



Fact Sheet

Storage Yard

As a result of the ban on wheel clamping, from 14 December 2020 the Department of Transport (DoT) will regulate the towing and storage of vehicles from private property under Part 6A of the *Road Traffic Act 1974* (Act) and the *Road Traffic (Towing of Vehicles) Regulations 2020* (Regulations).

As a person in charge of a storage yard, it is important that you understand your obligations in relation to the storage of vehicles towed from private property. The Regulations prescribe the requirements and obligations of all parties involved in the towing and storage of vehicles from private property, including penalties for failure to comply.

Approval of storage yard

A storage yard used to store vehicles towed from private property must be approved by DoT. Applications for approval must be made using the Storage Yard Approval Application (E200T) form available for download at www.transport.wa.gov.au/privateparking

Applicants will be required to provide evidence to satisfy DoT that the premises are suitable for the storage of towed vehicles and that the applicant has the authority to operate the premises as a storage yard. The evidence provided may be in the form of scanned documents or electronic images.

Each storage yard application will be assessed on a case by case basis drawing on the suitability factors below.

Suitability

When assessing applications for the approval of a storage yard, the CEO, or his delegate, will consider the following factors:

Highly desirable

- Located in Western Australia.
- Owned or leased by the applicant.
- Has council approval to operate as a storage yard for the secure storage of towed motor vehicles.
- Is enclosed by a fence or wall that is structurally sound and is at least 2m in height from the ground; and has lockable gates or doors that are closed and securely locked other than when a motor vehicle is being moved into or out of the area, or equivalent levels of security e.g. underground facility with permanent infrastructure controlling entry to, or exit from the facility.
- Is capable of storing any motor vehicle towed under the authority of the Act.
- Is appropriately adapted to the requirements of the tow truck driver or class of tow truck drivers by which it is to be used.
- Does not expose stored motor vehicles to likely damage or access by unauthorised persons.
- Is open to the general public during normal business hours (at least 9am to 5pm Monday to Friday).
- Is accessible to a relevant person during normal business hours.
- Has a phone number that provides a recorded message outside of business hours that advises the public of the hours and days the storage yard is open.
- Has facilities to enable storage yard fees to be paid at the premises and a receipt for payment issued.
- Has signage showing the company/storage yard name that is clearly visible from the street.

Desirable

- Has facilities in place to safely deliver a vehicle to its owner:
 - on a secure hard standing inside the storage yard; or
 - on a paved area leading from the main entrance of the storage yard to a carriageway adjacent to the storage, or
 - on a carriageway adjacent to the storage yard, not further than 50 metres from a path leading from the carriageway to the main entrance of the storage yard.
- Is reasonably accessible using public transport or on-demand transport (this may not be applicable in regional areas).
- Has flood lighting installed that is operational when vehicles towed under the Act are stored there.
- Has signage listing storage and release charges payable that includes information on the ability for a vehicle to be released upon demand without immediate payment.

Obligations of Person in Charge of a Storage Yard

The person in charge of a storage yard must:

- maintain a telephone number for enquiries in relation to vehicles that are, or may be, stored in the storage yard, and ensure that a person can be contacted on that telephone number between 9am and 5pm on a business day to provide confirmation to a vehicle owner/driver on whether or not a vehicle is at the storage yard;
- charge fees only for the storage and release of vehicles;
- release a motor vehicle as soon as is practicable but no longer than 4 hours after the request (between 9 am and 5 pm on a business day), by towing or moving the motor vehicle to an accessible position outside the entrance of the holding yard; and
- keep records of vehicles stored and released and have those records available on demand.

Relationship between parties

The relationship between the person in charge of a storage yard, towing service providers and tow truck drivers is a commercial arrangement and is not

regulated by DoT. Each party has separate obligations under the statutory regime that must be met.

Release of Vehicle

If an owner/driver of a vehicle asks the person in charge of the storage yard to release a vehicle, the person in charge must release the vehicle as soon as is practicable but, in any event, no later than 4 hours after the request is made between 9 am and 5 pm on a business day.

A vehicle must be released without payment upon demand, even if the owner/driver is unable to pay the storage charge immediately. Payment for charges owing must be pursued through other legal mechanisms.

A vehicle is released if the vehicle is left outside the storage yard either —

- (a) on a paved area leading from the main entrance of the storage yard to a carriageway adjacent to the storage yard; or
- (b) on —
 - (i) a carriageway adjacent to the storage yard, not further than 50 metres from a path leading from the carriageway to the main entrance of the storage yard; or
 - (ii) if subparagraph (i) cannot be lawfully complied with — a carriageway as near as lawfully possible to the storage yard.

carriageway means a portion of a road that is improved, designed or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayment's, at the side or centre of the carriageway, used for the stopping or parking of vehicles; and, where a road has 2 or more of those portions divided by a median strip, the expression means each of those portions, separately.

Charges

Maximum charges apply under the Regulations. It is an offence to impose storage charges for a vehicle that has been towed from private property, that exceed the maximum storage charges prescribed in the Regulations. No other fees may be charged, and penalties will apply.

Storage Charges

The maximum storage charges (including any GST payable) is —

- 24 hours or less \$25
- 1-14 days \$25 per day; or
- 15 days or more \$350 + \$10 per day for each additional day.

The number of days a vehicle is in storage is to be calculated by dividing the time the vehicle is in storage (rounded to the nearest hour) by 24 and then rounding upwards to the nearest whole number.

Towing Charges

The charge for the towing of a vehicle to your storage yard is \$150 (including any GST payable). This charge is payable to the towing service provider who towed the vehicle to your storage yard.

No other fees may be charged.

Further Information

Fact Sheets and further information are available online at www.transport.wa.gov.au/privateparking