

NATIONAL INSURANCE BUREAU

**CRITERIA FOR INTANGIBLE CLAIM INDEMNIFICATION AS A RESULT OF
DEATH, BODILY INJURY AND HEALTH DISORDERS
BY
USE OF MOTOR VEHICLES**

**Skopje
June,2011**

On the base of article 2 of the Decision no.0201-1412/11 at the Management Board of the National Insurance Bureau of the 7th regular session, held on 20.06.2011, the revised text was prepared of the:

CRITERIA FOR INTANGIBLE CLAIM INDEMNIFICATION AS A RESULT OF DEATH, BODILY INJURY AND HEALTH DISORDERS BY USE OF MOTOR VEHICLES

1. Physical pain

The level of the indemnification of a claim for suffered physical pain is determined in compliance with the circumstances of each separate case, so that the strength and the duration of the suffered physical pain are taken into consideration.

Another relevant factors that are taken into consideration in determination of the indemnification of a claim for suffered physical pain, are also the following:

- The age of the injured party, his/her general health, the type and the character of the injuries;
- Inconveniences that occur during the medical treatment (such as short unconsciousness, various kinds of immobilizations and fixings, X-rays, long- term stay into bed, difficulties in swallowing, number and kinds of surgeries, infusions, transfusions, injections, use of wheelchair, physiotherapy, ambulance visits, etc.);

Table1:Level of the claim indemnification for suffered physical pain (per days), in denars:

Intensity of the pain	Per day	Total
Weak pain	200 denars per day	Mostly to 40.000 denars
Moderate pain	600 denars per day	Mostly to 120.000 denars
Intensive pain	1.000 denars per day	Motly to 250.000 denars

Insignificant physical pain, in duration of 2-3 дена, is not a subject of claim indemnification.

2. Fear

The claim indemnification for suffered fear is determined in compliance with the circumstances of each separate case, taking into consideration the duration and the intensity of the suffered fear.

Subject of the indemnification is the fear suffered in case of a severe bodily injury or if the intensity of the fear took longer time and left permanent consequences to the mental life of the damaged party.

The level of indemnification for this kind of claim, by rule is determined at 50% -70% of the determined amount of claim indemnification for suffered physical pain.

By exception, the determined claim indemnification for suffered fear might be higher only in cases where there are evident clinical evidences for admitted psychiatric disease which occurred as a consequence of the suffered fear.

3. Suffered mental disease due to decreased life activity

The decreased life activity as a special base for claim indemnification for suffered mental disease, covers all limitations of life activity of the damaged party which was realized by him/her or by regular flow of events, or it is certain that will be realized in the future. Limitation of life activity also means performance of activities with increased effort or under special circumstances.

This kind of claim, by rule, is of permanent character, but the monetary compensation might be given, also, in case when the decrease of life activity is temporarily, if the same one is with strong intensity or if the circumstances of the specific case justifies it.

Primary factors that are taken into consideration in determination of the level of indemnification for suffered mental illness due to decreased life activity are the level (the percent) of decreased mental and the age of the damaged party.

Another relevant factors that are taken into consideration are the following:

- The profession of the damaged party;
- Limitations in relation to the recreation and sport which was previously practiced;
- Limitations in relation to the family and social activities of the damaged party.

Table2: Level of the indemnification of the claim for permanently decreased life activity (for every 10% decreased life activity) in denars:

Level(percent) of decreased life activity	Age of the damaged party			
	Up to 45 years	From 45 to 60 years	From 60 to 70 years	More than70 years
Up to 25%	150.000	110.000	70.000	35.000
From 25% to 50%	180.000	130.000	90.000	45.000
From 50% to 80%	220.000	170.000	110.000	55.000
From 80%to100%	300.000	200.000	130.000	65.000

In case of temporary decreased life activity, the indemnification of the claim (for every 10% decreased life activity) is mostly one tenth (1/10) of the foreseen indemnifications in Table 2.

The maximum claim indemnification for suffered mental disease due to decreased life activity, can be determined for younger people with the most extreme injuries, for example quadriplegia, paraplegia or severe injury of the brain, which caused damage equal to 100% decrease of the life activity.

4. Mental disease due to deformation

The level of the indemnification for suffered mental illness due to deformation is determined on the base of the level of deformation and the mental disease suffered by the damaged party as a result of deformation.

Another factors which are specially taken into consideration in determination of the level of this kind of indemnification are, also, the age of the damaged party, the visibility of the deformation, the profession of the damaged party, etc.

Table3: Level of the claim indemnification as a result of deformation in denars:

Age	Level of deformation		
	Insignificant	Moderate	Severe
Up to 35 years	50.000	90.000	170.000
From 25% to 50%	40.000	70.000	130.000
From 50% to 80%	30.000	50.000	95.000
From 80% to 100%	20.000	30.000	60.000

5. Mental pain due to death of a close person

The indemnity for claim for suffered mental pain due to death of a close person is determined in compliance with the circumstances of each separate case.

Table 4: The level of the indemnity of a claim for suffered pain due to death of a close person (a spouse or extra marital partner, a child, parent, unborn child, brother or a sister) in denars:

In case of a death of :	Level of the indemnity:
A spouse or extra-marital partner (if there was between them a permanent life community) and a child	from 250.000 to 500.000
Parent	from 200.000 to 400.000
Unborn child (fetus)	up to 150.000
Brother or sister (if there was between them a more lasting life community)	from 100.000 to 300.000
An indemnity for a grandmother and a grandfather is determined (for more lasting life community)	from 50.000 to 100.000
An indemnity for grandchildren is determined (for more)	from 50.000 to 100.000

Small children, who still are not able to understand the meaning of the loss of their parents, have right for claim indemnification for suffered mental pain, because that mental pain need

not occur directly after the death of the parents, but will occur as a consequence of the loss of the parents' love, care and attention which the child would have got from their parent, as well as the idea for the death itself, accordingly.

Material claim :

1. The total amount of 100.000,00 denars with fiscal bills for funeral expenses and gravestone monument.

6. Mental pain as a result of especially severe disability of a close person

The claim indemnity for suffered mental pain due to especially severe disability of a close person, is determined in compliance with the circumstances of each separate case.

The disability should be considered for especially severe if the percent of decrease of the life activity, fixed for the damaged party, is equal or higher than 70 percents.

Table 5 : The level of the claim indemnification for suffered mental pain due to especially severe disability of a close person (a spouse or extra marital partner, a child, parent, unborn child, brother or a sister)in denars:

In case of especially severe disability of:	Level of the indemnity:
A spouse or extra-marital partner (if there was between them a permanent life community) and a child	from 150.000 to 300.000
Parent	from 100.000 to 200.000
Brother or sister (if there was between them a more lasting life community)	up to 100.000

Effective date:

These Criteria come into effect on the day they were adopted, namely 08.04.2008.

Use:

1. These Criteria for intangible claim indemnification are used in determination of claim indemnity due to death, bodily injury and health disturbance, for claims that are reimbursed by the Guarantee Fund, in compliance with the Decision no. 0201-1080-

2/08 dated 08.04.2008 at the Management Board of the National Insurance Bureau , on its 26th regular session, held on 08.04.2008.

2.Modifications and amendments of the Criteria for intangible claims indemnification which are used in determination of claim indemnity due to death, bodily injury and health disturbance, for claims that are reimbursed by the Guarantee Fund, are made on the base of article 1 of the Decision no. 0201-1412/11 of the Management Board of the National Insurance Bureau, on its seventh regular session, held on 20.06.2011.

Skopje, June 2011

National Insurance Bureau