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Feature Article

Guide on Towing – Part IV

Conduct of Towing Operators

Like any other services or profession, a set of rules outlining the conduct of the towing companies/operators are necessary to ensure the safety and welfare of those using the towing services?

The Fiji Commerce Commission's Self Regulating Guideline on Towing Services in Fiji has not only set out the minimum standards to reinforce community expectations but also to influence professional, safe, and ethical behaviour within the towing industry. The Guideline, has clearly stipulated that all towing companies/operators have to adhere to the conduct as outlined in the document.

According to the Guideline, a towing operator must not monitor, patrol, or conduct surveillance for the purposes of identifying parking offences. Further to this, the towing operator must not give any benefit including financial benefit to any person for providing information on a parking offence or any tip off. Any parking offence should be determined by the Municipal Councils or other relevant authorities.

A towing operator must be able to produce a copy of the towing authorization form to the relevant authority or to the parking offender prior to or during the course of the towing process. If the operator is unable to produce authorisation form then the vehicle must be released immediately free of charge. Authorisation can only be given by the Municipal Councils or other relevant authority.

A towing operator who has obtained a towing authorisation must tow the motor vehicle in accordance with the terms of authorisation and by the shortest route practicable.

For parking meter offences, no vehicles should be subject to towing. In such cases fines can be imposed as per the municipal council parking meter offences.

Towing Operators must not tow an illegally or improperly parked vehicle if the parking offender reaches the vehicle before it has been towed away or when the tow operator has applied the chains, winch or other devices provided the parking offender is willing to pay the 'non-towing' charges. The authorizing authority, however, is not restricted from issuing traffic infringement notices.

Also worth noting is the fact that no towing operators can tow away a parked vehicle from a private property without the authorization of the property owner or any other law enforcement agency.

Before commencing a private tow (except in the case of fatalities), the towing operator must furnish to the owner or driver of the vehicle to be towed a signed and itemised estimate of charges for the tow and other services to be rendered. The owner or driver of the vehicle shall sign the form before commencement of the towing.

Towing operators should take all precautions necessary to protect the person's property against damage and should provide personnel trained who are capable to perform towing acts in accordance with the vehicle manufacturer's directions for towing a particular vehicle.

Finally, it should be noted that non-compliance to the provisions of the Guideline will result in a contravention of certain provisions of the Commerce Commission Decree 2010, which will be considered an offence.

Consumers will be happy to know that if their vehicle has sustained damages as a result of towing by a towing operator then it is the sole responsibility of the towing operator.

Next week read more on the impounders who are bestowed with the responsibility of keeping the towed vehicles safe while in their care.