

ROAD ACCIDENT VICTIMS PROTECTION ACT,  
B.E. 2535 (1992).<sup>1</sup>

BHUMIBOL ADULYADEJ, REX.

Given on the 2<sup>nd</sup> April B.E. 2535 (1992)

Being the 47<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have the law on road accident victims protection.

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Council, acting as the National Assembly, as follows:

**Section 1.** This Act is called the “Road Accident Victims Protection Act, B.E. 2535”.

**Section 2.**<sup>2</sup> This Act shall come into force after the lapse of three hundred and sixty days from the date of its publication in the Government Gazette.

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<sup>1</sup> Translated by Mr. Panitarn Vacharaprechaskul under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

<sup>2</sup> Published in the Government Gazette, Vol. 109, Part 44, Special Issue, dated 9<sup>th</sup> April, B.E. 2535 (1992).

Section 2 is amended by the Road Accident Victims Protection Act (No. 2), B.E. 2535 (1992).

**Section 3.** All other laws, rules and regulations in so far as they are already provided herein, or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

**Section 4.** In this Act:

“Conveyance”<sup>3</sup> means conveyance under the law on vehicle, conveyance under the law on land transport, vehicle under the law on military vehicle, and includes other conveyance prescribed in the Ministerial Regulation;

“Owner of conveyance” means the person who has ownership or possessory right over the conveyance under hire purchase contract and includes the person who bring the conveyance registered in a foreign country into the Kingdom for temporary use;

“Victim” means the person whose life, body, or health is injured from the conveyance using or being on the way or from the goods carried or installed in such conveyance and also includes the legal heir of the deceased victim;

“Injury” means injury to life, body, or health resulting from conveyance;

“Passenger” means the person appearing in or on conveyance or any part of conveyance, and also includes the person who is getting on or off such conveyance;

“Insurer” means the insurer under the law on insurance having licensed to operate insurance against loss from conveyances;

“Basic compensation”<sup>4</sup> means healing expense, expenses necessary in connection with healing, funeral, including compensation for damage and other basic expenses necessary for recovery from damage of the victim in accordance with the particulars and amount of money prescribed in the Ministerial Regulation issued under section 20 paragraph two;

“sign”<sup>5</sup> (repealed)

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<sup>3</sup> Definition of “Conveyance” of section 4 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>4</sup> Definition of “Basic compensation” of section 4 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>5</sup> Definition of “Sign” of section 4 is repealed by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

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“Board”<sup>6</sup> means the Road Accident Victims Protection Board.

“Registrar”<sup>7</sup> means the Director-General of the Insurance Commission, or the person entrusted by the Director-General of the Insurance Commission by publication in the Government Gazette;

“Fund” means the victim compensation fund;

“Minister” means the Minister having charge and control of the execution of this Act.

**Section 5.**<sup>8</sup> The Minister of Finance shall have charge and control of the execution of this Act, and shall have power to issue a Ministerial Regulation and Announcement for the implementation of this Act.

Such Ministerial Regulation and Announcement shall come into force upon their publication in the Government Gazette.

**Section 6.**<sup>9</sup> There shall be a Board called the “Road Accident Victims Protection Board” consisting of the Permanent Secretary for Finance as Chairperson, representative of the Ministry of Defense, representative of the Ministry of Commerce, representative of the Ministry of Transport, representative of the Ministry of Public Health, representative of the Sub-Ministry of Universities, representative of the Department of Disaster Prevention and Mitigation, representative of the Royal Thai Police, a person entrusted by the Consumer Protection Board under the law on consumer protection, representative of the Insurance Broker Association, representative of the General Insurance Association, representative of the Private Hospital Association, representative of the Medical Council, and not exceeding four other qualified persons appointed by the Council of Ministers, as members. The Director-General of the Insurance Commission shall be member and secretary, and

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<sup>6</sup> Definition of “Board” of section 4 is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>7</sup> Definition of “Registrar” of section 4 is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

<sup>8</sup> Section 5 is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

<sup>9</sup> Section 6 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

the Director of the Bureau of Registrar of Road Accident Victims Protection shall be member and assistant-secretary.<sup>10</sup>

In appointing qualified persons under paragraph one, the persons having knowledge and expertise in the field of insurance, economics, medicine, and law shall be taken into account.

**Section 6 bis.**<sup>11</sup> The Board shall have power and duties as follows:

(1) to give advice to the Minister in issuing the Ministerial Regulation under section 7 and section 20, and the Announcement under section 10;

(2) to determine the criteria of particulars and amount of healing expense, and expenses necessary in connection with healing which shall be paid by the insurer or the Fund to victims;

(3) to resolve the problem relating to basic compensation and/or other money under this Act or relating to particulars and amount of healing expense, and expenses necessary in connection with healing which is required by the Registrar or victims;

(4) to carry out other activities prescribed in this Act or as entrusted by the Minister.

**Section 6 ter.**<sup>12</sup> A qualified member shall be in office for a term of two years. A qualified member vacating office may be reappointed.

In addition to vacating office at the expiration of term, a qualified member vacates office upon:

(1) death;

(2) resignation;

(3) being removed by the Council of Ministers;

(4) being a bankrupt;

(5) being an incompetent person or quasi-incompetent person;

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<sup>10</sup> Section 6 paragraph one is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

<sup>11</sup> Section 6 *bis* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>12</sup> Section 6 *ter* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

(6) being imprisoned by a final judgment except for an offence committed through negligence or a petty offence.

**Section 6 *quater*.**<sup>13</sup> In the case where a qualified member vacates office before the expiration of term, the Council of Ministers shall appoint a person of the same category under section 6 to replace him or her, and the replacing member shall hold office for the remaining term of the qualified member replaced

In the case where an additional qualified member is appointed during the term of already appointed qualified members, the additional appointed qualified member shall hold office for the remaining term of the qualified member already appointed.

**Section 6 *quinque*.**<sup>14</sup> In the case where the qualified members hold office until the end of term, but there is no appointment of new qualified members, the qualified members vacating office at the end of term shall perform the duties for the time being until the newly appointed qualified members assume office.

**Section 6 *sex*.**<sup>15</sup> At a meeting of the Board, there must be the presence of not less one half of total number of members to constitute the quorum.

At any meeting, if the Chairperson is not present or is unable to perform the duty, the members present shall elect one among themselves to preside over the meeting.

The resolution of the meeting shall be passed by a majority of votes. In casting votes a member has one vote. In case of equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

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<sup>13</sup> Section 6 *quater* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>14</sup> Section 6 *quinque* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>15</sup> Section 6 *sex* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

**Section 6 septem.**<sup>16</sup> The Board shall have power to appoint one or more Sub-committees for considering or carrying out the activities entrusted by the Board.

The provisions of section 6 *sex* shall apply to the meeting of the Sub-committees *mutatis mutandis*.

**Section 6 octo.**<sup>17</sup> In the operation under this Act, the Board and the Sub-committee shall have power to summon any relevant insurer, healthcare centre, or person to give statement or send document or evidence for complimenting the consideration.

The expense on operation of the Board and the Sub-committee shall be disbursed from the Fund.

## CHAPTER I INSURANCE AGAINST LOSS

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**Section 7.** Subject to the provisions of section 8, the owner of conveyance who use or possess for use of conveyance must provide insurance against loss for victims by insuring with an insurer.

The insured amount shall be determined in accordance with the kind, category, and size of the conveyance but not less than the amount prescribed in the Ministerial Regulation.

As regard the conveyance of an owner who has already insured against loss for victims which includes loss occurring to victims and properties in accordance with the kind, category, and size of the conveyance prescribed in the Ministerial Regulation, no more insurance against loss for victims is required.<sup>18</sup>

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<sup>16</sup> Section 6 *septem* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>17</sup> Section 6 *octo* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>18</sup> Section 7 paragraph three is added by the Road Accident Victims Protection Act (No. 5), B.E. 2551 (2008).

**Section 8.** The following conveyances are not required to provide insurance against loss under section 7:

(1) conveyances specifically provided for the King, the Queen, the Heir to the Throne, and the regent;

(2) conveyances of the Bureau of the Royal Household which are registered and contain the sign in accordance with the rule prescribed by the Lord Chamberlain;

(3) conveyances of the Ministries, Sub-Ministry, Departments, Municipalities, Provincial Administrative Organizations, Sanitation Districts, the Bangkok Metropolis, the City of Pattaya, and other local administration named otherwise, and military vehicles under the law on military vehicle;

(4) other conveyances prescribed in the Ministerial Regulation.

**Section 9.** As for the conveyance registered in a foreign country which is temporarily brought for use in the Kingdom by an owner who has no domicile or residence in the Kingdom, the owner must provide insurance against loss for victims in the amount and under the rule and condition prescribed in the Ministerial Regulation.

**Section 10.**<sup>19</sup> The insurer shall insure against loss under section 7 or section 9, as the case may be, in accordance with the rule and procedure announced by the Minister with the advice of the Board. Such announcement may prescribe different statements in the insurance policy and different insurance premium for each kind, category, and size of the conveyance and character of the insured.

The insurer shall report on the insurance against loss under paragraph one to the Registrar in accordance with the rule and procedure announced by the Registrar.<sup>20</sup>

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<sup>19</sup> Section 10 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>20</sup> Section 10 paragraph two is added by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

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**Section 10 bis.** There shall be established a “Road Accident Victims Protection Company Limited” with the following objectives:

(1) to render services in connection with accepting requests and paying compensation or various amounts of money under this Act, and carrying out the activities as may be entrusted by the insurer or the Office of Victims Compensation Fund;

(2) to operate business of insurance against loss only in the aspect of conveyance insurance under this Act as approved by the Council of Ministers;

(3) to carry out other activities as prescribed in the memorandum of association.

Each and every insurer shall subscribe to the establishment, increase in stock capital, and any operation in accordance with the rule prescribed by the Council of Ministers in order for achieving the objectives of the Road Accident Victims Protection Company Limited.

In establishing the Road Accident Victims Protection Company Limited, the Minister shall fix a period of time for inviting insurers to subscribe the stock capital. And at the end of such period, the Secretary-General of the Insurance Commission shall compile the subscribed stock for fixing the amount of stock in publishing the memorandum of association, articles of association, and list of names of the primary Board and auditing officers of the Road Accident Victims Protection Company Limited, as well as other essential statements and procedure required for corporate registration, and to render the authorized officer for registration of company under the Civil and Commercial Code to proceed with registration in accordance with relevant law. Upon such registration, the Road Accident Victims Protection Company Limited shall be deemed a limited company under the Civil and Commercial Code as well as a company of insurance against loss under the law on insurance against loss.<sup>21</sup>

Pending the operation of insurance against loss by the Road Accident Victims Protection Company Limited, the provisions on collateral and capital reserves to be deposited with the Registrar and the maintenance of capital reserves under the law on insurance shall not be applied thereto.

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<sup>21</sup> Section 10 bis paragraph three is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).



The modification of memorandum of association and articles of association of the Road Accident Victims Protection Company Limited must be approved in advance by the Minister.

The appointment of the Managing Director of the Road Accident Victims Protection Company Limited must be approved in advance by the Insurance Commission. And in the case where there is any evidence appearing to the Insurance Commission that the Managing Director behaves dishonestly in the performance of duties, the Insurance Commission, with the approval of the Minister, shall have power to remove the Managing Director from office and the Insurance Commission has the power to appoint a temporary Managing Director to assume office until the Road Accident Victims Protection Company Limited appoints a new Managing Director.<sup>22</sup>

Every three months period, the insurer shall contribute to the expenses of the Road Accident Victims Protection Company Limited in proportion to the premiums received by each insurer under this Act in the past three months at the rate and under the procedure prescribed by the Minister.

Such contributions made by the insurer shall be deducted as expenditure in calculating income tax under the Revenue Code.

The insurer must assign the acceptance of requests for and payment of various compensations and money under this Act to the Road Accident Victims Protection Company Limited, and also to carry out such activities in place of the insurer. And each and every insurer shall carry out the activities relating to the authorization and allocation of contingency fund for disbursement of compensation in place of the insurer in accordance with the rule prescribed by the Road Accident Victims Protection Board.

**Section 10 *ter*.**<sup>23</sup> As for any insurer which violates or fails to comply with section 10 or section 10 *bis*, the Minister shall have power to revoke the license to operate insurance business on the part of conveyance insurance of such insurer.

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<sup>22</sup> Section 10 *bis* paragraph six is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

<sup>23</sup> Section 10 *ter* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

The insurer whose license is revoked under paragraph one shall continue to be bound under the insurance policy issued by the insurer to the insured until such insurance policy expires.

**Section 11.** Subject to section 8, no person shall use the conveyance providing no insurance against loss under section 7 or section 9.

**Section 12.**<sup>24</sup> The owner of conveyance or conveyance user must keep the evidence showing insurance against loss under section 7 or section 9 ready to be presented to the official at all time of using conveyance except in case such conveyance has already been registered or has already paid conveyance annual tax under section 19.

**Section 13.**<sup>25</sup> In case the insurer or owner of conveyance revokes the insurance policy before the end of protection for whatever reason, the insurer must inform the Registrar on such revocation.

The information on the revocation shall be in accordance with the rule and procedure announced by the Registrar.

**Section 14.** The insurance under section 7 and section 9 must also contain the requirement on payment of basic compensation under this Act.

Upon having fixed the insured amount under section 7 paragraph two, the rule, payment procedure and duration of payment of the compensation other than basic compensation shall be in accordance with the announcement of the Minister.<sup>26</sup>

**Section 15.** The insurance policy or documents complimenting or attaching the insurance policy which contain statements on responsibility of insurer

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<sup>24</sup> Section 12 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>25</sup> Section 13 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>26</sup> Section 14 paragraph two is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

different from those prescribed in the provisions of this Act shall not be set up against the victim in releasing the insurer from liability to pay basic compensation.

**Section 16.** The insurer shall not raise the incomplete insurance policy, or violation against the condition of insurance policy between the insurer and the owner of conveyance, or the fact that the insurer has informed on revocation of insurance policy to the owner of conveyance, for refusing to pay basic compensation to the victim unless the insurer has informed on the revocation in writing to the owner of conveyance and the Registrar in advance.

The information on revocation of insurance policy shall be effective after thirty days from the date the insurer has informed on the revocation in writing to the insured at the latest known domicile by recorded delivery registered mail.

**Section 17.** The insurer shall not raise the fact of dishonesty or reckless negligence of the insured for setting up against the victim in refusing to pay basic compensation to the victim.

**Section 18.** In the case where the conveyance which the owner has insured with an insurer is transferred to another person by effect of the law on inheritance or other laws, the receiver of such conveyance shall assume the position of the insured of such insurance policy, and the insurer shall continue to be responsible to the insurance policy for the remaining duration of such insurance policy.

**Section 19.**<sup>27</sup> In rendering service of vehicles registration or vehicles annual tax payment under the law on vehicle and the law on land transport, the Registrar under such law shall have power to examine whether insurance against loss under section 7 has already been provided or not. Then the service of vehicles registration entitled to not exceeding five percent of procuration fee, while the owner of conveyance has seven percent discount from the procuration fee which the Registrar under such law receives from the insurer at twelve percent or at the

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<sup>27</sup> Section 19 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

rate announced by the Minister in accordance with the rule prescribed by the Council of Ministers.

Such five percent of procuration fee received by the Registrar under such law needs not be remitted to the Ministry of Finance as State revenue, and may be disbursed under the rule approved by the Ministry of Finance. or vehicles annual tax payment may be rendered.

In the case where it appears that insurance against loss under section 7 has not been provided, the Registrar under such law shall render the provision of insurance against loss under section 7. Thereby the Registrar under such law shall be

## CHAPTER II COMPENSATION<sup>28</sup>

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**Section 20.** When damage occurs to the road accident victim caused by a conveyance insured, the insurer shall pay basic compensation to the victim upon request of the victim.

The damage deserved for basic compensation, amount of basic compensation, request for basic compensation, and payment of basic compensation to the victim under paragraph one shall be in accordance with the rule, procedure and at the rate prescribed in the Ministerial Regulation.

**Section 21.** In the case where the insurer fails to pay basic compensation under section 20 to the victim, or pays incomplete amount of basic compensation to the victim, the victim shall inform the default of payment or payment of incomplete amount of basic compensation by the insurer to the Office of Victims Compensation Fund in accordance with the procedure prescribed in the Ministerial Regulation.

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<sup>28</sup> The title of “CHAPTER II, COMPENSATION” is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

**Section 22.** The receipt of basic compensation under section 20 shall not prejudice the right to claim for additional compensation under the Civil and Commercial Code.

**Section 23.**<sup>29</sup> Basic compensation for damages occurring to the road accident victims from the following conveyances shall be disbursed from the Fund:

(1) such conveyance has been provided no insurance against loss under section 7 or section 9 and the owner of conveyance fails to pay basic compensation to the victim, or pays incomplete amount of basic compensation to the victim;

(2) such conveyance is not under possession of the owner of conveyance when the accident occurs due to misappropriation, fraud, extortion, theft, blackmail, robbery, or gang-robbery which has already been reported to the police inquiry officer;

(3) there is no one claims to be owner of such conveyance, and such conveyance has been provided no insurance against loss under section 7 or section 9

(4) such conveyance escapes or no one knows which conveyance causes the damage;

(5) the insurer fails to pay basic compensation under section 20 to the victim, or pays incomplete amount of basic compensation to the victim, or

(6) conveyance under section 8 which has been provided no insurance against loss under section 7.

**Section 24.** In the case where two or more conveyances cause damage to the victim who is in a conveyance, each insurer of each conveyance shall pay basic compensation to the victim who is in a conveyance insured by an insurer.

In the case under paragraph one but the victim is not in one of those conveyances, each insurer shall jointly pay basic compensation to the victim at an average proportion equally.

As regard the case under section 23, the Office of Victims Compensation Fund shall pay or jointly pay basic compensation to the victim under paragraph one or paragraph two, as the case may be.

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<sup>29</sup> Section 23 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

**Section 25.** The insurer or the Office of Victims Compensation Fund shall completely pay basic compensation to the victim under section 20, section 23, or section 24 within seven days from the date of receipt of request without pending the investigation on liability.

The basic compensation shall be considered as one part of compensation under the Civil and Commercial Code.

**Section 26.**<sup>30</sup> In the case where the owner of conveyance or insurer fails to pay basic compensation to the victim, or pays incomplete amount of basic compensation to the victim under section 23 (1) or (5), as the case may be, or in case damage occurs to the victim under section 23 (3) or (4), after the Office of Victims Compensation Fund has paid basic compensation to the victim under section 25, the Registrar shall claim for reimbursement from the owner of conveyance or insurer, as the case may be, including an additional amount of twenty percent of the basic compensation paid by the Fund to be reimbursed to the Fund; provided that in case the damage occurs to the victim under section 23 (4) and the owner of conveyance or insurer faithfully does not know of the accident, or in case the insurance policy has already expired for not exceeding thirty days without intentional avoidance of provision of insurance by the owner of conveyance, or in other case prescribed by the Minister, the Registrar may reduce or exempt the additional amount of reimbursement.

The rule on claiming for reimbursement, and reducing or exempting additional amount of reimbursement shall be in accordance with the announcement made by the Minister.

**Section 27.** In requesting for basic compensation under this Act, the victim must file an application within one hundred and eighty days from the date the damage occurs.

**Section 28.** In the cases under section 23 (1) and (3) if the conveyance causing damage has not been seized under other law, the Registrar may

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<sup>30</sup> Section 26 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

seize such conveyance until the owner of conveyance pays complete amount of basic compensation to the victim or reimburses the basic compensation to the Fund within seven days from the date of receipt of order of the Registrar. On the other hand, if the conveyance has been seized under other law, the Office of Insurance Commission shall be entitled to have a share in the conveyance if it is sold by auction.

**Section 29.** The Registrar has power to sale by auction the conveyance seized under section 28 in the following cases:

(1) in case the owner of conveyance fails to reimburses the basic compensation to the Fund within seven days from the date of receipt of order of the Registrar.

(2) in case there is no one claims to be owner of the conveyance causing damage and the Registrar has made an announcement for identifying the owner by posting the notice at the office of the Registrar who has seized the conveyance causing damage, and has published the announcement in a daily newspaper distributed in the locality where the accident occurs for at least two consecutive days, but there is no one appears before the Registrar who has seized the conveyance causing damage within thirty days from the first day of publication in the newspaper.

**Section 30.** The seizure of conveyance under section 28 and sale by auction of the conveyance under section 29 shall be proceeded with in accordance with the Civil Procedure Code *mutatis mutandis*.

The proceeds derived from the sale by auction under section 28 shall be deducted as expenses in seizure and sale by auction, and payment of basic compensation to the victim or reimbursement of basic compensation to the Fund, as the case may be. The remaining if any shall be remitted to the owner of conveyance. In case there is no one claims to be owner of the conveyance causing damage, the Office of Insurance Commission shall keep such money in accordance with the rule prescribed by the Office of Insurance Commission by publishing in the Government

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Gazette. And if the owner of conveyance fails to claim such money within five years from the date of sale by auction, such money shall be vested in the Fund.<sup>31</sup>

**Section 31.**<sup>32</sup> In the case where the damage occurs from an act of the third party, or from an intentional or reckless negligent act of the owner of conveyance, driver, a person who is in a conveyance, or the victim, after the insurer has paid basic compensation or compensation, or the Office of Victims Compensation Fund has paid basic compensation to the victim, or the agency under section 8 (1), (2), (3) or the owner of conveyance under section 8 (4) has reimbursed to the Fund, then the insurer, the Office of Victims Compensation Fund, or the agency under section 8 (1), (2), (3) or the owner of conveyance under section 8 (4) shall be entitled to redeem the amount paid from such person or has the right to reclaim such amount of money from the victim.

(Paragraph two)<sup>33</sup> (repealed)

**Section 32.**<sup>34</sup> In the case where the Registrar has paid basic compensation to the victim for the damage occurring from conveyance under section 8 which has been provided no insurance against loss under section 7, the agency which is owner of conveyance under section 8 (1), (2), (3) or the owner of conveyance under section 8 (4), as the case may be, shall remit such amount of money disbursed from the Fund to the Fund.

The reimbursement to the Fund for the conveyance under section 8 (1), (2) or (3) shall be in accordance with the rule and procedure prescribed by the Ministry of Finance.

### CHAPTER III

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<sup>31</sup> Section 30 paragraph two is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

<sup>32</sup> Section 31 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>33</sup> Section 31 paragraph two is repealed by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>34</sup> Section 32 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

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## VICTIM COMPENSATION FUND

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**Section 33.** There shall be established a Fund called the “Victim Compensation Fund” with the objective of financing disbursement of basic compensation to the victims when there occurs the cases under section 23 and other expenses in the operation under this Act.

The Fund consists of:

- (1) primary capital allotted by the Government;
- (2)<sup>35</sup> contributions of insurers remitted in accordance with the rule prescribed under section 36 and the additional contribution acquired under section 36 *bis*;
- (3) Government subsidy allotted from annual budgetary appropriations;
- (4) money or property acquired under section 28, section 30, section 31 or section 32;
- (5) money or property donated;
- (6) fruits of the Fund;
- (7) money earned from selling property acquired under (4) and (5);
- (8) other income.

All of such money or property shall belong to the Office of Insurance Commission for use in ensuring the objective of the Fund without having to remit to the Ministry of Finance as income of the State.<sup>36</sup>

**Section 34.**<sup>37</sup> There shall be the Office of Victims Compensation Fund in the Office of Insurance Commission for operation concerning the Fund.<sup>38</sup>

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<sup>35</sup> Section 31 (2) is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>36</sup> Section 33 paragraph three is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

<sup>37</sup> Section 34 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>38</sup> Section 34 paragraph one is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

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The Office of Victims Compensation Fund may allot not exceeding thirty five percent of the fruits of the Fund per annum for disbursement of management and other expenses of The Office of Victims Compensation Fund.<sup>39</sup>

The process of disbursement, maintenance and management of the Fund, the expenses incurring from the operation, and rate of meeting allowances of the Committee and Sub-Committee, and other expenses of The Office of Victims Compensation Fund shall be in accordance with the rule prescribed by the Office of Insurance Commission with the approval of the Ministry of Finance.<sup>40</sup>

**Section 35.** When there occurs the case under section 23 and the victim is unable to claim basic compensation from the owner of conveyance who has provided no insurance against loss or from insurer, the Office of Victims Compensation Fund shall disburse basic compensation to the victim from the Fund when the victim file an application attaching a copy of daily report of the inquiry officer.<sup>41</sup>

Application for and disbursement of basic compensation from the Fund shall be in accordance with the rule, procedure and condition prescribed in the Ministerial Regulation.

**Section 36.**<sup>42</sup> The insurer shall contribute to the Fund every quarter of the year at the rate not exceeding ten percent of the premium acquired from the insured in each three months. Such contributions made by the insurer shall be deducted as expenditure in calculating income tax under the Revenue Code.

The claim for and disbursement of contributions from the insurer shall be in accordance with the rule and procedure prescribed in the Ministerial Regulation.

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<sup>39</sup> Section 34 paragraph two is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>40</sup> Section 34 paragraph three is amended by section 3 (3) of the Insurance Commission Act, B.E. 2550 (2007).

<sup>41</sup> Section 35 paragraph one is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>42</sup> Section 36 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

**Section 36 bis.**<sup>43</sup> Any insurer who fails to contribute to the Fund accurately and completely in accordance with section 36 shall be liable to pay an additional amount at the rate of two percent per month of the defaulting contribution.

#### CHAPTER IV PENALTY PROVISIONS

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**Section 37.**<sup>44</sup> Any owner of conveyance who fails to comply with section 7 or section 9 shall be liable to a fine not exceeding ten thousand Baht.

**Section 38.**<sup>45</sup> Any insurer who fails to comply with section 10, section 10 *bis* or section 36 shall be liable to a fine from fifty thousand Baht to two hundred and fifty thousand Baht.

**Section 39.**<sup>46</sup> Any person who violates section 11 shall be liable to a fine not exceeding ten thousand Baht.

**Section 40.**<sup>47</sup> Any owner or user of conveyance who fails to comply with section 12 or any insurer who fails to comply with section 13 shall be liable to a fine not exceeding one thousand Baht.

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<sup>43</sup> Section 36 *bis* is added by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>44</sup> Section 37 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>45</sup> Section 38 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>46</sup> Section 39 is amended by the Road Accident Victims Protection Act (No. 3), B.E. 2540 (1997).

<sup>47</sup> Section 40 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

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**Section 41.**<sup>48</sup> Any insurer who fails to comply with or violates the announcement issued under section 14 paragraph two shall be liable to a fine from ten thousand Baht to fifty thousand Baht.

**Section 42.**<sup>49</sup> (repealed)

**Section 43.**<sup>50</sup> (repealed)

**Section 44.**<sup>51</sup> Any insurer who violates or fails to comply with the Ministerial Regulation issued under section 20 or fails to comply with section 25, or any owner of conveyance or insurer who fails to comply with section 26, shall be liable to a fine from ten thousand Baht to fifty thousand Baht.

**Section 45.**<sup>52</sup> Any person who dishonestly files an application for accepting basic compensation or compensation under this Act, or submits fault evidence in order to accept basic compensation or compensation under this Act,

shall be liable to an imprisonment for a term not exceeding five years or to a fine not exceeding fifty thousand Baht, or to both.

**Section 46.** All the offences under this Act which is punishable by fine only, the Registrar has the power to settle the case. After the amount of fine determined has been paid within thirty days, the case is deemed to be settled in accordance with the Criminal Procedure Code.

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<sup>48</sup> Section 41 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>49</sup> Section 42 is repealed by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>50</sup> Section 43 is repealed by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>51</sup> Section 44 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

<sup>52</sup> Section 45 is amended by the Road Accident Victims Protection Act (No. 4), B.E. 2550 (2007).

## Transitional Provisions

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**Section 47.** The owner of conveyance who uses or possesses for use conveyance on the date this Act comes into force shall completely provide insurance against loss for victims within one hundred and eighty days from the date this Act comes into force. Pending the expiration of such period, the owner of conveyance shall not be deemed fail to comply with section 7 or section 9.

The provisions of section 23 (5) shall apply to the owner of conveyance who has already provided insurance against loss under section 7 or section 9.

Subject to the provisions of paragraph two, the provisions of section 23 shall not be in force until the lapse of three hundred and sixty five days from the date this Act comes into force.

Countersigned by

Anand Panyarachun  
Prime Minister

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## Glossary

รถ	conveyance
รถยนต์	vehicle
หนังสือบริคณห์สนธิ	memorandum of association
ข้อบังคับ(บริษัท)	articles of association
คณะกรรมการคุ้มครองผู้ประสบภัยจากรถ (ม. 6)	Road Accident Victims Protection Board
สำนักงานคณะกรรมการกำกับและส่งเสริมการประกอบธุรกิจประกันภัย	Office of Insurance Commission
สำนักงานกองทุนทดแทนผู้ประสบภัย	Office of Victims Compensation Fund;
กองทุนทดแทนผู้ประสบภัย	victim compensation fund
กรมธรรม์ประกันภัย	insurance policy
เบี้ยประกัน	premium
ค่าตอบแทนการหาประกัน	procurator fee (มาตรา 19)
ยักยอก	misappropriation
ฉ้อโกง	fraud
กรรโชก	extortion
ลักทรัพย์	theft
รีดเอาทรัพย์	blackmail
ชิงทรัพย์	Robbery
ปล้นทรัพย์	Gang-robbery
ผู้อำนวยการฝ่าย ฝ่ายสำนักนายทะเบียนคุ้มครองผู้ประสบภัยจากรถ	Director Motor Vehicle Accident Victims Protection Department (ดูจากนามสงเคราะห์)

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Note

- (1) ม. 6 คณะกรรมการคุ้มครองผู้ประสบภัยจากรถ (มีคณะกรรมการเป็น Board)
- (2) ม. 10 ทวิ ให้จัดตั้งบริษัทกลางคุ้มครองผู้ประสบภัยจากรถ จำกัด (มีคณะกรรมการเป็น Board)
- (3) ม. 34 ให้จัดตั้งสำนักงานกองทุนทดแทนผู้ประสบภัย (มีคณะกรรมการเป็น Committee)
- (4) คณะกรรมการกำกับและส่งเสริมการประกอบธุรกิจประกันภัย (ตามคณะกรรมการกำกับและส่งเสริมการประกอบธุรกิจประกันภัย พ.ศ. 2550) (มีคณะกรรมการเป็น Commission)

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