 (continued)

PART 4—REQUIREMENTS

1. A winch fitted to a tow truck must be adequately mounted and the load applied to the winch must not be more than the safe working load specified for that winch.

2. A tow truck must be maintained as required under the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999*.

3.(1) A tow truck must have markings on both sides of the tow truck that display—

- (a) the name, business address and telephone number of the licence or towing permit holder; and
- (b) the classification of the tow truck; and
- (c) the licence or permit number of the tow truck.

(2) The markings must be clearly legible at a distance of 30 m.

(3) The markings may be on the tow truck or on signs attached to the tow truck if the markings or signs are not likely to—

- (a) make the use of the tow truck unsafe; or
- (b) cause injury, annoyance or distraction to any person.

(4) Any markings placed on the tow truck in addition to that required under subsection (1) or permitted by subsection (6), must—

- (a) comply with the size stated in subsection (1); and
- (b) be displayed so as not to assume greater significance than the markings required by subsection (1).

(5) Any markings placed on the tow truck, other than words, including abbreviations of words, figures and punctuation marks must not be more than 1 000 square cm in area.

SCHEDULE 1 (continued)

(6) A tow truck may be equipped with 1 illuminated sign if the sign—

- (a) is fitted with a fixed incandescent bulb of constant intensity; and
- (b) has a total illuminated surface area that is not more than 3 000 square cm.

4.(1) A tow truck must—

- (a) be equipped with sufficient means for supporting a load in its raised position while under tow; and
- (b) be fitted with dual wheels on the rear axle or axles; and
- (c) to ensure some of the mass of a towed motor vehicle will be taken on at least 2 wheels on a single axle of the towed motor vehicle before the tow truck is put in motion, be fitted with—
 - (i) spacer bars designed to minimise any damage that may be caused to the towed motor vehicle; and
 - (ii) safety chains.

(2) If a tow truck has a trailer that a motor vehicle is or may be carried on, the trailer must be fitted with at least 2 axles fitted either with single wheels or dual wheels.

5. When a motor vehicle has been fully lifted by a tow truck the motor vehicle must—

- (a) be wholly supported on—
 - (i) the carrying area of the tow truck; or
 - (ii) a trailer—
 - (A) complying with the construction requirements of the *Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 1999* and the *Transport Operations (Road Use Management) Regulation 1995*; and

SCHEDULE 1 (continued)

(B) registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*; and

(b) be adequately secured to the tow truck or trailer before it is moved.

6. The loaded mass of a motor vehicle being lifted by a tow truck must not be more than the total mass of the tow truck.

SCHEDULE 2**FEES**

section 64

	\$
1. Application for—	
(a) a licence or licence renewal, for each tow truck	260.90
(b) a permit to tow motor vehicles, for each 3 months or part of 3 months	75.35
(c) a driver's certificate or driver's certificate renewal . . .	32.45
(d) an assistant's certificate or assistant's certificate renewal	32.45
(e) a permit under section 19 of the Act for an applicant for a driver's certificate, for each 3 months or part of 3 months	13.35
(f) a permit under section 19 of the Act for an applicant for an assistant's certificate, for each 3 months or part of 3 months	13.35
(g) a duplicate driver's certificate, assistant's certificate or permit mentioned in paragraph (e) or (f)	13.35
(h) another duplicate permit or a duplicate licence	32.45

SCHEDULE 3**MAXIMUM TOWING CHARGES**

section 54

1. For the first 50 km—\$225.95;
2. For each kilometre over 50 km—\$4.60.

SCHEDULE 4**TOW TRUCK REGULATED AREAS**

section 62

1. The shires of—

Albert

Beaudesert

Boonah

Caboolture

Esk

Gatton

Kilcoy

Laidley

Maroochy

Moreton

Noosa

Pine Rivers

Pioneer

Redland.

2. The cities—

Brisbane

Bundaberg

Cairns

Caloundra

Gold Coast

Hervey Bay

SCHEDULE 4 (continued)

Ipswich

Logan

Mackay

Maryborough

Redcliffe

Rockhampton

Toowoomba.

3. The areas made up of the parishes of—

- (a) Clement and Hinchinbrook in the county of Gray; and
- (b) Beor, Bohle, Coonambelah, Ettrick, Halifax, Hervey, Lansdowne, Margenta, Magnetic, Rokeby, Ross, Stuart and Wyoming in the county of Elphinstone.

SCHEDULE 5**DICTIONARY**

section 3

“applicant” for part 2, division 1, see section 6.

“approval” means—

- (a) a licence, certificate or permit; or
- (b) an application for the renewal of a licence, certificate or permit.

“assistant” means a person, other than the driver, employed on or about a tow truck being used or to be used for the towing of a motor vehicle.

“authorising person”, for a motor vehicle, means—

- (a) the owner of the motor vehicle; or
- (b) the owner’s agent; or
- (c) an authorised officer.

“business hours” means the time between 9.00 am to 5.00 pm Monday to Friday, excluding public holidays.

“certificate” means—

- (a) a driver’s certificate; or
- (b) an assistant’s certificate.

“commissioner” means the commissioner of the police service.

“conforming premises” means premises consisting of an area at ground level that—

- (a) comply with the requirements of the *Local Government Act 1993*;
- (b) are enclosed by a fence or wall that—
 - (i) is structurally sound; and
 - (ii) is not less than 2.1 m in height from the ground; and

SCHEDULE 5 (continued)

(iii) has lockable gates or doors that are closed and securely locked except when a motor vehicle is being moved into or out of the area; or

(c) if the premises do not comply with paragraph (b)—in the opinion of the chief executive have another security barrier that is sufficient to prevent the entry of unauthorised persons into the area and the unauthorised removal of motor vehicles or property from the area.

“convicted” includes being found guilty, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded.

“damaged” for an approval or towing authority, includes defaced, mutilated or made illegible.

“disqualifying offence” see *Transport Operations (Road Use Management) Act 1995*, section 5.

“dolly wheels” means equipment consisting of 2 axles fitted with either single wheels or dual wheels on which the wheels of either the front or rear axles of a motor vehicle are mounted to support the part of the motor vehicle being towed.

“driver licence” see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

“gross combination mass” means the mass specified for a motor vehicle by its manufacturer as being the maximum of the sum of the loaded mass of the motor vehicle plus the axle mass of the motor vehicle being towed as a semitrailer or trailer.

“holding yard” means a conforming premises owned or leased solely by the holder of a licence and used, or to be used, by the holder for the storage of—

(a) a motor vehicle towed under the licence; and

(b) any moveable property found in the motor vehicle.

“load capacity” means the difference between the total mass of a motor vehicle and its tare mass as stated on the certificate of registration.

“loaded mass” of a vehicle means the vehicle’s mass together with the mass of the vehicle’s load that is transmitted to the ground.

SCHEDULE 5 (continued)

“miscellaneous permit” means a permit issued under section 19 of the Act.

“motor cycle” means a motor vehicle with 2 wheels, and includes—

- (a) a 2 wheeled motor vehicle with a side car attached to it that is supported by a third wheel; or
- (b) a motor vehicle with 3 wheels that is ridden in the same way as a motor vehicle with 2 wheels.

“owner” of a motor vehicle includes—

- (a) a joint owner or a part owner of the vehicle; and
- (b) for a motor vehicle registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999* or under a corresponding law of another State—every person in whose name the vehicle is registered; and
- (c) for a motor vehicle the subject of a hiring agreement or a hire purchase agreement or a leasing agreement, the person who has the use of the vehicle as hirer or lessee under the agreement; and
- (d) a person who is authorised to have and has control, charge or management of the vehicle.

“place of business” means premises from which a tow truck operator conducts a business under a licence or towing permit.

“reasonably believes” means believes on reasonable grounds.

“scene of an incident” means the area within a radius of 500 m from the approximate point of impact or collision.

“tare” means the mass of a motor vehicle equipped for travelling on a road, but not including a load.

“towing permit” means a permit issued under section 11 of the Act.

“tray tow truck or platform tow truck” means a tow truck to which a fixed or tilting platform or tray is attached for the carriage of a motor vehicle and which is fitted with a winch for loading a motor vehicle onto the platform or tray.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	37
3	Key	37
4	Table of reprints	38
5	List of legislation	38
6	List of annotations	39

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2003. Future amendments of the Tow Truck Regulation 1999 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	1 July 1999	6 August 1999
1A	to 2000 SL No. 151	1 July 2000	7 July 2000
1B	to 2000 SL No. 297	27 November 2000	8 December 2000
1C	to 2001 SL No. 182	5 October 2001	19 October 2001
2	to 2001 SL No. 182	5 October 2001	2 November 2001 (Column discontinued) Notes
2A	to 2002 SL No. 112	1 July 2002	
2B	to 2002 SL No. 285	1 November 2002	
2C	to 2003 SL No. 106	1 July 2003	

5 List of legislation

Tow Truck Regulation 1999 SL No. 142

made by the Governor in Council on 24 June 1999
 notfd gaz 25 June 1999 pp 932–8
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 1999 (see s 2)
exp 1 September 2009 (see SIA s 54)
 amending legislation—

Transport Legislation Amendment Regulation (No. 1) 2000 SL No. 89 pts 1–2

notfd gaz 19 May 2000 pp 218–19
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2000 (see s 2)

Transport Legislation Amendment Regulation (No. 2) 2000 SL No. 151 pts 1–2

notfd gaz 30 June 2000 pp 736–48
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2000 (see s 2)

Transport Legislation Amendment Regulation (No. 4) 2000 SL No. 297 pts 1–2

notfd gaz 24 November 2000 pp 1188–9
 ss 1–2 commenced on date of notification
 remaining provisions commenced 27 November 2000 (see s 2)

Transport Legislation Amendment Regulation (No. 2) 2001 SL No. 57 pts 1–2

notfd gaz 25 May 2001 pp 334–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2001 (see s 2)

Tow Truck Amendment Regulation (No. 1) 2001 SL No. 182

notfd gaz 5 October 2001 pp 411–12

commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2002 SL No. 112 pts 1–2

notfd gaz 24 May 2002 pp 308–10

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2002 (see s 2)

Transport Legislation Amendment Regulation (No. 5) 2002 SL No. 285 s 1, pt 3

notfd gaz 1 November 2002 pp 759–62

commenced on date of notification

Transport Legislation Amendment Regulation (No. 2) 2003 SL No. 106 pts 1–2

notfd gaz 30 May 2003 pp 371–6

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

6 List of annotations

Chief executive may require satisfactory evidence

s 8 amd 2002 SL No. 285 s 6

Conduct at scene of incident

s 19A ins 2000 SL No. 297 s 4

PART 3—APPOINTMENT OF AUTHORISED OFFICERS

pt 3 (ss 27–31) om 2000 SL No. 297 s 5

PART 4—POWERS OF AUTHORISED OFFICER

pt 4 (ss 32–47) om 2000 SL No. 297 s 5

Towing authority to be completed

s 50 amd 2000 SL No. 297 s 6

sub 2002 SL No. 285 s 7

First vehicle to be towed

s 50A ins 2000 SL No. 297 s 7

amd 2002 SL No. 285 s 8

Authorised officer may authorise tow

s 51 amd 2000 SL No. 297 s 8

Towing charges

s 54 amd 2000 SL No. 151 s 4; 2002 SL No. 258 s 9

Tow truck specifications

s 60 amd 2000 SL No. 297 s 9

Exemption from the Act, ss 5, 13 and 26

s 62 amd 2000 SL No. 297 s 10

PART 7—AMENDMENT OF JUSTICES REGULATION 1993

pt 7 (ss 66–68) exp 1 January 2000 (see s 68)

SCHEDULE 1—TOW TRUCK SPECIFICATIONS

amd 2000 SL No. 297 s 11

SCHEDULE 2—FEES

sub 2000 SL No. 89 s 4; 2001 SL No. 57 s 4; 2002 SL No. 112 s 4;
2003 SL No. 106 s 4

SCHEDULE 3—MAXIMUM TOWING CHARGES

amd 2000 SL No. 151 s 5

sub 2001 SL No. 182 s 3; 2002 SL No. 112 s 4; 2003 SL No. 106 s 4

SCHEDULE 5—DICTIONARY

def “**authorising person**” ins 2002 SL No. 285 s 10

def “**driver licence**” ins 2002 SL No. 285 s 10

def “**driver’s licence**” om 2002 SL No. 285 s 10

def “**owner**” amd 2000 SL No. 297 s 12