

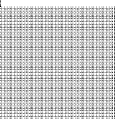
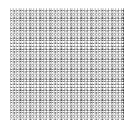
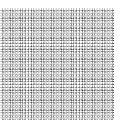


**Transport**  
Roads & Maritime  
Services

# APPROVED SUMMARY

*OF THE TOW TRUCK INDUSTRY ACT 1998  
& TOW TRUCK INDUSTRY REGULATION 2008*

**JUNE 2014**  
RMS. 12.472



## **Disclaimer**

The tow truck industry is regulated and administered by the *Tow Truck Industry Act 1998* and the *Tow Truck Industry Regulation 2008*. The Act provides the legislative framework for the industry and the Regulation the detail. Each of these instruments contain requirements and set out the details of offences.

It is important that every tow truck operator and driver is aware of their responsibilities.

**The following summary is a guide only and is not to be used as a substitute for the *Tow Truck Industry Act 1998* and the *Tow Truck Industry Regulation 2008*. If you require any further information please contact Roads and Maritime Services (RMS) on 1300 131 134. An unabridged copy of the Act and Regulation can be accessed via the NSW Legislation website <http://www.legislation.nsw.gov.au/>**

## Definitions

In this Summary:

Roads and Maritime Services (RMS) is responsible for regulating the Tow Truck Industry within NSW. Any reference to a member of the Tow Truck Industry informing RMS of any matter means contacting the RMS at:

Roads & Maritime Services  
110 George Street  
PARRAMATTA NSW 2150

Phone: 1300 131 134  
Fax: (02) 8848 8380

The **postal address** is:

Roads & Maritime Services  
Locked Bag 5054  
PARRAMATTA NSW 2124

- **Revoke** is not defined in the Act. If RMS “revokes” a driver’s certificate or operator’s licence it means the certificate or licence is cancelled permanently and can only be re-instated if the operator or licensee re-applies successfully.
- **The Act** refers to the *Tow Truck Industry Act 1998* (NSW)
- **The Regulation** refers to the *Tow Truck Industry Regulation 2008* (NSW)

### Definitions from Section 3 of the Act:

**accident** means any collision, impact or other event (however caused) resulting in damage to a motor vehicle.

**accident towing work** means the towing or carrying away by a tow truck of a motor vehicle involved in an accident, either from the scene of the accident or from the place to which the motor vehicle has been moved following the accident.

**approved** means approved by RMS from time to time.

**authorised officer** means a member of staff of Roads and Maritime Services Division of the Government Service who is authorised in writing by RMS for the purposes of the Act.

**certified driver** means the holder of a drivers certificate.

**drivers certificate** means a tow truck drivers certificate in force under the Act.

**driver licence** means a driver licence (within the meaning of the *Road Transport (Driver Licensing) Act 1998*), or a driver’s licence (within the meaning of the *Traffic Act 1909*).

**emergency services officer** means an officer or employee of an emergency services organisation within the meaning of the *State Emergency and Rescue Management Act 1989*.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**holding yard** means a place authorised by RMS that is used for the purposes of the safekeeping of towed motor vehicles.

**licence** means a tow truck operators licence in force under the Act.

**licensed tow truck** means a tow truck that is used or operated under the authority of a licence.

**licensee** means the holder of a licence.

**motor vehicle** means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the *Road Transport (General) Act 2005*.

**operate** a tow truck includes tow a motor vehicle by means of the tow truck.

**road** means a road within the meaning of the *Road Transport (General) Act 2005* (other than a road that is the subject of a declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act)

**road related area** means a road related area within the meaning of the *Road Transport (General) Act 2005* (other than a road that is the subject of a declaration made under section 15 (1) (b) of that Act relating to all of the provisions of that Act)

**RMS** means Roads and Maritime Services constituted under the *Transport Administration Act 1988*.

**scene of an accident** means an area proximate to the point where a motor vehicle involved in an accident has, as an immediate result of the accident, come or been brought to a stationary position.

**tow** includes:

- (a) lift and tow, or lift and carry.
- (b) lift for the purpose of towing or carrying.
- (c) carry on a trailer.
- (d) place onto a trailer for the purpose of carrying.
- (e) any other action prescribed by the regulations for the purposes of this definition.

but does not include any activity declared by the regulations not to be towing for the purposes of the Act.

**tow truck** see section 4.

**tow truck operator** means a person who conducts a business involving the operation of any tow truck for the purposes of towing motor vehicles.

**towing authorisation** means an authorisation required under part 4.

## **Section 4 Meaning of "tow truck"**

- (1) In the Act, a **tow truck** means any of the following motor vehicles that are used or operated for the purposes of towing motor vehicles:
  - (a) a motor vehicle that is equipped with a lifting device,
  - (b) a motor vehicle that is equipped with a trailer, towing attachment or other similar device,
  - (c) a motor vehicle that is fitted with a tilt table-top, or with a tilt table-top and winch,
  - (d) a motor vehicle that is fitted with a self-loading table-top that is capable of being detached from the motor vehicle for the purpose of loading or unloading another vehicle,
  - (e) any other motor vehicle prescribed by the regulations for the purposes of this definition.
- (2) A **tow truck** does not include:
  - (a) a motor vehicle that is declared by the regulations not to be a tow truck for the purposes of the Act (any such motor vehicle may be described by reference to a particular class of motor vehicle), or
  - (b) a motor vehicle referred to in subsection (1) if it is used or operated in such circumstances, or for such purposes, as may be prescribed by the regulations for the purposes of this subsection.

## **Section 6 Application of Act**

- (1) Except to the extent provided by subsection (2), the Act does not apply to or in respect of a tow truck operated by the Crown or a statutory body representing the Crown.

- (2) The Act applies to persons (other than employees of the Crown or of a statutory body representing the Crown) who carry out tow truck operations under a contract or arrangement made or entered into with the Crown or a statutory body representing the Crown.
- (3) The regulations may exempt any person or class of persons from the operation of any provision or requirement of the Act in such circumstances, and subject to such conditions, as may be specified in the regulations. Any such regulation may create offences in relation to a failure to comply with a condition prescribed in relation to an exemption.

#### **Section 6A Act does not apply to towing, salvage or storage of certain motor vehicles**

The Act does not apply to the towing, salvage or storage of:

- (a) a forklift truck,
- (b) a golf buggy,
- (c) a ride-on mower,
- (d) an excavator,
- (e) a cherry picker,
- (f) any other motor vehicle or class of motor vehicle prescribed by the regulations for the purposes of this section.

#### Definitions from Clause 4 of the Regulation:

Tow Truck Industry Regulation 2008

#### **Clause 4 Meaning of “tow” and “tow truck”**

- (1) In accordance with paragraph (e) of the definition of **tow** in section 3 (1) of the Act, **tow** includes tow by use of a rigid frame, rigid bar or similar device.
- (2) In accordance with section 4 (2) of the Act, car carriers are declared not to be tow trucks for the purposes of the Act.
- (3) In subclause (2):  
**car carrier** means a motor vehicle combination that is designed or adapted for use for the transport of motor vehicles, being a combination:
  - (a) that is not equipped or fitted with any lifting equipment (whether portable or fixed) to load the motor vehicles to be transported, and
  - (b) onto which the motor vehicles to be transported are loaded by travelling along a ramp under their own propulsion.

## Functions of Transport for NSW (TfNSW) under the Act

### Section 7 Functions of TfNSW under the Act

Transport for NSW has the following functions under the Act:

- (a) to determine regulatory policy for the exercise of the functions of RMS under the Act and the regulations,
- (b) to make reports and recommendations to the Minister with respect to the licensing of tow truck operators and drivers, and the design, construction and equipment of tow trucks,
- (c) to inform the public about the tow truck industry,
- (d) to promote and undertake research into the tow truck industry,
- (e) whenever it considers it necessary to do so, or is requested by the Minister to do so, to make reports or recommendations with respect to the operation of the Act or the tow truck industry.

## Administrative review of RMS decisions

### Section 45 Application to the Administrative Decisions Tribunal for review

- (1) A person may apply to the Administrative Decisions Tribunal for a review of any of the following decisions:
  - (a) the refusal or failure by RMS to grant a licence or certificate
  - (b) a condition imposed by RMS on a licence or driver certificate
  - (c) the suspension or revocation of a licence or drivers certificate
  - (d) the disqualification of a person holding a licence or driver certificate
  - (e) the imposition of a fine on the person
  - (f) the giving of a direction under section 84 to a person
- (2) A grant of a licence or driver certificate is taken to be refused if it is not granted within 90 days after the application is made in accordance with the Act.

## Relationship of the remade 2008 Regulation to the 1999 Regulation

### From the Regulation:

#### Clause 57 Savings

Any act, matter or thing that had effect under the *Tow Truck Industry Regulation 1999* immediately before the repeal of that Regulation is taken to have effect under the *Tow Truck Industry Regulation 2008*.

## Requirement for tow truck drivers to be certified, and operators to be licensed.

### Section 15 Requirement for tow truck operators to be licensed

A person must not carry on business as a tow truck operator unless the person holds a tow truck operators licence that authorises the kind of towing work carried on by the person in the course of that business.

*Maximum penalty: \$11,000 or imprisonment for 12 months, or both.*

### Section 23 Requirement for tow truck drivers to hold drivers certificates

- (1) A Tow Truck Drivers Certificate must be held to:
  - (a) Drive or stand a licensed tow truck on a road or road related area.

- (b) Use or operate, or assist in the operation of a licensed tow truck on a road or road related area.
- (c) Drive or stand a tow truck (other than a licensed tow truck) on a road or road related area at any time for the purposes of towing a motor vehicle for fee or reward.

*Maximum penalty: \$5,500 or imprisonment for six months, or both.*

- (2) A certified driver must not carry on any kind of towing work other than the kind of towing work that is authorised by the drivers certificate.

*Maximum penalty: \$5,500 or imprisonment for six months, or both.*

### **Section 27 Grant of a Drivers Certificate**

A drivers certificate cannot be transferred to another person.

### **Section 32 Automatic revocation of drivers certificate if driver licence no longer in force**

If the driver licence of a certified driver is cancelled, suspended or otherwise ceases to be in force, his or her drivers certificate is, without any further action, taken to be revoked.

### **Section 33 Investigation of application for licence or drivers certificate**

RMS may carry out any investigations and inquiries it thinks are necessary in considering an application for a licence or drivers certificate.

### **Section 34 RMS may require further information in relation to application**

RMS may by notice in writing require an applicant for a licence or drivers certificate or a person who has some association or connection with the applicant to provide records or further information.

### Further conditions imposed by the Regulation:

#### **Clause 25A Exemption from requirement to hold a licence**

A person who carries on a business as a tow truck operator is exempt from the requirement under section 15 of the Act to hold a licence if the **only** towing work that tow trucks used in the business engage in is the collection of motor vehicles for conveyance to a scrap metal facility, and the person holds an exemption authority that is in force.

**Note.** A person who is exempt from the requirement under the Act to hold a licence because of this clause continues to be subject to the remainder of the Act.

## **Conditions of drivers certificate and operators Licence**

### **Section 35 Variation of Conditions**

RMS may amend the conditions of a licence or drivers certificate.

### **Section 36 False or misleading statements**

A person must not make any statement that the person knows to be false or misleading when applying for a licence or drivers certificate.

*Maximum penalty: \$5,500 or imprisonment for six months, or both.*

### **Section 37 Requirement to notify RMS of proposed changes in particulars**

A licensee or certified driver must notify RMS in writing of any proposed change in the particulars of the licence or drivers certificate at least seven days before the proposed change occurs.

*Maximum penalty: \$2,750.*

### **Section 40 Voluntary surrender of licence or drivers certificate**

A licensee or certified driver may voluntarily surrender their licence or drivers certificate by delivering it by post or hand with a letter to RMS stating that the licence or certificate is surrendered.

## **Section 69 Drivers certificate to be worn by certified driver**

A certified driver must wear his or her drivers certificate in a manner that enables the face of the certificate to be clearly visible;

- while at or in the vicinity of the scene of a motor vehicle accident
- while carrying out or attempting to obtain towing work
- while driving or standing a tow truck on a road or road related area.

This includes a certified driver travelling as a passenger in a tow truck.

*Maximum penalty: \$2,750.*

## **Section 73 Requirement to return drivers certificate or number plates**

If a licence or drivers certificate is revoked, suspended or otherwise ceases to be in force it must be returned immediately to RMS. Any number plates issued under section 57 must be returned within seven days of the revocation, suspension or discontinuation taking effect to RMS or the Commissioner of Police.

*Maximum penalty: \$2,750.*

Further conditions imposed by the Regulation:

### **Clause 25 Furnishing of information**

A person who is the holder of a licence or drivers certificate must notify RMS in writing of the following, as soon as practicable after it occurs:

- (a) any change in the person's residential address,
- (b) any change in the person's postal address,
- (c) any change in the status of the person's driver licence.

*Maximum penalty: \$550*

### **Clause 45 Particulars to be displayed on tow trucks**

A person must not drive, stand or operate, or allow to be driven, stood or operated, a tow truck unless there is displayed (printed in block letters and figures at least 50 mm high) on the right-hand (off-side) of the tow truck, and clearly legible, the name of the person who is the licensee holding the licence to operate the tow truck, and the number of the licence.

*Maximum penalty: \$1,100.*

### **Clause 47 Tow truck number plates to be visible while towing**

Tow truck number plates must be visible at all times when towing.

*Maximum penalty: \$550.*

### **Clause 48 Conduct and duties of tow truck drivers**

The driver of a licensed tow truck must behave in an orderly manner and with civility and propriety while operating the tow truck, or attending the scene of a motor vehicle accident.

*Maximum penalty \$2,750.*

The driver of a licensed tow truck must comply with any reasonable requirement made of the driver by an authorised officer or police officer.

*Maximum penalty \$5,500.*

The driver of a licensed tow truck must comply with any reasonable requirement made of the driver by a member of staff of the Ambulance Service of NSW, or an emergency services officer (within the meaning of section 32A of the *State Emergency and Rescue Management Act 1989*) who is attending the scene of a motor vehicle accident.

*Maximum penalty \$5,500.*

The licensee must ensure that each tow truck driver whose services are being used by the licensee complies with the above.

*Maximum penalty \$1,100.*



#### **Clause 42 Misuse of licences and drivers certificates**

A person must not forge or fraudulently alter a licence or drivers certificate, give a licence or drivers certificate to another person for the purpose of using it unlawfully, steal a licence or drivers certificate or knowingly possess a forged, fraudulently altered, borrowed or stolen licence or drivers certificate.

*Maximum penalty: \$5,500.*

#### **Clause 43 Lost or stolen licences and drivers certificates**

A licensee or certified driver must, within seven days of becoming aware that the licence or drivers certificate has been lost, stolen, damaged, destroyed, altered or defaced:

- (a) notify RMS in writing of that occurrence, and
- (b) in the case of a damaged, altered or defaced licence or drivers certificate, return it to RMS.

*Maximum penalty (paragraph (a)): five penalty units.*

*Maximum penalty (paragraph (b)): 20 penalty units.*

Under the *Tow Truck Industry Act 1998* (the Act) conditions can be specified for both driver certificates (Section 29) and Operator Licenses (Section 20). Under Section 58 of the Act there are penalties prescribed for any contravention of these conditions.

#### **Section 58 Contravention of conditions**

- (1) A licensee must not contravene any condition of the licence.

*Maximum penalty: \$5,500 or imprisonment for six months, or both.*

- (2) A certified driver must not contravene any condition of the drivers certificate.

*Maximum penalty: \$5,500 or imprisonment for six months, or both.*

### Drivers certificate conditions

Pursuant to section 29 of the Tow Truck Industry Act 1998 a tow truck **drivers certificate** is granted subject to the following conditions.

1. The certified driver must take all reasonable precautions to prevent loss of or from, or damage to, any motor vehicle that is towed by a tow truck used or operated by the driver (*Sec 29*).
2. The certified driver must not charge a fee for the towing, salvage or storage of motor vehicles that exceeds any applicable maximum fees determined by Roads and Maritime Services (*Sec 29*).
3. The certified driver must comply with any directions of the Roads and Maritime Services relating to the wearing or use of clothing or equipment for protection or safety purposes (*Clause 20*).
4. A person must not obtain, or attempt to obtain, a towing authorisation for the towing of a motor vehicle involved in an accident unless:
  - a) the person holds a drivers certificate, and
  - b) the person is the driver of a licensed tow truck that is authorised to tow motor vehicles involved in accidents, and
  - c) the tow truck is standing at or in the vicinity of the scene of the accident, and
  - d) the towing is to be carried out by that tow truck (*Sec 50*).
5. A person must not obtain, or attempt to obtain, a towing authorisation for the towing of a motor vehicle involved in an accident if another person has obtained a towing authorisation for the towing of that motor vehicle (*sec 49A*).
6. A towing authorisation for the towing of a motor vehicle by a tow truck may only be given by:
  - a) the owner or driver of the motor vehicle to be towed, or
  - b) a police officer, or
  - c) an authorised officer (*Clause 29*).
7. A towing authorisation must:
  - a) be in the approved form, and
  - b) be included in a towing authorisation book, and
  - c) be signed by the person giving the authorisation, and
  - d) be signed by the driver of the tow truck, and
  - e) specify a place (full address) as the place to which the motor vehicle is to be towed, and
  - f) otherwise be completed by inserting the information required by the approved form (*Clause 30*).

The following conditions have been imposed on all tow truck driver certificates by virtue of section (58)(2) of the Act:

8. A person must not obtain, or attempt to obtain, a towing authorisation for the towing of a motor vehicle involved in an accident until any towing authorisation that the person has obtained for the towing of any other motor vehicle has been completed in accordance with the particulars specified in that authorisation.
9. A police officer or authorised officer may direct a **person** to move a motor vehicle that is causing an obstruction to the **nearest place** where it no longer causes an obstruction to traffic.
10. A person must not tow a motor vehicle from the place to which it was towed in accordance with the directions of a police officer or authorised officer unless the person has obtained a towing authorisation for the towing of the motor vehicle from that place.

**A certified driver must not contravene any condition of the drivers certificate. Maximum penalty: \$5,500 or imprisonment for six months, or both.**

## Operators licence conditions

### **Section 20    Licence conditions**

- (1) A licence may be granted subject to such conditions as may be specified in the licence.
- (2) In addition to the conditions specified in a licence, a licence is subject to the following conditions:
  - (a) the licensee must take all reasonable precautions to prevent loss of or from, or damage to, any motor vehicle that:
    - (i) is towed by a tow truck operated under the licence, or
    - (ii) is being held in the licensee's holding yard, or
    - (iii) is otherwise under the control of the licensee,
  - (b) the licensee must keep the records and documents required to be made by the licensee under the Act or the regulations at the licensee's place of business,
  - (c) the licensee must permit an authorised officer or police officer to enter that place of business at any reasonable time for the purpose of exercising any function under Part 5,
  - (d) the licensee must not, in the course of carrying on business, use a holding yard other than a holding yard specified in the licence,
  - (e) the licensee must ensure that any licensed tow truck displays the distinctive number-plate issued for the tow truck by RMS under the Act,
  - (f) the licensee must ensure that any licensed tow truck, and its equipment, comply with the requirements of the Act or the regulations (or any other law) with respect to the design, construction and serviceability of the tow truck or its equipment,
  - (g) the licensee must ensure that the requirements of any law with respect to the limitation of hours of driving a tow truck are complied with,
  - (h) the licensee must notify RMS of any change in the particulars relating to the close associates of the licensee,
  - (i) the licensee must not charge a fee for the towing, salvage or storage of motor vehicles that exceeds any applicable maximum fees determined by the regulation,
  - (j) the licensee must keep the licence at the licensee's place of business,
  - (k) the licensee must ensure that a copy of the licence is kept in each licensed tow truck,
  - (l) such other conditions as may be prescribed by the regulations.

## **Under the Tow Truck Industry Regulations 2008**

### *Clause 11 Licence conditions*

For the purposes of section 20 (2) (l) of the Tow Truck Industry Act 1998, the following conditions are prescribed:

- (a) the licensee must ensure that each person who is employed or engaged by the licensee to drive a licensed tow truck is provided with, and is given an opportunity to read, a copy of an approved summary of the Act and this Regulation,
- (b) the licensee must explain to each such person the provisions of the approved summary,
- (c) the licensee must ensure that each person who is employed or engaged by the licensee to drive a licensed tow truck signs and dates a written declaration to the effect that the person understands his or her obligations under the Act and this Regulation,
- (d) the licensee must sign and date a written declaration to the effect that the licensee has complied with the conditions referred to in paragraphs (a) – (c),
- (e) the licensee must keep each such signed declaration at the licensee's place of business for such time as the person remains employed or engaged by the licensee and for a period of two years from the date that the person ceases employment with, or was last engaged by, the licensee,
- (f) the licensee must produce a copy of any such signed declaration on request to an authorised officer or send a copy to RMS on receipt of a notice in writing by RMS,
- (g) the licensee must ensure that each driver complies with any directions of RMS relating to the wearing or use of clothing or equipment for protection or safety purposes,
- (h) the licensee must keep a record of the registration details of each tow truck operated by the licensee,
- (i) except as provided by clause 54, the licensee may only operate under the authority of the licence the licensed tow trucks that are specified in the licence,
- (j) the licensee must hold public liability and "on-hook" liability insurance.

### **Clause 35 Location of holding yards**

It is a condition of a licence that any holding yard of the licensee must, unless otherwise approved, be located no more than 10 kilometres from the licensee's place of business.

### **Clause 37 Storage capacity**

It is a condition of a licence that any holding yard of the licensee is capable of storing any motor vehicle towed under the authority of the licence to the holding yard.

### **Clause 38 Access to holding yard**

It is a condition of a licence that any holding yard of the licensee is accessible at all times by each licensed tow truck operated by the licensee.

### **Clause 39 Holding yard register**

It is a condition of a licence that the licensee must keep a register (the **holding yard register**) in the approved form and manner.

The following particulars are to be recorded in the holding yard register:

- (a) the time and date each motor vehicle is towed into and out of the holding yard,
- (b) the name of the tow truck driver who towed the motor vehicle to the holding yard,
- (c) the name and contact details of the person who authorised the release of the motor vehicle from the holding yard,
- (d) the make, model, type and colour of the motor vehicle,
- (e) the registration number of the motor vehicle, or, if there is no registration number, the chassis number or the engine number (if any) of the vehicle,
- (f) the serial number of the towing authorisation obtained in relation to the motor vehicle.

The holding yard register must also contain a copy of any written authorisation for the release of a motor vehicle from the holding yard that is received by the licensee.

Please note that the approved form and manner for completing the holding yard register includes that;

- a) forms are numbered sequentially in date order ,
- b) individual entries are entered in order of the actual date and time the vehicle is moved to or from the holding yard,
- c) Holding Yard register entries are made as soon as practicable after a motor vehicle is towed to or from the Holding Yard.

#### **Clause 44 Tow truck equipment: Section 55 (1)**

It is a condition of a licence that each tow truck must be fitted with a flashing or rotating warning light that is of an approved kind and fully adjustable mounted lights to enable the safe loading and unloading of motor vehicles when it is dark.

It is a condition of a licence that each tow truck operated to do accident towing must be equipped with a broom, shovel and durable rubbish container for the removal of accident debris, and a foam or dry chemical powder fire extinguisher of at least 4.5 kg capacity (maintained in a serviceable condition).

In this clause:

**broom** means a brush or similar implement of bristles, nylon or twigs with a handle at least 1.2 metres long.

**shovel** means an implement consisting of a broad metal blade or scoop attached to a handle at least 1.2 metres long and designed for taking up and removing loose matter (such as earth, snow, coal and the like).

#### **Clause 50 Record relating to charges**

- (1) It is a condition of a licence that a licensee must make and keep a fully itemised record of the charges made by the licensee for each motor vehicle that is towed under the authority of the licence.
- (2) Each record must provide details justifying the amounts charged in relation to the towing, salvage or storage concerned.
- (3) The licensee must:
  - (a) keep a copy of the record at the licensee's place of business for at least 5 years after it is completed, and
  - (b) keep any document or material that justifies the charging of a particular amount, and
  - (c) produce any such record or related document for inspection by an authorised officer or a police officer if requested to do so, and
  - (d) permit the person to whom the record or related document is produced to make copies of or take extracts from the record or document or remove the record or document for the purposes of evidence.
- (4) On expiry, cancellation or surrender of a licence, the former licensee must provide to RMS any records or documents kept in accordance with this clause.

*Maximum penalty (subclause (4)): \$5,500.*

## NOTE:

Please ensure that you have current copies of all relevant TTLIC policies and documents including:

- Maximum Charges for Towing, Salvage & Storage of Motor Vehicles
- Heavy Tow Truck and Associated Work and Equipment Charges
- Protective clothing policy
- Environmental policy
- Prohibited vehicle policy
- Holding yard policy
- Approved holding yard register
- Driver and vehicle usage logs

Current versions of documents can be downloaded from the RMS website.

## Prohibitions on conduct of tow truck drivers and tow truck operators

### Section 57 Tow truck number plates

- (1) RMS may issue distinctive number plates for tow trucks that are to be operated under the authority of a licence.
- (2) A licensee must not sell, or otherwise transfer, any number-plates issued under this section to another person.

*Maximum penalty: \$2,750.*

### Section 59 Tow truck operator may only employ qualified persons to carry on towing work

A tow truck operator must not employ, engage or otherwise use the services of a person to do anything for which a drivers certificate is required under the Act or the regulations unless the person is a certified driver.

*Maximum penalty: \$5,500.*

### Section 61 Prohibition of “spotter's fees”, “drop fees” and towing inducements

- (1) A person must not, for the purpose of obtaining towing work, or for the purpose of enabling any other person to obtain towing work, give or receive, or offer to give or receive, any valuable thing for information or advice:
  - (a) of the occurrence of a motor vehicle accident, or
  - (b) of the presence on a road or road related area of a motor vehicle that has been involved in an accident or requires towing.

*Maximum penalty: \$2,750*

- (2) A person must not:
  - (a) give, or offer to give, any valuable thing to obtain the work of repairing a motor vehicle that has been involved in an accident or requires towing, or
  - (b) demand, receive, or offer to receive, any valuable thing to obtain the work of repairing a motor vehicle that has been involved in an accident or requires towing.

*Maximum penalty: \$11,000 or imprisonment for 12 months, or both.*

- (3) A person must not give, or offer to give, any inducement of a kind prescribed by the regulations for the purposes of obtaining work towing of a motor vehicle that has been involved in an accident or that otherwise requires towing.

*Maximum penalty: \$5,500.*

- (4) In this section:

**valuable thing** includes:

- (a) any money, loan, employment, article, benefit or advantage and any commission or rebate, payment in excess of actual value of goods or services, deduction or percentage, bonus or discount, and

- (b) not demanding any money or money's worth or valuable thing, but does not include any reasonable charges in respect of the towing, salvage or storage of a motor vehicle (so long as those charges do not exceed any charges determined by the regulation).

### **Section 62 Prohibition on obtaining authority to repair**

A person must not obtain or attempt to obtain the authority for the repair by a particular repairer of a motor vehicle that has been involved in an accident before it is delivered to the place specified in the towing authorisation.

*Maximum penalty: \$5,500 or imprisonment for six months, or both.*

### **Section 63 Touting or soliciting for towing or repair work at scene of accident**

A person must not, at or within 500 metres of the scene of a motor vehicle accident, tout or solicit for any towing work, or for any work involving the repair of a motor vehicle, regardless of on whose behalf the touting or soliciting is done.

*Maximum penalty: \$5,500.*

### **Section 64 Threats and related conduct**

- (1) A person must not, by threats, intimidation or coercion, do anything to any person for the purpose of obtaining or helping another person to obtain towing or repair work or prevent another person from obtaining towing or repair work.
- (2) A person must not, by threats, intimidation or coercion, prevent (or attempt to prevent) a person from complying with any provision of the Act or the regulations.

*Maximum penalty: \$11,000 or imprisonment for 12 months, or both.*

### **Section 67 Passengers in tow trucks**

A person must not travel as a passenger in any tow truck that is proceeding to or from the scene of a motor vehicle accident unless the person was the driver or passenger in a motor vehicle involved in the accident, or is a certified driver assisting the driver of the tow truck in carrying out towing work.

*Maximum penalty: \$5,500.*

### **Section 68 Restrictions on standing tow truck at accident scene**

The driver of a tow truck must not stand the tow truck at or within 500 metres of the scene of a motor vehicle accident:

- (a) for a period longer than is reasonably necessary to obtain a towing authorisation (for a motor vehicle where no such authorisation has been obtained by another tow truck driver), and to secure the motor vehicle to or on to the tow truck, and comply with section 65 (cleaning up), or
- (b) if a towing authorisation has already been obtained for each of the motor vehicles involved in the accident that require towing without a reasonable excuse.

*Maximum penalty: \$5,500.*

### **Section 71 Advertising**

- (1) A person must not advertise the business of a tow truck operator unless the person holds a licence that authorises the person to carry on that business.

*Maximum penalty: \$5,500.*

- (2) A licensee must ensure that any advertisement relating to the licensee's business as a tow truck operator contains the number of the licence.

*Maximum penalty: \$5,500.*

### **Section 72 Holding out**

- (1) A person must not make any representation that the person is a licensee if the person does not hold a licence.

*Maximum penalty: \$8,250 or imprisonment for six months, or both.*

- (2) A person must not make any representation that the person is a certified driver if the person does not hold a drivers certificate.

*Maximum penalty: \$2,750.*

Further restrictions on conduct imposed by the Regulation:

**Clause 41 Offence to incite or encourage commission of offence**

A person must not incite or encourage any other person to commit an offence under the Act or the Regulation, or offer any inducement to another person that is likely to result in the other person committing an offence under the Act or the Regulation.

*Maximum penalty: \$5,500.*

**Prohibitions on tow trucks**

**Section 56 Certain tow trucks prohibited**

A person must not use or operate a prohibited tow truck for the purposes of any towing work.

*Maximum penalty: \$11,000 or imprisonment for 12 months, or both.*

From the Regulation:

**Clause 53 Prohibited tow trucks: (section 56)**

One tonne tow trucks are a prohibited tow truck. A one tonne tow truck is 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.

**Exemption for interstate tow truck drivers and operators**

Exemption for inter-state tow truck drivers and operators under the Regulation:

**Clause 55 Exemption relating to interstate tow truck operators and drivers**

A person who holds a licence, permit or other authority issued under the law of another State or Territory that authorises the person to drive or operate a tow truck in that State or Territory is exempt from the requirements under the Act to hold a licence or drivers certificate.

Such an exemption does not apply to or in respect of any towing work that starts in this State.

This clause does not affect any entitlement, under the *Mutual Recognition (New South Wales) Act 1992*, of a person who holds a licence, permit or other authority issued under the law of another State or Territory to drive or operate a tow truck (including in respect of towing work that starts in this State) without holding a licence or drivers certificate under the *Tow Truck Industry Act 1998*.

**Note.** The *Mutual Recognition (New South Wales) Act 1992* requires the tow truck driver or operator to notify and register with RMS. RMS may impose conditions on such registration so that the only towing work that may be carried out is towing work of a type authorised by the interstate licence, permit or other authority held by the tow truck driver or operator.



## Disciplinary powers of RMS

### Section 41      Disciplinary action

- (1) This Division enables RMS, in its administrative capacity, to take disciplinary action against a licensee or certified driver.
- (2) In accordance with this Division, RMS may do any of the following:
  - (a) suspend a licence or drivers certificate for a specified period,
  - (b) permanently revoke a licence or drivers certificate,
  - (c) disqualify a licensee or certified driver from holding a licence or drivers certificate for a specified period,
  - (d) impose a fine not exceeding \$500 on a licensee or certified driver,
  - (e) give a direction under section 84 to a licensee or certified driver,
  - (f) caution or reprimand a licensee or certified driver.

### Section 42      Grounds for taking disciplinary action

RMS may take disciplinary action under this Division against a licensee or certified driver for any of the following reasons:

- (a) any reason for which the licensee or certified driver would not have been granted a licence or drivers certificate initially,
- (b) the licensee or certified driver has been charged with an indictable offence,
- (c) the licensee or certified driver supplied information that was (to the licensee's or driver's knowledge) false or misleading in a material particular in, or in connection with, the application for the licence or drivers certificate,
- (d) the licensee or certified driver has contravened any provision of the Act or the regulations, whether or not the licensee or driver has been convicted of an offence for the contravention,
- (e) the licensee or certified driver has contravened any condition to which the licence or drivers certificate is subject,
- (f) RMS is of the opinion that the licensee or certified driver is no longer a fit and proper person to hold a licence or drivers certificate, respectively,
- (g) the licensee failed to specify the name of each close associate of the licensee in the application for the licence,
- (h) the licensee has, in the opinion of RMS, been engaged in any fraudulent or dishonest conduct or activity in connection with the licensee's business as a tow truck operator,
- (i) the licensee has, in the case of a natural person, become bankrupt, applied to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounded with his or her creditors or made an assignment of his or her remuneration for their benefit,
- (j) the licensee is, in the case of a corporation, in the course of being wound up, or is under official management, or is a corporation for which a receiver or manager has been appointed, or has entered into a compromise or scheme of arrangement with its creditors,
- (k) the licensee has, for a continuous period of one month or more, ceased to carry on business as a tow truck operator,
- (l) any other reason prescribed by the regulations.

### **Section 43 Procedure for implementing disciplinary action**

- (1) If RMS decides:
  - (a) to suspend or revoke a licence or a drivers certificate, or
  - (b) to disqualify a licensee or certified driver from holding a licence or drivers certificate for a specified period, or
  - (c) to impose a fine on a licensee or certified driver,RMS is required to serve on the licensee or certified driver a notice informing the person of its decision.
- (2) The notice must include the reasons for RMS decision.
- (3) The suspension or revocation of a licence or drivers certificate, or any period of disqualification, takes effect when the notice is served or on a later date specified in the notice.
- (4) A notice that suspends a licence or drivers certificate must specify the period of suspension.
- (5) A notice that disqualifies a licensee or certified driver from holding a licence or drivers certificate must specify the period of disqualification.
- (6) RMS may, by serving a further notice on a licensee or certified driver, cancel a notice under this section before the notice takes effect.

## **Towing authorisations**

### **Section 49 Requirement to obtain towing authorisation**

- (1) A certified driver must not carry out, or attempt to carry out, any towing work unless a towing authorisation has been obtained for the towing work.

*Maximum penalty: \$5,500.*

- (2) However, a person is not required to comply with subsection (1) if the person is carrying out, or is attempting to carry out, the towing work:
  - (a) in accordance with any direction of a police officer or an authorised officer (including a direction that is given by telephone or other electronic transmission) to move a motor vehicle that, in the opinion of the officer, is causing an unreasonable obstruction to traffic, to the nearest place where it no longer causes an obstruction to traffic, or
  - (b) in such circumstances as may be prescribed by the regulations.
- (3) A police officer or authorised officer may only give a direction described in subsection (2) (a) if, in the opinion of the officer, the motor vehicle cannot reasonably, in the circumstances, be driven away.
- (4) The regulations may provide that a towing authorisation is required in such other circumstances as may be prescribed.
- (5) A towing authorisation required by or under this section is to be in the approved form.

### **Section 49A Restrictions on obtaining towing authorisations after authority already granted**

A person must not obtain, or attempt to obtain, a towing authorisation in respect of any motor vehicle if another person has obtained a towing authorisation for the motor vehicle.

*Maximum penalty: \$2,200.*

### **Section 50 Restrictions on obtaining towing authorisations**

A person must not obtain, or attempt to obtain, a towing authorisation for the carrying out of towing work unless:

- (a) the person holds a drivers certificate, and
- (b) the person is the driver of a licensed tow truck, and
- (c) the tow truck is standing at or in the vicinity of the motor vehicle that is required to be towed, and
- (f) the towing work is to be carried out by the tow truck referred to in paragraph (c).

*Maximum penalty: \$5,500.*

## **Section 51 Towing in accordance with towing authorisation**

- (1) A towing authorisation authorises the towing only of the motor vehicle that is specified in the authorisation.
- (2) If a person has obtained a towing authorisation for the towing of a motor vehicle, the person must tow the motor vehicle in accordance with the particulars specified in the authorisation.

*Maximum penalty: \$5,500.*

- (3) The person must tow the motor vehicle concerned:
  - (a) to the destination specified in the authorisation, or
  - (b) if the specified destination is not accessible at the time of towing, to the nearest holding yard on the licence and then to the specified destination as soon as is reasonably practicable
  - (c) if a destination is not specified in the towing authorisation to the nearest holding yard specified in the licence.

*Maximum penalty: \$5,500.*

- (4) A person who is required to obtain a towing authorisation must ensure that the towing authorisation is completed and dealt with in accordance with the regulations.

*Maximum penalty: \$5,500.*

## **Section 53 Alteration of completed towing authorisation prohibited**

A person must not, without reasonable excuse, alter a towing authorisation after it has been signed.

*Maximum penalty: \$5,500*

## **Section 54 Towing and other charges**

- (1) RMS may set the maximum charges that may be charged by tow truck operators and drivers for the towing, salvage or storage of motor vehicles.
- (2) The regulations may prescribe procedures for charging for any such towing, salvage or storage.

## **Section 65 Cleaning up at scene of accident**

The driver of a tow truck that tows a motor vehicle from the scene of a motor vehicle accident must, before leaving the scene, remove any debris caused by, or relating to, the motor vehicle unless otherwise directed by a police officer.

*Maximum penalty: \$1,100.*

## **Section 66 Compliance with directions at scene of accident**

- (1) If the driver of a tow truck is at the scene of a motor vehicle accident, the driver must comply with any reasonable direction given to the driver by an authorised officer, police officer or emergency services officer who is exercising his or her official duties.

*Maximum penalty: \$5,500.*

- (2) If an authorised officer or police officer is of the opinion that a person is acting in contravention of the Act or the regulations the officer may direct the person to leave the scene of the accident, and to stay at least 500 metres away from the scene (or any other distance the officer may direct) for any period of time that the officer directs.

### Further conditions of towing authorisations imposed by the Regulation:

#### **Clause 28 Requirement to leave accident scene once towing authorisations obtained**

If all required towing authorisations have been obtained for vehicles at the scene of an accident, any other person who attended the scene of the accident to obtaining towing work (but who has not obtained a towing authorisation) must not remain at the scene of the accident.

*Maximum penalty: \$5,500.*

### **Clause 29 Persons who may give towing authorisations**

A towing authorisation for the towing of a motor vehicle by a tow truck may only be given by the owner or driver of the motor vehicle to be towed, or a police officer, or an authorised officer.

### **Clause 30 Completion of, and dealing with, towing authorisations**

A person who obtains a towing authorisation must ensure:

- (a) that the authorisation:
  - (i) is in the approved form, and
  - (ii) is included in a towing authorisation book, and
  - (iii) is signed by the person and by the person giving the authorisation, and
  - (iv) specifies a place as the place to which the motor vehicle is to be towed, and
  - (v) is otherwise completed (to the extent that is reasonably practicable in the circumstances) in the approved manner and by the insertion of the information required by the approved form, and
- (b) that the original towing authorisation and two copies are completed, and
- (c) that the towing authorisation used is the next available towing authorisation in order of serial number.

*Maximum penalty: \$5,500. (under section 51 (4) of the Act)*

### **Clause 31 False information in towing authorisations**

A person must not record anything in a towing authorisation that the person knows to be false or misleading.

*Maximum penalty: \$2,200.*

### **Clause 32 Other requirements relating to towing authorisations**

- (1) A person who obtains a towing authorisation for the towing of a motor vehicle must immediately provide a copy of the towing authorisation to the person giving the authorisation, and within 72 hours of completing the towing work, deliver the original towing authorisation to the licensee.

*Maximum penalty: \$5,500.*

- (2) The person who obtains the towing authorisation must, before towing the motor vehicle, complete and attach to the motor vehicle in the approved manner a notice (**green sticker**) that has all sections completed.

*Maximum penalty: \$5,500.*

- (3) A person must not remove a towing notice (**green sticker**) that is attached to a motor vehicle unless the person is the insurer of the motor vehicle or if the motor vehicle is not insured, the person is the owner or driver of the motor vehicle or the person is acting under the written authority of the insurer or owner.

*Maximum penalty: \$5,500.*

- (4) A licensee must ensure that each tow truck driver who is employed or engaged by the licensee complies with the requirements of this clause.

*Maximum penalty: \$5,500.*

### **Clause 33 Towing authorisation books**

- (1) RMS may, on application by a licensee and payment of a fee, issue a towing authorisation book for each tow truck operating under the licence.
- (2) A licensee must provide a towing authorisation book to each certified driver carrying out towing work under the licence.

*Maximum penalty: \$2,750.*

- (3) A certified driver must not carry out any towing work unless the driver is in possession of a towing authorisation book.

*Maximum penalty: \$1,650.*

- (4) A certified driver must produce the towing authorisation book in the driver's possession for inspection on demand by an authorised officer or police officer and allow them to take extracts and copies of any entry in that book.

*Maximum penalty: \$1,650.*

- (5) As soon as a certified driver completes a towing authorisation book the driver must deliver the book to the licensee who gave it to the driver.

*Maximum penalty: \$1,650.*

#### **Clause 34 Keeping and production of towing authorisations**

- (1) A copy of any towing authorisation received by a licensee must be provided by the licensee to RMS within 28 days of the towing authorisation being completed.

*Maximum penalty: \$550*

- (2) A licensee must:

- (a) keep the following for at least five years at the licensee's place of business as specified in the licence:
- (i) the original of each completed towing authorisation that relates to a tow truck operated under the licence,
  - (ii) any towing authorisation book that has been issued to the licensee, and
- (b) immediately on demand by an authorised officer or a police officer, produce for inspection any such towing authorisation or towing authorisation book kept by the licensee or any copy of such an authorisation to which the licensee has reasonable access, and
- (c) allow the person to whom such a towing authorisation or towing authorisation book is produced to take extracts from, or to make copies of, the authorisation or book or to remove the authorisation or book for the purposes of evidence.

*Maximum penalty: \$2,200*

- (3) If a licence expires or is revoked or surrendered, the person to whom the licence was issued must return to RMS within seven days of the expiration, revocation or surrender:

- (a) any completed original towing authorisation that has been delivered to the person, and
- (b) any towing authorisation books supplied to the person, and
- (c) any towing notice that has not been completed.

*Maximum penalty: \$2,200*

### **Holding yards**

#### From the Regulation:

#### **Clause 36 Security requirements**

- (1) A licensee must ensure that any holding yard of the licensee is surrounded by a security fence that is not less than two metres high and that has gates with locks, flood lighting installed, and has an approved security alarm system.

*Maximum penalty: \$550*

- (2) RMS may, by notice in writing, exempt a licensee from any requirement under subclause (1).

- (3) The licensee must ensure that the security fence is properly maintained and, if damaged, is repaired as soon as possible

*Maximum penalty: \$550*

## Record keeping and production of information

### Section 60 Licensee required to keep certain records

- (1) This section applies to any licensee who holds a licence that authorises the towing of motor vehicles involved in accidents.
- (2) A licensee must make a record of:
  - (a) the full name, address and drivers certificate number of each tow truck driver who is employed or engaged by the licensee, and
  - (b) each occasion that a licensed tow truck is used or operated by such a tow truck driver

*Maximum penalty: \$5,500*

- (3) Any such record must:
  - (a) be in the approved form, and
  - (b) include particulars of the name and business address of the licensee, and
  - (c) be completed as soon as practicable after each occasion on which the licensed tow truck is used or operated.

*Maximum penalty: \$5,500*

- (4) The licensee must keep the record at the licensee's place of business for at least five years after the information is recorded.

*Maximum penalty: \$5,500*

- (5) If the licence is revoked or suspended or otherwise ceases to be in force, the licensee must provide to RMS any records kept in accordance with this section.

*Maximum penalty: \$5,500*

- (6) The licensee must, on demand by an authorised officer or a police officer, provide the officer with the name and address of any tow truck driver whose services have been or are being used by the licensee.

*Maximum penalty: \$5,500*

### Section 70 Production of licence and drivers certificates

- (1) A licensee must, at the licensee's place of business, produce the licence to an authorised officer or police officer on demand.

*Maximum penalty: \$2,750.*

- (2) When attending an accident or otherwise using a tow truck a certified driver must produce to an authorised officer or police officer, on demand, a copy of the licence under which the tow truck is authorised.

*Maximum penalty: \$2,750.*

- (3) A certified driver must, on demand made by an authorised officer or police officer at any time:
  - (a) if the driver has the certificate in his or her immediate possession, produce the certificate for inspection by the officer, or
  - (b) if the driver does not have the certificate in his or her immediate possession, produce it, as soon as practicable after the demand is made, to the officer who made the demand or to another person nominated by the officer.

*Maximum penalty: \$2,750.*

Further conditions imposed by the Regulation:

**49 Licensee required to keep certain records of non-accident towing work**

- (1) A licensee must make a record of the following for each occasion that a licensed tow truck is used or operated by a relevant tow truck driver for any towing work other than accident towing work:
- (a) the time and date on which a motor vehicle is towed,
  - (b) details of where the motor vehicle is towed from and the destination of the tow,
  - (c) the registration number of the motor vehicle, or, if there is no registration number, the chassis number or the engine number (if any) of the vehicle,
  - (d) the name and contact details of the person who arranged for the motor vehicle to be towed,
  - (e) the name and contact details of any person who takes possession of the towed motor vehicle at the destination of the tow,
  - (f) details of any charges made by the licensee in relation to the tow.

**Note.** Section 60 of the Act also requires certain information to be recorded by a licensee on each occasion on which a licensed tow truck is used or operated by a tow truck driver.

- (2) Any such record must:
- (a) be in the approved form, and
  - (b) include particulars of the name and business address of the licensee, and
  - (c) be completed in the approved manner and as soon as practicable in relation to each occasion the licensed tow truck is used or operated.
- (3) The licensee must keep the record at the licensee's place of business for at least five years after the information is recorded.
- (4) If the licence is revoked or suspended or otherwise ceases to be in force, the licensee must provide to RMS any records kept in accordance with this section.
- (5) The licensee must, on demand by an authorised officer or a police officer, provide the officer with the name and address of any tow truck driver whose services have been or are being used by the licensee.

*Maximum penalty (subclauses (1) – (5)): 50 penalty units.*

- (6) In this clause, **relevant tow truck driver** means a tow truck driver who is employed or engaged by the licensee or whose services are otherwise used by the licensee.

**Clause 51 Invoices**

- (1) A licensee must include the following in any invoice issued by the licensee in relation to towing work:
- (a) the name of the licensee as shown in the licence,
  - (b) the business name (if any) of the licensee and the ABN,
  - (c) the name of the person to whom the invoice is issued,
  - (d) a description of the towing work to which the invoice relates,
  - (e) any fees (in itemised form) that are charged by the licensee in relation to the following:
    - (i) any salvage relating to the relevant vehicle,
    - (ii) the towing of the relevant vehicle,
    - (iii) any storage of the relevant vehicle,
  - (f) any other fee charged by the licensee in relation to the vehicle, fully described and set out in itemised form.

*Maximum penalty \$1,100*

- (2) *A licensee must not request or require payment of a fee charged in relation to towing work unless a copy of the invoice for that work is provided to the person to whom the invoice is issued.*

*Maximum penalty \$1,100*

- (2) A licensee must not include in the invoice any matter that the licensee knows to be false or misleading.

*Maximum penalty \$5,500*

- (3) A licensee must:

- (a) keep at the licensee's place of business (as specified in the licence) a copy of each invoice issued by the licensee for a period of 5 years after its issue, and
- (b) on demand by an authorised officer or a police officer within that period of five years, produce for inspection the copy of any such invoice, and
- (c) allow the person to whom the copy is produced to take extracts from, or to make copies of, the invoice, or to remove the invoice for the purposes of producing it as evidence in any proceedings.

*Maximum penalty \$1,100*

## **Investigations**

### **Section 78 Requirement to provide information and records**

- (1) RMS, an authorised officer or a police officer may, by notice in writing, require a person to provide information or records (or both) to RMS or the officer in connection with any matter arising under or in connection with the Act.
- (2) The notice must specify the manner in which information or records are required to be provided and a reasonable time by which the information or records are required to be provided.

### **Section 79 Power to require answers and to demand name and address**

- (1) An authorised officer, or a police officer, may require a person they suspect on reasonable grounds to have knowledge of matters where information is reasonably required for the purposes of the Act to answer any question in relation to those matters.
- (2) An authorised officer, or a police officer, may require a person whom the officer suspects on reasonable grounds to have contravened, or to be contravening, the Act or the regulations to state his or her full name and residential address.

### **Section 81 Powers of entry and inspection**

- (1) An authorised officer or a police officer may enter any tow truck, or stop and detain any tow truck, or enter any premises where a person carries on business as a tow truck operator, or enter any other premises (including a holding yard) that are used in connection with the carrying on of towing operations and carry out any of the functions specified in subsection (2).
- (2) The functions that may be exercised by an authorised officer or a police officer are as follows:
  - (a) the officer may conduct such investigations, and make such inquiries, searches, examinations and inspections, as the officer considers necessary,
  - (b) the officer may require the occupier of the premises, or the driver of the tow truck or any other person in charge of the tow truck, to produce to the officer any records or documents relating to the activities carried on at the premises or relating to the operation of the tow truck,
  - (c) the officer may make copies of, or take extracts from, any such records or documents,
  - (d) the officer may require the occupier of the premises, or the driver of the tow truck or any other person in charge of the tow truck, to provide such reasonable assistance and facilities as may be requested by the officer,
  - (e) the officer may seize anything that the officer has reasonable grounds for believing is connected with an offence under the Act or the regulations,
  - (f) the officer may do any other thing the officer is authorised to do under this Division.
- (3) Entry under this section may be effected with the use of reasonable force.



## **Section 84 Power to give directions**

- (1) RMS may, for the purposes of ensuring compliance with the Act or the regulations or in taking disciplinary action under Division 4 of Part 3, give directions with respect to any of the following matters:
  - (a) the use or operation of any tow truck,
  - (b) the business of a tow truck operator,
  - (c) any matter connected with towing work.
- (2) Any such direction must be in writing.
- (3) A direction may require a person to do any specified thing, or to refrain from doing any specified thing.

## **Offences**

### **85 Offences**

- (1) A person who, without lawful excuse, neglects or fails to comply with any requirement made of the person under this Division is guilty of an offence.

*Maximum penalty: \$8,250 or imprisonment for six months, or both.*

- (2) A person who furnishes any information or records or does any other thing in purported compliance with a requirement made of the person under this Division, knowing that it is false or misleading in a material respect, is guilty of an offence.

*Maximum penalty: \$8,250 or imprisonment for six months, or both.*

- (3) A person who:
  - (a) wilfully delays, obstructs or hinders an authorised officer or a police officer in the exercise of the officer's functions under this Division, or
  - (b) conceals (or attempts to conceal) any person or thing from an authorised officer or a police officer under this Division, or
  - (c) prevents (or attempts to prevent) any person or thing from being examined by an authorised officer or police officer under this Division,is guilty of an offence.

*Maximum penalty: \$8,250 or imprisonment for six months, or both.*