



New South Wales

# **Justices (Short Descriptions of Motor Traffic and Other Offences) Amendment (Tow Trucks) Regulation 1997**

under the  
Justices Act 1902

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

BRIAN LANGTON, M.P.,  
Minister for Transport

## **Explanatory note**

The object of this Regulation is to facilitate the issue of penalty notices and legal process for certain offences under the *Tow Truck Act 1989* and the *Tow Truck Regulations 1990* by prescribing short descriptions by which those offences may be sufficiently stated and including them in the *Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986*.

The latter Regulation currently contains (among other things) the short descriptions of certain offences under the *Motor Traffic Regulations 1935*. This Regulation also prescribes, and adds to those short descriptions, the short descriptions of 2 further offences under those Regulations.

This Regulation is made under section 145B of the *Justices Act 1902*.

**1997 No 542**

Clause 1                      Justices (Short Descriptions of Motor Traffic and Other offences) Amendment (Tow Trucks) Regulation 1997

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**Justices (Short Descriptions of Motor Traffic and Other Offences) Amendment (Tow Trucks) Regulation 1997**

**1 Name of Regulation**

This Regulation is the *Justices (Short Descriptions of Motor Traffic and Other Offences) Amendment (Tow Trucks) Regulation 1997*.

**2 Amendment of Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986**

The *Justices (Short Descriptions of Motor Traffic and Other Offences) Regulation 1986* is amended as set out in Schedule 1.

**3 Notes**

The explanatory note does not form part of this Regulation.

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## Schedule 1 Amendments

(Clause 2)

**[1] Schedule 1**

Insert before the matter headed “**Traffic Act 1909**”:

**Tow Truck Act 1989**

Section 5—carry on business of tow truck operator without being holder of tow truck operator’s licence permitting tow truck operations of the kind carried out	unlicensed tow truck operator
Section 5—without being holder of tow truck operator’s licence permitting tow truck operations of the kind advertised, be a person who advertises that he or she carries on business of tow truck operator	unlicensed advertising of tow truck operator’s business
Section 15 (a)—drive or stand tow truck on public street without holding driver’s certificate	drive/stand tow truck without driver’s certificate
Section 15 (b)—use or assist in use of tow truck on public street without holding driver’s certificate	use/assist use tow truck without driver’s certificate
Section 15 (c)—obtain or attempt to obtain towing authority without holding driver’s certificate	obtain/attempt obtain towing authority without driver’s certificate
Section 34—tow motor vehicle on public street without obtaining towing authority	tow without towing authority
Section 34—tow motor vehicle on public street without towing authority that has been completed in accordance with the regulations	tow under towing authority not completed as required
Section 34—tow motor vehicle on public street without towing authority that has been signed in accordance with the regulations	tow under towing authority not signed as required

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### Schedule 1 Amendments

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Section 34—tow motor vehicle on public street without towing authority that has been dealt with in accordance with the regulations	tow under towing authority not dealt with as required
Section 39—tow truck driver not clear from road at scene of motor vehicle accident debris caused by or relating to motor vehicle towed by driver	not clear debris caused by/relating to towed vehicle
Section 40 (a)—person other than holder of driver's certificate, not being driver or passenger of vehicle proposed to be or being towed, travel as passenger in tow truck proceeding to scene of motor vehicle accident	be passenger in tow truck going to MVA
Section 40 (b)—person other than holder of driver's certificate, not being driver or passenger of vehicle being towed, travel as passenger in tow truck towing motor vehicle from scene of motor vehicle accident	be passenger in tow truck towing vehicle from MVA
Section 74 (2)—holder of driver's certificate not produce certificate on demand at scene of motor vehicle accident or while otherwise engaged in towing work	not produce driver's certificate on demand
<b>Tow Truck Regulation 1990</b>	
Clause 10 (3)—being holder of driver's certificate, drive on public street tow truck that is being operated under authority of accident operator's licence without carrying towing authority book issued by the Council	drive tow truck without towing authority book
Clause 10 (5)—driver of tow truck not produce towing authority book on demand by authorised officer or police officer	not produce towing authority book on demand

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Clause 10 (5)—driver of tow truck not permit authorised officer or police officer to whom towing authority book is produced to take extract from, or make copy of, entry in that book	not permit extract from/copy of entry in towing authority book
Clause 11 (1)—not being driver of tow truck which is being operated under the authority of an accident operator's licence and is standing at the scene of the accident, obtain or attempt to obtain towing authority for towing of motor vehicle damaged in motor vehicle accident	unauthorised person obtain/attempt to obtain towing authority
Clause 11 (2)—being driver of tow truck which is being operated under authority of accident operator's licence, obtain or attempt to obtain towing authority for towing by a tow truck of motor vehicle damaged in motor vehicle accident other than tow truck of which he or she is driver	obtain/attempt to obtain towing authority for another tow truck
Clause 12 (a)—holder of accident operator's licence not retain at holder's place of business for at least 12 months original of each completed towing authority relating to a tow truck operated under the authority of the licence	not retain towing authority 12 months at place of business
Clause 12 (b)—holder of accident operator's licence not, on demand by authorised officer or police officer, produce for inspection original of each completed towing authority retained by the holder relating to a tow truck operated under the authority of the licence	not produce towing authority on demand

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Clause 13 (a)—drive, stand or use, or allow to be driven, stood or used, on a public street a tow truck that is being operated under the authority of a licence without there being displayed (by being printed in block letters and figures at least 50 mm high) on the right-hand or off-side of the tow truck and so as to be clearly legible the name of the person the holder of the licence under the authority of which that tow truck is operated	drive/stand/use tow truck/tow truck driven/stood/used without licensee name shown as required
Clause 13 (b)—drive, stand or use, or allow to be driven, stood or used, on a public street a tow truck that is being operated under the authority of a licence without there being displayed (by being printed in block letters and figures at least 50 mm high) on the right-hand or off-side of the tow truck and so as to be clearly legible the number of the licence under the authority of which that tow truck is operated	drive/stand/use tow truck/tow truck driven/stood/used without licence number shown as required
Clause 15 (1) (a)—being person in charge of tow truck that is being operated on public street, permit another person to drive the tow truck without being satisfied that the other person is the holder of a driver's certificate	not check tow truck driver holds driving certificate
Clause 15 (1) (a)—being person in charge of tow truck that is being operated on public street, permit another person to drive the tow truck without inspecting the other person's driving certificate	not inspect tow truck driver's driving certificate
Clause 15 (1) (b)—being person in charge of tow truck that is being operated on public street, permit another person to travel in the tow truck proceeding to motor vehicle accident, the other person not having been the driver of, or a passenger in, the motor vehicle	allow passenger in tow truck going to MVA

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<p>Clause 15 (1) (b)—being person in charge of tow truck that is being operated on public street, permit another person to travel in the tow truck towing motor vehicle from motor vehicle accident, the other person not having been the driver of, or a passenger in, the motor vehicle</p>	<p>allow passenger in tow truck towing vehicle from MVA</p>
<p>Clause 15 (1) (c)—being person in charge of tow truck that is being operated on public street, permit another person to be employed on or about the tow truck in connection with the operation of the tow truck at or near the scene of a motor vehicle accident without being satisfied that the other person is the holder of a driver's certificate</p>	<p>not check person on/about tow truck at/near MVA holds certificate</p>
<p>Clause 16 (a)—being driver of tow truck operating under authority of accident operator's licence, permit tow truck (otherwise than to the extent necessary to secure to or on to the tow truck a damaged motor vehicle in respect of which the driver has obtained a towing authority) to stand on public street so as to cause an obstruction</p>	<p>cause obstruction with tow truck</p>
<p>Clause 16 (b)—being driver of tow truck operating under authority of accident operator's licence, permit tow truck (otherwise than to the extent necessary to secure to or on to the tow truck a damaged motor vehicle in respect of which the driver has obtained a towing authority) to stand at the scene of a motor vehicle accident for a period longer than that which would reasonably be required to obtain a towing authority in respect of a damaged motor vehicle for which no such authority has been obtained by another person</p>	<p>stand tow truck at MVA longer than reasonable</p>

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Clause 20 (1) (a)—holder of driver's certificate fail to give written notification of change of address to the Council within 7 days after the change	not notify Council of change of address within 7 days
Clause 20 (1) (b)—holder of driver's certificate lend or otherwise part with possession of certificate without authorisation	lend certificate/part with possession of certificate (not by lending)
Clause 20 (1) (b)—holder of driver's certificate alter, deface or mutilate certificate	alter/deface/mutilate certificate
Clause 20 (1) (c)—holder of driver's certificate fail to return expired certificate to the Council within 3 days after the expiry	not return expired certificate within 3 days

### [2] Schedule 1

Insert after the matter relating to Regulations 56M (2) (b), 129 in the matter headed **“Motor Traffic Regulations 1935”**:

Regulation 56N, 129—not give way to person crossing carriageway from light rail vehicle stopped at or near centre of carriageway	not give way person leaving light rail vehicle
Regulation 56O, 129—pedestrian obstruct path of light rail vehicle in shared zone	pedestrian obstruct light rail vehicle