

# Green Card Bureau Compendium

## I - Italy

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### General information

Please provide the official full name of your Bureau.

What is the legal status (form) of your Bureau (non-profit organisation, association of legal entities, limited liability company, etc.)?

How is the ownership/membership of your Bureau structured (e.g. owned/controlled by all members equally, part of state government, etc.)?

### Question N° 1

**1.1. What was the date of the original Law, which introduced Compulsory Third Party Motor Insurance and what was the date of its entry into force?**

Law of 24.12.69 entered into force on 12.6.1971.

**1.2. What is the date of the present Law and of its entry into force?**

Law Decree No. 209 of September 7th 2005 (Code of the Private Insurance) which entered in force on January 1st 2006.

### Question N° 2

**2. Which are the classes of motor vehicles for which insurance is compulsory?**

All motor vehicles, apart from those running on rails, but including trolley buses and trailers.

**Question N° 3**

3. Is the Law applicable to foreign visitors?

Yes.

**Question N° 4**

4. Does the Law apply in respect of liability for both personal injury and damage to property?

Yes.

**Question N° 5**

5. What is the minimum limit of cover required for personal injury damage? State the minimum value of sum insured, date with effect from and please indicate whether the limit is per accident or per victim.

Type of vehicle	Personal injuries		Material damage	
	Per accident	Per victim	Per accident	Per victim
	5.000.000,00 €	N/A.	1.000.000,00 €	N/A.
<b>Date of effect:</b> 11/06/2012				
According to Article 125 of the Law Decree No. 209 of September 7th 2005 (Private Insurance code) the Italian Bureau (UCI) must arrange for the settlement of damages caused by foreign vehicles in Italy up to the higher limits of liability found in the policy which was issued abroad for the vehicle involved in the accident. This same rule was previously contained in Article 6 of Italian Motor Insurance Compulsory Law, which was modified by Law No.39 of February 26th 1977 and by Law No.242 of August 7th 1990.				

## Question N° 6

### 6.1. Does the Law require cover in respect of passengers carried in the vehicle?

Yes. According to Article 141 of the Law Decree No. 209 of September 7th 2005 (Code of the Private Insurance) passengers carried in the vehicle shall be compensated by the insurer covering this vehicle with a right of this last of recovering the sums paid to the passengers toward the insurer covering the vehicle responsible for the accident.

### 6.2. Is there any category of passenger excluded from this cover?

In case of the circulation of vehicles without the owner's agreement, passengers are excluded, unless they are carried in the vehicle against their own will.

## Question N° 7

### 7. Under what conditions is an insurer permitted by Law to reject a third party claim? Please specify.

Under no conditions.

## Question N° 8

### 8. Is there a direct right of action by a third party against an insurer?

Yes.

## Question N° 9

### 9. Does a claimant resident in a foreign country have a direct right of action against the local Bureau or the insurer representing the Bureau?

Yes, in the case of an accident caused by a vehicle with a foreign registration plate.

## Question N° 10

### 10.1. Does the Law require the insurer and/or Bureau to make an offer of compensation to a claimant within a specified time?

Yes.

#### If yes, what is the nature of the damages to which the time-limit applies?

Property damages and bodily injuries.

### 10.2. What is the specific time-limit?

i) Property damages. Time limit for the offer: 60 days from the date of the demand for compensation; this limit is reduced to 30 days if the claimant encloses to his demand for compensation a copy of the "agreed statement of facts" signed by both drivers.

- ii) Personal injuries: Time limit for the offer: 90 days from the date of the demand for compensation.
- iii) Time-limit for the payment. The amount offered should be paid within 15 days, whether or not the victim has confirmed agreement or within 30 days in the absence of an answer from the victim.

### **10.3. Which are the other provisions of the Law in this respect? (e.g. sanctions)**

Sanctions. Failure by the Insurer to comply with these terms renders the Insurer liable for the payment of a penalty to the Guarantee Fund in the following measure:

- i) from € 300.00 until euro 900.00 in case of a delay not higher than 30 days
- ii) from € 900.00 until euro 2,700.00 in case of a delay not higher than 60 days
- iii) from € 2,700.00 until euro 5,400.00 in case of a delay not higher than 90 days
- iv) from € 5,400.00 until euro 10,800.00 in case of a delay not higher than 120 days
- v) from € 10,800.00 until euro 30,000.00 in case of a delay higher than 120 days.

### **10.4. Are there any similar stipulations for provisional payments?**

The Court (Civil or Criminal), if requested by the victim before the judgement, can condemn the Insurer to make a provisional payment within the limit of 4/5th of the damage.

## **Question N° 11**

### **11.1. Is there a limitation period for legal proceedings against the insured or the insurer?**

Yes.

#### **If yes, please specify.**

The legal proceedings against the Insured and the Insurer are subject to the ordinary prescription. Prescription is normally 2 years from the date of the accident. If the fact is considered as a crime by Law, the prescription foreseen for the crime is applied if the relevant term is longer. (5 years for accidental injuries - 10 years for accidental death)

### **11.2. Are there any provisions in the Law which allow for the suspension or extension of that limitation period?**

Yes.

#### **If yes, please specify.**

Prescription is interrupted by summons and by every act, which puts the debtor into suit (for instance a registered letter with receipt). Prescription is suspended during legal proceedings.

## **Question N° 12**

### **12.1. Is your Bureau a VAT liable entity?**

**12.2. If yes, please indicate the VAT number:**

**In this case is the service of claims handling by the Bureau VAT exempted?**

**12.3. Is an MTPL insurer in your market a VAT liable entity?**

**If yes, is the service of claims handling by an MTPL insurer VAT exempted?**

**12.4. Is a specialised claims handling office a VAT liable entity?**

**If yes, is the service of claims handling by this entity VAT exempted?**

### **Question N° 13**

[Note: Questions addressed to non-EEA Bureaux only. For EEA Bureaux, see Section 2 & 3]

**13.1. Is there a Guarantee Fund in your Country?**

**If yes, what are the conditions and limits of intervention of the Guarantee Fund?**

**13.2. Are these conditions and limits applicable to non-residents whether they are the cause of, or victims of, accidents?**

### **Question N° 14 – For countries concerned by Section III of the Internal Regulations**

**14.1. Are there natural or legal persons (public or private) exempted from the obligation of compulsory MTPL insurance in your country? (Article 12.2 of the Internal Regulations)**

N/A.

**If yes, please list the persons exempt from compulsory MTPL insurance:**

N/A.

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**In this case please also indicate the authorities or bodies responsible for compensation:**

N/A.

**14.2. Are there certain types of vehicles or certain vehicles bearing a special plate exempted from the obligation of compulsory MTPL insurance in your country? (Article 12.3. of the Internal Regulations)**

No other classes of motor vehicles are exempted from compulsory insurance.

**If yes, please list those vehicles:**

<b>Question N° 15</b>
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**15.1. Any other special features?**

No.