

Notification of the Ministry of Commerce
Re: Criteria, Procedures, and Periods for Payments of Indemnity
in addition to Preliminary Compensation

By virtue of Section 5 and Section 14 paragraph two of the Protection for Motor Vehicle Victims Act B.E. 2535 (1992), as amended by the Protection for Motor Vehicle Victims Act (No. 3) B.E. 2540 (1997), the Minister of Commerce hereby issues this Notification prescribing the criteria, methods, and periods for payments of indemnity in addition to Preliminary Compensation as follows:

Clause 1 The Notification of the Ministry of Commerce regarding Criteria, Methods, and Periods for Payments of Indemnity in addition to Preliminary Compensation dated 28 July B.E. 2541 (1998) shall be repealed.

Clause 2 In addition to the Preliminary Compensation, the company, a Company must pay the following indemnities to the Victims:

(1) For injury to the body or health, payments of indemnity shall be made according to the actual loss, but the total amount of such payments inclusive of Preliminary Compensation received by a Victim (if any) shall not exceed the sum insured per person under the relevant motor vehicle victim protection policy. The Victim shall be entitled to claim the following indemnities:

(a) Expenses incurred to the Victim, such as, medical expenses, expenses in connection with medical treatments, expenses for future medical treatments, cost of artificial organs and treatment equipment, including cost of repair, travelling expenses in connection with medical treatments, etc.

(b) Damages in connection with the Victim's loss of earnings due to his/her disability to work at present and in the future.

(c) Other damages that the Victim is entitled to claim under provisions of the Civil and Commercial Code on wrongful acts.

(2) For any injury to the body or health in any one or more of the following cases, the sum insured per person less any Preliminary Compensation received by a Victim (if any) shall be paid in full under the motor vehicle victim protection policy:

(a) Blindness;

(b) Deafness;

- (c) Mutism or loss of speech or amputation of the tongue;
- (d) Loss of reproductive organs;
- (e) Loss of limbs, hands, feet, fingers, or other body parts;
- (f) Permanent insanity; or
- (g) Permanent disability.

(3) For loss of life, the sum insured per person less any Preliminary Compensation received by a Victim (if any) shall be paid in full under the motor vehicle victim protection policy.

(4) In the case where a Victim sustains any injury as described in Clause 2 (1) and subsequently sustains any injury as described in Clause 2 (2) or Clause 2 (3) or injuries as described in both Clause 2 (2) and Clause 2 (3), the sum insured per person less any Preliminary Compensation received by the Victim (if any) shall be paid in full under the motor vehicle victim protection policy.

(5) In the case where a vehicle insured with the Company is involved in an accident of hitting or colliding with another vehicle insured under a motor vehicle victim protection policy, causing loss of life or bodily injury, to a Victim who is riding in, or getting on or off either vehicle, or to any other person outside the vehicle, but no party admits liability for the incident, the Company shall make an advance payment of medical expenses, compensation, and funeral expenses under the conditions and coverage specified in the motor vehicle victim protection policy.

The Victim's receipt of such indemnity as stated above shall not prejudice his/her right to demand other indemnities under the applicable law.

Clause 3 Any claim against a Company for indemnities in addition to the Preliminary Compensation must be supported by the following evidence and documents:

- (1) Evidence and documents that prove the occurrence of an accident and the liability of the person driving the insured vehicle;
- (2) Evidence and documents relating to the claim for indemnity in addition to the Preliminary Compensation.

Clause 4 Evidence and documents that prove the occurrence of an accident and the liability of the driver of insured vehicle:

- (1) A driver's admission of liability in a letter or other written form, shall be regarded as proof of the driver's liability, for example, a memorandum of liability admission, a settlement agreement, etc.

(2) An Inquiry Officer's non-contested imposition of a fine on a party shall be regarded as a proof of the party's liability.

(3) Where no party admits any liability and contests the Inquiry Officer's imposition of a fine, the Inquiry Officer's or the public prosecutor's opinion or a court's judgment, as the case may be, shall prevail.

In the case of conflicting evidence and documents, the official documents shall prevail.

Clause 5 Evidence and documents in relation to a claim for indemnity in addition to the Preliminary Compensation:

(1) For injury to the body or health as described in Clause 2 (1):

(a) Receipts issued by hospitals or healthcare establishments or invoices for medical treatments.

(b) A copy of an identification card or any other document issued by a government agency which proves that the person named therein is the Victim.

(c) Certificates of doctor's affirmation or opinion in relation to the indemnity claim for injury to health.

(d) Documents evidencing the claim and the claimed amount.

(2) For injury to the body or health as described in Clause 2 (2):

(a) Certificates of doctor's affirmation or opinion in relation to the injury, or the Victim's presence.

(b) A copy of the Inquiry Officer's daily case report or any other document evidencing that the person has sustained injury as a result of being a motor vehicle Victim.

(3) In the case of loss of life:

(a) A copy of the death certificate.

(b) A copy of the Inquiry Officer's daily case report or any other document evidencing that the person's death was a result of being a motor vehicle Victim.

Clause 6 Within seven days of the date of the Company's receipt of evidence and documents as described in Clause 3 and mutual agreement for determination of the indemnity amount, the Company shall make payment of an indemnity in addition to the Preliminary Compensation to the Victim in cash or by a non-postdated cheque.

[Translation]

Clause 7 This Notification shall take effect as from the date following its publication in the Government Gazette onwards.

Notified on this 13th day of June, B.E. 2546

[Signature]

(Mr. Adisai Bodharamik)

Minister of Commerce

Government Gazette, General Announcement Edition, Volume 120, Special Part 78 Ngor,
18 July 2003