

Fact Sheet

September 2019

Private property parking and towing - information for motorists

In response to rising public concern about the towing of vehicles from private property parking areas, in 2017 the Queensland Government commissioned an independent investigation into the tow truck and vehicle removal industry. All 22 recommendations made by the independent investigation were accepted.

As a result of the recommendations, from 16 April 2018 the removal of vehicles from private property has been included in tow truck legislation, **now requiring all private property towing in regulated areas of Queensland to be performed by accredited drivers and assistants using licensed tow trucks.**

Parking in private parking areas

There is no general right to park on private property - if you park somewhere you are not authorised to park your vehicle may be towed.

It is important not to assume it is ok to park somewhere just because the business premises are vacant, it's outside business hours, you aren't going to be very long, there are plenty of vacant spaces, you have parked there before, or other people are parked there.

As a motorist you are responsible for determining if you are allowed to park somewhere and for complying with any terms and conditions of parking in that parking area.

Signs

You should read signs carefully before you leave your vehicle in a private parking area. If signs indicate parking is not permitted or if it's not clear whether you can park at a particular location, then you should find somewhere else to park.

If parking is permitted under the terms and conditions detailed on signs in the parking area, such as you can only park for a certain time or only while you are a customer of a certain business, and you do not comply with these conditions, then your vehicle may be towed.

If your vehicle is towed

If you think your vehicle has been towed from a private property parking area you should contact the towing operator using the details on the signs at the parking area, or contact the Queensland Police Service via PoliceLink on 131 444 to find out where your vehicle has been towed to.

Under the new laws, towing operators are required to advise the Queensland Police Service when they tow a vehicle from private property. Towing operators are required to enter into a contract with private car park property owners/occupiers that authorises the removal of vehicles from the area and you can request to see the *Towing Consent* from the towing operator, as evidence that the contract exists.

Fees

Maximum charges apply under the *Tow Truck Regulation 2009* and include:

- a *standard tow* of a motor vehicle from private property **capped at \$255.65**
- the *on-site release* of a motor vehicle from private property **capped at \$153.40**
- a *daily charge* for storing a motor vehicle towed from private property to the nearest holding yard **capped at \$25.55 per day.**

A standard tow includes 60 minutes of working time at the scene, (including taking reasonable steps to locate you, the owner of the vehicle), moving your vehicle to the holding yard and 72 hours of storage in the holding yard.

Tow truck operators cannot charge fees for taking steps to locate you, allowing you access to your vehicle at their holding yard (within business hours) or other incidental fees.

If you think you complied with the parking conditions and your vehicle shouldn't have been towed, you should seek independent legal advice. You may be able to pursue a civil action through the courts.

Having your vehicle towed can be emotional. Be courteous as the situation will be less stressful for all involved if everyone remains calm.

Consider other transport options

Finding a place to park can be frustrating. If you are going somewhere you know will be difficult to park, such as inner city regions where parking around popular restaurants, retail and entertainment precincts is generally limited, you should consider other transport options.

Consider whether you can take public transport, a taxi or other rideshare options. The inconvenience of walking from your public transport stop to your destination may be better than the frustration of trying to find a park or having your vehicle towed if you park somewhere you weren't permitted to.

Other new laws

There are a number of new laws that place obligations on tow truck licence holders and drivers to:

- take reasonable steps to locate you **before** they load your vehicle onto the tow truck. If you return while they are in the process of loading and securing your vehicle on the tow truck, they must release your vehicle immediately without charge. If you return after they have loaded your vehicle onto the tow truck (including securing the vehicle in every way necessary), but they have not yet left the property, they must release your vehicle immediately upon payment of the on-site release fee.
- not directly or indirectly cause or threaten wilful injury to any person or their property, intimidate, harass, abuse or insult a person or prevent or hinder the delivery of first aid or medical treatment.
- take all reasonable precautions to prevent loss or damage to a motor vehicle and any personal items left in the vehicle while it is being towed and while it is stored in the holding yard.
- prevent tow truck licence operators and drivers from disclosing your personal information to any other person without your consent, with the exception of an authorised officer such as a Police Officer.

More information is available at <https://www.tmr.qld.gov.au/business-industry/Accreditations/Tow-truck-licensing-scheme>

Tow truck hotline

If you feel that a tow truck operator or driver is not complying with the requirements, please ring 1800 681 636 to provide the Department of Transport and Main Roads with information so that the matter may be investigated. However, if the situation is serious such as the tow truck driver assaults you, then call Police immediately.