

DEPARTMENT OF ROADS AND TRANSPORT



RESEARCH REPORT ON TOWING SERVICES 2011

PREPARED BY : DIRECTORATE: POLICY, LEGISLATION,
RESEARCH AND KNOWLEDGE MANAGEMENT

Acroynms

AASA	- Automobile Association of South Africa
CPA	- Consumer Protection Act
DRT	- Department of Roads and Transport
EMPD	- Ekurhuleni Municipality Police Department
EMS	- Emergency Management Services
FSP	- Freeway Service Patrols
GPG	- Gauteng Province Government
GDRT	- Gauteng Department of Roads and Transport
GTTSC	- Gauteng Tow Truck Steering Committee
MEC	- Member of Executive Committee
NRTA	- National Road Traffic Act
RMI	- Retail Motor Industry
RTMC	- Road Traffic Management Corporation
SABS	- South African Bureau of Standards
SAIA	- South African Insurances Association
SATRA	- South African Towing and Recovery Association
ToR	- Terms of Reference
TRAA	- Towing & Recovery Association of America
TTIO	- Tow Truck Industry Operations
TTIP	- Tow Truck Industry Policy
UTASA	- United Towing Association of South Africa
WRDM	- West Rand District Municipality

Glossary

1. **Accident Allocation:** A roster based system for allocating accident towing jobs between tow truck license holders within designated zones.
Accident towing: The towing and storage of damaged or disabled motor vehicles from road accident scenes.
2. **Allocation:** A right provided to a licensed tow truck operator through the Accident Allocation Scheme to provide accident towing services at a particular accident scene within the controlled area.
3. **Consent tow:** Any Tow of a Motor Vehicle initiated by the Vehicle Owner or operator of the vehicle or by a person who has possession, custody or control of the vehicle.
4. **Controlled / Zoned Area:** Tow truck drivers may only attend an accident scene in the Controlled area after receiving an allocation through the Accident Allocation Scheme.
5. **Disabled vehicle:** A motor vehicle which has been damaged or rendered permanently or temporarily inoperative as the result of a collision or accident, as a result of wear and tear or mechanical failure, or as a result of any other cause, and of which a law enforcement agency has requested the removal.
6. **Driver of a Tow Truck:** A person that drives a tow truck to accident scenes and performs an accident tow.
7. **Emergency lights:** Flashing, rotating or strobe lights that are mounted above the roof of the Tow Truck.
8. **Heavy-duty tow truck:** A Tow Truck having a chassis rated at five (5) tons or greater by the vehicle manufacturer and a winch capable of lifting a minimum of thirty thousand (30,000) pounds, as rated by the winch manufacturer. Except where a distinction is specifically made, the term "Tow Truck," as used herein, includes "Heavy-Duty Tow Truck."

9. **Law enforcement scene:** The scene of a crime, accident, or custodial arrest, or the location of a vehicle, which is a traffic hazard, a recovered stolen vehicle, or an abandoned vehicle.
10. **Magnetic tow lights:** A set of red lamps, connected to the Tow Truck, which are attached to the rear of the Towed vehicle and, when lit, signal stop and turn movements of the Towed vehicle.
11. **Motor vehicle:** A vehicle, defined as any other device designed to be self-propelled or transported on any public highway, road, or street.
12. **Non-consent towing:** is any tow that is done without the consent of the owner. In a typical scenario, a vehicle that has been involved in an accident or experienced a mechanical breakdown should be towed with the consent of the vehicle owner or motorist.
13. **Operate:** To drive or otherwise be in physical control of a Motor Vehicle.
14. **Operator:** Any person operating a Tow Truck, regardless of whether the person owns the vehicle.
15. **Public road:** A road, street, or highway that has not been discontinued and is a publicly maintained road or highway opened to and used by the public.
16. **Recovery:** Preparation for removing a disabled vehicle by a licensed tow vehicle for which a fee is charged.
17. **Rollback:** means a vehicle that is designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow an additional vehicle.
18. **Storage Company:** an individual, partnership, corporation, or any other entity or association that is engaged in the business of storing Motor Vehicles for compensation or the expectation of compensation.
19. **Storage facility:** A fenced-in area for storing motor vehicle on the premises described on the license.
20. **Storage:** Occurs in the event the damaged vehicle is transported to the tow truck operator's depot and stored in a secure location to await repair or towing to another location.
21. **Tow:** The recovery and movement of a Motor Vehicle using a Tow Truck.

22. **Tow truck inspector:** A person designated by the Department to enforce these Rules and authorized to seize any Department property including, but not limited to, ID Cards, Chips and Tow Truck Permits.
23. **Tow truck operator:** defined as a person who conducts a business involving the operation of any tow truck for the purposes of towing motor vehicles.
24. **Tow truck permit:** A numbered tag issued by the Department authorizing a specific Tow Truck to be used to perform Non-Consent Tows, identified by a Tow Truck Permit number assigned by the Department.
25. **Tow truck slip:** A triplicate form completed by a Law Enforcement Officer at the scene, duplicate copies of which are provided to the Department, Tow Truck Operator and the Vehicle Storage Facility for identification of the Motor Vehicle Towed.
26. **Tow trucks:** defined as vehicles that has been constructed or adapted for specific purpose of towing or carrying another vehicle that cannot be driven on its own and is fitted with a winch or some type of lifting equipment.
27. **Towing company:** A natural person, partnership, corporation, association, or other entity owning, operating or conducting the business of disentangling, recovering, removing or towing disabled vehicle.
28. **Towing vehicle:** Defined as a vehicle used by a towing company and registered under a license pursuant to the prescribed road traffic regulations that authenticate tow truck to carry or remove a disabled vehicle.
29. **Vehicle owner:** A Motor Vehicle's legal or registered owner or such owner's authorized representative.
30. **Vehicle storage facility:** An individual, partnership, corporation, or any other entity or association (other than a governmental entity) that is engaged in the business of operating a garage, parking lot, storage lot, or any type of facility to store Motor Vehicles that have been Towed.

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1. Executive Summary

Schedule 4 and 5 of the Constitution of the Republic of South Africa provides for areas of concurrent National and Provincial legislative competencies and functional areas of exclusive Provincial legislative competence respectively. These provisions, in so far as transport is concerned empowered the Provincial government through the Department of Roads and Transport to devise some intervention strategies as a response to the concerns expressed by the motoring public with regard to Tow Truck Industry operations. The department preceded this initiative with the research study, which sought to identify the root causes of the concerns aired by the motoring public, and gain an in-depth understanding of the Tow Truck Industry operatives.

A comprehensive survey questionnaire was prepared for distribution to motoring public throughout the Gauteng Province. Subsequently, consultative sessions with the Tow Truck Operators as well as with other relevant stakeholders were held. The emphasis of the study concerns the non-disclosure of towing rates prior to service provision, coercion of vulnerable accident victims, non-consensual towing of motorists' vehicles when they are not in a position to negotiate the rates, and the level of compliance with the existing regulatory frameworks by tow truck operators. The synthesis includes survey questionnaire responses from 1729 motorist. The study also reports on the results of extensive consultations undertaken with tow truck operators from various locations, which were held in twelve (12) centres throughout the Province.

The research study commenced with the review of the existing legislative frameworks which regulate the provision of towing services, then solicited the views of various stakeholders, including motoring public, on the matter and potential remedies available to consumers. The stakeholders viewpoints that are considered in the study includes those from United Towing Association of South Africa (UTASA), South African Towing and Recovery Association (SATRA),

South African Insurance Association (SAIA), Retail Motor Industry and Towing Association (RMITA), Automobile Association of South Africa (AASA), and Gauteng Law Enforcement Agencies.

The summary findings can be expressed as that, an overwhelming majority of the stakeholders representing the towing industry and the motorists interviewed are of the opinion that the industry needs to be regulated. Moreover, a number of concerns have been expressed regarding the lack of enforcement of the existing regulatory frameworks and other issues which prompt what is perceived as unscrupulous behaviour that is often portrayed by some tow truck operators.

Potential remedies to curb the ills identified by the study have been presented as recommendations. Mentioned amongst these remedies would be the voluntary alignment of the Towing Associations' Code of Conduct to the recently enacted Consumer Protection Act and other existing legislations. It is also recommended that it is essential to develop a formal regulation which is specific to the Tow Truck Industry as the existing ones are peripherally dealing with issues of towing.

Given the level of consultation which the department embarked upon when conducting the research study, this research report should be regarded as fair and balanced with all stakeholders' views being presented. Since it is representative of stakeholders' views, it is recommended that the study findings be utilised to inform possible interventions to be instituted in order to curb the exacerbation of the aforementioned challenges.

2. Introduction

Historically, the Gauteng Province has been experiencing challenges with regard to towing services offered to the motoring public, which necessitated the Department of Roads and Transport (DRT) to devise some intervention strategies to resolve such challenges.

Nevertheless, the aforementioned statement does not despise the fact that the tow truck operators provide an indispensable service to motorists and the insurance industry. The department acknowledges the fact that tow truck operators are often the first ones to arrive at the scene of an accident and many provide assistance to disoriented or injured accident victims. They sometimes assist in directing traffic and work with authorities to clear the accident scene as quickly as possible. However, one of the greatest causes to the aforementioned challenges facing the Gauteng Province is the fact that the tow truck industry is not regulated, thereby resulting into unscrupulous behaviour portrayed by some operators at accident scenes. The disreputable industry operatives have warranted intervention from the government to prevent the operators from taking advantage of motorists at accident scenes when they are vulnerable or in a state of distress and confusion.

In light of the above, DRT conducted a research in order to gain an in-depth understanding of the industry's operations. Using both quantitative and qualitative methods, a questionnaire was distributed to a sample population of 1 750 motorists. Subsequent to that, consultative sessions and interviews with a variety of stakeholders were convened. In conducting the study, the department has achieved a significant cooperation from a variety of agencies and stakeholders as well as motoring public. The stakeholders participated in the study, included *inter alia* Tow Truck Industry Associations (AASA, RMITA, SATRA and UTASA), eight major Insurance companies as well as the Insurance Association, Tow truck Drivers/Operators, Community Safety unit and Metro Police.

This research report presents the findings from the analysis of data collated during the study, methodology used to conduct the survey and provides justification for the exercise thereof. Literature review is presented on Tow Truck Industry as well as the profiles of existing legislative mandates (laws, policies, and procedures), which partially regulate the operatives of the Tow Truck Industry. The recommendations which should be considered before devising any

kind of intervention are presented. Finally, a conclusion is provided as a closing statement. In addition, appendix provides a copy of the survey questionnaire.

3. Purpose of the Study

This research study was undertaken to attain in-depth understanding of the Tow Truck industry operations, particularly on issues pertaining to:

- Authorisation of towing as well as the allowable tariffs;
- Interaction with vulnerable accident victims;
- Cooperation with other statutory bodies during accident occurrence;
- Registration requirements and operating licences;
- Compliance with existing regulatory frameworks; and
- Contribution towards economic advancement.

The findings from this study should be utilised to inform any intervention that can be devised as a solution to the identified challenges as well as the formulation of the Gauteng Tow Truck Industry regulatory framework, which should be enforced throughout the Province.

4. Research Statement

The matter of vital concern to the Gauteng Department of Roads and Transport (GDRT) with regard to tow truck operations is the provision of prompt, safe, reliable and professional towing assistance during accident occurrence, which best serves the motoring public and other interested parties. The synthesis addresses broad issues pertaining to towing practices. The major issues which the study investigated are whether:

- Tow truck industry delivers reputable service to motoring public, which does not leave them with a sense of being victimised in the process.
- Towing tariffs relating to procedures and tasks performed when offering towing services are justifiable and fair or not.

- Playing fields are levelled for the existing, emerging and aspiring tow truck operators and drivers.
- Entry requirement specifications are clearly defined as well as proper inspection procedures for awarding operating licences are in place.

5. Justification

The tow truck industry is perceived as a private sector which should be self-regulatory and not necessarily be regulated by the public sector. However, given the space on which the industry operates as well as the responsibility entrusted to the Department of Roads and Transport (DRT) with regard to protection of the motoring public interests, necessitated the department to devise some interventions in order to ensure that the towing services offered within the province are serving the interests of the end-users and the playing field is levelled for all those interested in the industry. It is the department's responsibility to ensure that there is safe, efficient and timely provision of accident towing services, which are of satisfactory standards to the motoring public and other interested parties. It is not the intent of the Department to limit the activities of the private businesses that provide an essential service to the Gauteng communities, but to eliminate challenges encountered by the consumers and encourage the sector to contribute towards the welfare and economic advancement of the province.

To outline some of the challenges which necessitated department's intervention; it is typical for multiple tow truck drivers to arrive at an accident scene as they are often competing for a towing job. This often delays the time it would take to clear an accident scene as this result into traffic obstruction and thereby causing additional travel times and traffic congestion for other motorists. This might be due to a number of reasons which could include *inter alia*, the lack of accident allocation systems available that are currently designed to allocate the job to the operators in the immediate area.

In as far as the provision of towing services is concerned; the department has been entrusted with the responsibility to protect motorists involved in an accident from disreputable Tow Truck industry operatives such as:

- Exploitation, deception and coercion of motoring public at accident scenes
- Unscrupulous operators charging unjustified and excessive tariffs for minor towing services and the bribing of police officers in order to get notifications prior reporting the accident.
- Aggressive competition between tow truck operators.
- Attempts to circumvent the law by using multiple business names.
- Illegal operations within the industry, such as unlicensed operators, non-certified drivers, non-branded vehicles, etc.
- Lack of coordination and cooperation with law enforcement agencies by not complying with any reasonable direction given by an authorised officer, be it police officer or emergency services officer
- Utilisation of tow truck vehicles which do not qualify to operate as per SABS Specifications.

With regard to economic growth, it is very imperative for the department to regulate this industry to ensure that there is transformation within the industry and it complies with the relevant regulatory frameworks. It is alleged that the entry requirements that are prescribed as a qualifying criteria for emerging towers to be on various insurance companies' databases are very stringent, which makes it difficult for aspiring operators to meet the entry requirements. Also, emerging operators are of the opinion that there is an urgent need to create an enabling environment to fast-track the development of the small operators, thereby reducing bottlenecks existing within the industry.

Therefore, a regulated tow truck industry that is efficient, effective, safe, conflict free, economically viable and responsive to the needs of its clients will lead to growth and sustainability of the industry and eventually to job creation and respect for the rule of law.

In the context of the aforementioned statement, DRT deemed it necessary to conduct a research on the operatives of the Tow Truck industry in order to gain an in-depth understanding of the issues so as to inform the regulatory framework and other possible interventions.

6. Literature Review

The review of literature is aimed at contributing towards a clearer understanding of the nature and meaning of the problem. Since the study focuses on tow truck industry operatives, it will assist a great deal to unpack some of the concepts in relation to towing services.

6.1. Towing Services

Towing service is the salvage of accident damaged vehicles. Towing services shall mean the provision of the tow truck services in response to dispatch or request from the city police department. It is the moving or removing or the preparation thereof of a disabled vehicle by another vehicle for which service charge is made, either directly or indirectly (www.ctta.com/).

6.1.1 Definition of a Tow Truck

A Tow truck (also called a wrecker, a breakdown truck, recovery truck or a breakdown lorry) is a vehicle used to transport motor vehicles to another location or to recover vehicles which are no longer on a drivable condition. It is a motor vehicle which has been altered or designed for and exclusively used in the business of towing services by means of a crane, towbar, tow-line or is otherwise exclusively used to render assistance to other vehicles. Tow truck means a motor vehicle equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of vehicles (Road and Traffic Authority, 2010)

According to Montana, Tow trucks are defined as vehicles that have been constructed or adapted for specific purpose of towing or carrying other vehicles that cannot be driven on their own, which are fitted with a winch or some type of lifting equipment. The Tow Trucks are also defined as the trucks that are used mainly to transport the motor transport to other locations and also to transfer the heavy machines. These trucks are making the auto transportation easy and also provide the best possible services when required during an emergency. These trucks are having vital importance and also are the most prolific and high profile utility in the automotive industries (www.carinsurance.co.za).

6.1.2 Tow Truck operator

According to Road and Traffic Authority (2010), Tow truck operator is defined as a person who conducts a business involving the operation of any tow truck for the purposes of towing motor vehicles. A tow truck operator is a natural person, partnership, corporation, association or other entity owning, operating or conducting the business of disentangling, recovering, removing or towing disabled vehicles.

Tow truck operator drives tow truck to move motor vehicles damaged by accident, stalled or ticketed by police for traffic violation. They attach antisway bar to vehicle by means of cable chains or other grappling devices and hoists one end of vehicle using powered winch to tow vehicle to repair garage or to police departments impounding area. Tow truck operator can make minor repair to vehicles along highway such as replacing spark plugs batteries and light bulbs and connecting loose wires.

Tow truck operator provides a valuable service to the motoring public. They are quite often the first to arrive at the scene of an accident and have been known on many occasions to provide assistance and/or first aid to disorientated or injured accident victims (www.arrivealive.com). One of the top priorities for the operators is to protect their customers from harm on public roadways, as well as

expeditiously clear the roadways after and during accidents, which cuts down dramatically the number of secondary accidents (www.ctta.com/). In addition to this, they are quite often seen directing traffic and working with the authorities to clear the accident scene as quickly as possible to restore normal traffic flow.

It tows or carries away motor vehicles involved in an accident, either from the scene of the accident or from the place which the motor vehicle has been moved following the accident.

6.1.3 Tow Truck Association

Tow truck Associations provide unparalleled solutions and resources that empower towing companies to be more professional and progressive within the industry while serving the motoring public. They are there to provide education, benefits and legislative support to its members (www.satra.co.za).

Currently, South Africa has two major Tow Truck associations, which operate nationally; namely the South African Towing and Recovery Association (SATRA) and the United Towing Association of South Africa (UTASA).

Both Associations are of the opinion that the industry is ridden with scams, as a result they are of the view that although the tow truck operating business is a private industry by virtue of operating on public roads the operators should adhere to road traffic regulations. Further, they perceive the industry as an easy business to venture into as everyone perceives it as a very lucrative business, consequently there are far more operators than what is required, and the industry is totally over-saturated at the present moment (www.carinsurance.co.za).

The associations mentioned above have requested the National Transport Department to intervene and regulate the industry. There is a suggestion made to adopt a system similar to that used in California where authorities issue

tenders for tow trucks companies and then contract companies to only operate in a specific area.

6.2. Towing services in the South African context

6.2.1 Tow Truck Operatives in South Africa

In South Africa, accident towing has long been a highly competitive industry particularly in Gauteng Province due to accident occurrence rate and the lucrative smash repair that often followed the tow. It is often described as a "necessary evil", as the tow truck operators are usually the first ones to arrive at the accident scene. However, their ethics have on many occasions been called into question as there have been incidents of tow truck drivers putting oil on the road at dangerous corners or paying homeless people to tamper with traffic lights thereby generate accidents at intersections (Star, 2005).

According to the study conducted in 2002 on "Victim Awareness and Trauma Management in Metropolitan Police Services", the tow-truck operators are normally interested in towing accident victims' cars for profit and often show no care for accident victims. The police officers participated in the study allege that tow truck operators in fact use the victims' state of shock and confusion to their business advantage – for instance by making accident victims sign towing agreements while still in a state of shock or by towing cars without permission. Police Officers often find themselves having to fight with the tow truck operators at the scenes of accidents in order to protect accident victims from what they perceive as unscrupulous behaviour (Kgalema, L., 2002: unnumbered).

One of the major contributors to this challenge is the fact that most Tow truck drivers are often paid on an incentive basis and therefore on the occurrence of an accident they all want to persuade accident victims to allow them to tow their vehicles without fully explaining the consequences.

Moreover, their behaviour is also prompted by the fact that the industry is partially regulated and certain services like towing rates and storage fees are not regulated. According to the Instructor's Insight, vehicle storage fees at a tower's

yard are charged on a daily basis, which cause the client's bill to mount up quickly (Instructor's Insight journal: Jan-Mar 2010). Additional charges are sometimes reflected as recovery costs, administration costs, security costs and some of them are even difficult for a client to challenge.

6.2.2. Challenges of regulating the Industry in South Africa

The Tow Truck industry in South Africa has been sullied by a host of illegal activities. These range from using scanners to pick up on police frequencies to the use of cellphone jammers and placing calls to fake insurance companies. It is alleged that some of Cape Town's tow truck drivers are almost certainly using sophisticated "cell phone jammers" to ensure that accident victims cannot contact other tow truck drivers or even emergency services. According to research by a member of the Cape Town Amateur Radio Centre, cellphone reception is "compromised" at the scene of car accidents whenever certain tow truck operators arrive.

Further, there are some unscrupulous tow truck drivers who will be on the scene of a crash first since they have bribed traffic police to let them know when there is a potential new customer. They normally coerce accident victims or motorists to use their services. Once they have towed away the vehicle they sometimes present a client with an outrageous bill for storage and recovery if the vehicle is written off in the accident.

Although it cannot be generalised that tow truck operators are unprincipled as there are many of them who offer a valuable service, there are also unscrupulous operators who are not acting within the confines of reasonableness and the public has a right to be protected against these operators. The malpractices include:

- Bribing corrupt police officers to ensure they are first at the scene of an accident.

- Offering free cell phones to police officers as an incentive to phone them prior to reporting an accident.
- Not informing the distressed motorist of all the costs involved in recovering his vehicle.
- Claiming excessive recovery and storage costs.

Some operators are known to recommend collision repair facilities not because of the quality of work they do but because they pay the tow operator a commission, generally a percentage of the repair cost (as high as 15-20%) for securing the job (www.arrivealive.co.za). Some of them affiliate to the panel beaters hence there would be incidences of damaged vehicles being towed to a particular destination despite the clearer instructions of the owner or insurer (Instructor's Insight: January – March 2010).

National Tow Truck associations are of the opinion that the behaviour of Towers would only change once there are structures in place which ensure that ill-disciplined towers are held accountable for their actions. The only kind of control the South African government has over Tow Truck operators is over those that have been contracted to patrol sections of the highways because they are fitted with systems to track their movements and driving patterns.

6.3 Policy and Legislative Framework

As part of this research study, an extensive literature review was conducted in an effort to identify laws, policies and procedures which support the existing towing and accident clearance practices. The study identified that the mandate to regulate the Tow Truck Industry is derived indirectly from a plethora of prescripts that are scattered throughout the South African Statute Book. The laws and policies that purport to regulate this industry do so by-default, in other words, these are not “original” prescripts per se; for most of its history, the towing industry in South Africa and Gauteng in particular has not been subjected to

comprehensive regulation hence this industry remains unregulated in the conventional sense of the word.

In the absence of a Tow truck legislation that speaks directly to towing services in the Province of Gauteng, the prescripts as alluded to above, remain for all intents and purposes very useful legal remedies. These prescripts viewed collectively seek to bring order in how the industry is managed, how members of the public as clients or consumers of this service are treated, how the interests of other role-players are protected when doing business with the tow truck operators and also to protect and safeguard the interest of other road users because this industry is by definition a road based business.

The list of Laws and Policies mentioned hereunder is by no means exhaustive but just a synopsis of what legal instruments are currently available and used by the Department of Roads and Transport in Gauteng, National Department of Transport and other Provincial Departments of Transport and Municipalities as authority in an attempt to regulate this industry and keep it orderly. The Gauteng Department of Roads and Transport also relies on these prescripts as source documents in its quest to produce a piece of legislation that will speak directly to the towing business in the Province of Gauteng.

6.3.1 Constitution of the Republic of South Africa, 1996

The lynchpin for sustainable development and growth of an industry is highlighted in **Section 22 of the Constitution of the Republic of South Africa** which confers the right of everyone “*to choose their trade, occupation or profession freely*”. In addition, Schedules 4 and 5 of the Constitution which demarcates the Constitutional and Legislative competencies of different spheres of Government in each functional area. **Schedule 4 Part A** of the Constitution lists **Road Traffic Regulation** as one of the functional areas of Concurrent National and Provincial Legislative competence. **Schedule 5 Part A** of the Constitution lists **Provincial Roads and Traffic** as a functional area of exclusive

Provincial Legislative Competence. The regulation of towing services is a road traffic matter and it falls within the constitutional ambit of the Department of Roads and Transport.

6.3.2 National Road Traffic Act, Act No.93 of 1996 (NRTA)

The objects of the National Road Traffic Act is to provide for road traffic matters which apply uniformly throughout South Africa and also to give guidance on the regulation of road traffic matters generally. There are specific sections of the Act that are “interventionist” in nature in so far as protecting the interests of all road users and warrant some mentioning here. The “exemption clause” of **Section 60 of the NRTA** lists certain categories of vehicles that may be exempted from the general speed limit on the road.

These vehicles include, a fire-fighting vehicle, rescue vehicles or an ambulance, a traffic officer driving the vehicle in the carrying out of his/her official duties or any person driving a vehicle while engaged in civil protection as contemplated in any ordinance made in terms of **Section 3 of the Civil Protection Act. 1977 (Act 67 of 1977)**, may exceed the applicable general speed limit: Provided that-

(a) He/she shall drive the vehicle concerned with due regard to the safety of other road users (traffic).

Interestingly to note in this exemption is that, no mention is made of towing vehicles. Therefore, the department can conclusively infer that there is an express intention from the law-giver to exclude towing vehicles from exemption and therefore (they) are expected to adhere to the prescribed speed limit at all times.

Section 63 of the NRTA also needs mentioning here because it has some considerable implications on how vehicles including towing vehicles should be driven on our roads. **Section 63(1) “no person shall drive a vehicle on a public road recklessly or negligently, (2) without restricting the ordinary meaning of the word “recklessly” any person who drives a vehicle in a**

willful or wanton disregard for the safety of person or property shall be deemed to drive that vehicle recklessly, (3) in considering whether subsection (1) has been contravened, the court shall have regard to all the circumstances of the case, including, but without derogating from the generality of subsection (1) or (2), the nature, condition and use of the public road upon which the contravention is alleged to have been committed, the amount of traffic which at the relevant time was or which could reasonably have been expected to be upon that road, and the speed at and manner in which the vehicle was driven.

This provision is clearly restrictive and sets very stringent conditions to all motorists other than those who fall in the exempted categories as mentioned earlier on. Linked directly to **Section 63 of the NRTA** is **Section 64 of the NRTA** which states as follows, *“no person shall drive a vehicle on a public road without reasonable consideration for any other person using the road”*.

It further emphasises the point made earlier when discussing the need to act with restraint and respect for the rules of the road by all road users without exception. **Section 75(1) (i) of the NRTA** provides for the Minister in consultation with the MEC to make regulations

“on the towing, pushing or drawing of any vehicle by another vehicle on a public road”. The department eagerly await the making of these regulations by the Minister because that will further enhance its regulatory framework in this regard.

6.3.3 Road Traffic Management Corporation Act, Act No.20 of 1999

The objects of the Road Traffic Management Corporation Act, 1999 are to *“provide, in the best interest, for the co-operative and co-ordinated strategic planning, regulation, facilitation and law enforcement in respect*

of road traffic matters by the national, provincial and local spheres of government”.

The Preamble to the RTMC Act states as follows: - *“there is a need to enhance the overall quality of road traffic and, in particular, to promote safety, security, order, discipline and mobility on the roads, and to protect road infrastructure and the environment through the adoption of innovative road traffic practices and technology;*

And also, there is a need to define and strengthen co-operation and co-ordination between the national, provincial and local spheres of government in support of their respective road traffic strategic planning, regulation, facilitation and enforcement; and

There is a need to regulate and maximize the constructive role of provincial authorities and local government bodies in support of enhanced road traffic service provision and in particular, road traffic law enforcement”

In order to realize all of the above, it is necessary to centralize the road traffic management, regulation and law enforcement functions under the same umbrella in South Africa. This centralization will inevitably assist in streamlining road traffic management, set similar and uniform standards of operation and law enforcement and breakdown silos for maximum output. To this end, **Section 32(1) of RTMC provides for the development of the national road traffic law enforcement code.**

This national road traffic law enforcement code will set uniform standards of performance by all traffic law enforcement agencies, put in place monitoring and evaluation mechanisms, provide strategic direction and put in place operating principles to be applied. The traffic law enforcement code will become a blueprint for performance levels expected of each role-player when it comes to traffic law enforcement.

6.3.4 Administrative Adjudication of Road Traffic Offences Act, Act No.46 of 1998

The objects of this Act are to encourage compliance with the national and provincial laws and municipal by-laws relating to road traffic and to promote road traffic safety. The Act establishes a procedure for effective and expeditious adjudication of infringements in order to alleviate the burden of the courts trying offenders for infringements, (particularly minor road traffic infringements).

The most important innovation of this law is that, a provision is made for penalising drivers and operators who are guilty of infringements or offences through the imposition of demerit points which can ultimately lead to the suspension and cancellation of driving licences, professional driving permits and operator cards. The Act also seeks to reward law-abiding behavior by reducing demerit points where these have been incurred if infringements or offences are not committed over specific periods.

6.3.5 Consumer Protection Act, Act No.68 of 2008

The objects of the Consumer Protection Act are among others to,

- promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose establish national norms and standards relating to consumer protection,
- provide for improved standards of consumer information, to prohibit certain unfair marketing and business practices,
- promote responsible consumer behaviour and,
- promote a consistent legislative and enforcement framework relating to consumer transactions and agreements.

The underlying principles and express intentions of the Consumer Protection Act resonate with the thinking in the Gauteng Department of Roads and Transport to introduce explicit regulatory measures that will protect motorists in distress (as clients/consumers) against unscrupulous tow truck operators and drivers.

The enormous complaints that are received from members of the public and motorists in particular, can no longer go unnoticed or left to some prescripts that indirectly try to resolve such matters or worst still, to personal whims and dispositions of others. Therefore, a concerted effort is necessary from the responsible sector Department to introduce direct and focused intervention measures. These measures could be in all probability a piece of legislation that will speak directly to the towing service.

The coming into operation of the Consumer protection Act has revolutionized the practice of protecting the rights and interests of consumers, which leaves everybody quite comfortable to say that, the consumer rights culture in this country will never be the same again. To cite just a few provisions of the Consumer Protection Act which will eliminate all unfair business practices particularly as practiced in the towing business.

Section 13 of the CPA: (consumer` right to select suppliers) states as follows:- 13(1) a supplier must not require, as a condition of offering to supply or supplying any goods or services, or as a condition of entering into an agreement or transaction, that the consumer must-

- (a) Purchase any other goods or services from that supplier;***
- (b) Enter into an agreement or transaction with the same supplier or a designated third party; or***
- (c) Agree to purchase any particular goods or services from a designated third party,***

Unless the supplier-

- (i) Can show that the convenience to the consumer in having those goods or services bundled outweighs the limitation of the consumer`s right to choice***
- (ii) Can show that the bundling of those goods or services results in economic benefits for consumers; or***
- (iii) Offers bundled goods or services separately and at individual prices***

The point to be made in this provision is that, consumers have the right to choose and select their own suppliers without any undue pressure from any supplier of goods or services. In the context of towing services, the most prominent complaint is that, motorists in distress are often coerced by tow truck operators to enter into other binding agreements other than just towing their vehicles. This practice is now deemed to be illegal and consumers have all legal remedies to follow.

6.3.6 By-laws by Municipalities

Municipalities also have the Constitutional right or obligation to enact laws where applicable, taking into account the limitations as set out in Schedule 4 and 5 of the Constitution. In enacting such by-laws care should be taken of existing statute so as to avoid unnecessary contradictions that may lead to contestations by different spheres of Government. In Gauteng only one Municipality has so far enacted its own municipal by-law regulating towing services.

The West Rand District Municipality has in terms of ***Section 13 of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000) enacted and published what is known as the “Street and Miscellaneous By-laws” through a Provincial Gazette dated 14 November 2008, Gazette No.309. Section 39(1) of the said by-law states “no person shall operate a breakdown or towing vehicle of any description or shall conduct a vehicle recovery, salvaging or towing business in the area of jurisdiction of the West Rand District Municipality without such vehicle and such business being duly registered with the West Rand Towing and Recovery Association or any other organization duly established for the purposes of regulating and organizing the rendering of breakdown or towing services in the area of jurisdiction of the West Rand District Municipality, within six months following the promulgation of this by-law”.***

This provision is an express prohibition of anybody to operate a breakdown or towing vehicle in the course of providing a vehicle recovery, salvaging and towing service without being registered first with the relevant towing association operating in the West Rand District Municipality. This is a typical case of self regulation by the industry to minimize conflicts by among other things:

- compiling a register of members and keeping a database of such members,
- putting operational systems in place to streamline work,
- regulating the conduct of its members through a code of conduct,
- keeping away people who do not belong to this industry, and
- setting standards of performance

The Department of Roads and Transport in Gauteng is of the opinion that, there will be less stringent regulatory interventions from its part if the industry will take the necessary steps towards regulating the conduct of its members.

6.3.7 Policy documents used by Municipalities

As mentioned earlier on, not every municipality has enacted its By-laws on this matter. However, several municipalities in Gauteng have opted to put policies in place that will assist those municipalities in their endeavours to regulate the conduct of tow truck operators and drivers. The policies referred to are similar with the aforementioned ones in terms of content and the intentions.

6.4. International Best Practices

The international best practices of the tow truck are organized by the main categories of:

6.4.1 Policies and legislation

According to Virginia Trucking Association (2006), states recognize that incident management policies and legislations are essential to developing effective and uniform procedures. The role of major associations is to engage in discussion on best practices and other matters related to towing and recovery issues. These discussions are an important part of the overall incident management strategies, by allowing the industry to provide input on equipment and training requirement to government regulators and policy makers.

Another industry to play a key role in this regard is the Insurance industry – insurance agency endorsement of incident clearance laws is essential to the process. Insurance agencies need to be educated about the benefits of quick clearance and should be involved in discussions about “fault” when it involves highway crashes, especially minor secondary fender-bender type crashes. The industry should allow drivers, in the event of a fender-bender, to move their vehicles out of travel lanes, without penalty, to exchange information or wait for a police officer so traffic can keep moving.

6.4.2 Program Management and Oversight

In many instances, government agencies form towing programs in response to safety concerns that arise when tow trucks race to the scenes of accidents in hopes of securing a tow. When this practice, which often referred to as “sharing”, is outlawed, it becomes necessary to provide a means to dispatch trucks to accident scenes. They may also be formed in response to allegations of favouritism – and even illegal kickbacks – that arise when one or two towing companies secure all of the business of a particular government agency for reasons that do not appear to be based upon objective criteria (Towing & Recovery Association of America (TRAA): Municipal Towing Guide, 2009).

Some countries have developed incentive fee-based towing programs. A prime example is the Florida Turnpike, where incentive fees for quick clearance of lane

blocking incidents save time and money for those caught in the back up. The incentive is paid for by the public agency. A similar program is being implemented in Atlanta to see if it can be applied in a city environment (Virginia Trucking Association: 2006)

For effective management of incidents, towing zones are established and defined based on known factors. Such factors are crash frequency, location of most towing firms that would respond, traffic congestion levels, and travel times within the zones (peak and off-peak times) to meet 30 minute or fewer guidelines must all be considered by the agency that is responsible for setting up the zone(s) in the area. Although many towing programs require a towing company to respond to the scene of an accident or disablement within a specific period of time, TRAA recommends that the emphasis be placed upon safe driving time, as arbitrary time constraints often lead to secondary accidents. If necessary, zones should be created in order to insure that towers can respond within reasonable timeframes, given the time of the day and traffic conditions. It should be noted that it is unlawful in some states to discriminate against towing companies because they are not located within the jurisdiction that is creating towing program (Towing & Recovery Association of America: Municipal Towing Guide, 2009).

Further, the development and maintenance of separate towing class lists for different types of towing and recovery are useful and have been successfully utilized in many places. Also, the implementation of towing board/towing professionals that advise the state and local governmental officials on issues involving the towing industry assist a great deal.

6.4.3 Incident Response and Scene Management

Most international countries/agencies have established Courtesy Patrols. These Agencies consider the use of Freeway Service Patrols (FSP) as the best method to quickly locate and clear freeway incidents. The better programs include tow

trucks as part of the vehicle fleet team for quick removal of incidents. These patrols or teams will rapidly detect and respond to incidents and assist with clearance of the incident while providing accurate information to the towing community. One of the major benefits is that the towing firms called will know that the vehicle will be there when they arrive, eliminating the “phantom call Wrecker Access – Allowing tow trucks to drive on the highway shoulder when responding to a call should allow them to reach the scene quicker and, therefore, help clear the scene quickly (Virginia Trucking Association, 2006).

With open communication and clear program procedures, the programs work very well in Virginia. The county uses Radio Communication systems, which allow the towing firms to use the same radio frequency as other responders. This provides the ability to monitor dispatchers’ calling units to crash scenes and the ability to quickly contact and communicate with the responding officer(s). It is recommended that the communications should be linked to provide better direction to the towing firm.

Other factors that can reduce response time are giving traffic camera video feeds to towing firms, allowing them to use/monitor the agency radio system, reduce the number or size of rotational lists to one or two firms, have responders keep traffic moving around the scene without blocking all lanes, and allowing tow trucks to drive on the shoulder to gain access to incident scenes.

6.4.4 Training and Certification

Some international countries are of the opinion that Certification and Training should be considered as a requirement for towers and towing companies to operate on the interstate system. This practice ensures that towing companies are included in emergency response training/major incident debriefs alongside police, fire, EMS and others. They encourage that personal relationships should

be formed between all response agencies before an incident occurs, in order to make the clean-up effort more efficient. (www.towserver.net)

7. Research framework

7.1 Sampling method

The sampling method used for the study was purposive in nature. The researchers opted for purposive sampling method as the study targeted specific population, which is the motoring public, tow truck operators and representatives from specific associations. The purposive sampling is mainly used for more focused studies as it allows researchers and data collectors to focus on the requirements of the task at hand.

To ensure the representativity of the motoring population, the required sample size of the 4, 001 297 motoring population which was derived from the sample ration of 0.025% was 1000. This is regarded as big enough to represent the vehicle owners of the Province. Further, with three thousand three hundred and sixty five (3365) registered tow truck vehicles in Gauteng, more than 290 tow truck operators/drivers participated in the study. Out of five major stakeholders in the Gauteng Tow Truck Steering Committee (GTTSC), \pm 95% of the stakeholders participated in the study. Over and above the aforementioned participants, Law Enforcement Agencies from two Metropolitans and two District Municipalities were engaged.

7.2 Data collection

Data on the Tow Truck Industry operatives was collected using various data collection tools, namely questionnaire, consultative sessions and focus group interviews. The review began with the assessment of the concerns aired by the motoring public and a desktop research on Government regulations pertaining to Tow Truck industry operatives. The study was conducted over a period of

nineteen (19) weeks, which commenced on the 22nd March 2011 until the 29th July 2011.

Using both qualitative and quantitative approach, a questionnaire was developed as a data collection tool, which was later distributed to motorist in 21 randomly selected licence renewal stations throughout the province. The data was collected from motorists who visited the licence centres for renewal of their vehicle licences.

Subsequent to that, the research team held consultative sessions with the Tow Truck Operators in ten (10) different areas. The review team then met with representative of the relevant industry associations who committed to participate and also avail themselves for consultative sessions. A semi-structured questionnaire was used as a basis for discussion. Participants consented to be part of the focus groups and were assured of confidentiality. Throughout these sessions, the proceedings were recorded and latter transferred to a Compact Disk (CD). Due to enormous amount of qualitative data collected during the proceedings of the consultative sessions, the department acquired the services of stenographer to transcribe all the recordings in order to ensure the proper capturing of these proceedings.

During the research process:

- Research team distributed approximately 1750 questionnaires to motorists who renewed their vehicle licences in 21 Licence Renewal Stations.
- Approximately three hundred Tow Truck Operators, which includes *inter alia* the Tow Truck Business Owners, Tow Truck Drivers, etc from various areas participated in the study.
- Representative of the four relevant industry associations were engaged through consultative sessions which were scheduled particularly for individual associations.

- Lastly, the Law Enforcement Agencies from the two Metropolitan area and two District Municipalities were engaged.

The following business categories were included in the study:

- Tow Truck Business owners
- Tow Truck Drivers
- United Towing Association of South Africa (UTASA)
- Automobile Association of South Africa (AASA)
- Retail Motor Industry (RMI)
- South African Insurance Association (SAIA)

It is important to note that, in conducting consultative sessions with the representatives, the research team did not use a prescribed set of questions but asked respondents to volunteer opinion and information on Towing services operations and issues they felt strongly about. The intension was to elicit views from the participants and it was made clear in all consultative sessions.

Subsequently, a number of Government agencies were consulted so that the research team could gain a more thorough understanding of various regulations and specific issues raised by businesses. They included:

- Law Enforcement Agencies from Gauteng:
 - City of Johannesburg
 - Ekurhuleni Metropolitan
 - West Rand District Municipality
 - Emfuleni District Municipality
- Consumer Affairs

The research team considered all issues raised and, where appropriate made recommendations for possible interventions.

7.3 Data analysis

The research team collated all 1750 questionnaires which were distributed to the motoring public. The data was captured on Excel Analysis tool and during the validation process, 21 questionnaires were regarded as spoilt ones and discarded from the collection. The verification and validation process resulted into 1729 questionnaires which can be utilised to gain insight of the motorists' perceptions.

An enormous amount of qualitative data was collected during the proceedings of consultative sessions and was later transcribed and analysed. Patterns on issues raised during these sessions were identified and are presented as part of data interpretation.

7.4 Limitations

There were limitations encountered during the study as the majority of the motorists were under the impression that the study was just a campaign in preparation for the upcoming elections. Further, the sample population comprised of only motorists who visited the licence centres under study to renew their motor vehicle licences. Nevertheless, the information in this document can be generalized as the views for the entire Gauteng Province motoring community. Some tow truck operators were reluctant to participate as they were of the opinion that government is intending to take their business away from them.

8. Data Presentation

The data presentation gives a glance of the Tow Truck Research Project and presents the findings from the administration of the questionnaire from the 21 licensing stations, focus groups sessions from 10 different municipal areas as

well as sessions with Tow Truck Associations, Insurance Companies and Law Enforcement.

This part of the report consists of three sections. The first one deals with the analysis of the demographic information gathered during the survey, the second one analyses Motorists who had utilized towing services and the third session analyses Motorists who have observed the provision of towing services.

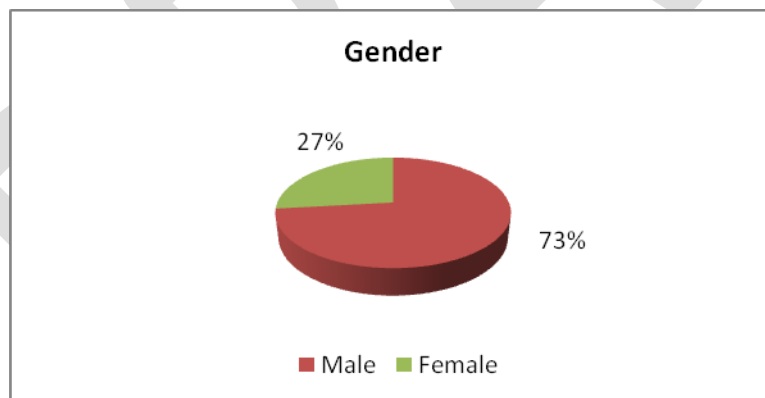
8.1. Demographic Information

Gender, type of Motor-vehicle owned, residential area and the need for towing service are discussed in this section.

8.1.1. Gender

Figure 1 reveals that more than two-thirds (73%) of the respondents were males whereas the minority of motorists interviewed were females with just less than one third (27%).

Figure 1: Gender



8.1.2: Vehicle Ownership

Table 1: Vehicle Ownership

Vehicle Ownership	Count	Percentage
Motor car	1435	83%
Truck	115	7%
Minibus	45	3%
Bus	15	1%
Other	117	7%
Grand Total	1727	100%

Cross tabulation

The aim of cross tabulating the information below is to obtain a much better understanding of vehicle ownership per gender.

Table 2: Cross tabulation: Gender and Vehicle Ownership

Gender	Motor Car	Truck	Minibus	Bus	Other	Total
Males	82%	8%	3%	1%	6%	100%
Females	86%	3%	2%	1%	9%	100%
Grand Total	83%	7%	3%	1%	7%	100%

The cross tabulated Table 2 illustrates that of all the female respondents, almost 90% own motor vehicles while of all the male respondents it is just over 80% of them owning motor vehicles. More males (8%) than females (3%) of motorists own trucks.

8.1.3. Residential Area

Almost 50% of the respondents which constituted the largest group were from the City of Johannesburg, followed by those from Ekurhuleni, City of Tshwane, Mogale City and other areas. This is an indication of where the most motorists are located. The uneven samples are due to the fact that the City of Johannesburg, Ekurhuleni and City of Tshwane are the major metropolitan municipalities in Gauteng where most people reside and are the major Central Business District.

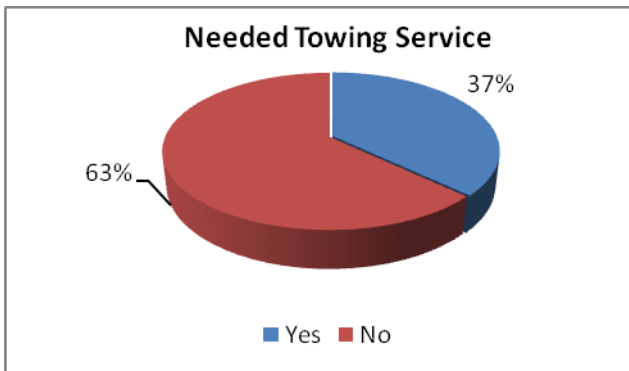
Table 3: Residential Area

Residing Area	Number	Percentage
City of Johannesburg	829	48%
Ekurhuleni	443	26%
City of Tshwane	263	15%
Mogale City	40	2%
Other	154	9%
Grand Total	1729	100%

8.1.4. Motorists who have ever needed towing services

The response to the questions that were posed to determine whether one has ever needed towing services was: more than a third (37%) indicated that they needed towing services as opposed to those who have never needed a towing service.

Figure 2: Needed Towing Services

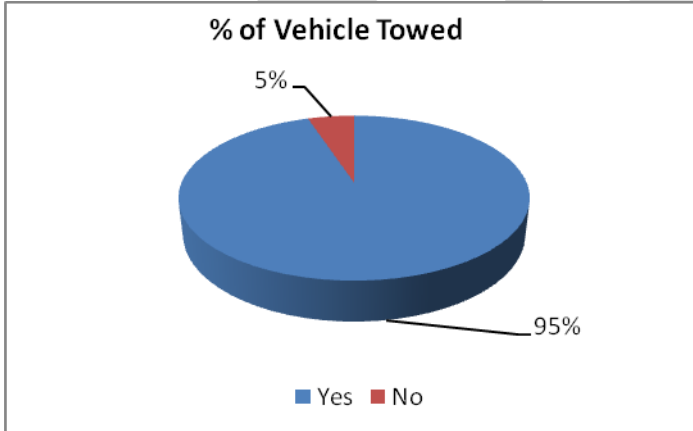


8.2. Motorists who had utilized towing services

The graph below indicates that majority (95%), had their vehicles towed; while only 5% responded that they have not had their vehicle towed (see Figure 3).

8.2.1. Vehicle Towed

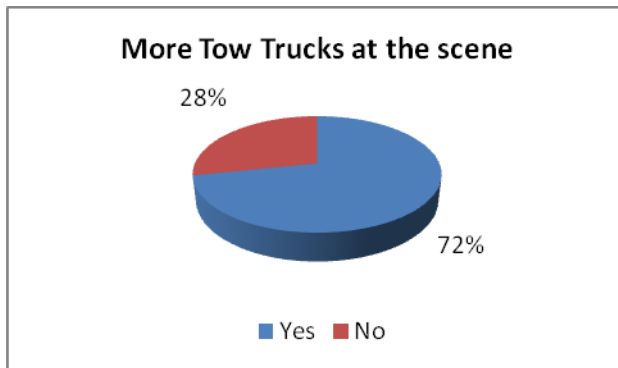
Figure 3: Vehicle Towed



8.2.2. More than one Tow Truck at the scene

From the respondents who utilised towing services, more than two thirds (72%) responded that there were more than one tow truck at the scene, while more than a quarter (28%) responded that there was only one tow truck at the scene.

Figure 4: More than one Tow Truck at the scene



8.2.3. How were tow truck operator notified of an accident scene

The table below (Table 4) indicates that more than half (51%) of the motorists responded that tow truck operators came on their own to the accident scene while almost a third (30%) responded that they called them to the accident scene and 18% of the motorists responded that tow truck operators came to the scene after being called by the motorists' insurance companies and other sources.

Table 4: Notification

Notification	Number	Percentage
I called him	190	30%
He/they come on their own	327	51%
He was called by my insurance company	85	13%
Other	35	5%
Grand Total	637	100%

8.2.4. Behaviour of Tow Truck Operator when they come to accident scene

There was a need to identify whether tow truck operators were granted permission to tow the motorist's car either from the individual themselves or from their insurance companies. This was to ascertain that consultation was done to

motorists prior to the towing of their vehicle. The data depicted in Table 5 reveals that almost half (43%) of the respondents granted tow truck operators permission to tow their vehicles. This is important because before allowing your vehicle to be towed, motorists need to contact their insurance company and ask them how to proceed. Often they send a towing company for assistance.

On the question of 'the motorist's state of mind when granting permission', almost half of the respondents (45%), indicated that they agreed that they were in a good state of mind to grant permission for the tow truck operator to tow their vehicles (see Table 6).

The statistics for the respondents on the question of 'providing an explanation on how the process of towing works shows interesting comparison since the total number of respondents are nearly equal where 29% of the respondents agreed and 28% disagreed.(see Table 7).

More than a third of the motorists agreed that they were informed on storage destination as opposed to less than a quarter that disagreed on being informed on storage destination of their vehicles (see Table 8, below).

Table 9 depicts that one third of the motorists (33%) were not contacted after their vehicles were towed while less than a third (28%) responded that they were contacted once their vehicle were towed.

More than one third (34%) of the respondents disagreed that Law Enforcement coerced them to sign off their vehicle (See Table 10, below).

Table 5: Level of agreement on Granted Permission

Granted Permission	Number	Percentage
Strongly Agree	196	31%
Agree	274	43%
Neutral	38	6%
Disagree	88	14%
Strongly Disagree	43	7%
Grand Total	639	100%

Table 6: Level of agreement on in a state of mind to grant permission

In a state of mind to grant permission	Number	Percentage
Strongly agree	166	27%
Agree	280	45%
Neutral	52	8%
Disagree	88	14%
Strongly disagree	37	6%
Grand Total	623	100%

Table 7: Level of agreement on Provided Explanation

Provided explanation	Number	Percentage
Strongly Agree	143	23%
Agree	178	29%
Neutral	39	6%
Disagree	174	28%
Strongly disagree	86	14%
Grand Total	620	100%

Table 8: Level of agreement on Informed on storage destination

Informed on storage destination	Number	Percentage
Strongly Agree	147	24%
Agree	207	34%
Neutral	32	5%
Disagree	148	24%
Strongly disagree	78	13%
Grand Total	612	100%

Table 9: Level of agreement on Contacted after towing my vehicle

Contacted after towing my vehicle	Number	Percentage
Strongly Agree	106	17%
Agree	172	28%
Neutral	38	6%
Disagree	203	33%
Strongly disagree	95	15%
Grand Total	614	100%

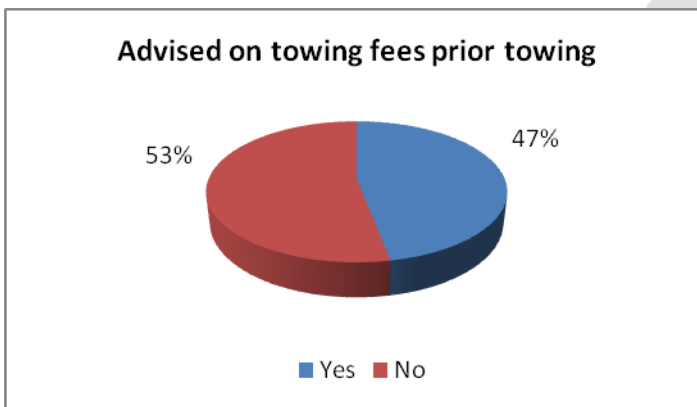
Table 10: Level of agreement on Law enforcement coerced me to sign off my vehicle

Law enforcement coerced me to sign off my vehicle	Number	Percentage
Strongly Agree	41	7%
Agree	95	16%
Neutral	61	10%
Disagree	214	35%
Strongly disagree	201	33%
Grand Total	612	100%

8.2.5. Advised on towing fees prior towing

Recovery companies can assist with all aspects of an accident towing, salvage and storage. Motorists need to understand the fees to be charged before agreeing to any assistance. More than half (57%) of the motorists responded that they were not advised on towing fees prior towing while less than a half (43%) were advised on towing fees. (See figure 5)

Figure 5: Advised on towing fees prior towing



8.2.6. Actions taken when charged exorbitant fees

Table 11 below depicts that the majority (69%) of motorists when charged exorbitant fees had no choice but to pay the cost to recover their vehicles.

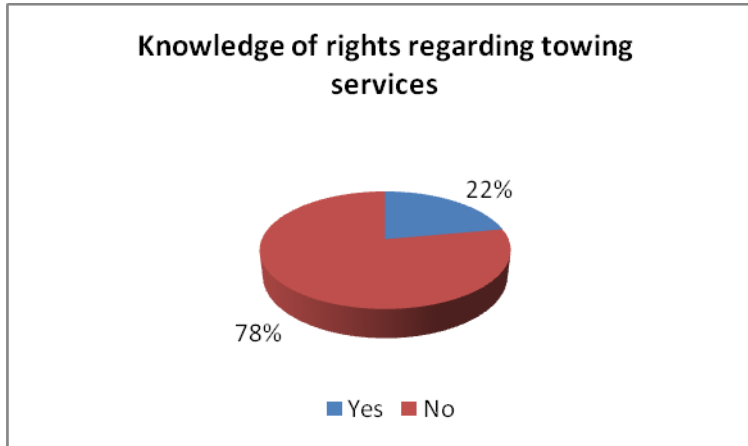
Table 11: Actions taken when charged exorbitant fees

Actions taken when charged exorbitant fees	Number	Percentage
Paid the cost	258	69%
Obtained court order to have your car released	26	7%
Allowed the tower to sell your car to recover the cost	33	9%
Other	55	15%
Grand Total	372	100%

8.2.7. Knowledge of rights regarding towing services

Almost 80% of the respondents had knowledge of any rights they had regarding towing services. (See, Figure 6)

Figure 6: Knowledge of rights regarding towing services

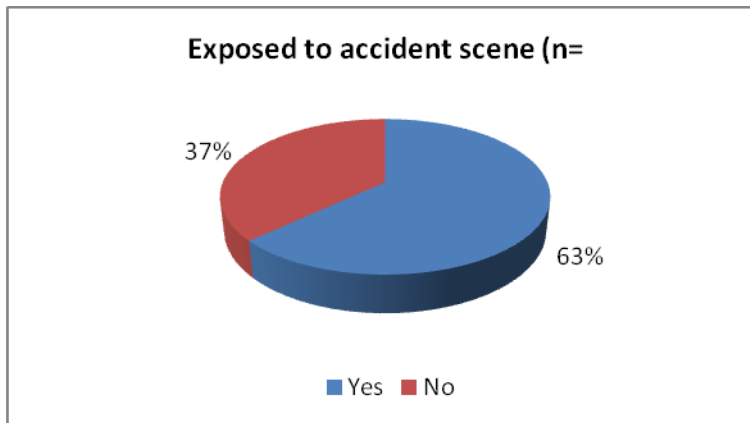


Section B: Motorists who have observed the provision of towing services

8.2.8. Exposed to an accident scene

Motorists, who have never sought towing services but observed the response of the tow truck operators to an accident scene, were asked 'if they have been exposed to an accident scene. Almost two third (63%) of the respondents indicated that they have been exposed to an accident scene while slightly more than a third (37%) of the respondents were never been exposed. (See, figure 7)

Figure 7: Exposed to accident scene



8.2.9. Respond to accident scene

From those who have been exposed to accident scenes, the majority (69%) of the motorists responded that tow truck operators arrived quickly to the accident scene while less than a quarter responded that there were more than one tow truck operator at the accident scene (see Table 12).

Table 12: Respond to accident scene

Respond to the scene	Number	Percentage
Arrived quickly	806	69%
More than one operators attended the scene	245	21%
Obstructed the traffic flow	120	10%
Other	4	0%
Grand Total	1175	100%

8.2.10. Ways that motorists identified tow truck at an accident scene.

Almost half of the motorists agreed that they have identified tow truck with a company logo and with a yellow light on. Meanwhile, almost one third of the

motorists responded that they identified tow truck because there was an emergency siren. (See Table 13, 14 and 15)

Table 13: Identification through a Company Logo

Company logo	Number	Percentage
Strongly Agree	416	39%
Agree	462	43%
Neutral	76	7%
Disagree	69	6%
Strongly disagree	50	5%
Grand Total	1073	100%

Table 14: Identification through a Yellow Light on

Yellow Light -on	Number	Percentage
Strongly Agree	385	38%
Agree	432	42%
Neutral	92	9%
Disagree	73	7%
Strongly disagree	41	4%
Grand Total	1023	100%

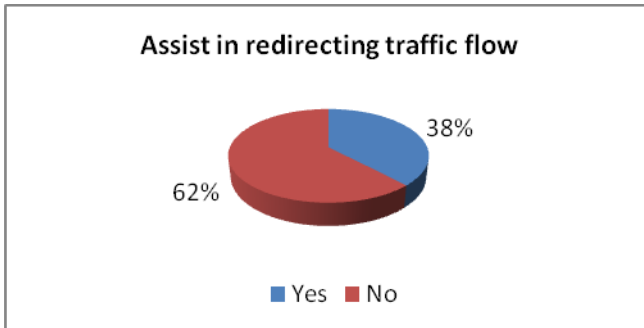
Table 15: Identification through an Emergency Siren

Emergency siren	Number	Percentage
Strongly Agree	180	18%
Agree	297	30%
Neutral	109	11%
Disagree	173	17%
Strongly disagree	239	24%
Grand Total	998	100%

8.2.11. Assist in redirecting traffic

Figure 8 depicts that the majority of motorists (62%) observed that at an accident scene, the tow truck operators do not assist in redirecting traffic, while more than a third (38%) responded that they observed tow truck operators assisting in redirecting traffic.

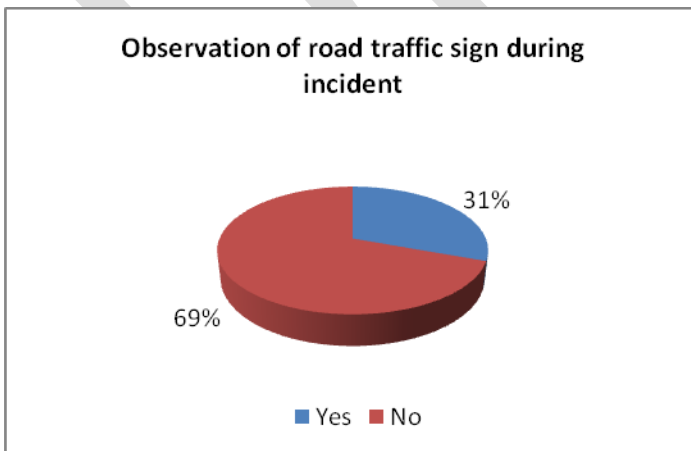
Figure 8: Assist in redirecting traffic



8.2.12. Observation of road traffic sign during accident

The majority (69%) of motorists responded that when tow truck operators respond to accident scenes they do not observe the road traffic signs, whereas less than a third responded that tow truck operators observed road traffic signs when they were responding to accident scene. (See, figure 9 below)

Figure 9: Observation of road traffic sign during accident



8.3. Suggestions from the motorists

Following are comments and recommendations as documented on a commentary part of the questionnaires submitted by the respondents. These comments are interpreted and incorporated to form part of the qualitative data collected through consultative sessions or focus groups.

- They should stop corruption e.g. pouring oil on the road, stripping cars, hacking phones, stealing belongings (bags), selling car while you're still in hospital.
- They must drive carefully.
- They must respect people.
- They should be granted permission before towing the car (they must be authorised by the motorist).
- They must have a quicker service.
- Tow trucks must be legal, because some are illegal.
- They must arrive on time because they took too long.
- They must notify people of their storage destination.
- Stop charging exorbitant /unreasonable prices.
- They must assist on redirecting traffic flow.
- One tow truck on the scene would be fine.
- They must have a form to fill it in order to agree with them.
- They must put emergency phone on R59.
- Explanation of a process should be provided before towing the vehicle.
- They must communicate with the owner's insurance before towing the car.
- Government must inform people about how towing services operate.
- Tow truck operators must take the injured person's car to the traffic department.
- They should be monitored by insurance companies/organisation.
- They must provide accommodation if the person is unstable in the mind.
- They must have their own roads or special lanes.

- There should not be more than one tow truck on the scene, because they cause confusion and accidents.
- Government interference to regulate them is needed.
- They must be medical trained on first aid, as paramedics, also undertake customer service and advanced driving courses.
- They must work with the law enforcement officials.
- They should be very content with the service they provide.
- They must tow the car to the storage given by the motorist.
- They must be humble, because they are very rude.
- They should improve on safety measures.
- Police should be on the lookout for their stunts.
- They should work hand in hand with police/traffic officials.
- Storage destination must be safe.
- They must be owned by government, storage and fees should also be provided by the government.
- There should be a system set up so that they can be relocated to certain areas.
- They must be honest and trustworthy.
- There should be normal engines, because theirs are too powerful they cause accidents.
- They must be registered under one company so that people can be able to complain when there's need and also to prevent tow truck fights on the scene.
- They should have same price per distance (fixed price).
- They must have a central storage.
- They must affiliate with the traffic department.
- They should have a call centre.
- They should be given a queuing system.
- They should make use of the sirens and emergency lights.
- They must have a nurse who will assist the victim.
- They must obey or adhere to road traffic signs.

- They need to have rosters.
- They must not overpower traumatised people.
- Tow trucks should be banned.
- They should wait for police and ambulance.
- They must not force people to use their service.
- They must stop listening to emergency radio.
- There needs to be a regulatory body to make sure that they abide by the law.
- They must have identifiable business cards connected to a legal entity certifying them.
- They must be subsidised by the government.
- They must contact family members in case of an injured person on the scene.
- They should help people first.
- The tow trucks operators should be granted permission first before towing the vehicle.
- They should respect other road users and cater for motorists needs.
- The industry must be regulated (There should be a body that oversees their operation).
- Reduce the speed.
- Drive carefully.
- They should charge reasonable prices (Reduced rates), stop charging exorbitant charges.
- The tow truck industry must be public owned (government should set a standard tariff).
- They must explain (terms and conditions of their service) the process before towing the vehicle.
- There must be logos in their vehicle so that they can be identified easily.
- They must respond quickly.
- They must be honest and transparent.

- They must observe or adhere to road traffic signs especially when it is raining.
- The industry must not be white dominated.
- They must stop corruption (spilling oil on the road, tuning the robots, physical fights or attacking each other and stripping the cars).
- The motorists must be advised of the storage destination.
- They must wait for ambulances and metro officers to be in the scene first before they can tow.
- They should be permitted to operate in all the provinces especially in rural areas.
- The metro police should have their own tow trucks.
- There should be an oversupply of breakdowns.
- People must be educated about tow trucks e.g. wide broadcast and booklets.
- Tow truck operators must stop demanding and being scavengers.
- They must be medical trained (First Aid) like ambulances or as metro police officers and undertake customer service courses.
- They must use the accredited dealer e.g. AA.
- There must be agreement towards the fees payment (motorists must pay in instalment).
- They must belong to one company in order to avoid competition.
- They must be permitted to use yellow lines.
- Government should provide the storage.
- There must be at least two operators per tow truck.
- They must make use of emergency siren and have safety pre-capture.
- They must take responsibility and accountability.
- There must be one tow truck at the scene to avoid accidents.
- They must assist in redirecting traffic flow.
- The tow trucks industry must advertise their service.
- They must be monitored by insurance companies.
- They must inform family members first, in a case of an accident.

- They should use the roll bucks or wheel lift trucks.
- Tow trucks operators must have agreement forms to give motorists to sign before towing.
- They must operate from offices not beside the road intersections or they must be centralised in a certain area.
- They must wear visible uniforms so they can be easily identified.
- They must be private owned.
- They must undertake advanced driving courses.
- Same or one price per distance.
- They must have contact centre so they can be contacted anytime free of charge.
- The storage must be safe.
- Their industry must be regulated.
- Stop charging exorbitant / unreasonable.
- They must be agreement for charging fees before towing.
- Respect other road users.
- They must have fewer charges in storage.
- Stop charging exorbitant /unreasonable prices.
- They should be monitored by insurance because they are professional and have good service.
- They must have good communication and good service.
- Reckless driving.
- They must have their own way.
- Working hand in hand with police and metro police.
- They must have a place where they must hand in complaints.
- They cause accident.
- They cause traffic.
- Government must draft a policy.
- Only one tow truck operator at the scene.
- They must be honest and trustworthy.
- They must follow road traffic signs.

- Motorist must be informed about service and the storage destination.
- They must be medical trained, also undertake customer service and advanced driving course.
- They must be public owned (government); storage and fees should also be provided by the government.
- They should wear reflective clothes and be represent able.
- They must put Billboards on the roads with contacts and fees.
- They must stop breaking robot, Splitting Oil on the road.
- They must have a basic salary, not to depend on commission.
- They should be cautious drivers.
- They must stop forcing people to use their services.
- They must stop stripping and stealing parts from the cars.
- They must have siren.
- They must stop using yellow line.
- They must have their hock talky to communicate.
- They must be on time.
- Their cars should be up to standard.
- Avoid fraud in the industry.

9. Interpretation of the results

This section presents the findings from the analysis of the qualitative data collected through questionnaires distributed to the motorists and interviews held with various stakeholders or engagements during consultative sessions. This thematically organised data is analysed, interpreted and conclusions are drawn.

9.1 Non-adherence to the prescribed Service Procedures and the expected conduct of a Tow Truck Operator at accidents scenes

One of the major issues to which the research tool focussed on was the expected conduct of a Tow truck operator or driver when attending to an accident scene. There is no doubt that the Tow Truck Industry is offering essential services to the

motoring public as they are the first to arrive and the last to leave the scene of an accident and hence the interest on the service procedures.

Following is the summary of what has been shared as expected conduct of Tow Truck Operators when attending to a scene of accident:

- To protect the scene of accident by placing their vehicles in an appropriate position and ensure the safety of other motorists.
- Evaluate an accident scene in order to establish or determine the extent of injuries.
- Provide assistance to the injured and traumatised parties until the appropriate emergency services arrive at the scene.
- Assist with traffic control in order to avoid further accident, and crowd control to ensure that no one tampers with the evidence.
- In incidents where vehicles are obstructing the flow of the traffic, they should approach the vehicle drivers to obtain authorisation to move their vehicles to the sides to allow traffic flow.
- In an incident where there are no serious injuries, they should wait for Law Enforcement Officers to take statements from the owners, mark the area and take photographs of the scene prior giving authorisation of the towing of the vehicles.
- Acquire authorisation from the drivers of the vehicle or insurer for towing and proper documentation should be signed prior the towing of the vehicles.
- Clear the road of the debris, for example glass, metal, vegetation, throw sand on spilt oil and blood soaked areas of the road.

Although there are Service Procedures to be followed by the tow truck operators, the overwhelming majority of the respondents are of the opinion that some tow truck operators do not adhere to the aforementioned procedures. This is evident in a number of concerns expressed by law enforcement agencies on tow truck operators' conduct who sometimes deliberately move vehicles in order to tamper with evidence that may lead to the arrest of their potential client. This has been

raised as a concern as it jeopardises the chances of gathering enough evidence which might assist the officials to further investigate the case.

9.2 Perceptions on Towing Services and general conduct of the Tow Truck operators

Most motorists interviewed have had occasions to utilise towing services for one reason or another. They acknowledge and appreciate their response time on accident occurrence. However, the motorists perceive the Tow Truck industry as an industry that is being plagued by unscrupulous behaviour and criminal practices. The majority of the respondents are concerned about the acts of intimidation and harassment of accident victims by the tow truck operators when the former is often in a vulnerable state. Some respondents indicated that accident victims are regularly placed under pressure by multiple tow truck drivers attending the scene, leading to a lack of informed choices regarding service quality. The majority commented on overcrowding of the scenes of accident which in their views can sometimes compromise the safety and effective management as it causes distraction and disturbance to parties involved and other emergency services.

Further, the majority of respondents are of the opinion that the racing of tow truck operators when driving towards the accident scenes violates the road traffic regulations and put other road users at risk as some of them neglects the road signs. The industry is also known for violence portrayed by some tow truck drivers amongst themselves as they would sometimes fight over a tow.

Opportunistic theft has also been identified as prevalent within the industry by both motorists and Law enforcement agencies, where possessions of the accident victims will sometimes go missing and be denied by the operator responsible. However, this behaviour has also been identified within the Law Enforcement sector as it is alleged that sometimes the motorists belongings

would go missing whilst in the possession of the police officials and in such instance the tow truck operators find themselves having to account for items that have not been handed over to them. Also, some respondents are of the opinion that certain tow truck operators have joined the industry with the aim of stealing people's vehicles as some of them would deliberately impose exorbitant amounts for salvage and storage facilities knowing very well that the client would struggle to pay such fees and ended-up losing his or her motor vehicle.

9.3 Unauthorised access to Accident Information

From what has been gathered, the standard practice to gain access to information on accident occurrence is through paying a spotter fee or referral fee to street vendors and petrol attendants whom will notify such company of the accident occurrences. This leads to aggressive competition between tow truck operators as they normally race to scene causing unnecessary congestion as there would be normally more trucks attending the scene than required.

It is alleged that some tow truck operator are monitoring police radios frequencies to ensure that they are the first to identify road accidents so that they are the first to arrive. The general feeling from the Law Enforcement agencies is that some corrupt tendencies exist within as it is alleged that some officials would volunteer such information in exchange for kickbacks or referral fees and sometimes cellphones. These tendencies have allegedly been identified with the Contact Centres or Call Centres as well where consultants would be offered remuneration for referring business to a particular individual or company.

9.4 Exorbitant Towing Services and storage fees charged to motorists

During the consultation with the Tow Truck Operators it was indicated that the towing fees are not disclosed prior to the towing as most motorists involved in the accidents are unlikely to be in an adequate position to negotiate the rates.

Consequently, the motorists find themselves having to incur high transaction costs associated with towing and storage of their motor vehicles. Further, the towing and storage fees charged for these services are not regulated.

Some of the respondents are of the opinion that the government is the best arena for setting allowable rate ceilings for both non-consensual and consensual tows. Whereas others strongly believe that the setting of allowable tow fees will minimise the chances of an uninsured client to negotiate the towing fees. However, the majority of the Tow Truck Operators are against the regulation of the towing rates as they are of the opinion that that would limit the towing rates from being competitive.

Further, there is a serious concern regarding incidences where motorists ended-up losing their vehicles to salvage companies which charge them ridiculous rates for storage while there were still hospitalised or not in a condition to collect their vehicles.

9.5 Non-existence of Accident Allocation Schemes and irregularities in dispatching accident jobs

The general view is that the practice of accident chasing is widespread with tow truck operators vying for the chance to be the first on the scene in order to get the tow. The non-existence of the accident allocation scheme is perceived as a contributory factor towards this behaviour. Currently, there is nothing prohibiting the Gauteng towing companies from chasing or running crashes or breakdowns as very few towing services are directed through dispatchers or contact centres. Most respondents are of the opinion that, there should be an allocation system to control the attendance of tow trucks at accident scenes, thereby reducing overcrowding, conflict and harassment amongst tow truck operators.

Further, the Law Enforcement Agencies would prefer that the rotation scheme be brought back in order to ensure that accidents occurring within a particular zone are allocated to licensees/operators within that zone. They are of the view that the scheme will ensure that a truck can be dispatched to an accident within a short space of time, and to provide some fairness in the allocation of work within the industry.

Some respondents are of the opinion that the province should bring back the rotation scheme as one of the means to regulate the allocation of jobs within the industry in order to benefit the emerging tow truck operators. They further argued that the “first tow truck to the scene gets the job” scenario jeopardises public safety both on the way to the accident site and at the actual accident scene. However, the majority of tow truck operators are against the idea of bringing back the rotation scheme as it would make the industry not to be competitive. Their argument was centred around the possibility of creating what they perceive as an overly regulated scheme which might disadvantage certain operators and be forced to close shops.

Another challenge encountered by tow truck operators is the inconsistency of the Insurance Contact/Call Centres when allocating accident tows. The majority of the operators are concerned with the fact that they would not be allocated jobs despite the fact that they are subscribing to the same database and have alleged that contact centres have preferences in terms of dispatching jobs or would award jobs to particular companies. This is apparent that the allocation of jobs is not fairly and equitably distributed to those that are subscribing to the insurance databases. Also, it creates further tension within the industry as most towers find themselves having to sub-contract to the giant companies in order to survive. A further concern was dispatching of Tow Trucks by insurance to tow the vehicle even if they are not located within reasonable geographic proximity to the roadside scene.

9.6 Non-Consent Towing and vehicle recovery challenges

In all situations where it is appropriate, the owner or driver shall be allowed to choose a towing service. In a typical scenario, a vehicle that has been involved in an accident or experienced a mechanical breakdown should be towed with the consent of the vehicle owner or motorist. However, some respondents indicated that their motor vehicles were towed from the scenes of accidents without them consenting to towing which subsequently led them to lose their vehicles as they have to pay exorbitant amounts charged to recover their vehicles.

Major stakeholder groups representing the towing industries, Law Enforcement Agencies and some respondents from the motorists indicated that they support state laws that protect consumers in non-consent towing situations. However, there are concerns expressed on how police ordered tows are conducted, resulting to charges that are perceived as excessive and that government does not provide consumers with sufficient protection in these circumstances.

9.7 Challenges posed with the lack of properly assigned Zones of operation

One of the concerns aired by most respondents is that of towing companies which perform services at a location where such companies are not operating or conducting business. The majority of the respondents are of the opinion that towing companies should be qualified to operate at a zone where they own business premises or should be within a reasonable proximity from the area in order to minimise the fighting over tows. Further, the general view is that both business and storage facilities of an operator offering services should be physically within the zone of an accident occurrence. Currently, there are no regulations with regard to the zoning of areas of operation.

Elements of bullies have been identified within the industry where sometimes threats of violence against rival operators are portrayed as there are often

disputes over towing rights. Existence of informal zones of operation from which, in particular areas, some operators are excluded by other operators through threats, coercion and sometimes physical harm are a challenge. There is an escalating of conflicts within the industry which is brought about by competing tow truck operators and drivers.

9.8 Playing field for emerging and aspiring Tow Truck Operators are not levelled

The emerging towers are of the opinion that the excessive equipment requirements imposed as a condition of participating in the industry are a barrier to entry to the market for aspiring tow-truck operators. Another issue identified was the existence of bully camps which from time-to-time intimidate the emerging towers from towing vehicles at particular zones.

9.9 Lack of Regulations that are specific to Tow Truck Industry operatives

An overwhelming majority of the respondents are in favour of some sort of regulation of the tow truck industry particularly on issues pertaining to accident towing. Whereas the minority of the respondents indicated that they are in favour of self-regulation as this approach allows competition within the industry. Some respondents are of the opinion that the industry is overly regulated as there are pieces of regulations and prescripts governing certain elements of the industry operations.

9.10 Law Enforcement Challenges

The majority of motorist who participated in the study are concerned about their safety on the roads as most tow truck operators violate road traffic regulations when responding to an accident occurrence. Their reckless driving poses a lot of danger to the motoring public which is viewed by some respondents as lack of respect for human life. Most Law Enforcement Agencies commented on the Tow Truck Operators' behaviour which in most cases tampers with the evidence that

is supposed to assist the officers in pursuing the case, more especially in instances of drunken driving.

Another issue aired during consultative session is a concern about operators who would have in their possession invoice books from different towing companies and issue invoices to their clients with different business names. Further, it has been alleged that some tow truck operators are using multiple business names to circumvent the regulatory enforcement. The general view is that the tow truck industry needs to be seriously regulated.

9.11 Corruption and Bullying within the industry

The majority of the respondents are of the opinion that the misconduct occurring within the industry is caused by corrupt Law enforcement official whom from time to time would solicit bribes from tow truck operators as a compensation for referrals on accident occurrence. This was also acknowledged by some of the officials from various areas during consultative sessions with Law enforcement agencies.

Further, there is a great concern about the competitive unfairness and bullying tactics displayed by larger operators. Some small towing companies have been complaining about the monopoly or dominance within the industry as big companies are always given first preference by most insurance companies not based on merits but on the allies they have established with such companies. The majority of operators are concerned that in the absence of regulation, if the trends continue, they would potentially lose their livelihood to the larger operators.

9.11 Minimum understanding of the role of Tow Truck operators by motoring public or limited consumer education

The majority of stakeholders emphasised the importance of consumer education as the majority of the motorists are not aware of their rights regarding towing

services. Also, the majority of the respondents indicated that some of the perception the motorists have towards tow truck operators are due to lack of understanding the role that operators should play in assisting them in securing their belongings and ensuring that the accident scene is safe until the relevant officials arrive.

10. Recommendations

It is apparent from the findings that the majority of the challenges highlighted by motoring public and during the consultative sessions with various stakeholders are encountered throughout Gauteng Province. Following are recommendations in response to the aforementioned challenges:

10.1 Recommendation: The protection of motoring public from undesirable behaviour and practices of the Tow truck operators.

Evident from the concerns aired regarding the intimidation and victimisation of the motorists when they are vulnerable and not in position to make sound decisions, it is recommended that the Incident manager in charge or Law Enforcement Officials should protect and take decisions on behalf of the injured motorist, particularly when the victim's next of kin cannot be reached to make such decisions.

10.2 Recommendation: That the Accident Allocation Scheme be brought back

It is recommended that a centralised accident allocation scheme be brought back to regulate the Tow Trucks' response to an accident scene, thereby preventing industry vultures from taking advantage of vulnerable and distressed motorists at accident scenes. The allocation system should be designed to allocate the tow to the operator in the immediate zone in order to effectively distribute the accident towing jobs relative to the number of companies licensed to operate within that particular zone. However, a concern was expressed on the introduction of

allocation schemes as this might result in less revenue generation thereby making business for smaller operators less viable.

10.3 Recommendation: The provision of a cost effective service for the clearance of accident damaged vehicles from accident sites and reasonable storage fees

As noted on the findings, a number of consumers and stakeholders have commented on the lack of transparency and consistency in the charging and invoicing practices of tow truck operators with respect to accident damaged vehicles and storage facility. The costs charged for the clearance of accident damaged vehicles and storage of vehicles should be disclosed prior to the towing of the vehicle and no unreasonable fees should be charged. It is further recommended that an advice should be solicited from pricing expert (Pricing Commission) to determine the reasonable and affordable towing rates that can be set and regulated.

10.4 Recommendation: That zones be assigned to promote timely clearance of accident damaged vehicles from accident sites

It is recommended that tow truck operators should be certified to operate within a declared area or zone, which is defined during registration of a business. This would assist in the management of response times and monitoring of depots or storage areas. It would promote safety by seeking to minimise the risk of multiple towing operators responding to the same accident scene. Further, it would minimise the risk of motorists losing their vehicles as the operators would be required to have registered premises in the zone in which they are qualified as operators. Also, it is envisaged that the introduction of zones would reduce the likelihood of larger companies forming monopoly within the industry.

10.5 Recommendation: Dedicated centralised registration office and provision of appropriate licences

It is recommended that a dedicated centralised registration office be established where all tow truck drivers could be certified to ensure that they are fully vetted as fit and proper operators or must obtain an accident tow truck driver accreditation.

10.6 Recommendation: That contracts for towing between vehicle towing service providers and insurance companies or contact centres be recognised regardless of towers being subcontracted to a major towing company or not.

There is a universal support for reviewing the procedures of dispatching accident towing jobs by both contact centres and insurance companies in order to ensure that emerging tow operators are not put in a competitive disadvantage.

10.7 Recommendation: That accident towing fees be regulated and the current fee structure be comprehensively reviewed.

The majority of the respondents aired the urgent need to regulate the accident towing fees in order to protect consumers, particularly where accident victims are not in a capacity to make decision. The majority of tow truck operators motivated that the current fee structure be reviewed as the insurance companies are the only determiners of the towing fees and are offering them rates that are ten years behind what their counterparts are getting in other countries.

10.8 Recommendation: That an approved First Aid training course be a requirement for all tow truck operators or drivers

It is recommended that an approved First Aid training course be provided by the industry in order to equip the tow truck drivers with some skills to assist accident victims as they are always the first to arrive at the scene.

10.9 Recommendation: That the Tow Truck Management Authority be established to oversee the proper regulation of Tow Truck Industry.

It is recommended that a Tow Truck Management Authority be established to minimise some of the aforementioned challenges. The Tow Truck Management Authority would be solely responsible to ensure that the towing business operators and tow truck drivers comply with the regulatory frameworks through licensing operators, accrediting drivers, developing policies and investigating complaints. It would be to ensure that playing fields are levelled for all interested parties, including emerging tow truck operators, and ensure that the participants are not in a competitive disadvantage. Further, it would be to improve the image of the tow truck industry through establishing centres of training where training on professional services would be offered.

10.10 Recommendation: That a Provincial Tow Truck regulatory framework be developed to prescribe uniform code of conduct throughout Gauteng.

There was a universal support for the development of the standard Provincial Tow Truck Policy for the monitoring of tow truck operatives which should be implemented throughout the province as this will enhance the professionalism of the industry, thereby change the perceptions of the motoring public. The respondents take cognisance of the existing individual company and associations' codes of conduct; however it is in their best interests that the

requirements, offences and penalties be dealt with through governmental legislation.

11. Summary / Conclusion

The towing services research gathered important information to gain more in-depth knowledge on the towing industry operations concerning the effective practices and approach to institute safe, fair and timely accident clearance without prejudicing the intended recipients. The data was collected from a wide range of stakeholders throughout the Gauteng Province, which includes *inter alia* the Tow Truck associations, insurers, towers, law enforcement agencies as well as the motoring public.

The study responses collected served to identify specific trends in the towing services practice. The research findings reveal that there are standard operating procedures and legislations that the Tow Truck Operators/Drivers should adhere to when providing towing services to the consumers. While there appears to be a number of legislations which partially regulate the towing operations and appeared to be ineffectively enforced, there appears to be a lack of regulations which address the core issues of towing in the country. Based on the evaluation of the scope of the existing legislations, the findings clearly indicate that there is no specific law prescribed to regulate the Tow Truck industry.

Currently, there is no doubt that the manner in which the vehicle accident towing services are provided is not satisfactory to a number of respondents who participated in the study. Based on the concerns expressed by various stakeholders it is apparent that there is an urgent need to intervene in the towing services industry in order to ensure that all participants as well as beneficiaries of these services do not feel aggrieved when such services are provided. Further, it is very imperative for the department to provide guidance on the process of levelling the playing fields within this industry, which will ensure that all interested parties benefit from this industry and the industry contributes towards the

advancement of the Gauteng economy. The findings from this exercise should then be utilised to inform the formulation of a regulatory framework for the Tow Truck Industry which should be enforced throughout the Gauteng Province.

DRAFT

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13. Appendixes



DEPARTMENT OF ROADS AND TRANSPORT

DEPARTEMENT VAN VERVOER EN PAAIE

LEFAPHA LA DITSELA LE DIPALANGWA

UMNYANGO WEZEMIGWAQO NEZOKUTHUTHA

Tow services Questionnaire vehicle owners

The Gauteng Department of Roads and Transport intends to draft a Towing services Policy which is intended to guide the towing services within the Province. The drafting of this policy is to be preceded by research. The purpose of the research is to provide an in-depth assessment of the current state of the towing services in the Province. To this effect, a questionnaire has been developed to be completed by respondents.

The information gathered from this questionnaire is strictly confidential and anonymous. I thank you in advance for taking time out to help us better understand towing services in the Province. To achieve a deeper understanding though, I request you to please answer the questions below to the best of your ability. The answering of these questions will take approximately 20 minutes.

Section A: Biographical Information

1. **Sex:**

Male	Female
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2. Which of the following do you own?

Motor-car

- Truck
- Mini Bus
- Bus
- Other, please specify _____

3. Which area of Gauteng are you residing at?

- City of Johannesburg
- Ekurhuleni
- City of Tshwane
- Mogale City
- Other, please specify _____

4. Have you ever needed a towing service?

Yes No

4.1 If Yes, answer questions in Section B. If No, answer only those in Section C.

Section B. Motorists who had utilized towing services

5. Was your vehicle towed by a Tow Truck operator?

Yes No

6. Was there more than one towing trucks at the scene?

Yes No

7. How was he/ they notified?

- I called him.
- He/they come on his/their own.
- He was called by my insurance company.
- Other, please specify _____

Answer the following questions by crossing either strongly agree, agree, neutral, disagree and strongly disagree.

8. When the Tow Truck operator came to the scene,.....

a.	I granted him permission to tow my vehicle	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
b.	When a Tow Truck came to the scene, I was in a state of mind to grant permission	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
c.	He provided an explanation on how the process works.	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
d.	He informed me on the storage destination.	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
e.	He kept contact with me after the towing of my vehicle.	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
f.	The law enforcement official coerced me to sign over my vehicle to a towing operator.	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree

9. Were you advised of the towing fees prior to the towing of your vehicle?

Yes No

10. If no, what actions did you take when you discover that you have been charged exorbitant fees?

- Paid the cost
- Obtained court order to have your car released
- Allowed the tower to sell your car to recover the costs
- Other, please specify _____

11. Did you know of any rights you had regarding towing services?

Yes No

12. If you were to suggest an improvement of the quality of towing services, what would you suggest?

Section B: Motorists who have observed the provision of Towing Services

13. Have you ever been exposed to an accident scene where towing services were required to facilitate the clearing of the scene?

Yes No

13.1 If yes, how did they respond to the scene?

- Arrived quickly
- More than one operator attended the scene
- Obstructed the traffic flow
- Other, please specify _____

Answer the following questions by crossing either strongly agree, agree, neutral, disagree and strongly disagree.

14. As the tow truck operators approached the scene, I identified them through:

a.	Company logo	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
b.	Yellow Light-on	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree
c.	Emergency siren	Strongly Agree	Agree	Neutral	Disagree	Strongly disagree

15. Do Tow Truck operators assist in redirecting the traffic flow?

Yes No

16. When responding to incident scenes, do tow truck operators observe the road traffic signs?

Yes No

17. If you were to suggest an improvement on the quality of towing services, what would you suggest?

Please return the completed questionnaire to:

Ms Fulufhelo Munyai
4th Floor Sage life Building
41 Simmonds Street
Johannesburg
2001

OR

Fax: (011) 355 7257

OR

Email: Fulufhelo.Munyai@gauteng.go.za

Thank you for your cooperation

Signed by:

Mr M.M. Rabothata

Director: Policy, Legislation, Research & Knowledge Management

Date: