

GAUTENG PROVINCIAL GOVERNMENT



GAUTENG PROVINCE

Department: Roads and Transport
REPUBLIC OF SOUTH AFRICA

DRAFT 2

TOW TRUCK SERVICES REGULATIONS FOR GAUTENG PROVINCE

2012

GAUTENG PROVINCIAL TOW TRUCK REGULATIONS, 2012

General Regulations on Tow Truck Services

The member of the Executive Council for Roads and Transport in the Gauteng Province intends to make the regulations set out in the Schedule in terms of the Gauteng Provincial Road Traffic Act, 10 of 1997

Schedule

Table of Contents

PART A DEFINITIONS

1 Definitions

PART B REGISTRATION TO RENDER / OPERATE TOW TRUCK SERVICES

2 Requirements for registration to operate a Tow Truck/s

3 Tow Truck Services

4 Pre-authoriity prior to service rendering

5 Operators accreditation

6. Withdrawal of accreditation

7. Termination of accreditation

8. Grading of Tow Trucks

9. Health and Safety Aspects

10. Storage facilities for affected vehicles

PART B DE-REGISTRATION TO RENDER TOW TRUCK SERVICES

11. Code of Conduct

12. Offences and Penalties

PART C LAW ENFORCEMENT

13. Unauthorised Persons

14. Unaccredited Vehicles

PART D SHORT TITLE

15. The short Title

1. DEFINITIONS

In these regulations, unless the context indicates otherwise a word or expression that is defined in the policy has the same meaning in these regulations, and in addition: -

ACCREDITATION: A procedure used to determine the competence of operators and vehicles to render the tow truck services.

AARTO: Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No.46 of 1998).

BBBEE: Broad-Based Black Economic Empowerment

CPA: Consumer Protection Act, 2008 (Act No. 68 of 2008).

DCS: Gauteng Department of Community Safety.

DEPARTMENT: Department of Roads and Transport Gauteng Province.

GPG: Gauteng Province Government.

MEC: Member of the Executive Committee.

MMC: Member of the Mayoral Committee.

NLTA: National Land Transport Act – Act 5 of 2009

NPA: National Prosecuting Authority.

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

NRTR: National Road Traffic Regulations.

RTMC: Road Traffic Management Corporation.

SABS: South African Bureau of Standards.

SANRAL: South African National Roads Agency Limited.

SANS: South African National Standards.

SAPS: South African Police Service.

SARS: South African Revenue Services.

SATRA: South African Towing and Recovery Association.

UTASA: United Towing Association of South Africa.

WRDM: West Rand District Municipality.

2 REQUIREMENTS FOR REGISTRATION TO OPERATE TOW TRUCK/S

2.1. The Operator shall acquire an Operator Card issued by a Registering Authority which shall have the following, in addition to the required information:

- 2.1.1 .The trade name;
- 2.1.2. Type of business;
- 2.1.3. Postal Address;
- 2.1.4. Street Address;
- 2.1.5. Telephone number;
- 2.1.6. Fax number;
- 2.1.7 E-mail address, if any; and
- 2.1.8. Income Tax Registration number (An original Tax Clearance Certificate shall be attached).

2.2 Particulars of juristic person which shall include:

- i. Surname;
- ii. First names;
- iii. Identity number;
- iv. Type of identification;
- v. Telephone number; and
- vi. Cell phone number.

3. TOW TRUCK SERVICES

3.1. No operator shall be allowed to render such a service without a valid Operator Card.

3.2. Tow Truck Operators will be expected to display visible numbered tags/ identification plates at all times to prove that they are authentic service providers in the road transport industry.

- 3.3. Tow Truck Operators will be expected to insure their operation to the value of the vehicle to which the service is rendered.
- 3.4. Stickers attached to the insured vehicle must be observed and be respected as they reflect the message that says “Do not Tow” or “Only authorized towing services”.
- 3.5. Tow Truck Operators are expected to render this service with due diligence and professionally in the interest of their clients and persons involved in an accident.

4. PREAUTHORISATION PRIOR TO OPERATING ON THE SCENE OF AN ACCIDENT

- 4.1 All vehicles removed from the accident scene must have preauthorization by the owner, driver, operator or a person who may take legal possession of such.
- 4.2 Where there is a need to sufficiently allow the passage of traffic, law enforcement agencies shall take control of the situation as per provisions of the National Road Traffic Act and/or all other relevant legislation.
- 4.3 A prescribed standard form (TT4) shall be used to determine authentic authorization before affected vehicles can be moved from the scene of accident.

5. ACCREDITATION OF TOW TRUCK SERVICES

- 5.1. The Department shall oversee:
 - 5.1.1 The accreditation of all operators who intend to render Tow Truck services in the interest of all motorists.
 - 5.1.2 The accreditation and grading of all vehicles which are to be used as Tow Trucks in the interest of all motorists and authentic Tow Truck operators.

5.2. Regardless of any other accreditation, the Department shall through Statutory Bodies endorse such accreditation in terms of these regulations for the purposes of rendering this service.

5.4. Application for accreditation and grading shall be lodged with the Statutory Bodies.

5.5. All relevant documents as mentioned in regulations 2.1 and 2.2 and prescribed fee must be brought along when applying for accreditation or grading of Tow Trucks.

6. WITHDRAWAL OF ACCREDITATION

6.1. Accreditation shall be withdrawn for a period of 12 month if:

- a) Any of the changes referred in regulation 3 of these regulations occurs.
- b) The accredited operator is found guilty of offences referred to in these regulations.
- c) The accredited operator operates contrary to the terms and conditions of such operator's accreditation.
- d) Any other circumstances provided for in the Act, the National Road Traffic Act and the main regulations as may cause an operator card to be withdrawn, permits.
- e) An accredited operator fails to report any change to storage premises.

7. TERMINATION OF ACCREDITATION

7.1 Accreditation terminates when:

- a) The operator whose accreditation has been withdrawn fails to remedy and restore the original status.
- b) The vehicle concerned ceases to exist or be roadworthy for whatever reason.

- c) The accredited operator ceases to be the operator of the vehicle concerned.
- d) The concerned vehicle ceases to have an operator card.
- e) Any event that may cause the operator card issued to an operator to be withdrawn or nullified in terms of the National Road Traffic Act and all other relevant pieces of legislation occurs.

8. GRADING OF TOW TRUCKS

- 8.1. For purposes of efficiency all Tow Trucks shall be graded in terms of their size, weight and all other standards that may be set by the SABS.
- 8.2. Weigh bridges shall be used for the purposes of regulation 8.1 to determine all factors considered for grading.
- 8.3 Branding and markings shall form part of the standards requirements prescribed by the SABS.

9. HEALTH AND SAFETY MEASURES.

9.1 In operating Tow Trucks the following shall be observed:

- a) That accident results are not aggravated by the efforts to assist in clearing the scene.
- b) Casualties of the accident do not suffer more harm as a result of good intentions to assist by the Tow Truck Operators.
- c) As they perform their duties Tow Operators shall ensure their safety and that of the people who are at the accident scene and ensure that it is not compromised.
- d) Tow Truck Operators are expected to know and practically understand the First Aid procedure in case the accident occurs and the emergency medical care practitioners delay to show up in time.

- e) Tow Truck Operator must always display their identification where it can be visibly observed by the people in the accident scene or while they render road side assistance services to broken down vehicles.
- f) For purposes of regulation 9.1. (d), every Tow Truck that is duly used to render towing services must have a First Aid Kit.

10. STORAGE FACILITIES FOR AFFECTED VEHICLES

10.1 Tow Truck Operators must upon registration of the business respectively with the Registering Authority supply the details of their storage facilities:

- a) Such facilities must be known to motorists and to all persons who are at the accident scene.
- b) Upon booking the affected vehicles for storage the authorising officer must be supplied with the full details of the storage facility.
- c) Vehicles involved in the accident must be towed and taken to the storage facility and not to any other place unless otherwise directed by the vehicle owner, driver, authorized passenger or Law Enforcement officers.
- d) A reasonable level of politeness is expected from the operator in the scene of accident while assisting the affected people and any other authorised persons who are in the scene of accident.
- e) Any changes to the storage or moving to new operational premises must be reported to the registration authorities within twenty one days (21) of moving to new operational premises.

PART B CODE OF GOOD PRACTICE

11. Tow Truck Operators are expected to:

- a) Sign a Code of Conduct that prescribes how to behave in the process of rendering this service.
- b) Insure their business in the interest of their clients (Motorists) and for their cover in the process of rendering this service.
- c) Adhere to standards set by the SABS and avoid unilateral and immediate de-registration.
- d) Avoid intimidating and harassing accident victims
- e) Refrain from racing to accident scenes in an effort to reach the scene first.
- f) Avoid any action or behaviour that threatens the safety of road users and pedestrians.
- g) Comply with the National Road Traffic Act and all subordinate legislation.

12. Government shall:

- 12.1 Publish maximum allowable fees for towing, storage and any other related activities.
- 12.2 Apply due diligence and consult the consumers, economists, industry experts and others to determine the allowable fees.

12. OFFENCE AND PENALTIES

- a) Failure to produce the Operators Card as mentioned in regulation 2 penalties shall be apportioned as contemplated in the National Road Traffic Act.
- b) Depending on the type of the offence, Tow Truck Operators shall be fined with the amount determined by the schedule of fines.
- c) Modification of Tow Trucks after registration, accreditation, branding and marking constitutes an offence.
- d) Contravention of any part of these regulations constitutes an offence.
- e) Failure to report any change/s to or of storage facilities.

PART C Law Enforcement

- 13.1. Authorized Officers as defined in the Act must in addition to functions referred to in the Act and the main Regulations of the National Road Traffic Act enforce compliance to these regulations.
- 13.2. The Law enforcement Agencies shall use applicable legislation e.g. Criminal Procedure Act, to deal with criminal behaviour of operators.

14. UNACCREDITED VEHICLES

- 14.1. No Tow Truck that has not been accredited in terms of these regulations shall be allowed to operate; such vehicle shall be impounded by the Law Enforcement Agencies in line with the provisions of the National Road Traffic Act, and related legislation.
- 14.2. Vehicles that are not road worthy shall not be permitted to operate; using such vehicles may result in impoundment by the Law Enforcement officials.
- 14.3. The record of accreditation shall form part of the data that the regulating body has collected and filed.

PART D: SHORT TITLE

15. These regulations shall be called the Gauteng Tow Truck Services Regulations.