

# UNITED TOWING ASSOCIATION OF SOUTH AFRICA

(Herein referred to as UTASA)

## CODE OF CONDUCT

### A. CODE APPLICABLE TO OPERATORS

1. Towing Operators/Owners being members of UTASA should conduct themselves and their Towing Companies in accordance with the requirements of the appropriate Laws and Common Laws of South Africa inclusive and not exclusive of;
  - 1.1 National Road Traffic Act
  - 1.2 Consumer Protection Act 68 of 2008
  - 1.3 Any appropriate and applicable municipal by law
2. Towing Operators/Owners should ensure that they and their staff conduct themselves in a courteous and civil manner and observe fair and proper business practice as outlined in the Consumer Protection Act.
3. Towing Operators/Owners should not take any action which could abuse the trust of the public or exploit public lack of knowledge or experience which could harm or mislead any consumer, as outlined in the Consumer Protection Act
4. The Towing Operator should ensure he has procedures in place to professionally manage the incident from the initial accident/breakdown notification, to the recovery of the vehicle whilst maintaining contact with the consumer where practical.
5. Towing Operator will comply with instruction to deliver vehicle to prescribed destination, as instructed by either UTASA its business partner's call centre or the consumer. Non-compliance with this instruction resulting in either a second tow or storage and related charges will be for the towing contractors own account and will result in a disciplinary process.
6. The tow truck Operator must acknowledge that the authorization to remove a disabled vehicle given by law enforcement official shall under no circumstances be deemed as constituting a contractual agreement between the towing operator and the law enforcement official, and or owner of vehicle as stipulated in the National Road Traffic Act Section 61 subsection 2 and 3 which reads;
  - (2) No person shall remove any vehicle involved in an accident in which another person is killed or injured from the position in which it came to rest, until such removal has been authorised by a traffic officer, except when such accident causes complete obstruction of the roadway of a public road, in which event the vehicle involved may, without such authority and after its position has been clearly marked on the surface of the roadway by the person moving it, be moved sufficiently to allow the passage of traffic.
  - (3) Subject to [subsection \(2\)](#), no person shall remove a vehicle involved in an accident from the scene of such accident, except for the purpose of sufficiently allowing the passage of traffic, without the permission of the owner, driver or operator of such vehicle or a person who may lawfully take possession of such vehicle.
7. Towing Operators should ensure that towing vehicles are maintained in such a condition that it contributes to the positive public image of the towing industry whilst meeting the certificate of fitness requirements as contained in the National Road Traffic Act.
8. Towing Operators/owners who are registered members of UTASA will ensure that their Towing Vehicles are registered with same association and the appropriate registration decal is clearly displayed on either side of the vehicle.
9. Towing Operators/Owners who are registered members of UTASA agree to bind themselves and their employees to this code of conduct and abide by the decisions of the disciplinary committee of the association.
10. Towing Operators shall ensure that their employees and drivers are properly qualified to conduct themselves in accordance with the Code of Conduct and National Road Traffic Act (and any other legislation that is or may become applicable to the industry) while on duty.
11. Towing Operators/ owners and their employees, drivers and persons accompanying their drivers shall refrain from intimidation, harassment, verbal abuse or assault of accident victims; members of the public, other towing operators and or drivers.
12. UTASA business partners and motorist have the prerogative to decline the services of a specific contractor/s and members will respect this right.

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**B.CODE APPLICABLE TO TOW TRUCK DRIVERS AND ASSISTANT TOW TRUCK DRIVERS**

1. Tow Truck Drivers and Assistant Tow Truck drivers being affiliated to UTASA should ensure that they behave in accordance with the legal requirements of the Road Traffic Act of South Africa and the code of Conduct and any other legislation that is or may become-applicable to the industry.
2. Tow Truck Drivers and Assistant Tow Truck Drivers or persons accompanying driver should ensure they conduct themselves in a courteous and civil manner.
3. Tow Truck Drivers and Assistant Tow Truck Drivers should ensure they follow the instructions of the Law Enforcement Authorities and Emergency Services Personnel at the scene of any accident or incident where they are present.
4. Tow Truck Drivers and Assistant Tow Truck Drivers should not exploit the public's lack of knowledge in dealing with accident management or fraudulently misleading them in any way.
5. The premise of towing rights is that the "first truck on the scene of an accident has the first right to the tow" however; the consumer has the freedom of choice and may choose not to use any tow truck present at scene, but rather request the services of his / her own service provider.
6. Tow Truck Drivers and Assistant Tow Truck Drivers are not to indulge or use alcohol or drugs or be under the influence of these while on duty.
7. Tow Truck Drivers and/or their Assistant Tow Truck Drivers shall not engage in arguments or violent activity at the scene of an accident or attempt to force other drivers to abandon their tow for them.

**The Association will expel any member found guilty of participation in, attempting to participate in, or encouraging corruption.**

***DATE*.....**

***COMPANY*.....**

***SIGNATURE*.....**

***PRINT NAME*.....**

# Code of Ethics

1. To uphold high standards of honour, and a high degree of integrity.
2. To provide the general public with the best service possible.
3. To promote a sense of personal obligation to each customer.
4. To comply with all South African laws and regulations.
5. To aid my towing colleagues when in need.
6. To seek success and to demand fair remuneration that is justly due in line with the Consumer Protection Act.
7. To maintain my own self respect by not to profit using unfair advantage taken or questionable acts on my part.
8. To promote friendly and cooperative attitudes to all members of the association.
9. To provide the consumer with adequately equipped vehicles which are kept neat and to train our members to be polite and courteous during public contact.
10. To encourage the South African Free Enterprise System.
11. To employ truth and accuracy in advertising and soliciting.
12. To honour any commitments made in the course of business.

**DATE**.....

**COMPANY**.....

**SIGNATURE**.....

**PRINT NAME**.....