



## Fact Sheet

# Towing Service Provider

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 (Immobilisation, Towing and Detention of Vehicles) Regulations 2020 (Regulations).

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

### Towing Arrangements

A towing arrangement is an agreement between an owner/occupier (controller) of a private property and a towing service provider that authorises the removal of vehicles parked on the property by a towing service provider or a tow truck driver authorised by the towing service provider.

A towing arrangement may relate to a single instance of towing specified vehicles or may be a general arrangement requesting or permitting the towing of vehicles parked at the property in circumstances set out in the arrangement.

A vehicle can only be towed from private property if the towing service provider has entered into a towing agreement with a controller of the property using the approved Private Property Towing Arrangement (E202T) form which can be downloaded at [www.transport.wa.gov.au/privateparking](http://www.transport.wa.gov.au/privateparking)

#### Call out charge

A towing arrangement must provide for a call-out charge to be paid by the controller in the event that a tow truck driver is called to the property to tow a vehicle, but the vehicle is not towed and no on-site release charge is paid by the driver.

### Obligations of Towing Service Providers

A towing service provider must comply with the requirements set out in the Act and supporting Regulations. Failure to comply with these requirements is an offence and penalties may apply.

#### Maintain telephone number

A towing service provider must maintain a telephone number for enquiries in relation to the towing of vehicles under towing arrangements to which the

towing service provider is a party and ensure that a person can be contacted on that telephone number by the driver or owner of a vehicle at all times between 9 am and 5 pm on a business day and at any other time when a vehicle is being towed from a private property and for at least 30 minutes after the vehicle arrives at a storage yard.

#### Provide information to vehicle owners

When contacted by the driver or owner of a vehicle, a towing service provider must provide the following information:

- (a) whether the vehicle is being, or has been towed, under a towing arrangement to which the towing service provider is a party
- (b) if the vehicle is being towed — the storage yard to which the vehicle is being towed and the time it is expected to arrive at the storage yard;
- (c) if the vehicle has been towed and has not been released — the storage yard to which the vehicle has been towed.

#### Copy of Towing Arrangements

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

Where a request is made for a copy of a towing arrangement it must be provided as soon as is practicable, but in any event within 5 business days after the day on which the request was made.

Failure to provide a copy of a towing arrangement is an offence.

You must, for each towing arrangement to which you are a party, ensure that the following persons are given, or have access to, the towing arrangement —

- each tow truck driver requested or permitted to tow motor vehicles under the towing arrangement; and
- the person in charge of each approved storage yard for which there is an arrangement for you to tow vehicles to.

### **Notice of Signage Exemption**

If you have a towing arrangement with a private property that has been granted a signage exemption/variation the owner/occupier of the property must provide you 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 given a copy of a signage exemption/variation notice you must provide a copy of the notice to each tow truck driver requested or permitted to tow vehicles under the relevant towing arrangement.

### **Record of towed vehicles**

A towing service provider must hold each Notification of Vehicle to be Towed (E201T) form submitted to DoT by the towing service provider as a tow truck driver, or a copy of each Notification of Vehicle to be Towed (E201T) form given to the towing service provider by a tow truck driver, for at least 12 months after the day on which the vehicle to which the Notification of Vehicle to be Towed (E201T) form relates to, is towed.

### **Notify DoT where records will be held**

A towing service provider must hold all Notification of Vehicle to be Towed (E201T) forms submitted to DoT, at a single premises and, before the first occasion on which a vehicle is towed under any towing arrangement to which the towing service provider is a party, notify DoT of the location at which the towing service provider will hold these forms via email to [vehicledetentionandstorage@transport.wa.gov.au](mailto:vehicledetentionandstorage@transport.wa.gov.au)

If there is a change to the location at which a towing service provider will hold Notification of Vehicle to be Towed (E201T) forms, the towing service provider must, within 7 days after the day of the change, notify the CEO, of the new location at which the forms will be held via email to [vehicledetentionandstorage@transport.wa.gov.au](mailto:vehicledetentionandstorage@transport.wa.gov.au)

### **Production of Records**

A towing service provider must produce for inspection, or provide copies of, any Notification of Vehicle to be Towed (E203T) forms held, upon the receipt of a written notice from DoT.

A towing service provider must comply with a notice received in regard to all Notification of Vehicle to be Towed (E203T) forms held, unless a Notification of Vehicle to be Towed (E203T) form relates to a vehicle that was towed more than 12 months before the day on which the notice was received.

### **Towing of Vehicles**

Please refer to the Tow Truck Drivers Fact Sheet for further information on the towing of vehicles from private property.

### **Further Information**

Fact Sheets and further information are available online at [www.transport.wa.gov.au/privateparking](http://www.transport.wa.gov.au/privateparking)