

HUNGARIAN PUBLIC ROAD NONPROFIT PLC.'S GENERAL LIABILITY CLAIM REPORTING FORM
(To be filled by the notifier party)

claim number						
INCIDENT DATA		Year	Month	Day	Hour	Minute
Time (Year/month/day/hour/minute):						
Location (County, road/km, road marking No.):		County	Road	Km.	Lane	
Name of nearest municipality; driving direction:						

DATA OF THE DAMAGED PROPERTY/VEHICLE

vehicle registration number:

Trade name of manufacturer

Other identifier (s):

Nationality mark: (HU, A, D, etc.)

Type:

DATA OF THE PERSON THAT SUFFERED THE DAMAGE (OWNER DETAILS)

Name

Address

Bank account number:

Name of the Bank:

DATA OF THE NOTIFIER PARTY

Owner

Operator

Authorised representative

Name:

Address:

Phone number:

E-mail:

Financed vehicle (leased, bought on credit)? Yes Financed by

No

Weather conditions

Road pavement:

Wet

Dry

Slippery

Other

in case of vehicle damage driving speed of the vehicle:

km/h

Detailed description of the incident:

Description of the damage (of the property) caused by the incident:

Location of the vehicle for a potential visit during working hours

Acting police body

The police was not involved

Damage amount estimated by the Client:

HUF, e.g.

HUF

Is the person that suffered the damage entitled to VAT refund?

Yes

No

I received compensation for the repair, I was compensated for the loss of value or I had other form of compensation in relation with the damage:

Yes

No

I hereby declare that the information that I have provided in this form is correct. I acknowledge and accept that any responsibility arising out of the incorrectly or illegibly given data rests with the notifier party, the information provided by me and my personal and sensitive data with which the Hungarian Public Road Nonprofit PLC is entrusted in the course of the procedure – solely in relation to the assessment of the claim – will be handled by the Hungarian Public Road Nonprofit PLC and – in accordance with the provisions of the Data Protection Act in force – disclosed to other entity, official body and public officer (e.g. contracted claim expert, company, police). I give my consent for the Hungarian Public Road Nonprofit PLC or the contracted claim expert partner thereof to consult and make copies of the police documents and other official documents drawn up in relation to the incident, as well as the documents of the damaged property, vehicle registration certificate and/or driving licence of the injured party. I hereby acknowledge that the acceptance of the present claim reporting form does not constitute the recognition of the legitimacy (legal basis) of the claim request. I have read and accept the data protection information sheet available on the www.kozut.hu website."

Date and place of issue (year, month, day):

Signature

INFORMATION DOCUMENT

The section No 35. of the Act No I. of 1988 on road traffic specifies that in case if a damage occurs, the incident shall be immediately reported to the competent road operator of the location of the incident, by submitting the “GENERAL LIABILITY CLAIM REPORTING FORM”. Please be informed that the delayed notification might imply difficulties to the proof procedure and result in the rejection of the claim.

For the assessment of the legal ground for the claim, it is important to complete each section of the “Reporting form” in an accurate and legible manner. The precise determination of the location is of special importance for the identification. The “Reporting form” therefore shall be accompanied by the documents requested for the identification of the location and the documents of the damaged property (police protocol, witness statements, photos etc.). The person that suffered the damage shall bear the burden of proof for the incident. The provision of incorrect, inaccurate and incomplete data could therefore result in the excessive duration of the procedure and might involve the rejection of the claim request.

Following the notification, the claim agent of the public road operator notifies the competent maintenance centre of the given location for an on-the-spot investigation and at the same time organizes damage inspection concerning the damaged property/vehicle. As far as the repair of the damaged property/vehicle is concerned, it is advisable to wait as long as the damage expert finishes the inspection. In case if the repair work is carried out before that, the invoices of the repair works shall be submitted along with the claim documents. Should the damage inspection fail to take place for any reason, the damage cannot be proved which might also involve the rejection of the claim request.

Based on the damage inspection and the inspection of the incident’s location, the Hungarian Public Road Plc is able to make a declaration on the acceptance or rejection of the notified claim request and the decision on the compensation payment obligation will be taken accordingly. In case of rejection, the agent of the road operator sends a written notification to the notifier party. In case of acceptance, the agent takes the necessary measures for the awarded amount of the compensation to be paid.

When assessing the claim request in relation to pavement damages, the most relevant aspect for the road operator is if the road section in question contained any traffic sign of uneven road surface (highway code, figure No. 76) warning against the emergency situation caused by the public road operator. Another relevant aspect is, whether – in the light of all the circumstances of the accident - the accident could have been avoided with due diligence and with the compliance of the rules on the public transport. These are regulated by the following rules.

The section No 6 (1) of the Act no I. of 1988 on the public road traffic establishes that (e.g. in case of “pothole damage”) the vehicle’s driver is obliged to take into consideration the weather, visibility, traffic and road conditions. According to the point b) of the section 3) of the highway code, it is obligatory to comply with the instructions of the traffic signs placed along the roads. In addition to that, point c) establishes that the driver of the vehicle shall seek to prevent any personal and material damage when driving the car. The sections 25 (1) and 26 (4) of the highway code establish even more precisely the obligations of the vehicle’s driver: they specify that the driver shall choose a speed within the speed limit that enables them stopping the car in case if any obstacle appears that can be expected on the road section in question. This obligation shall apply mutatis mutandis also to situations, where there are no signs warning of the pavement defects.

The duties and responsibilities of the road operator are specified in the sections 34 (1) and (4) of the amended Act I. of 1988 that entered into force on the 1st of January of 2008, according to which they shall act in compliance with the decree on regulating the management of national public roads. The regulation considers the operation of roads as a service and accordingly it specifies that the time frame for the repair works shall be 30 days in case of roads with multi-digit numbers. This time frame may be extended in cases when the condition of the road in question would require a complete rehabilitation, which can be carried out on the basis of the financial resources provided in line with the annual program. According to the section No 35 of the referred Act, the public road operator’s liability is not an objective, but a fault-based liability. The actual obligation to warn of the dangers starts only once after the road defect has been reported to the road operator or the latter noticed it.

We hereby wish to draw the attention of the notifier parties that the assessment of the claim requests is carried out in