

Schedule No. 10 to By-law No. 2005-0067

Class of Licence:	SUPPORT ACTIVITY FOR ROAD TRANSPORTATION
Type of Licence:	Towing Service Company Tow Truck Driver Towing Storage Compound Driving School Operator
Purpose:	Public Safety and Consumer Protection to ensure the security and protection of private property, reduce or eliminate the practice of tow trucks chasing to collision scenes creating unsafe conditions and to protect the consumer from unfair solicitation practices associated with the towing industry and to ensure driving schools are using safe vehicles for instructional purposes, have insurance, and qualified instructors for the protection of the public.

INSPECTIONS

- 24.1 The issuing of a Support Activity for Road Transportation licence shall be subject to:
- 24.1.1 a fire safety inspection of the Premises by the Town;
 - 24.1.2 an inspection of the Premises by the Building Department; and
 - 24.1.3 a mandatory annual Motor Vehicle Inspection by the Ministry of Transportation of each Motor Vehicle owned or used by the licensee.

TOWING SERVICE COMPANY

- 24.2 Every Support Activity for Road Transportation applicant or Licensee of a Towing Service Company shall submit for each vehicle owned by the Towing Service Company or used by the Towing Service Company:
- 24.2.1 a copy of the Motor Vehicle ownership indicating the make, model, year, and vehicle identification number and the Ontario licence plate number for each Motor Vehicle to be licensed as a tow truck;
 - 24.2.2 a copy of valid liability insurance as required under the Compulsory Automobiles Insurance Act in the amount not less two million dollars (\$2,000,000.00), including at least \$100,000.00 against liability for damage to a customer's Motor Vehicle while in his/her care, custody or control caused by upset, collision, fire, theft, storm, or mischief, with an endorsement that notice in writing at least ten (10) days prior to cancellation, expiration or variation thereof will be given to the Town by the insurance underwriter;
 - 24.2.3 a valid and current Safety Standards Certificate issued pursuant to the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended, within sixty (60) days of application; and
 - 24.2.4 a copy of a valid Ministry of Transportation commercial vehicle inspection certificate for all towing vehicles registered in excess of 4500 kilograms.

- 24.3 Every Support Activity for Road Transportation applicant or Licensee of a Towing Service Company shall submit:
- 24.3.1 a statement of Rates and Charges for all services provided by the Towing Service Company;
 - 24.3.2 proof of Goods and Services Tax registration;
 - 24.3.3 a list of Tow Truck Drivers who will drive on behalf of the Towing Service Company; and
 - 24.3.4 the assessed address of the Towing Storage Compound.
- 24.4 Every Support Activity for Road Transportation Licensee of a Towing Service Company shall:
- 24.4.1 affix the Owner's Plate provided by the Town in a visible place on the rear of each Motor Vehicle that will be used by the Towing Service Company;
 - 24.4.2 ensure any tow truck operated in association with the Towing Service Company accepts calls only from a Towing Service Company licensed under this by-law;
 - 24.4.3 provide a twenty-four (24) hour seven (7) day per week telephone answering and tow truck service to the public;
 - 24.4.4 prominently display the Towing Service Company name on the outside of each door of each tow truck;
 - 24.4.5 maintain a record of all calls responded to by tow trucks dispatched by the licensee;
 - 24.4.6 submit a vehicle safety standard certificate issued under the Highway Traffic Act each year for any tow truck owned by him within sixty (60) days of the expiry date of the licence;
 - 24.4.7 ensure a copy of the schedule fees is in each tow truck and made available immediately to any client upon request;
 - 24.4.8 provide the client with the Towing Service Company business card that indicates the name, address, phone number and business of the compound;
 - 24.4.9 keep the interior and exterior of all tow trucks owned by him/her in a clean and sanitary condition and in good repair; and all equipment in good, operable and safe condition; and
 - 24.4.10 have a Towing Storage Compound or the use of a Towing Storage Compound, and every Support Activity for Road Transportation Licensee of a Towing Storage Compound shall have a Towing Storage Compound that:
 - 24.4.10.1 is maintained in a clean and orderly condition pursuant to legislative requirements regarding the retention periods for damaged materials and vehicles involved in accidents;
 - 24.4.10.2 is large enough to accommodate eighteen (18) square metres per vehicle and an additional nine (9) square metres per vehicle for laneways;

- 24.4.10.3 is secured and fully enclosed by a minimum two (2) metre high fence with a locking gate to prevent unauthorized access.
 - 24.4.10.4 is staffed to permit the release of Motor Vehicles during normal business hours from 9:00 a.m. to 6:00 p.m. Monday to Friday and from 9:00 a.m. to 12:00 p.m. on Saturday;
 - 24.4.10.5 is accessible to the Police for emergency or investigative purposes at all times;
 - 24.4.10.6 has a posted sign at the entrance the indicating the Towing Service Company name, 24 hour phone number, and business hours; and
 - 24.4.10.7 ensures the safety and well being of any Person attending the Towing Service Compound from guard dogs.
- 24.5 No Towing Service Company licensed under this by-law shall permit any Person other than a Tow Truck Driver licensed under this by-law to tow a Motor Vehicle.
- 24.6 No Person shall demand or receive any rates or charges other than those on file with the Issuer of Licences.
- 24.7 No Person shall solicit, offer or otherwise propose the hiring of a tow truck or make or convey an offer of towing services, business services, or goods while that Person is within 200 metres of,
- 24.7.1 the scene of a Motor Vehicle accident or apparent accident; or
 - 24.7.2 a Motor Vehicle involved in an accident, on a Highway.
- 24.8 No Person shall park, stop or stand a tow truck on a Highway within 200 metres of,
- 24.8.1 the scene of a Motor Vehicle accident or apparent accident; or
 - 24.8.2 a Motor Vehicle involved in an accident,
- except a Towing Service Company licensed under this by-law and summoned by the police or by a Person involved in the accident to lend assistance.
- 24.9 No Person shall unnecessarily park, stop, stand, or attend the scene of a Motor Vehicle accident or apparent accident when Tow Trucks are already on the scene to attend to the number of Motor Vehicles involved in the accident as necessary, for the removal of disabled vehicles, to provide assistance, for highway maintenance, and for reasons of safety.
- 24.10 No Person shall operate a Towing Service Company as an accessory business to a Vehicle Services Establishment licensed under this by-law.

TOW TRUCK DRIVER

24.10 Every Support Activity for Road Transportation applicant or Licensee of a Tow Truck Driver shall:

- 24.10.1 submit two (2) passport-sized photographs to the satisfaction of the Issuer of Licence or agree to have a photograph taken by the Town upon request;
- 24.10.2 submit a current Ontario Driver's Licence Abstract from the Ministry of Transportation obtained within thirty (30) days of application;
- 24.10.3 submit a copy of a Security Clearance Request or equivalent issued by Halton Regional Police Services obtained within thirty (30) days of application;
- 24.10.4 submit for examination and copy a valid Ontario Driver's Licence; and
- 24.10.5 submit a letter of employment with a licensed Towing Service Company.

24.11 No Person shall operate as a Tow Truck Driver for any Towing Service Company or receive dispatched calls from any Towing Service Company that is not licensed under this by-law.

24.12 No Person shall drive or operate any Motor Vehicle as a tow truck unless such Motor Vehicle is owned by a licensed Tow Truck Company or by a licensed Tow Truck Driver under this by-law.

24.13 Every Tow Truck Driver shall:

- 24.13.1 not tow any Motor Vehicle that can be driven unless directed by a Police Officer or the Person who has lawful possession of the Motor Vehicle;
- 24.13.2 be sufficiently knowledgeable and skilled in the use of all equipment to prevent unnecessary delays, hazards, or damage to property;
- 24.13.3 immediately put on an approved safety vest and activate safety lighting at the scene of an accident upon exiting the tow truck;
- 24.13.4 take due care of any Motor Vehicle and property entrusted to him or her for towing;
- 24.13.5 be available to provide service at any time in a twenty-four (24) hour day to any Person requiring a tow within the Town unless previously engaged or for reasons beyond the Tow Truck Driver's control;
- 24.13.6 keep the tow truck in good repair, clean, and free from exterior body and finish damage;
- 24.13.7 present an itemized bill for services setting out the cost of all services based on the tariff statement of rates and charges filed by the Tow Truck Company with the Town to the Person who has lawful possession of the Motor Vehicle being towed; and
- 24.13.8 remove any parts of the Motor Vehicle being towed including glass

that may have fallen onto the Highway and seek the assistance of a Police Officer to ensure safe conditions for removal of same.

24.14 No Licensee of a Towing Service Company or a Tow Truck Driver shall:

- 24.14.1 hook, lift, or commence to tow or move any Motor Vehicle before either being hired by a Person having lawful possession of a Motor Vehicle who has agreed to the tow, or being directed by the Officer authorized by law to direct the removal of the Motor Vehicle from private or public property to a location specified by the Person having lawful possession of a Motor Vehicle or a Police Officer;
- 24.14.2 influence, coerce, or use an affiliation with any auto body or auto repair service to attempt to influence any Person to use such service;
- 24.14.3 interfere with any contract for hiring of a tow truck where a Person has hired or has indicated his or her intention to hire a tow truck;
- 24.14.4 solicit any business at the scene of an accident or chase calls through the use of informants, scanners, or any other means conducive to solicitation;
- 24.14.5 use a tow truck that is in an unsafe condition or improperly equipped;
- 24.14.6 charge costs due to time lost caused by defects or deficiencies of the tow truck; and
- 24.14.7 equip any tow truck with scanning devices or possess or use any scanner or radio capable of monitoring police, ambulance or any other Towing Service Company's frequency.

SAFETY EQUIPMENT AND TOOLS

24.15 Every tow truck shall be equipped with the following safety equipment and tools:

- 24.15.1 a standard hoisting device of sufficient capacity to safely lift the Motor Vehicle to be towed;
- 24.15.2 tow cradle, tow bar, tow sling, sufficiently maintained to ensure the safe lifting and conveyance of a towed Motor Vehicle;
- 24.15.3 a device for securing the steering wheel of a Motor Vehicle to be towed;
- 24.15.4 proper dollies in mechanically sound and safe working order;
- 24.15.5 at least two (2) wheel chocks;
- 24.15.6 broom, shovel, and minimum 5 gallon pail securely attached when tow truck in motion;
- 24.15.7 standard vehicle lighting required by the Highway Traffic Act;
- 24.15.8 minimum of one (1) eight inch yellow revolving light;
- 24.15.9 light bar or light assembly for use on a towed Motor Vehicle if necessary;
- 24.15.10 heavy-duty five (5) foot pry bar;

- 24.15.11 flares in sufficient quantity for thirty (30) minutes of use;
- 24.15.12 minimum of 32m of winch cable for a wrecker-style tow truck, or a minimum of 15m of winch cable for a flatbed-style tow truck;
- 24.15.13 working flashlight;
- 24.15.14 reflective safety vest(s) to be worn by every Tow Truck Driver and any assistant outside the tow truck while “on scene”;
- 24.15.15 fire extinguisher containing a minimum of 1.25 kilograms of dry chemical capable of functioning at -40° Celsius; and
- 24.15.16 at least two (2) safety chains, each comprised of links of a least 8mm steel and each with a minimum length of 2.75m.

DRIVING SCHOOL OPERATOR

24.16 Every Driving School Operator applicant or Licensee shall submit:

- 24.16.1 a copy of valid liability insurance as required under the Compulsory Automobiles Insurance Act in the amount of not less than two million dollars (\$2,000,000.00) for each Motor Vehicle to be used by the driving school for the purpose of giving driving instruction, with an endorsement that notice in writing at least ten (10) days prior to cancellation, expiration or variation thereof will be given to the Town by the insurance underwriter;
- 24.16.2 the Motor Vehicle ownership for each Motor Vehicle to be used by the driving school for instruction;
- 24.16.3 a Safety Standards Certificate for each Motor Vehicle to be used by the driving school for instruction except in the case of brand new Motor Vehicles obtained within six (6) months from the effective date of the Motor Vehicle registration;
- 24.16.4 a copy of each instructor’s driving instructor’s licence issued pursuant to the Regulations enacted under the Highway Traffic Act; and
- 24.16.5 a Statement of Rates and Charges for all services provided by the driving school.

24.17 Every Driving School Operator shall ensure that every Motor Vehicle used for driving instruction is:

- 24.17.1 equipped with a dual control braking system and dual mirrors in good working order, and placed in a position for ready use by the driving instructor seated beside the student;
- 24.17.2 in a safe condition and roadworthy, certified and approved by the Town for use;
- 24.17.3 identified by an Owner’s Plate issued by the Town affixed to the rear of the Motor Vehicle in a visible location; and
- 24.17.4 identified by a roof sign on the Motor Vehicle displaying the name

of the driving school clearly visible at a distance of fifteen (15) metres.

24.18 No Driving School Operator shall:

- 24.18.1 give instruction to any Person who does not possess a valid G1, M1 (or higher) licence issued by the Ministry of Transportation;
- 24.18.2 give instruction on private property without the consent of the registered property owner;
- 24.18.3 give instruction while in an impaired condition or to a Person who is in an impaired condition; or
- 24.18.4 permit any Person who does not possess a current valid driver's instruction licence and a current valid driver's licence issued pursuant to the Regulations enacted under the Highway Traffic Act to give driving instructions to any Person.

24.19 Every Driving School Operator shall:

- 24.19.1 keep a permanent record of every student driver's name, address, driver's licence number, the date and time of each driving lesson, and the name of the instructor who provided lessons to the student;
- 24.19.2 affix a copy of the Driving School Operator's licence with a photograph of the driving instructor in every Motor Vehicle plainly visible to the student driver; and
- 24.19.3 inform and provide the student driver with a copy of all rates and charges filed with the Town before commencing driving lessons.