



New South Wales

Justices (Short Descriptions of Motor Traffic and Other Offences) Amendment (Tow Truck) Regulation 1998

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*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General

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 Regulation 1990* by prescribing short descriptions by which those offences may be sufficiently stated.

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

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Clause 1 Justices (Short Descriptions of Motor Traffic and Other Offences) Amendment (Tow Truck) Regulation 1998

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1 Name of Regulation

This Regulation is the *Justices (Short Descriptions of Motor Traffic and Other Offences) Amendment (Tow Truck) Regulation 1998*.

2 Commencement

This Regulation commences on 16 November 1998.

3 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.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Schedule 1

Insert in appropriate order in the matter relating to the *Tow Truck Act 1989*:

Section 16—use services of person not holding drivers certificate for purposes requiring drivers certificate	use services of unauthorised person
Section 31—make false or misleading statement in application for or amendment to licence or drivers certificate	make false or misleading statement
Section 32—holding out as licensee or holder of drivers certificate	holding out as licensee / certificate holder
Section 37—give or receive drop fees	give / receive drop fees
Section 38—threaten, intimidate or coerce for purpose of obtaining towing authority or smash repair work	threaten, intimidate or coerce to obtain towing authority / smash repair work
Section 73—not furnish required information to Council on demand	not furnish information
Section 74 (1)—holder of licence failing to produce licence on demand by authorised officer or police officer	not produce licence
Section 77—refuse or intentionally delay, obstruct, neglect or fail to comply with reasonable request of, or conceal person from, authorised officer	obstruct authorised officer

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Schedule 1 Amendments

[2] Schedule 1

Omit the matter relating to clauses 12 (a) and (b) and 16 (b) of the *Tow Truck Regulation 1990*.

[3] Schedule 1

Insert in appropriate order in the matter relating to the *Tow Truck Regulation 1990*:

Clause 7 (5)—driver of tow truck inserting false or misleading information in towing authority	insert false or misleading information in towing authority
Clause 7 (6)—driver of tow truck altering towing authority after it has been signed by the appropriate person	alter towing authority
Clause 8 (1) (a)—driver of tow truck failing to deliver duplicate copy of towing authority to person who signed it	not deliver duplicate copy of towing authority
Clause 8 (1) (b)—driver of tow truck failing to deliver original of towing authority to holder of licence	not deliver original of towing authority
Clause 8 (1) (c)—driver of tow truck failing to retain triplicate copy in towing authority book	not retain triplicate copy of towing authority
Clause 8 (2)—driver of tow truck failing to attach approved notice to motor vehicle being towed	not attach notice to vehicle
Clause 8 (3)—driver of tow truck failing to complete approved notice with required details	not complete notice
Clause 8 (4)—unauthorised person removing notice from towed vehicle	remove notice from vehicle
Clause 10 (2)—holder of licence failing to provide towing authority book to driver of each tow truck being operated under the licence	not provide towing authority book

Clause 10 (6)—driver of tow truck failing to deliver completed towing authority book to holder of licence	not deliver completed towing authority book
Clause 11 (3)—driver of tow truck obtaining or attempting to obtain towing authority for motor vehicle if another tow truck driver has obtained towing authority for that vehicle	obtain/attempt to obtain towing authority if authority already obtained
Clause 11A (1)—driver of tow truck obtaining or attempting to obtain towing authority for motor vehicle if tow truck has not finished towing another motor vehicle under another towing authority	obtain/attempt to obtain towing authority if other towing work not finished
Clause 12 (1) (a)—holder of licence failing to keep original completed towing authorities and towing authority books for at least 5 years at holder's place of business	not keep towing authorities and towing authority books
Clause 12 (1) (b)—holder of licence failing to produce towing authorities and towing authority books for inspection on demand by authorised officer or police officer	not produce towing authority / towing authority book on demand
Clause 12 (1) (c)—holder of licence failing to permit authorised officer or police officer to make copies of or take extracts from towing authorities or towing authority books	not permit extract from/copy of entry in towing authority / towing authority book
Clause 12 (2)—holder of licence failing to return, on expiration of licence, towing authorities, towing authority books and notices to Council	not return towing authority / towing authority book / notice
Clause 14 (2)—holder of licence or drivers certificate failing to comply with requirement of police officer or authorised officer to produce tow truck for inspection	not produce tow truck for inspection

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Schedule 1 Amendments

Clause 16 (b)—driver of tow truck permitting tow truck to stand within 500 metres of accident scene for longer than reasonably necessary to obtain towing authority	stand tow truck at accident scene for longer than reasonably necessary
Clause 16 (b)—driver of tow truck permitting tow truck to stand within 500 metres of accident scene without reasonable excuse, where towing authority has already been obtained by another person	stand tow truck at accident scene without reasonable excuse
Clause 17 (a)—driver of tow truck failing to tow motor vehicle as soon as reasonably practicable from accident scene to specified place	fail to tow to specified place
Clause 17 (b)—driver of tow truck towing failing to tow motor vehicle as soon as reasonably practicable from accident scene to holding yard or other safe place	fail to tow to holding yard/safe place
Clause 17A (1)—driver of tow truck failing to unload motor vehicle after it is towed away as an obstruction to traffic	fail to unload motor vehicle
Clause 17B (1) (a)—driver of tow truck towing or otherwise removing motor vehicle if driver knows the removal will conceal offence or impede investigation	tow motor vehicle to conceal offence/impede investigation
Clause 17B (1) (b)—driver of tow truck coercing, inducing or persuading driver of motor vehicle to authorise removal of vehicle if driver knows the removal will conceal offence or impede investigation	coerce/induce/persuade towing of motor vehicle to conceal offence/impede investigation
Clause 19 (1) (a)—holder of licence failing to keep record of details of tow truck drivers whose services are used	not keep record of details of tow truck drivers

Clause 19 (1) (b)—holder of licence failing to keep record of certain particulars of each occasion on which a tow truck is operated	not keep record of particulars of tow truck
Clause 19 (3) (a)—holder of licence failing to complete record as soon as practicable after tow truck is operated	fail to complete record as soon as practicable
Clause 19 (3) (b)—holder of licence failing to keep records for at least 5 years at holder's place of business	fail to keep records
Clause 19 (3) (c)—holder of licence failing to produce records for inspection on demand by authorised officer or police officer	not produce records for inspection
Clause 19 (3) (d)—holder of licence failing to permit authorised officer or police officer to make copies of or take extracts from that record	not permit extract from/copy of entry in record
Clause 19 (4)—holder of licence failing to provide records to Council on expiration of licence	not provide records when licence expires
Clause 19 (5)—holder of licence failing to provide to an authorised officer or police officer details of any tow truck driver whose services have been used	not provide details of tow truck driver
Clause 20 (2)—holder of licence failing to give 14 days prior notice to Council of holder's intention to change place of business	not give notice of intention to change place of business
Clause 22—failing to surrender tow truck number plates to the RTA or the Police Commissioner within 7 days of expiration, cancellation or surrender of licence	not surrender tow truck number plates
Clause 23 (1) (a)—driver of tow truck failing to behave in an orderly manner and with civility and propriety	not behave in orderly and civil manner

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Clause 23 (1) (b)—driver of tow truck failing to comply with reasonable requirement of authorised officer or police officer	not comply with reasonable requirement of authorised officer / police officer
Clause 23 (1) (c)—driver of tow truck failing to comply with reasonable requirement of an emergency services officer attending an accident scene	not comply with reasonable requirement of emergency services officer
Clause 24 (2)—driver of tow truck failing to comply with Council guidelines as to dress standards	not comply with dress standard guidelines