



Queensland

Tow Truck Regulation 2009

Subordinate Legislation 2009 No. 168

made under the

State Penalties Enforcement Act 1999
Tow Truck Act 1973

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Tow Truck Regulation 2009*.

2 Commencement

This regulation commences on 1 September 2009.

3 Definitions

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

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 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 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.

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8 Chief executive may require satisfactory evidence

- (1) Before deciding an application for an approval, the chief executive may, by written notice to the applicant, require the applicant to give the chief executive satisfactory evidence 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 for an approval, 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) a driver's certificate, or a miscellaneous permit by an applicant for a driver's certificate, if the applicant is not an eligible person to apply for a certificate under section 4; or
 - (b) an assistant's certificate, or a miscellaneous permit by an applicant for an assistant's certificate, if the applicant is not an eligible person to apply for a certificate under section 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 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 and the conviction has not been revived.

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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 stops having 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 only by the licence holder; and
 - (c) conduct the business from premises that conform with the requirements of the local government for the local government area in which the premises are situated; 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) A licence holder may apply to the chief executive for exemption of the licence from a condition mentioned in subsection (1).
- (3) The application must be made in writing.
- (4) 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;

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- (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.
- (5) The chief executive must give the applicant written notice of the decision whether or not to give the exemption.
- (6) Section 28 of the Act applies to a decision not to give the exemption as if the decision were mentioned in schedule 1 of the Act.
- (7) A person must not contravene a condition of a licence imposed under subsection (1).

Maximum penalty for subsection (7)—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) give the chief executive written notice of the change; and
 - (b) give 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 under subsection (1) 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;

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- (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.

20 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.

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

- an owner or agent who has been injured in the incident
- an owner or agent who is distressed as a result of someone else being killed or injured in the incident

Maximum penalty—20 penalty units.

21 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, if the agency or employment is directly related to the towing of motor vehicles.

Maximum penalty—20 penalty units.

22 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.

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Division 5 Other obligations

23 Damaging or destroying documents

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

Maximum penalty—20 penalty units.

24 Chief executive to be given expired approval

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

Maximum penalty—20 penalty units.

Part 3 Miscellaneous

25 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 each tow truck attending the incident or seizure.

26 Custody of records

The holder of a licence or towing permit must keep a record made under section 25—

- (a) in safe custody at the place of business stated in the licence or permit; and
- (b) for at least 1 year from the day the record was made.

Maximum penalty—20 penalty units.

27 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.

28 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

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(the *driver*), has obtained an authorising person's signature under section 27 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.

Maximum penalty—20 penalty units.

29 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.

30 Most direct 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 most direct route.

Maximum penalty—20 penalty units.

31 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.

32 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.

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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.

33 No charge for business hours viewing

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

Maximum penalty—20 penalty units.

34 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.

35 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 licence or towing permit; and

- (b) the owner of the motor vehicle, or the owner's agent, asks 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.

36 Chief executive may investigate charges

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

37 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.

38 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.

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39 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 indicating or tending 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) either—

- (i) if the licence or permit is for 1 tow truck only—surrender and return the licence or permit to the chief executive; or
- (ii) if the licence or permit is for more than 1 tow truck—return the licence or permit to the chief executive for amendment; and

(b) return to the chief executive any towing authorities issued for the tow truck.

Maximum penalty—20 penalty units.

40 Exemption from 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 being used—

(a) to tow—

- (i) a motor vehicle registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*, in the name of the owner of the tow truck; or

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- (ii) a motor vehicle other than a damaged or seized motor vehicle; or
 - (b) 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) in an area outside an area mentioned in schedule 4.
- (3) For schedule 4, a reference to a shire or city by name is a reference to the shire or city of that name declared as a local government area under the *Local Government Act 1993* as in force immediately before the changeover day.

Notes—

- 1 Under the *Local Government Act 1993* as in force immediately before the changeover day, shires and cities were described in the *Local Government (Areas) Regulation 2005*, schedule 1 as in force immediately before the changeover day.
- 2 Each map mentioned in the *Local Government (Areas) Regulation 2005*, schedule 1 as in force immediately before the changeover day can be—
 - (a) accessed by members of the public, free of charge, on the department’s website; or
 - (b) purchased from any office of the department in which the *Survey and Mapping Infrastructure Act 2003* is administered.

Editor’s note—

At the commencement of this subsection, the department’s website was <www.transport.qld.gov.au>.

- (4) In this section—

changeover day means 15 March 2008.

Note—

15 March 2008 is the changeover day declared under the *Local Government Act 1993*, section 159YE(2) for all new, adjusted and continuing local government areas listed in schedule 1A of that Act. See the notice published in the gazette on 23 November 2007 at page 1680.

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41 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 100km 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 at least 5t, 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 under directions given by an authorised officer.

42 Fees

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

43 Waiver of additional application fee

The chief executive may waive the payment of an additional application fee payable under schedule 2 for a person.

44 Refund of additional application fee

- (1) This section applies if—
 - (a) an application for a licence is made and the chief executive does not notify the commissioner under section 6(2) of the Act in relation to the application; or
 - (b) an application for a driver's certificate or an assistant's certificate is made and the chief executive does not notify the commissioner under section 14(2) of the Act in relation to the application.
- (2) The additional application fee paid under schedule 2 for the application must be refunded to the applicant.

Part 4 Repeal

45 Repeal

The Tow Truck Regulation 1999, SL No. 142 is repealed.

Part 5 Transitional provision

46 References to repealed Tow Truck Regulation 1999

In a document, a reference to the repealed *Tow Truck Regulation 1999* is, if the context permits, taken to be a reference to this regulation.

Part 6 Amendment of State Penalties Enforcement Regulation 2000

47 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2000*.

48 Amendment of sch 3 (Transport legislation)

Schedule 3, entry for the *Tow Truck Regulation 1999*—
omit, insert—

[s 48]

‘Tow Truck Regulation 2009

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 13(1)	1
s 14(7)	4
s 15(1)	2
s 16.....	2
s 17.....	2
s 19(1)(a)	5
s 19(1)(b)	5
s 19(1)(c)	5
s 21.....	5
s 22(1)	3
s 24.....	2
s 25(1)	2
s 26.....	2
s 27(2)	4
s 28(2)	4
s 32(1)	5
s 33.....	3
s 34.....	3
s 35(1)	3
s 35(3)	3
s 37.....	3
s 38(1)	3

Authorised person for service of infringement notices—an authorised officer under the *Tow Truck Act 1973*’.

Schedule 1 **Tow truck specifications**

section 38

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 at least 2.4t.
- 5 A class 2T tow truck must have a load capacity of at least 5.5t.
- 6 A class 3T tow truck must have a load capacity of at least 11t.
- 7 A class 4T tow truck must have a load capacity of at least 16t.
- 8 A class 5T tow truck—
 - (a) must have a load capacity of at least 100kg; and
 - (b) is equipped with a rack able to hold a motorcycle in a secure position while carrying the motorcycle.

-
- (a) have a load capacity of at least 6t; and
 - (b) be equipped with a crane or hoist with a safe working load of at least 5t; and
 - (c) be limited to the lifting and carrying or towing of a motor vehicle with a loaded mass of not more than 10t.
- 7 A class 4 tow truck must—
- (a) have a minimum gross combination mass of 25t; 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 of at least 5t.

Part 3 Equipment

- 1 Dolly wheel equipment must—
- (a) be used only in conjunction with a class 1 tow truck; and
 - (b) not be more than 2.5m in overall width; and
 - (c) be equipped with suitable curved tyre saddles of sufficient length to adequately support the load; and
 - (d) have a load capacity of at least 1.2t; and
 - (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; and
 - (f) be conspicuously marked in letters and figures of at least 50mm in height and 25mm in width as follows—

‘Max. load 1.2t’.

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 the winch by its manufacturer or, if no safe working load for the winch has been specified by its manufacturer, the safe working load for the winch certified by an engineer.
- 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 30m.
- (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 a person.
- (4) Any markings placed on the tow truck in addition to the markings required under subitem (1) or permitted under subitem (6), must be displayed so as not to assume greater significance than the markings required by subitem (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 1000 square centimetres in area.

-
- (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 of not more than 3000 square centimetres.

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—Mass, Dimensions and Loading) Regulation 2005; and

(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 42

	\$
1 Application for a licence (Act, s 6)—the total of the following—	
(a) for each tow truck	313.90
(b) additional application fee—	
(i) if the applicant is 1 or more individuals—for each individual	33.05
(ii) if the applicant is a corporation—	
(A) for each director of the corporation when the application is made	33.05
(B) for each manager of the corporation when the application is made who is not a director of the corporation	33.05
(C) for each public officer of the corporation when the application is made who is not a director or manager of the corporation	33.05
2 Application for a driver's certificate (Act, s 14)—the total of the following—	
(a) the fee payable under this paragraph	38.95
(b) additional application fee.	33.05
3 Application for an assistant's certificate (Act, s 14)—the total of the following—	
(a) the fee payable under this paragraph	38.95
(b) additional application fee.	33.05
4 Application for renewal of a licence (Act, s 9), for each tow truck.	313.90
5 Application for renewal of a driver's certificate (Act, s 17)	38.95
6 Application for renewal of an assistant's certificate (Act, s 17)	38.95
7 Application for a towing permit (Act, s 11), for each 3 months or part of 3 months	90.65

Schedule 2

	\$
8 Application for a miscellaneous permit (Act, s 19)—	
(a) for an applicant for a driver’s certificate, for each 3 months or part of 3 months	16.00
(b) for an applicant for an assistant’s certificate, for each 3 months or part of 3 months	16.00
9 Application for a duplicate of a licence (s 13).	38.95
10 Application for a duplicate of a towing permit (s 13)	38.95
11 Application for a duplicate of a driver’s certificate, assistant’s certificate or miscellaneous permit (s 13)	16.00

Schedule 3 Maximum towing charges

section 32

	\$
1 For the first 50km	271.80
2 For each kilometre over 50km.....	5.45

Schedule 4 Tow truck regulated areas

section 40

1 The shires of—

Beaudesert

Boonah

Caboolture

Esk

Gatton

Kilcoy

Laidley

Maroochy

Noosa

Pine Rivers

Redland.

2 The cities of—

Brisbane

Bundaberg

Cairns

Caloundra

Gold Coast

Hervey Bay

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, Magnetic, Margenta, Rokeby, Ross, Stuart and Wyoming in the county of Elphinstone.

Schedule 5 Dictionary

section 3

applicant for part 2, division 2, 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 9.00am to 5.00pm 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*; and
- (b) either—
 - (i) are enclosed by a fence or wall that—
 - (A) is structurally sound; and

- (B) is at least 2.1m in height from the ground; and
 - (C) has lockable gates or doors that are closed and securely locked other than when a motor vehicle is being moved into or out of the area; or
- (ii) if the premises do not comply with subparagraph (i)—the chief executive considers 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 has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, schedule 4, definition *disqualifying offence*, paragraph (b).

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 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.

GVM see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

holding yard means 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 as stated on the registration certificate for the vehicle issued under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 1999*.

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.

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

motorcycle means—

- (a) a 2 wheeled motor vehicle, whether or not a sidecar is attached to it; and
- (b) a 3 wheeled motor vehicle that is ridden in the same way as a 2 wheeled motor vehicle.

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.

scene of an incident means the area within a radius of 500m 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.

total mass means—

- (a) for a vehicle with a GVM of not more than 4.5t—the vehicle's GVM; or
- (b) otherwise—the lesser of—
 - (i) the vehicle's GVM or, if the vehicle has a gross combination mass, the gross combination mass; or
 - (ii) the mass of the vehicle or combination and any load on it as permitted under the *Transport Operations (Road Use Management—Mass, Dimensions and Loading) Regulation 2005*, schedules 1 to 6.

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

tray tow truck or platform tow truck means a tow truck that—

- (a) has a fixed or tilting platform or tray attached to it for the carriage of a motor vehicle; and
- (b) is fitted with a winch for loading a motor vehicle onto the platform or tray.

ENDNOTES

- 1 Made by the Governor in Council on 13 August 2009.
- 2 Notified in the gazette on 14 August 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Transport and Main Roads.

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