

Regulation for Enforcement of the Act on Securing Compensation for Automobile Accidents

(Ministry of Transport Order No. 66 of December 1, 1955)

Based on the Act on Securing Compensation for Automobile Accidents and the Order for Enforcement of the Act on Securing Compensation for Automobile Accidents, this Regulation for Enforcement of the Act on Securing Compensation for Automobile Accidents is enacted as follows to implement the Act on Securing Compensation for Automobile Accidents.

(Certificate of Automobile Liability Insurance)

Article 1 Form No. 1 is used as the format for certificate of automobile liability insurance as referred to in Article 7, paragraph (1) of the Act on Securing Compensation for Automobile Accidents (Act No. 97, 1955; hereinafter referred to as "the Act").

(Ways of Preparing Copies of Certificate of Automobile Liability Insurance)

Article 1-2 Method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in the proviso of Article 9, paragraph(1) of the Act means:

- (i) using a copier to copy the certificate of automobile liability insurance (including the certificate of mutual automobile liability insurance; hereinafter the same applies in this Article);
- (ii) using copying paper to prepare a copy on a piece of paper with the same format as is used for certificates of automobile liability insurance and in the same handwriting as the original certificate of automobile liability insurance ; and
- (iii) for a person who has issued the certificate of automobile liability insurance or a person who has been presented with it as under Article 9, paragraph (6) of the Act, to transcribe the information that has been included on the original certificate of automobile liability insurance onto a piece of paper with the same format and affixing a name and seal to it.

(Electronic or Magnetic Means)

Article 1-3 Method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 9, paragraph (2) of the Act means:

- (i) using the electronic data processing systems through which a computer being used by a sender and a computer being used by a recipient have been connected over telecommunication lines, whereby data is transmitted via

- those telecommunication lines and recorded in a file that has been created on the computer used by the recipient; and
- (ii) delivering a magnetic disk, or anything else onto which a fixed set of data can be securely recorded through an equivalent means, containing a file into which data has been recorded.

(Inquiring of a Vehicle Registration Agency to Confirm Information)

- Article 1-4 (1) An electronic or magnetic means is to be used to make an inquiry as referred to in Article 9, paragraph (4) of the Act to confirm the information required to be given on a certificate of automobile liability insurance which has been provided to a vehicle registration agency pursuant to paragraph (2) of the that Article.
- (2) A vehicle registration agency of which a person has inquired as referred to in the preceding paragraph to confirm information must use electronic or magnetic means to notify the competent administrative agency of the information for which confirmation was sought.

(Insurance Stickers)

- Article 1-5 (1) Form No. 1-2 is used as the format for an insurance sticker as referred to in Article 9-2, paragraph (1) of the Act.
- (2) The month and year of expiration are to be used to indicate when a coverage period expires as referred to in Article 9-2, paragraph (2).
- (3) A person is to display an insurance sticker by affixing it to the outside of the windshield of a light motor vehicle not subject to inspection (meaning a light motor vehicle not subject to inspection as referred to in Article 58, paragraph (1) of the Road Transport Vehicle Act (Act No. 185 of 1951; the same applies hereinafter), motorized bicycle (meaning a motorized bicycle as referred to in Article 2, paragraph (3) of the Road Transport Vehicle Act; the same applies hereinafter), or automobile registered in a contracting state (meaning an automobile registered in a contracting state as referred to in Article 9-2, paragraph (1) of the Act; the same applies hereinafter) in a way that makes it easily visible from the front of the vehicle, motorized bicycle, or automobile; provided, however, that if a light motor vehicle not subject to inspection has no driver's compartment or no windshield, or if a light motor vehicle not subject to inspection is put into operational use under a temporary number plate that is on loan pursuant to the proviso of Article 63-2, paragraph (3) of the Regulation for Enforcement of the Road Transport Vehicle Act (Ministry of Transport Order No. 74 of 1951), a person is to display an insurance sticker by affixing it to the upper left part of the vehicle number plate that is attached to the rear of the vehicle, so that the sticker is easily visible; if a motorized bicycle has no driver's compartment or no windshield, a person is to display an insurance

sticker by affixing it to the license plate (meaning a license plate as prescribed in Article 446, paragraph (3) of the Local Tax Act (Act No. 226 of 1950) (including as applied mutatis mutandis pursuant to Article 1, paragraph (2) of that Act); the same applies hereinafter) so that it is easily visible (or by affixing it to the front of the motorized bicycle so that it is easily visible, if the motorized bicycle has no license plate or if it is difficult to affix the sticker to its license plate); and if an automobile registered in a contracting state has no driver's compartment or no windshield, a person is to display an insurance sticker by affixing it to the rear of the automobile so that it is easily visible.

Article 1-6 (1) A person seeking to be reissued an insurance sticker under Article 9-2, paragraph (4) of the Act must present the insurer with certificate of automobile liability insurance.

(2) Case specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 9-2, paragraph(4) of the Act means:

- (i) if the windshield to which the insurance sticker has been affixed becomes unusable due to loss or damage;
- (ii) if the vehicle number plate or license plate to which the insurance sticker has been affixed can no longer be displayed due to loss, damage, or indecipherability; and
- (iii) if there is found to be any other legitimate reason for the person to be reissued an insurance sticker.

(Entrustment to Insurer)

Article 1-7 The entrustment to insurer as referred to in Article 1 of the Order for Enforcement of the Act on Securing Compensation for Automobile Accidents (Cabinet Order No. 286 of 1955; hereinafter referred to as "the Order") only if it has been decided that the person requesting this will be subject to a disposition as prescribed in Article 4 of the Road Transport Vehicle Act or in Article 61, paragraph (1); Article 62, paragraph (2) (including as applied mutatis mutandis pursuant to Article 63, paragraph (3) and Article 67, paragraph (4) of this Act); Article 67, paragraph (1) (but only the part concerning a change of user); or Article 71, paragraph (4) of that Act; or to a disposition as prescribed in Article 22-2, paragraph (3) of the Act on Comprehensive Special Zones (Act No. 81 of 2011).

(Description of the Basis for Calculating the Amount of a Claim)

Article 2 A document is to give the basis for calculation that is referred to in Article 3, paragraph (1), item (vi) of the Order by clearly showing a breakdown of the medical fees being claimed and other details of and basis for the amount of damage.

(Damage for Which Payment Is to Be Reported)

Article 3 Damage specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 16-6 of the Act means damage falling under Article 2, paragraph (1), item (i) (a), (ii) (a), (iii) (b) through (e) or (f) of the Order which falls under Grade 1 through Grade 3 in Schedule II of the Order; damage falling under paragraph (2) of that Article; or damage falling under (i) in the Remarks section of Schedule I of the Order or under (vi) of the Remarks section of Schedule II of the Order.

(Information That Must Be Reported)

Article 3-2 To report as under Article 16-6 of the Act, an insurer must submit a report giving the following information to the Minister of Land, Infrastructure, Transport and Tourism:

- (i) the details of the circumstances of the accident;
- (ii) the names, ages, addresses, and other material information about the insured, the party at fault, and the injured party;
- (iii) the amount it has paid for each damage as set forth in Article 2, paragraph (1) of the Order;
- (iv) the details of the costs it has been necessary to expend because of the accident, profits lost due to the accident, damage for pain and suffering, and other damage, as well as a detailed breakdown of the calculations for each item;
- (v) if there is a residual disability, the Grade under which it falls and the details of the reason for the decision that that Grade is applicable;
- (vi) if it has reduced the amount of damage before paying the insurance proceeds and damages, the percent of the reduction and the details of the reason it decided to do so;
- (vii) if it has decided that the insured is not liable for damages, the details of the reason for its decision;
- (viii) if it has decided that no damage has resulted from the accident, the details of the reason for its decision; and
- (ix) if the insurer has decided that it is exempted from the liability to provide an indemnity for damage based on Article 14 of the Act, the details of the reason for its decision.

(Emergency Vehicles)

Article 4 Automobile specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 9, item(xv) of the Order means a police vehicle equipped with warning lights and a siren as provided in Article 49, paragraph (1) of the Safety Standards of the Road Transportation Vehicles

(Ministry of Transport Order No. 67 of 1951).

(Vehicle Number Plates as Provided by Order of the Ministry of Land, Infrastructure, Transport and Tourism, Referred to in Article 9, item (xvi) of the Order)

Article 4-2 Vehicle number plate specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 9, item (xvi) of the Order means a temporary number plate that is on loan for use as a vehicle number plate pursuant to the proviso of Article 63-2, paragraph (3) of the Regulation for Enforcement of the Road Transport Vehicle Act.

(Specific-Use Vehicles)

Article 5 Automobile specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 9, item (xvii) of the Order means:

- (i) an automobile for medical use or for use in disease control;
- (ii) an automobile for engineering work;
- (iii) an automobile for overhead wiring repair work;
- (iv) an automobile with a crane;
- (v) a postal services automobile;
- (vi) an automobile for handling excreta;
- (vii) an automobile equipped with a gurney;
- (viii) an automobile with a concrete mixer;
- (ix) an automobile connected to a wireless communication system;
- (x) a mobile library;
- (xi) a mobile kitchen;
- (xii) an automobile used for driving lessons (meaning an automobile used exclusively for driving lessons by a designated driving school as referred to in Article 98, paragraph (1) of the Road Traffic Act (Act No. 105 of 1960); and
- (xiii) any other automobile with a structure, equipment, and use similar to those of an automobile set forth in one of the preceding items.

(Requirements for Cancellation of Contracts for Automobile Liability Insurance)

Article 5-2 A policyholder may cancel a contract for automobile liability insurance if:

- (i) the insurance covers a registered automobile, and either the registration is permanently deleted pursuant to Article 15, paragraph (1) of the Road Transport Vehicle Act, the relevant person is notified that the registration has been permanently deleted pursuant to paragraph (5) of that Article (but only due to circumstances set forth in paragraph (1), item (ii) of that Article), a deletion of the registration due to export is provisionally registered

- pursuant to Article 15-2, paragraph (2) of that Act, or the registration is temporarily deleted based on an application as referred to in Article 16, paragraph (1) of that Act;
- (ii) the insurance covers a light motor vehicle or a small two-wheeled automobile that is no longer in use, and the vehicle number plate has been submitted to the Head of the Transportation Administration Department, the Director-General of the relevant Transportation Bureau, or the Light Motor Vehicle Inspection Organization;
 - (iii) the insurance covers a small special motor vehicle or a motorized bicycle that is no longer in use (but only if the license plate has been submitted to the mayor of the special ward or to the mayor of the municipality, if municipal ordinance of that ward or municipality prescribes that a license plate issued by the ward or municipality must be attached to small special motor vehicles or motorized bicycles);
 - (iv) the insurance covers an automobile for which a registration certificate has been issued (meaning a registration certificate as referred to in Article 5 paragraph (1) of the Act on Special Measures Under the Road Transport Vehicle Act Attending the Implementation of the Geneva Convention on Road Traffic (Act No. 109 of 1964; hereinafter referred to as the "Act on Special Measures"); the same applies hereinafter), and permission for export, as referred to in Article 67 of the Customs Act (Act No. 61 of 1954), has been granted for its use in a contracting state as referred to in Article 2, paragraph (2) of the Act on Special Measures;
 - (v) the insurance covers an automobile registered in a contracting state for which permission for export as referred to in Article 67 of the Customs Act has been granted;
 - (vi) the insurance covers an automobile that has been put into operational use under permission for temporary operation as referred to in Article 34, paragraph (1) of the Road Transport Vehicle Act (including as applied *mutatis mutandis* pursuant to Article 73, paragraph (2) of that Act), and the number plate under which it was permitted to operate temporarily has been returned to the competent administrative agency;
 - (vi)-2 the insurance covers an automobile that has been put into operational use under the permission referred to in Article 36-2, paragraph (1) of the Road Transport Vehicle Act (including as applied *mutatis mutandis* pursuant to Article 73, paragraph (2) of that Act), and the number plate under which it was permitted to operate for a special purpose has been returned to the Head of the Transportation Administration Department or the Director-General of the relevant Transportation Bureau; and
 - (vii) the insurance covers a light motor vehicle not subject to inspection which has been put into operational use under a temporary number plate that has

been on loan pursuant to the proviso of Article 63-2, paragraph (3) of the Regulation for Enforcement of the Road Transport Vehicle Act, and the temporary number plate has been given back to the Head of the Transportation Administration Department or the Director-General of the relevant Transportation Bureau.

(On-Site Inspections)

Article 6 Form No. 2 is used as the format for the identification referred to in Article 23-2, paragraph (2) of the Act (including as applied *mutatis mutandis* pursuant to Article 23-3, paragraph (1) of the Act).

(Period That Order of the Ministry of Land, Infrastructure, Transport and Tourism Prescribes, Referred to in Article 11, Item (iv) of the Order)

Article 7 Period specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 11, item (iv) of the Order means:

- (i) for an automobile as referred to in Article 58, paragraph (1) of the Road Transport Vehicle Act (but not an automobile also referred to in item (iii), below): the period arrived at when one month (or two months, for an automobile whose base of use is an isolated island (meaning an island that cannot be reached by road travel or movement over a bridge or through a tunnel between that island and the Japanese mainland (meaning Honshu, Hokkaido, Shikoku, Kyushu, and the Okinawan Islands)), and which is subject to continual inspections pursuant to the proviso of Article 44, paragraph (1) of the Regulation for Enforcement of the Road Transport Vehicle Act) is added to the validity of the automobile inspection certificate under that Act;
- (ii) for a small special motor vehicle as referred to in Article 9, item (xiv)-2 of the Order, a light motor vehicle not subject to inspection, or a motorized bicycle: the period arrived at when one month is added to the coverage period under the contract for liability insurance or contract for mutual liability insurance that the person seeks to conclude; and
- (iii) for an temporarily-licensed automobile as referred to in Article 9, item (xvi) of the Order: five years.

(Mutatis Mutandis Application of Provisions on Automobile Liability Insurance)

Article 8 The provisions of Articles 1, 1-5 through 3-2, and 5-2 apply *mutatis mutandis* to mutual automobile liability insurance.

Articles 9 through 26 Deleted

(Filing Claims to Indemnities for Damage with the Government)

Article 27 (1) A person must file a claim to an indemnity for damage as referred to in Article 72, paragraph (1) of the Act in writing, using a document that gives the following information:

- (i) the name and address of the claimant;
 - (ii) for claims associated with a person that has died, the relationship of the claimant to the person that has died;
 - (iii) the name and address of the injured party and the date, time, and place that the conduct causing the injury occurred;
 - (iv) if the claimant is filing the claim pursuant to the second sentence of Article 72, paragraph (1) of the Act, the name and address of the party at fault;
 - (v) the grounds allowing the claimant to file the claim to an indemnity for damage with the government pursuant to Article 72, paragraph (1) of the Act;
 - (vi) the automobile registration number or vehicle number, the license plate number, or the registration number under the Geneva Convention on Road Traffic, if it is known (or, if there is no this number, the vehicle identification number (VIN));
 - (vii) if the claimant is to receive a benefit equivalent to an indemnity for damage under Article 72, paragraph (1) of the Act based on another law or regulation, the basis for its payment and its amount; and
 - (viii) the amount being claimed and the basis on which it is calculated (clearly showing a breakdown of the medical fees being claimed and other details of and basis for the amount of damage).
- (2) The following documents must accompany the document referred to in the preceding paragraph:
- (i) a medical certificate or postmortem certificate;
 - (ii) documents providing sufficient evidence of the information referred to in items (ii) through (v) and (vii) of the preceding paragraph; and
 - (iii) documents providing sufficient evidence of the basis for calculation referred to in item (viii) of the preceding paragraph.
- (3) On finding that it is necessary to do so, the Minister of Land, Infrastructure, Transportation and Tourism may request a person claiming an indemnity for damage as referred to in Article 72, paragraph (1) of the Act to submit a medical certificate issued by a doctor that the Minister designates. The necessary expenses in such a case are borne by the government.

(Filing Requests for Compensation with the Government)

Article 28 (1) A person must file a request for compensation with the government as under Article 16, paragraph (4) or Article 17, paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 23-3,

paragraph (1)) in writing, using a document that gives the following information:

- (i) the name and address of the claimant;
 - (ii) the names and addresses of the party at fault and the injured party and the date, time, and place that the conduct causing the injury occurred;
 - (iii) the grounds allowing the person to file the request for compensation with the government pursuant to Article 16, paragraph (4) of the Act or Article 17, paragraph (4) (including as applied *mutatis mutandis* in Article 23-3, paragraph (1) of the Act);
 - (iv) the automobile registration number or vehicle number, the license plate number, or the registration number under the Geneva Convention on Road Traffic (or, if there is no this number, the vehicle identification number (VIN));
 - (v) the name and address of the policyholder or mutual insurance policyholder; and
 - (vi) the amount being requested and the basis on which it is calculated (clearly showing a breakdown of the medical fees being claimed and other details of and basis for the amount of damage).
- (2) The following documents must accompany the document referred to in the preceding paragraph:
- (i) documents providing sufficient evidence of the information referred to in items (ii) and (iii) of the preceding paragraph; and
 - (ii) documents providing sufficient evidence of the basis for calculation referred to in item (vi) of the preceding paragraph.

(Payment of Shared Charges under the Program Guaranteeing Compensation for Automobile Accidents)

Article 29 (1) Shared charges under the Program Guaranteeing Compensation for Automobile Accidents are to be consolidated and paid every month.

(2) If grounds for payment of shared charges under the Program Guaranteeing Compensation for Automobile Accidents arise, insurers and cooperatives must report this to the Minister of Land, Infrastructure, Transport and Tourism without delay.

(Written Demands)

Article 30 Form No. 3 is used as the format for a written demand as referred to in Article 80, paragraph (2) of the Act.

(Identification of Officials in Charge of Seizing Property)

Article 31 Form No. 4 is used as the format for the identification carried by an official in charge of handling measures pursuant to Article 80, paragraph (4) of

the Act based on the rules governing measures to collect national tax arrears.

(On-Site Inspections)

Article 31-2 Form No. 5 is used as the format for a certificate as referred to in Article 23-2, paragraph (2) of the Act, as applied mutatis mutandis pursuant to Article 82-2, paragraph (2) of the Act.

(Particulars with Which Insurers and Cooperatives Must Comply)

Article 31-3 Particulars with which an insurer or cooperative must comply to ensure the proper issuance of insurance stickers and mutual insurance stickers referred to in Article 84-2, paragraph (4) of the Act means:

- (i) an insurer or cooperative is not to issue or reissue an insurance sticker or mutual insurance sticker that indicates a different month and year from that which includes the day on which the coverage period under the contract for automobile liability insurance or mutual automobile liability insurance expires; and
- (ii) an insurer or cooperative is to issue an insurance sticker or mutual insurance sticker during the one-month period leading up to the beginning of the coverage period under the contract for liability insurance or mutual liability insurance, if the beginning of the coverage period is fixed on or after the day following that on which the contract is concluded.

(Identification of Officials Requesting Persons to Present Certificate of Automobile Liability Insurance)

Article 32 Form No. 6 is used as the format for the identification referred to in Article 85, paragraph (2) of the Act.