

**ISSUE NUMBER**

24-058-VEH

**ISSUE NAME**

OOSC, Part II, Item 2. Cargo Securement - Tow Dollies

**STATUS**

Open

Vehicle Committee

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**EMAIL**[nicholas.wright@ks.gov](mailto:nicholas.wright@ks.gov)**SUMMARY OF ISSUE**

There is nothing clearly stated in regulation as to how tow dollies used by wreckers should be handled as it pertains to cargo securement. These dollies usually consist of four wheels with cross-members that go under a vehicle to be towed. The towed vehicle is lifted up off the ground and the dolly wheels are in contact with the ground. None of the towed vehicles' wheels are touching the ground. The question has come up as to whether we consider this a "trailer" or if the towed vehicle is still considered a drive-away/tow-away.

These are sometimes called a "hi-speed dolly" by one manufacturer (Collins). They are usually used by hooking a car with a hydraulic wheel lift from under a tow truck, putting these dollies around the other axle of a towed vehicle, and using a cheater bar/lever to engage the dollies which lifts the car off the ground and onto the dolly cross-members.

<https://www.youtube.com/watch?v=3bAFcZ7mjR8>

**JUSTIFICATION OR NEED**

The ultimate question is whether they are considered a drive-away/tow-away. It brings up multiple applicability issues/exceptions either way, so I'll argue it both ways.

Are they considered a drive-away/tow-away?

**DEFINITION**

Driveaway-towaway operation means an operation in which an empty or unladen motor vehicle with one or more sets of wheels on the surface of the roadway is being transported:

- (1) Between vehicle manufacturer's facilities;
- (2) Between a vehicle manufacturer and a dealership or purchaser;
- (3) Between a dealership, or other entity selling or leasing the vehicle, and a purchaser or lessee;
- (4) To a motor carrier's terminal or repair facility for the repair of disabling damage (as defined in this section) following a crash; or
- (5) To a motor carrier's terminal or repair facility for repairs associated with the failure of a vehicle component or

system; or

(6) By means of a saddle-mount or tow-bar.

Argument AGAINST – the towed vehicle does not have any wheels in contact with the surface of the roadway.

Argument FOR – the tow dollies cannot be towed without a vehicle attached to them as far as I can tell, so the dollies essentially become an extension of the towed vehicle and thus a DA/TA. The dollies are just wheels and cross members. They do not have a tongue or frame.

#### SECUREMENT

If they ARE a DA/TA, then 393.71(h)(5) and (h)(10) apply (secured to the wheel lift and dollies by an “adequate” means and safety chains).

If they are NOT a DA/TA, then 393.71 does not apply. If we’re considering them cargo and not a DA/TA, then they are basically a semi-trailer, so safety chains do not apply federally (only state law application as appropriate). If it’s a semi-trailer, the 393.128 applies, which requires two securement devices, one to the front and one to the rear just like a car on a flatbed.

#### BRAKES

If they ARE a DA/TA, brakes are not required.

393.42(b)(2)

(2) Motor vehicles being towed in a driveaway-towaway operation (including the last truck of triple saddle-mount combinations (see § 393.71(a)(3)) are not required to have operative brakes provided the combination of vehicles meets the requirements of § 393.52.

If they are NOT a DA/TA, brakes would be required since the car on them is usually over 3,000 lbs. I’ve never seen these dollies with brakes and can’t fathom a way they could be equipped with brakes since there are no connections (air or hydraulic) to them.

#### ANNUAL INSPECTION

If it’s NOT a DA/TA, an annual inspection would be required, but it’s literally just some wheels, tires and detachable cross members, so I don’t know what there would be to inspect. It’s not a vehicle.

I believe these should still be considered a drive-away/tow-away since they cannot be used without a towed vehicle attached to them.

#### ADDITIONAL CONSIDERATION

If these wheels, hubs or tires are in violation, are they handled the same way as other other wheels, hubs or tires on the CMV? For example, an exposed bearing on one of the dolly wheels or a bald tire.

#### REQUEST FOR ACTION

I am requesting the cargo securement harmonization forum consider this request and recommend to the vehicle committee whether they are drive-away/tow-away.

#### SUPPORTING DOCUMENTS/PHOTOS

- [IMG\\_8453.jpg](#)
- [IMG\\_8451.jpg](#)
- [IMG\\_8460.jpg](#)
- [IMG\\_8455.jpg](#)
- [IMG\\_84511.jpg](#)