

SPECIAL CONSULTATIVE MEETING WITH DOT STAKEHOLDERS:RE TOW TRUCK BILL

PRESENTATION

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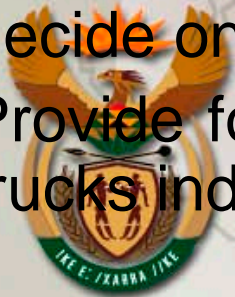
PURPOSE

- To inform delegates of the tow truck associations about the envisaged tow truck bill:
- To highlight provisions of the tow truck bill to the delegates:
- To facilitate deliberations about the envisaged bill.
- Note and listen to the industrial delegates about their suggestions about the bill.



WHY HAVE TOW TRUCK BILL

- To formalize and regulate the tow truck industry:
- Promote road traffic quality by providing for the regulation of the tow truck industry:
- Move the regulation of the industry and operators away from common law rules and place it under statutory law:
- Provide for a regulatory body, i.e. an agency to administer the Act and a permit board to consider and decide on permit applications tabled by the agency:
- Provide for National and provincial associations of tow trucks industry



Structure of the Bill

The bill consists of the following chapters:

- Chapter 1- Interpretation of the Act:
i.e. definitions, objects and application;
- Chapter 2- Establishment of the tow truck business operators permit agency, board and administrative issues;
- Chapter 3- Associations, memberships and inspectors;
- Chapter 4- Operations and permits;
- Tow truck and road side assistance registration and permits;

Cont'd

- Tow truck and road side assistance vehicle permits and fitness certificates;
- Equipment and identification of tow truck and assistance vehicles
- Classification of tow truck and assistance vehicles;
- Tow truck and assistance vehicle driver's permits;
- Tow truck and assistance vehicle driver's appointment certificates;
- Tow truck and assistance vehicle's assistants;
- Tow truck and assistance vehicle assistance appointment certificates

Chapter 5- General matters

- Cross national and provincial border operations;
- Powers and duties of traffic officers;
- Offences and penalties;
- Access to information;
- General conditions for the national, provincial associations, association inspectors, service providers, drivers and assistance
- Regulations;
- Local by-laws;
- Fees.

Summary of the chapters

Chapter 2

- Provides for establishment of various bodies as follows:
- The National Tow Truck and Road Side Assistance Business operators agency;
- Minister of Transport appoints the Registrar;
- Registrar reports to the CEO of the Agency.

Purpose, function and powers of the Agency

Register all applications received by the Agency;

Cont'd

- Keep & maintain proper records and registers of received documents;
- Ask and receive any other information to evaluate fully and consider an application;
- Comprehensive investigation & evaluation of each application;
- Demand and receive payment of prescribed fees & levies
- Receive copies of appointment certificates- drivers & assistants;
- Receive copies of fitness certificates;
- Issue registration certificates and permits approved by the board

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- Withdraw registration certificates and permits according to the provisions of the Act
- Provide all information & copies of docs to the Minister, board, national association, provincial association & traffic officers for official purpose on receipt of prescribed fees;
- Intergrate its recording & information functions with the NATIS;
- Administer and manage its own budget & accounts;
- Act as secretariat and administrative staff for the board;
- Execute all responsibilities per Minister's instructions

Cont'd

The National Tow Truck and Road side Assistance Business operators Permit Board

- Consists of chairperson with experience at legal proceedings and hearings provided,
- No vested interest in the tow truck or road side assistance, motor vehicle selling or repair, vehicle insurance, vehicle consumer industries;
- Not an employee of state, provincial government or a municipality;
- Also consists of Representatives of the following bodies:
 - (1) National tow truck and road side assistance association, Vehicle Insurance industry, Salga, SAPS, SA consumer protection industry,

Purpose, function, duties and powers of the board

- Meets at least once a month or so many times depending on the workload;
- Considers and decide on the applications before it by the agency taking into consideration the recommendations of the agency;
- Members may inspect all documents, registers, files and accounts of the agency, national association or provincial association;
- Five members to form a quorum to give effect to the decisions of the board;
- Board may order an inquiry or investigation by a person appointed by the board against the agency, member of the agency, national association, provincial association or any member of such association

National Tow Truck and road side assistance business operators association

- The provincial tow truck and assistance business operators association must create, register, and operate a national tow truck and road side assistance business operators association;
- Only one national association-consists of members & management committee appointed by members;
- Management committee consists of a chairperson, secretary,& two members

Duties, functions, powers of National Association

- To represent, promote & manage the interest of tow trucks & roadside assistance industry in SA;
- Co-ordinate & monitor functioning of the provincial associations;
- Codes of conduct & discipline enforcement;
- Institute investigations against its members;
- Expulsion of a member if found guilty of misconduct;
- Recommend to the board for suspension & withdrawal of membership;
- Etc. (more details contained in the draft)

Provincial tow truck and road side assistance business operators associations

- Created by provincial operators, drivers & assistants of the towing or assistance services;
- Only one provincial tow truck and road side assistance business operators association for each province;
- Members are operators, drivers & assistants in the province;
- Management committee is appointed by members of a provincial association & consists of chairperson, secretary, & two members.
- **DUTIES, FUNCTION & DUTIES**
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Cont'd

- Represent, promote, and manage the interests of the tow truck & road side assistance industry;
- Ensure compliance with the Act by members in the provinces;
- Monitor, co-ordinate the functioning and actions of all service providers;
- Appoint a person to represent the association on the national association;
- Etc (more details in the draft)
- **Further bodies**
- Inspectors for provincial associations; (check the functions in draft)

Operations & permits

- Each person aspiring to operate (both towing & assistance service) applies for membership at a provincial association;
- Apply for service provider permit from the agency; NB (Process in page 35)
- Service provider's permit may be confiscated by the by traffic officer for non compliance with the Act or conditions of the permit;
- It can be withdrawn by the agency upon recommendation to and approval by the board if a recommendation is made to the agency by the traffic officer see sec 34 & 35)

Vehicle permits, fitness certificates, identification & classification

- Service provider obtains vehicle permit for each vehicle before operating;
- Permit remains in vehicle always and produced if required by the traffic officer;
- **Fitness Certificates**
- Tow fitness certificate to be issued for a vehicle by a testing station;
- Valid for maximum period of thirty days from date of issue;
- Fitness certificate submitted to the relevant provincial association
- Can be confiscated by traffic officer just like service provider permit.

Equipment & identification of tow truck

- Tow truck to be properly designed, build and equipped for the job;
- Must be properly identified;
- Every tow truck & vehicle assistant driver to be equipped to do work safely;
- Equipment to conform to standards determined by SABS
- Classification
- To be done by Minister through regulations;
- Different classes of towing & assistant vehicles done by Minister through regulations; (see page 42, sec 53)

Tow truck & assistance driver permits

- Aspirant Tow truck & assistance vehicle driver applies for a driver permit before driving and rendering service;
- Must be a registered member of the provincial association in the province he wishes to operate; see page 43 sec 55)
- Driver permit can be confiscated or withdrawn on non compliance with the Act;

NB: Tow truck & assistance vehicle assistants must also apply for permit;

Tow truck and assistance vehicles assistance just like drivers must be in the employ of the service provider.

General

- Service provider, driver, assistant may apply for permission from provincial or national association to provide services beyond national or provincial border;
- Applicant liable for fees demanded by the involved provincial associations;
- Service provider outside his borders must have permission on the vehicle & produce it on demand by traffic officer;

Powers & duties of traffic officers

- Enter (without warrant or appointment) offices of agency, board, national or provincial association, association inspectors, service providers, drivers etc to search for any information or documents;
- Give instructions to any service provider, driver or assistant to produce any documents
- Instruct any service provider, driver, assistant to leave any scene on a public road or move any vehicle etc (see page 53 for further details)

Offences and penalties

- A person who contravenes the provisions of the Act is guilty of an offence;
- Failure by one to subject self to the authority of the relevant association or refuse to comply with instructions of association is guilty of an offence;
- A person convicted of contravening the Act (sec 83) will be liable to a fine of R2000.00;
- A person who contravenes section 83(4) is liable to a fine of R1000.00 or imprisonment not exceeding one month;
- Minister may make regulations or amend regulations for the proper admin of the Act

NB: Fees are mentioned in section 88(1)

Types of tow trucks

