

Ministerial Regulation

Prescribing Injuries triggering Entitlement to Preliminary Compensation, Amounts of Preliminary Compensation, Claims for and Payments of Preliminary Compensation

B.E. 2552 (2009)

By virtue of Section 5 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), and Section 20 paragraph two of the Protection for Motor Vehicle Victims Act B.E. 2535 (1992), where some provisions of which concern the restriction of rights and liberties of a person, in which Section 29, together with Section 41 and Section 43 of the Constitution of the Kingdom of Thailand, dictate that such restriction shall be done by virtue of law specifically enacted, the Minister of Finance prescribes this Ministerial Regulation as follows:

Clause 1 The Ministerial Regulation Prescribing Injuries triggering Entitlement to Preliminary Compensation, Amounts of Preliminary Compensation, and Claims for and Payments of Preliminary Compensation B.E. 2547 (2004) shall be repealed.

Clause 2: Injuries triggering entitlement to preliminary compensation shall be as follows:

(1) Expenses incurred in relation to bodily injury includes:

- (a) cost of medicines and medical supplies used in connection with treatment;
- (b) cost of artificial organs and equipment in connection with treatment including any repair cost thereof;
- (c) cost of medical services, examination and diagnosis, excluding any cost of private nursing and other services of similar nature;
- (d) cost of room and food throughout the period of inpatient medical treatment in a medical establishment;
- (e) cost of transportation of the Victim to a medical establishment.

(2) Expenses incurred in relation to loss of life includes:

- (a) funeral expenses;
- (b) funeral-related expenses.

Clause 3 The amounts of preliminary compensation shall be as follows:

(1) An amount actually paid but not exceeding fifteen thousand Baht for any bodily injury as stated in Clause 2 (1).

In the case that a Victim suffers any of the following bodily injuries, the Victim shall also be entitled to receive an additional amount of preliminary compensation of thirty-five thousand Baht:

- (a) Blindness;
- (b) Deafness;
- (c) Mutism, or loss of ability to speak, or amputation of the tongue;
- (d) Loss of reproductive organs or reproductive capability;
- (e) Loss of limbs, hands, feet, or fingers;
- (f) Loss of other body parts;
- (g) Permanent insanity;
- (h) Permanent disability.

(2) An amount of thirty-five thousand Baht for loss of life as stated in Clause 2 (2).

Clause 4 In the case that a Victim suffers the following injuries, the Victim shall be entitled to a preliminary compensation in an aggregate amount not exceeding fifty thousand Baht:

(1) An injury as stated in Clause 2 (1), and any subsequently sustained injury as stated in Clause 2 (2);

2) Any bodily injury as stated in Clause 3 (1) paragraph two and a subsequently sustained injury as stated in Clause 2 (2);

(3) an injury as stated in Clause 2 (1) and any subsequently sustained bodily injury as stated in Clause 3 (1) paragraph two and Clause 2 (2).

Clause 5: A claim for preliminary compensation against an insurer Company shall be made in an application form as prescribed by the Registrar, and supported by the following evidence:

(1) For bodily injury:

(a) Receipts or documents evidencing invoices for medical treatments in the case of treatment in a medical establishment pursuant to Clause 2 (1);

(b) A copy of an identification card or other evidence issued by any government agency, copy of an alien identification card, or copy of a passport, or other evidence as prescribed and notified by the Registrar which proves that the person named therein is a Victim, as the case may be;

In the case that the Victim suffers any bodily injury as stated in Clause 3 (1) paragraph two, in addition to the evidence listed in (a) and (b), a certificate of doctor's affirmation or

opinion, or other evidence indicating that the Victim has suffered such bodily injury, together with a copy of the Inquiry Officer's daily case report or other documents evidencing that this person has sustained injury as a result of being a Motor Vehicle Victim, must also be submitted.

(2) For loss of life:

(a) A copy of the death certificate or other evidence as prescribed and notified by the Registrar that can prove that the person named therein is the Victim;

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

In the case that the Victim dies after having received treatment in a medical establishment, in addition to the evidence stated in (2), the evidence under (1) must also be submitted.

Clause 6 Persons being entitled to pursue a claim for preliminary compensation are as follows:

(1) In the case of any bodily injury as stated in Clause 2 (1), a Victim shall act as a claimant. If the Victim is unable to do so, the medical establishment that has given treatment to the Victim and has been assigned the right of claim from the Victim, the Road Accident Victims Protection Company Limited that has been assigned the right of claim from the medical establishment that has given treatment to the Victim, the Victim's heirs or relatives, or interest holders, as the case may be, shall pursue a claim on behalf of the Victim.

In the case that a Victim suffers any bodily injury pursuant to Clause 3(1) paragraph two, the Victim shall act as a claimant. If the Victim is unable to do so, the Victim's heirs or relatives, or interest holders, as the case may be, shall pursue a claim on behalf of the Victim.

(2) In the case of loss of life pursuant to Clause 2 (2), the Victim's statutory heirs shall act as a claimant.

Clause 7 Any claim for preliminary compensation against an insurer Company must be made within one hundred eighty days from the date of injury.

Clause 8 Payment of preliminary compensation to the respective claimant as stated in Clause 6, shall be made in cash, or by a non-postdated cheque, within seven days from the date on which the claim is received, without requiring further proof of any person's fault.

Given on this 16th day of December B.E. 2552.

Korn Chatikavanij

[Translation]

Minister of Finance