



ROAD TRAFFIC ACCIDENTS IN SPAIN INVOLVING ARTICULATED UNITS



Definition

We consider articulated units “those vehicles made up of a towing truck or tractor head coupled to a trailer or several trailers, of which the different elements composing the units can be insured by different companies”.

It is to be noted that in Spain the owners of both truck and trailer or semi-trailer are legally obliged to underwrite TPL insurance for each vehicle and to maintain coverage in force.

Trailer and semi-trailers with a maximum authorised weight of 750 kg are exempted from insurance obligation and in that case the towing vehicle insurance will be liable.

As concerns Third Party Liability, it does not exist nor should not arise a problem with regards to the joint liability of the companies insuring the unit - truck and semi-trailer – in circulation with regards to a third party who can claim against only one of the insurers or against both of them, without determining a liability percentage. Both insurers are liable for full settlement of the compensation to Third parties. When making a claim, the Third Party must supply as many details as possible of both vehicles and their insurers in order to make easier the handling and adjusting of the claim. However, settlement the claim must not be hampered or delayed by the lack of information of any of the vehicles. In other words, the insurance company of any of the parts composing the liable vehicle will have to take charge of the full settlement of the claim to the Third party, and afterwards will seek reimbursement from the other vehicle’s insurance of the percentage which, by law or by agreement, should correspond to it.

There **are three different ways** in which the insurers of an articulated unit may split liability for damages:

1. C.U.M. (Articulated Units agreement) – **70%** liability for tractor head and **30%** for trailer. This agreement is signed by the majority of the Spanish insurance companies.
2. To split liability for the full settlement in equal parts, i.e. **50%** of the total indemnity for each of both insurers.
3. To split liability proportionally to the **percentage** of participation in the sum of the **premium**.

Other than the C.U.M. agreement above explained, there is no rule or signed agreement between insurance companies to be applied in case of conflict. The solution to apply will therefore be based upon the free will of both parties, whilst the Spanish Bureau OFESAUTO recommends the application of the 70/30 split, even if one of the insurance companies has not signed the C.U.M. agreement.

CONCLUSION

The TP must be fully compensated for the damage suffered and the percentage of each vehicle is an internal question between the insurance companies, which should not affect in any way, neither the third party having suffered damage nor the resolutions dictated by Judges, who find themselves before a joint and several obligation and may therefore request any one of the insurers to settle the compensation in full, without establishing a percentage for each of them.

Our stance in this issue as correspondents of foreign insurance companies and consequently not members of any agreement is as follows:

The Spanish Bureau OFESAUTO, the state office in charge of the coordination and handling of foreign claims, recommended the application of the C.U.M. agreement of a 70/30 split, with a view to avoiding conflicts and unnecessary litigation. This is the general practice, except in rare cases, such as by judicial requirement, and we try to keep it in order to achieve balance, to handle more efficiently the claim and to avoid costly and slow judicial procedures.

In some cases, only one of the units is insured whilst the other is unidentified. It is important to stress that when this happens, the TP must not suffer further damage because of such lack of information and the known insurers will have to accept 100% of TP's damages on the basis of the joint and several liability. Afterwards it will be the insurance company obligation to obtain through their insured the details of the other involved unit, should they wish to seek afterwards reimbursement of their corresponding percentage.

DEKRA VISION ZERO AWARD PRESENTED TO SPANISH TOWN

Seven Years without a Traffic Fatality: Award for Torrejón de Ardoz

- ▶ Objective of zero traffic fatalities in urban areas is being achieved
- ▶ Interactive map can be found at www.dekra-vision-zero.com
- ▶ Vice-Mayor: "Road traffic fatalities can be avoided"

The Spanish town of Torrejón de Ardoz has been presented with the DEKRA Vision Zero Award. With this award, which has now been presented for the second time, the leading international expert organization recognizes Torrejón de Ardoz's achievement of not a single traffic fatality within the town being reported for seven years. The award was presented to María Dolores Navarro Ruíz, the Vice-Mayor of the town, which has 130,000 inhabitants and is close to Madrid, as part of DEKRA's annual event to present the Road Safety Report 2017 in Brussels.



"In accordance with our charter, we have dedicated ourselves to road safety for the past 90 years. With our new DEKRA Vision Zero Award, we want to make it clear that the aim of zero traffic fatalities does not have to be a utopian vision," said DEKRA CEO Stefan Kölbl when he presented the award. "Overall, of course, Vision Zero is not yet a reality. However, extensive data that has been evaluated by our accident researchers shows that this objective is achievable in urban areas and is already the reality in many towns and cities in Europe today."

“This highlights the need to step up efforts to further improve road safety and get ever closer to achieving Vision Zero – including with regard to serious injuries,” said Kölbl.

Vice-Mayor María Dolores Navarro Ruíz sees the award as recognition of the work carried out by municipal traffic planners and local police officers to constantly improve road safety. But it is also testament to the exemplary conduct of drivers in the town. “Road traffic accidents are among the leading causes of death worldwide and are also one of the most arbitrary. They cause great pain and destroy families and people,” she said at the award ceremony. “For many years we have considered this upsetting statistic on road traffic accidents to be inevitable, a kind of unavoidable price that we have to pay and something that we have to learn to accept. But experience has shown that this is not necessarily the case.”

The interactive world map at www.dekra-vision-zero.com shows the towns and cities with over 50,000 inhabitants in the USA, Japan and many European countries that have achieved the objective of zero traffic fatalities in at least one year since 2009.

DEKRA Survey on Driving-Related Stereotypes: MEN ARE NOT BETTER DRIVERS – BUT THEY DO DRIVE FASTER

- ▶ Some stereotypes refuse to die
- ▶ Women are more considerate drivers
- ▶ Men have a strong emotional bond with their car

Men are not better drivers than women – but, it seems, they do drive faster. This was the result of a nationwide, representative survey of more than 1,000 participants conducted by the forsa institute on behalf of DEKRA. The expert organization DEKRA wanted to find out just how widespread the common stereotypes really are about men and women drivers.



Overall, a clear majority – two thirds – of those surveyed (66% of men and 69% of women) saw no difference between the genders when it comes to driving ability. Just 18% (9% of women and 26% of men) thought that men are the better drivers.

There were differences, however, regarding specific driving situations – 71% of those surveyed, for example, thought that men drive faster. But only a small minority (5%) thought the same about women. 44% thought that men are better at parking, while only 7% thought that women are better at this. Half (48%) saw no difference here. Men in particular (53%) believed that they have better parking skills.

A significant majority believed that men are more impatient behind the wheel (63%). Almost nobody (3%) thinks that men are more considerate on the road than women. A large majority (71%), however, believed that women drive with greater consideration. Women and men gave almost identical responses to all of these aspects.

The survey confirmed another couple of stereotypes: First, a significant majority of the men and women surveyed (88%) believed that men have a better understanding of the technical side of cars. Secondly, the stereotype that men love their cars is also proving particularly stubborn. Three quarters of those surveyed (75%) believed that men have a stronger emotional bond with their car than women.

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