

Road Traffic (Vehicles) Amendment Regulations (No. 2) 2022

SL 2022/174

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Road Traffic (Vehicles) Amendment Regulations (No. 2) 2022*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) regulations 3, 5, 13(4) and 15 to 20 — on 7 November 2022;
- (c) the rest of the regulations — on 7 November 2023.

3. Regulations amended

These regulations amend the *Road Traffic (Vehicles) Regulations 2014*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of ***tow truck***.
- (2) In regulation 3 insert in alphabetical order:

tow includes the following —

- (a) to carry;
- (b) to lift and tow;
- (c) to lift and carry;
- (d) to lift for the purpose of towing;

tow truck means —

- (a) a motor vehicle that is —
 - (i) equipped with a crane, winch, ramp or other lifting or loading device; and
 - (ii) used or intended to be used for the towing or salvaging of a motor vehicle;

or

- (b) a combination consisting of a prime mover towing a semi-trailer that is —
 - (i) equipped with a crane, winch, ramp or other lifting or loading device; and
 - (ii) used or intended to be used for the towing or salvaging of a motor vehicle.

5. Regulation 363 amended

In regulation 363(1) delete “that” (1st occurrence).

6. Regulation 407A inserted

At the beginning of Part 12 Division 1 insert:

407A. Terms used

In this Part —

tilt tray tow truck means a tow truck that is equipped with —

- (a) a fixed or tilting platform or tray for the carriage of a motor vehicle; and
- (b) a winch for loading a motor vehicle onto the platform or tray.

7. Regulation 409 amended

(1) Before regulation 409(1) insert:

(1A) In this regulation —

address means —

- (a) a residential or business address; or
- (b) a post office box address.

(2) In regulation 409(4):

- (a) delete “suitable spacer bars and safety chains” and insert:

equipment of a type approved by the CEO

- (b) delete “towed and the spacer bars must be so designed as to minimise any damage to the towed vehicle caused by the towing vehicle or its equipment.” and insert:

towed.

- (3) In regulation 409(6) delete “that is” and insert:

of a type approved by the CEO

- (4) In regulation 409(7) delete “letters at least 50 mm high and 25 mm wide —” and insert:

a type and form approved by the CEO —

- (5) After regulation 409(7) insert:

- (8) A tilt tray tow truck must be fitted with a rear underrun protective device of a type approved by the CEO.

8. Regulation 410 amended

- (1) In regulation 410(3) delete the passage that begins with “complying” and ends with “order.” and insert:

of a type approved by the CEO.

- (2) After regulation 410(3) insert:

- (4) The driver of a tow truck that is towing a heavy vehicle must ensure that the heavy vehicle displays a warning sign of a type and placement approved by the CEO.

Note: The heading to amended regulation 410 is to read:

Lights, warning devices and signs

9. Regulations 411 to 413 deleted

Delete regulations 411 to 413.

10. Regulation 414 amended

- (1) In regulation 414(2):

- (a) delete “are to” and insert:

other than tilt tray tow trucks must

- (b) delete “6 125 kg and fitted with a crane having a safe working load of not less than 5 080 kg.” and insert:

6 125 kg, fitted with a crane having a safe working load of not less than 5 080 kg and having a minimum GCM of 18 t.

Class 4 —

Tow trucks having a load capacity of not less than 7 t, fitted with a crane having a safe working load of not less than 7 t and having a minimum GCM of 60 t.

- (2) After regulation 414(2) insert:

- (2A) Tilt tray tow trucks must be classified in accordance with these specifications —

Class 1T —

Tilt tray tow trucks having a load capacity of not less than 1 270 kg and fitted with a winch having a safe working load of not less than 1 045 kg.

Class 2T —

Tilt tray tow trucks having a load capacity of not less than 3 040 kg and fitted with a winch having a safe working load of not less than 2 540 kg.

Class 3T —

Tilt tray tow trucks having a load capacity of not less than 6 125 kg and fitted with a winch having a safe working load of not less than 5 080 kg.

Class 4T —

Tilt tray tow trucks having a load capacity of not less than 12 t and fitted with a winch having a safe working load of not less than 7 t.

- (3) In regulation 414(3):

- (a) delete “GVM” and insert:

gross mass

- (b) delete the Table and insert:

Class of tow truck	Gross mass of vehicle
1, 1T	2 030 kg

Class of tow truck	Gross mass of vehicle
2, 2T	5 080 kg

11. Regulation 415 amended

(1) Before regulation 415(1) insert:

(1A) In this regulation —

lifting apparatus means a crane, winch, ramp or other lifting or loading device that is capable of elevating a motor vehicle to a higher position or level.

(2) In regulation 415(2):

(a) delete “crane” and insert:

lifting apparatus

(b) delete “crane.” and insert:

lifting apparatus.

(3) In regulation 415(3) delete “crane” and insert:

lifting apparatus

(4) After regulation 415(4) insert:

(4A) A lifting apparatus must be provided with adequate means for supporting the load in its raised position while under tow.

(5) In regulation 415(5) delete “crane” and insert:

lifting apparatus

12. Regulation 416 deleted

Delete regulation 416.

13. Regulation 417 amended

(1) Before regulation 417(1) insert:

- (1A) Except as provided in subregulation (2), (3) or (3A), the driver of a Class 3 or Class 4 tow truck towing a vehicle must have control of the braking system of the towed vehicle.

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (2) In regulation 417(1) and (2) after “Class 3” insert:

or Class 4

- (3) After regulation 417(3) insert:

- (3A) In the case of a tilt tray tow truck towing a vehicle by means of an underlift system in circumstances where the driver of the tow truck does not have control of the braking system of the towed vehicle, the maximum combined mass of the tilt tray tow truck and the towed vehicle must not exceed the lesser of the following —

- (a) the tilt tray tow truck GVM plus its towing capacity;
- (b) if the tilt tray tow truck towing capacity is not specified by the manufacturer — the tilt tray tow truck GVM plus 750 kg;
- (c) the tilt tray tow truck GCM.

- (4) In regulation 417(4) in the Penalty delete “an offence under”.

14. Regulation 418 amended

In regulation 418(2) after “Class 3” insert:

or Class 4

15. Regulation 419 amended

- (1) In regulation 419(1) delete the passage that begins with “has completed in duplicate” and ends with “when so completed.” and insert:

has —

- (a) completed in duplicate a statement setting out the following —
- (i) the name and address of the person licensed to operate the tow truck;
 - (ii) the name and address of the tow truck's driver;
 - (iii) the tow truck's number plate details;
 - (iv) the name and address of the owner of the vehicle to be towed or salvaged, if known;
 - (v) if the removal of the vehicle to be towed or salvaged is authorised by a police officer — the police officer's name and number assigned for official purposes;
 - (vi) in circumstances other than those referred to in subparagraph (v) — the name and address of the person authorising the vehicle to be towed or salvaged;
 - (vii) the make and number plate details of the vehicle to be towed or salvaged;
 - (viii) the place from where the vehicle is to be moved;
 - (ix) the place to where the vehicle is to be moved;
 - (x) the maximum fee that will be charged for the tow or salvage of the vehicle;
 - (xi) the maximum fee that will be charged for the storage of the vehicle;
 - (xii) the date and time at which the authority to tow or salvage is signed;
- and
- (b) signed, and obtained the signature of the person authorising the tow or salvage to, both copies of that statement when completed.

(2) In regulation 419(2) after “sign” insert:

both copies of

(3) In regulation 419(3) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

(4) In regulation 419(4) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (5) In regulation 419(5) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (6) In regulation 419(6) in the Penalty delete “an offence under”.

16. Regulation 419A inserted

After regulation 419 insert:

419A. Towing, salvage and storage fees

- (1) A responsible person for a tow truck must not charge a fee other than a fee for —
- (a) the tow or salvage of a vehicle; or
 - (b) the storage of a vehicle.

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
 - (b) for a second or subsequent offence, a fine of 4 PU.
- (2) The fee charged for the tow, salvage or storage of a vehicle must not exceed the maximum fee set out in the statement under regulation 419(1)(a)(x) or (xi), as applicable.

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

17. Regulation 420 amended

- (1) At the end of regulation 420(3) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (2) At the end of regulation 420(4) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;

- (b) for a second or subsequent offence, a fine of 4 PU.

- (3) At the end of regulation 420(5) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (4) At the end of regulation 420(6) insert:

Penalty for this subregulation:

- (a) for a first offence, a fine of 2 PU;
- (b) for a second or subsequent offence, a fine of 4 PU.

- (5) In regulation 420 delete the Penalty.

18. Regulation 422 amended

- (1) In regulation 422(1) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (2) In regulation 422(2) in the Penalty delete “Penalty:” and insert:

Penalty for this subregulation:

- (3) In regulation 422(3) in the Penalty delete “an offence under”.

19. Regulation 479 amended

In regulation 479(2)(c)(i) delete “regulation 483,” and insert:

regulation 480,

20. Part 19 inserted

After regulation 509 insert:

**Part 19 — Transitional provision relating to
Road Traffic (Vehicles) Amendment Regulations
(No. 2) 2022**

**510. Tow trucks licensed during transitional period
taken to comply with regulations**

- (1) A tow truck in respect of which a vehicle licence is in effect immediately before 7 November 2023 is taken to comply with Part 12 Division 1 provided the tow truck complies with Part 12 Division 1 as it was in force immediately before 7 November 2023.
- (2) Subregulation (1) ceases to operate in relation to a vehicle licence on the day on which —
 - (a) the licence expires or is cancelled; or
 - (b) if the licence is renewed — the licence would have expired had it not been renewed.

B. D'SA, Clerk of the Executive Council.