



Fact Sheet

Tow Truck Driver

As a result of the ban on wheel clamping, from 14 December 2020 the Department of Transport (DoT) will regulate the towing and storage of vehicles from private property under Part 6A of the *Road Traffic Act 1974* (Act) and the *Road Traffic (Towing of Vehicles) Regulations 2020* (Regulations).

As a tow truck driver, it is important that you understand your obligations in relation to the towing of vehicles from private property. The Regulations prescribe the requirements and obligations of all parties involved in the towing and storage of vehicles from private property, including penalties for failure to comply.

Conditions of Towing

Before a vehicle can be towed from a private property certain conditions must be met. These conditions are required by law and failure to comply with them is an offence.

Authority to remove vehicles

You cannot tow a vehicle from a private property unless the owner or occupier of the property has entered into a towing arrangement with the towing service provider you are employed or contracted by that authorises the removal of vehicles parked on the property.

You cannot remove a vehicle – even if it is in breach of parking conditions – unless there is a towing arrangement in place.

If you are not the towing service provider who is party to the towing arrangement, the towing service provider must ensure that you are given or have access to the towing arrangement.

If a motor vehicle has been towed using a tow truck, or loaded or partially loaded onto a tow truck, the driver or owner of the vehicle, or a police officer, may request a copy of the relevant towing arrangement from you. If you are not the towing service provider who is party to the towing arrangement, the copy of the towing arrangement must be provided to you by the towing service provider.

Signage

You must not tow a parked vehicle from a private property unless signs are displayed in accordance with the signage requirements that relate to the property.

Signage requirements may vary depending on the type of property or the size of the property's parking area.

Information on signage requirements can be located in the Private Property Parking Signage Guidelines which can be downloaded at www.transport.wa.gov.au/privateparking

Notice of Signage Exemption

An owner or occupier of a private property may be granted a signage exemption/variation if DoT is satisfied that it is not practicable for the property to comply with signage requirements.

If a private property has been granted a signage exemption/variation the owner or occupier of the property must provide the towing service provider who is party to a towing agreement a copy of the written exemption/variation notice, as soon as possible and in any event within 5 business days after the day on which it was granted.

If you are not the towing service provider who is party to the towing agreement, the towing service provider must ensure you are given a copy of the signage exemption/variation notice as soon as possible and in any event within 5 business days after the day on which it was received from the owner/occupier of the property.

Loading and Towing a Vehicle

Carefully check that there are no people, domestic animals or livestock in a vehicle before you load or tow it.

Reasonable steps

You must take reasonable steps to locate the driver of the vehicle before it can be towed from a private property. Reasonable steps include:

- looking around the immediate area to see if the vehicle driver is nearby;
- asking other people at the carpark or nearby shops if they know the whereabouts of the vehicle driver;
- looking for contact or business name details on the vehicle.

If the owner/occupier of the private property has taken reasonable steps to find the driver of the vehicle and advises you that they can not find the driver, you do not have to further attempt to locate the driver.

Waiting Periods

You must not tow a vehicle until a period of 60 minutes has lapsed from the time the driver failed to comply with the terms and conditions of parking on that property.

Hazardous Vehicles

Signage requirements, reasonable steps and waiting periods do not apply to a vehicle that is parked in a position where it is causing a hazard or unreasonable obstruction. These vehicles can be towed immediately if a towing arrangement is in place.

Release of Vehicle

If the driver returns while you are in the process of loading and securing the vehicle on the tow truck, you must release the vehicle immediately, without charge, if the driver agrees to remove the vehicle from the property within a reasonable time. In these circumstances, the payment of a call out fee is the responsibility of the property owner or occupier who requested you tow the vehicle.

If the driver returns after the vehicle has been fully loaded onto the tow truck (so that the truck can be driven on a road) and you have not yet left the property, before removing the vehicle you must inform the driver that if the driver pays the \$100 on-site release charge the vehicle will be, and must be, immediately released.

Reporting

Before you tow a vehicle from private property you must notify the Department of Transport (DoT) by email that the vehicle is to be towed. Notifications must be sent to:

towing@transport.wa.gov.au using the Notification of Vehicle to be Towed (E203T) form which can be downloaded at www.transport.wa.gov.au/privateparking

Photographs

You must take photographs that clearly show:

- the condition of the vehicle, the photographs should include the front or rear of the vehicle showing the number plate and any existing damage to the vehicle;
- the property's parking signs; and
- the vehicle in relation to the nearest minor sign.

For your own protection in the case of possible disputes with the vehicle owner, you should also take at least three photographs of the vehicle as it was originally parked.

Storage Yard

You must tow the vehicle by the most direct route, and without taking longer than is reasonably necessary, to the nearest suitable and approved storage yard that the towing service provider is approved to store vehicles.

Maximum Towing Charges

Charges for the towing of vehicles from private property are prescribed in the Regulations and you must not charge an amount that exceeds the following:

On-site release charge	\$100
Towing Charge	\$150

It is recommended that you have appropriate on-the-spot payment mechanisms available for vehicle drivers to pay the on-site release fee (EFTPOS or credit card facilities).

Further Information

Fact Sheets and further information are available online at www.transport.wa.gov.au/privateparking