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15 Bilansvarslöven 3/2-61
motorvägtrafik g/ler.

XI-8-9

Station cars, secondhand, of the current year's model and the three preceding years' models.

Other passenger cars, secondhand, of the current year's model and the three preceding years' models.

Motor, vans, new.

Motor, vans, secondhand, of the current year's model and the three preceding years' models.

Other motor vehicles (including dumpers and similar special cars), new.

Other motor vehicles (including dumpers and similar special cars), secondhand, not older than three years.

Chassis with motor and driver's cabin for diesel-driven cars and omnibuses.

Chassis with motor and driver's cabin, other than diesel-driven, for other cars than passenger cars and omnibuses.

Service cars, fire brigade cars, ladder trucks, spraying trucks, crane trucks, searchlight trucks, workshop trucks and other motor vehicles fitted up for special purposes.

Chassis with motor for motor vans and lorries, of weight less than 1 200 kilos per chassis.

Motor cycles with cylinder volume exceeding 50 cm³, new.

Sidecars, separately imported.

Motor cycles with cylinder volume exceeding 50 cm³, secondhand, of current year's model and the three preceding years' models.

Trailers for motor cycles.

The above arrangement applies only to import from the free-list area.

As a transitional arrangement, an import and currency licence, which prior to 1st October, 1960, has been used for the customs clearance or payment of motor vehicles, can still be used in relation to the customs house and bank until the import transaction has been completed, that is to say that goods previously paid for are imported and previously imported goods are paid for. The licence fee of 1 per mille of the value of the goods shall in these cases not be claimed."

9. Act of 3rd February, 1961, relating to compensation for injury caused by a motor vehicle (Automobile Liability Act).

Chapter I. Scope of the Act. Definitions.

§ 1 (Scope of the Act).

This Act applies to compensation for and insurance against injury which motor vehicles cause to person or property.

§ 2 (Injury not covered by the Act).

The Act does not apply if the injury is caused

- a) by the motor vehicle being used for some other purpose than as a vehicle,
- b) whilst the vehicle is standing safely parked outside any street, road or other place which is open for public traffic,
- c) whilst the vehicle is taking part in racing contests which are held on shut-off ground by special permission of the police, or
- d) by radioactive radiation or other nuclear reaction.

With respect to injury caused by motor vehicle which neither is nor needs to be registered or have registration plate conformably with the Road Traffic Act, the Act only applies if the injury is caused in street, road or other place which is open for public traffic, or in consequence of the use of the vehicle there. The Ministry may issue regulations to the effect that valid evidence of insurance shall accompany all unregistered motor vehicles or certain groups of unregistered motor vehicles which are driven or are parked in a place such as is mentioned in the preceding period.

§ 3 (What is meant by a motor vehicle).

By motor vehicle is meant in this Act any vehicle which with power machine as means of propulsion is designed to be driven on the ground without rails, including also trolley buses.

Aircraft are not considered as motor vehicle, nor vehicles which are designed only to be led by pedestrians.

Trailer or other attachment to a motor vehicle is deemed to form a part of the vehicle if it is driven together with or otherwise coupled to this. If a trailer otherwise causes or suffers damage (injury), it is considered as equivalent to a

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motor vehicle, provided that it is or should be registered or have separate registration plate in accordance with the Road Traffic Act.

The King may provide that the rules of the Act wholly or in part shall not apply in respect of specified motor vehicles which according to their nature or use present very little danger in the traffic. The provisions of § 8 respecting collision etc. apply nevertheless to injury caused to such vehicle or to person or property conveyed by this.

Chapter II. Compensation from the traffic insurance company.

§ 4 (Basis of the compensation).

When a motor vehicle causes injury, the injured party may claim compensation from the insurance company with which the vehicle, pursuant to chapter IV, is insured, even if no one is to blame for the injury.

§ 5 (Injury for which compensation cannot be claimed).

Compensation under this Act cannot be claimed for

- a) damage to the motor vehicle itself with appurtenances or other goods belonging to the owner or the person in charge of the vehicle, or damage to property carried by the vehicle, except ordinary clothing and other ordinary personal articles of use which a person has on him or with him during the driving and which are damaged in conjunction with the injury to person or vehicle;
- b) injury which anyone suffers to person or property whilst he is driving the motor vehicle or a trailer or other attachment to it;
- c) injury which anyone suffers to person or property in connection with assignments which he or his employer, against remuneration, has undertaken with respect to repair, supervision or keeping of the motor vehicle, unless its owner or the person in charge or any person who accompanies the vehicle independently of the acceptor of the assignment, is responsible for the injury, or is otherwise liable pursuant to the ordinary rules of compensation;
- d) injury to dog which is running loose, unless the owner or the person in charge of the vehicle or any person accompanying the vehicle is to blame for the injury, or is otherwise liable pursuant to the ordinary rules of compensation.

§ 6 (Assessment, scope and attachment of the compensation).

The compensation is assessed according to the ordinary rules of compensation, unless the contrary is provided.

The Act does not apply to reparation for loss of a non-economic nature (tort and pain).

Compensation for reduced working capacity or for loss of support is fixed at a sum once-for-all. If the court for special reasons finds it necessary, the compensation may wholly or partly be stipulated in annual instalments. If on request from one of the parties there is found reason to do so, the County or Town Court in the judicial circuit where the injured party has his forum, may by court ruling change such instalments to a once-for-all compensation.

A claim for compensation such as is mentioned in the third paragraph can not, without the consent of the court, be transferred or become the object of debt recovery. The court may for special reasons determine that an acknowledged or awarded compensation for such loss shall be attached according to decision of the Ministry concerned. Decision taken by virtue of this paragraph shall be made by the County or Town Court in the judicial circuit where the injured party has his forum, unless the question has been brought before the adjudicating court for determination in connection with adjudication of the compensation claim, or has been decided upon by said court in judgment or by ruling. Where there is reason for it, the decision may be altered by order of the County court in the judicial circuit concerned, on request from one of the parties.

§ 7 (Contributory action of the injured party).

If the injured party has intentionally or negligently contributed to the injury, the compensation may be reduced or be forfeited, except in the cases where he has shown only slight negligence. In the decision regard shall be paid to the conduct displayed on either side and the other circumstances.

If a motor vehicle causes injury while immobile, and without connection with the stopping or starting of the vehicle, the compensation may be reduced or be forfeited, even if the injured party has shown only slight negligence.

If the injury has occurred whilst the injured party has allowed himself to be driven in the vehicle causing the injury, although he knew or was bound to understand

- a) that the vehicle had been taken from the lawful owner by a punishable act, or
- b) that it was being used in connection with a punishable act, or
- c) that the driver was under the influence of alcohol or of another intoxicant or narcotic (cf. the Road Traffic Act, § 22, first paragraph), he can not be awarded compensation except in so far as special grounds are in favour of this.

§ 8 (Collision etc.).

Damage caused by a motor vehicle to another motor vehicle or to a vehicle running on tram-way or other rails, or to person or property in another vehicle or car, as mentioned, shall be covered by the traffic insurance of the first-mentioned vehicle only if the injury is due to

- a) the fact that the owner, user or driver of this vehicle or some person who accompanies the vehicle, has not acted with due care, or
- b) some defect or shortcoming of the vehicle itself.

If circumstances exist, such as are mentioned in the first paragraph, also on the side of the party suffering the damage, the court shall decide whether, and in such case to what extent, compensation according to the first paragraph shall be granted. In the decision, regard shall be paid to the conduct displayed on either side and the other circumstances.

§ 9 (Limitation of compensation sums).

Compensation for injury to person shall not exceed Kr. 200 000.— for each person injured or killed. If the compensation is recoverable from several parties, pursuant to this chapter, this limitation applies to the total compensation.

For damage to property which a motor vehicle causes in a single accident, the compensation shall not exceed Kr. 100 000.—. If several vehicles have caused the damage, the parties who are responsible for each vehicle are liable up to the whole amount.

If the damage to property exceeds Kr. 100 000.— and more than one party has suffered damage, the compensation shall be apportioned between them in proportion to each claim. A claim must be notified to the insurance company concerned within one month after the damage was inflicted or, if relevant, to the State, municipality or municipal institution concerned, cf. § 16. Claims notified later, and after compensation has been paid to cover other injury, are only recoverable out of the remainder of the sum for which the party in question is liable (the insurance sum). In addition to the compensation sum pursuant to this section, the injured party may claim interest and costs.

§ 10 (Uninsured or unknown motor vehicle).

If a motor vehicle which should have been insured, but is not, causes injury to person or property, the insurance companies approved conformably with § 17 are bound jointly to cover such injury, to the same extent as if the vehicle concerned had been lawfully insured with them. From this is excepted, however, injury suffered by the owner or the person in charge, or injury which anyone has suffered whilst he allowed himself to be driven in the motor vehicle, although he knew or was bound to understand that it was not lawfully insured.

If an unknown motor vehicle causes injury to person, the insurance companies approved conformably with § 17 are bound, jointly and to the same extent as if the vehicle had been lawfully insured with them, to compensate such injury. This applies also to damage to ordinary clothing and other ordinary personal articles of use which the injured party had on him.

Chapter III. Personal liability and recourse.

§ 11 (Personal liability).

If the owner or the person in charge of a motor vehicle, or any person who accompanies the vehicle, is liable to pay compensation according to the ordinary rules of compensation for injury which is comprehended in this Act, and if the full compensation liability would have an unreasonable effect, the court may, with due regard also to the needs of the injured party and other circumstances, decide that the liability of the person in question shall be reduced.

The rules in § 8 concerning apportionment of compensation in case of collision etc. apply also in relation to persons, as mentioned in the first paragraph, when they are responsible for the injury.

To such extent as the compensation is in conformity with the rules of chapter II, the liability shall be covered by the insurance company (or the party responsible pursuant to § 16), in so far as the company does not have a right of recourse against the liable person concerned.

§ 12 (Insurer's recourse).

For compensation to be paid in pursuance of this Act, the insurer has recourse against the owner or user of the insured vehicle, and any person who accompanied the vehicle, if the person in question

- a) has caused the injury intentionally or by gross negligence, or
- b) has obtained use of the vehicle by a punishable act, or contributed to its use, although he knew or was bound to understand that it had been taken from its lawful possessor by a punishable act, or
- c) has driven the vehicle so as to cause injury under the influence of alcohol or another intoxicant or narcotic taken voluntarily (cf. the Road Traffic Act, § 22, first paragraph) or assisted in the use of the vehicle, although he knew or was bound to understand that the driver was under such influence. If it would be unreasonable to let the person in question bear the full liability, and he has not caused the injury intentionally, the court may reduce the recourse claim, or refuse it altogether.

It is prohibited to cover regressive liability under this section by insurance, and any agreement to that effect is null and void.

The insurer cannot renounce his right to recourse under this section. Reservations providing for a further right of recourse than prescribed in this Act are null and void, unless they are reconcilable with the rules of the Insurance Agreements Act. Reservations providing for a right of recourse in cases where the injury has been caused by negligence are valid only in cases where the negligence is gross. The provision in the last period of the first paragraph applies also when such reservation has been made.

§ 13 (Right of recourse in cases where the motor vehicle should have been insured, but is not).

If compensation has been paid by virtue of § 10, first paragraph, the insurance companies have, irrespective of whether the party concerned is liable for the injury, according to the ordinary rules of compensation, a recourse claim against the person who has failed to fulfil his insurance obligation, or the person who at the time of the accident was driving the motor vehicle, although he knew or was bound to understand that the vehicle was not lawfully insured. The court may reduce the recourse claim if the full compensation liability would have an unreasonable effect, and the conduct of the person concerned is excusable.

The rules in § 12 shall apply correspondingly in respect of other persons who are responsible for injury caused by a motor vehicle.

§ 14 (No recourse claim to the detriment of the injured party).

Recourse claims in respect of an injury comprehended in this Act, cannot be advanced so as to prevent the injured party from obtaining the compensation due to him in respect of the same injury.

Chapter IV. Traffic insurance.

§ 15 (Motor vehicles must be insured).

For cover of insurance claims pursuant to chapter II, the owner shall take out and keep in force traffic insurance for a motor vehicle which is or should be registered or have registration plate pursuant to the Road Traffic Act. A motor vehicle which is not insured conformably with the first period, shall be insured by the owner or possessor who allows the vehicle to be used, moved or parked in such a way that a claim for compensation under this Act might arise, or by the person who uses or drives the vehicle in the way mentioned.

§ 16 (Exceptions from the insurance obligation).

Motor vehicles belonging to the Norwegian State is exempted from insurance obligation under this Act.

The Ministry can exempt from insurance obligation under this Act a motor vehicle belonging to a foreign power or an international organization.

In special cases the Ministry can also exempt a municipality or a municipal institution from insurance obligation under this Act, either in respect of some categories of motor vehicles, or in respect of all categories.

If a motor vehicle is uninsured conformably with this section, the Norwegian State or, as the case may be, the municipality or municipal institution concerned, has the same liability as an insurance company with whom a lawful insurance has been taken out, and, in the absence of other agreement, the same right of recourse against other responsible parties.

§ 17 (Insurance institutions and regulations etc.)

Traffic insurance shall be taken out with an insurance company approved by the King.

The Ministry can issue more detailed regulations concerning insurance companies, insurances, insurance terms and premiums, thus, inter alia:

- a) as to whether the insurance shall cover injury which the motor vehicle causes abroad,
- b) as to insurance for foreign motor vehicles while they are being temporarily used in the Kingdom,
- c) as to the insurer's obligation to accept a settlement of a claim which an approved association of insurance companies has agreed to,
- d) as to apportionment of compensation to be paid, conformably with § 10, between the insurance companies concerned.

§ 18 (Collection of insurance premium and franchise).

Insurance premium for traffic insurance under this Act can be collected by distraint.

The same applies to franchise conformably with officially approved insurance terms. The insurer can give written notice to the police in the district where the motor vehicle in question is registered, if the insuree's franchise is not covered within 2 months after the insurer has by registered letter claimed the amount from the insuree, with statement of the consequences under the Road Traffic Act, § 36, of failure to pay.

§ 19 (Termination etc. of the insurance agreement. The position in relation to the Insurance Agreements Act).

If the insurance agreement terminates, the insurance shall nevertheless still hold good to the benefit of the parties entitled to compensation until another traffic insurance enters into force, but not longer than 2 months after the police have been notified in writing that the agreement has terminated.

The insurer is liable for all consequences of an event, causing injury, which occurs during the insurance period, thus also for consequences which emerge after the insurance period has expired.

The rules in the Insurance Agreements Act, §§ 1—58, 92—94 and 96, apply correspondingly to traffic insurance under this Act, unless the contrary is stated in the Act or appears from the context. In the relations between insurer and insuree, traffic insurance is considered as equivalent to liability insurance, regardless of whether the insuree is personally liable. The rules concerning prescription in §§ 29—30 of the Insurance Agreements Act do not apply to claims for compensation or recourse claims under this Act.

Chapter V. Penalty, entry into force and amendments in other acts.

§ 20 (Penal provisions).

Fines may be imposed on anyone

- a) who at variance with the rules of this Act fails to take out and keep in force traffic insurance, or
- b) who uses or drives a motor vehicle although he knows or is bound to understand that the vehicle is not lawfully insured, or
- c) who fails to comply with the injunction concerning proof of insurance, given by virtue of § 2, second paragraph. Aiding and abetting is punished in the same way.

§ 21 (Entry into force etc.).

This Act enters into force on the date the King decides.

If an insurance company at the time of this Act's entry into force has furnished a guaranty for a motor vehicle pursuant to the Motor Vehicles Act, § 11, the company is liable from then on until the insurance agreement terminates (cf.

§ 19) conformably with the rules of this Act, for all such injury as the vehicle may cause during this period. For what remains of the insurance period when the Act enters into force, the insuree is bound to pay to the company the new insurance premium which the company lawfully charges for insurances under the Act, with deduction of the premium which may already have been paid for the period concerned.

10. Royal Decree of 14th April, 1961, relating to the entry into force and the application of the Automobile Liability Act.

By virtue of § 21 in Act of 3rd February, 1961, relating to liability for injury caused by motor vehicles (Automobile Liability Act), it is hereby decreed that the Act shall enter into force on 1st June, 1961. The Act shall be administered by the Ministry of Communications.

By virtue of § 3, fourth paragraph, it has been decreed that the Act shall not apply to motor vehicles which are designed for a maximum speed of 10 km an hour, and which it is difficult to alter to greater speed.

Likewise trailer such as is mentioned in the Automobile Liability Act, § 3, third paragraph, second period, is excepted from compulsory insurance as far as this is laid down in regulations conformably with § 17.

The following insurance companies have been approved conformably with § 11 in the Act relating to motor vehicles of 20th February, 1926, and are hereby approved conformably with § 17, first paragraph, of the Automobile Liability Act:

- apphevet*
- I. 1. Agder Assuranceselskab A/S
 2. Arendals Forsikringsselskab A/S
 3. Bergens Brandforsikringsselskab
 4. Car & General Insurance Corp. Ltd.
 5. Cornhill Insurance Comp. Ltd.
 6. Det Norske Brandassuranceselskab
 7. Det Norske Garantiselskab A/S
 8. Forsikringsaktieselskapet Dovre
 9. Forsikringsaktieselskapet Eidsvoll
 10. Det Norske Brandforsikringsselskap Fram A/S
 11. Forsikringsaktieselskapet Hansa
 12. A/S Haugesund Sjøforsikringsselskap
 13. The Liverpool & London & Globe Insurance Comp. Ltd.
 14. A/S Forsikringsselskapet Minerva
 15. The Motor Union Insurance Comp. Ltd.
 16. Forsikrings-Aktieselskapet Norden
 17. Nordkap, Norsk Forsikringsaktieselskap
 18. Forsikringsselskapet Norge A/S
 19. Forsikringsselskapet Norrøna A/S
 20. A/S Norske Alliance
 21. A/S Norske Assuranceunion
 22. Forsikrings-Aktieselskapet Norske Fortuna
 23. Norske Kjobmænd Forsikringsaktieselskap, Assurancekassen
 24. Norske Merkantile, Forsikringsaktieselskap
 25. Forsikrings-Aktieselskapet Norvegia
 26. Pallas Norsk Forsikringsselskap A/S
 27. Patria, Norsk Forsikrings-Aktieselskap
 28. A/S Polaris Assuranceselskap
 29. Forsikrings-Aktieselskapet Poseidon
 30. Forsikringsselskapet Sigyn
 31. Skog & Jord, Norsk Forsikringsaktieselskap
 32. Stavanger Forsikringsselskap A/S
 33. Storebrand
 34. Forsikringsselskapet Tor A/S
 35. Trondhjems Forsikringsselskab A/S
 36. Trygd, Norsk Forsikringsaktieselskap
 37. Forsikringsselskapet Union A/S
 38. Forsikrings, Aktieselskapet Vega
 39. Forsikringsaktieselskapet Vesta
 40. A/S Forsikringsselskabet Viking
 41. Wintherthur, Schweizisk Ulykkesforsikrings-Aktieselskap
 42. Forsikringsselskapet Zürich
 43. Norsk Forsikringsselskap Æolus A/S
 44. Forsikringsaktieselskapet Ørnen