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Feature Article

Fee and the Release of impounded vehicle

Getting the impounded vehicle released and receiving them accident free is such relief.

While the owner of the vehicle or the authorised person may be in a rush to drive away with his/her vehicle from the towing facility, but that should be allowed only after all formalities are carried out.

According to the Self Regulating Guideline for towing services in Fiji, before an impounded vehicle is released to the owner or authorised person, an authorization form must be filled. This form has the following particulars to be filled:

- Vehicle registration number
- Time of tow
- Total towing distance
- Total fees charged to release the vehicle
- Any damages done to the vehicle during towing
- The location from which vehicle was towed
- The name and location of the vehicle impound facility where the vehicle was stored
- The date on which the vehicle was accepted for impounding
- The first day for which a impound fee is assessed
- The daily impound rate
- The type and amount of any other charge to be paid when the vehicle is claimed
- Full name, physical address and telephone number of the impound facility and the towing company.

Further to these, the towing operator must release the vehicle to the owner or to a person acting on behalf of the owner immediately after the payment is made as stated in the authorization form.

In instances where there is a dispute regarding fees and charges or the manner in which the vehicle was towed, then consumers are required to contact the Fiji Commerce Commission without much delay.

The Commerce Commission staff will attend to the dispute urgently to resolve the matter. However, it is worth noting that in cases where the geographical location may prohibit the urgent

presence of the Commerce Commission staff, the matter would be at the discretion of the Authorization Officer (from Municipal Council, Police or LTA).

Record Keeping: Now as far as availability of records is concerned, every towing operator is to keep records and make it available for inspection. Invoices, job orders, logs of claims for reimbursement and other documentation relating to all towing services performed and rates charged for the services for a period of three years should be kept.

Fees and Charges: The towing operator must display the fees and charges conspicuously in a prominent place where the vehicle is impounded and on the towing vehicle which can be read. The winching charges per hour should also be clearly displayed so that a consumer knows precisely how much he/she is paying.

Each towing operator must issue a detailed invoice of the actual amount paid by the owner of the vehicle immediately after the acceptance of payment. All necessary information relating to fees and charges need to be disclosed.

Any fees and charges levied to the consumer under pressure, or using unfair tactics or circumstances under which the customer could have acquired identical or equivalent service from a person other than the supplier would be deemed to be a violation under Section 76 unconscionable conduct of Commerce Commission Decree (CCD) 2010.

The towing company should not use unfair tactics or provide false and misleading information to the consumer at any time. It is an offence under s.77 of CCD 2010

The Council is also calling on all drivers, vehicle owners, towing companies and Municipal Councils to read the Fiji Commerce Commission's SRG on Towing services to better understand the rules and obligations of all parties involved in the towing business.