



Istituto per la Vigilanza sulle Assicurazioni Private e di Interesse Collettivo

(only the Italian version is authentic)

REGULATION N. 13 OF 6 FEBRUARY 2008

REGULATION LAYING DOWN PROVISIONS ON THE INSURANCE CERTIFICATE, THE INSURANCE STICKER AND THE ACCIDENT STATEMENT FORM REFERRED TO UNDER TITLE X (COMPULSORY INSURANCE FOR MOTOR VEHICLES AND CRAFT) CHAPTER I (INSURANCE OBLIGATION) AND CHAPTER IV (SETTLEMENT PROCEDURES) OF LEGISLATIVE DECREE N. 209 OF 7 SEPTEMBER 2005 – CODE OF PRIVATE INSURANCE

ISVAP

*(Istituto per la vigilanza sulle assicurazioni private e di interesse collettivo –
Supervisory Authority for Private Insurance Undertakings and Insurance Undertakings of Public Interest)*

HAVING REGARD to law n. 576 of 12 August 1982 as subsequently amended and supplemented, on the reform of insurance supervision;

HAVING REGARD to legislative decree n. 209 of 7 September 2005 as subsequently amended and supplemented, introducing the Code of Private Insurance;

HAVING CONSIDERED the opportunity to determine the contents of the accident statement form in compliance with the corresponding documents adopted by other Countries of the European Union, to facilitate the international movement of motor vehicles by enabling, in specified circumstances, the use of such documents for the purposes of ensuring compliance with the obligation referred to in article 143 of the the Code of Private Insurance;

adopts the following:

REGULATION

INDEX

Chapter I – General provisions

Article 1 (Legislative sources)
Article 2 (Definitions)
Article 3 (Scope)

Chapter II – Insurance certificate and sticker

Section I – Common provisions

- Article 4 (Documents attesting compliance with the insurance obligation)
Article 5 (Contracts underwritten by way of co-insurance)

Section II – Insurance certificate

- Article 6 (Characteristics of the insurance certificate for motor vehicles)
Article 7 (Characteristics of the insurance certificate for craft)
Article 8 (Optional information)

Section III – Sticker

- Article 9 (Characteristics of the sticker)

Section IV – Special provisions

- Article 10 (Vehicles with temporary plates and used vehicles travelling on test, for trial or demonstration)

Section V – Provisions on the issuing of documents

- Article 11 (Provisions on the issuing of the insurance certificate and sticker and provisionally equivalent documents)
Article 12 (Issuing of duplicates of the insurance certificate and sticker)

Chapter III – Reporting a claim

- Article 13 (Accident statement form)
Article 14 (Vehicles registered or enrolled in foreign States. Accident statement form issued by a foreign insurance undertaking)
Article 15 (Delivery of the accident statement form by the insurance undertaking)
Article 16 (Other information)

Chapter IV – Transitional and final provisions

- Article 17 (Repeals)
Article 18 (Publication)
Article 19 (Entry into force)

CHAPTER I General Provisions

Article 1 (Legislative sources)

1. This Regulation has been adopted in compliance with articles 127 (4), 143 (1) and 191 (1 a) of legislative decree n. 209 of 7 September 2005.

Article 2 (Definitions)

1. For the purposes of this Regulation:
 - a) "compulsory insurance against civil liability in respect of the use of motor vehicles and craft" shall mean: compulsory insurance covering civil liability in respect of the use of motor vehicles for the risks classified in class 10, other than carrier's liability, and for the risks classified in class 12 referred to in article 2 (3) of legislative decree n. 209 of 7 September 2005;
 - b) "leading insurer" shall mean: the undertaking which has underwritten a co-insurance contract pursuant to article 1911 of the civil code and has been appointed by the other co-insurers to manage the contract on behalf and in the interests of those co-insurers;
 - c) "policyholder" shall mean: the natural or legal person who underwrites a compulsory insurance contract against civil liability in respect of the use of motor vehicles and craft;
 - d) "co-insurance contract" shall mean: the contract pertaining to the insurance referred to in letter (a) underwritten, in line with article 1911 of the civil code, by more than one of the undertakings referred to in letter (f), each for a given share of the risk;
 - e) "decree" shall mean: legislative decree n. 209 of 7 September 2005, introducing the Code of Private Insurance;
 - f) "craft for which insurance is compulsory" shall mean: the craft referred to in article 123 of legislative decree n. 209 of 7 September 2005, subject to compulsory insurance against third party liability for the risks classified in class 12 other than carrier's liability, referred to in article 2 (3) of the same decree;
 - g) "trailers" shall mean: the vehicles designed to be towed by motor vehicles and trolley buses excluding articulated buses pursuant to article 56 (1) of legislative decree n. 285 of 30 April 1992;
 - h) "semi-trailers" shall mean: the vehicles constructed in such a way that a part of them lays on top of the traction unit and a considerable amount of their mass or load is borne by said unit, pursuant to article 56 (3) of legislative decree n. 285 of 30 April 1992;
 - i) "foreign States" shall mean: the EU member States or the States belonging to the European Economic Area and third States;
 - l) "distance selling techniques" shall mean: any sales technique which, without requiring the simultaneous and physical presence of the undertaking and the policyholder, may be used for the distance marketing of insurance contracts;
 - m) "motor vehicles for which insurance is compulsory" shall mean: the motor vehicles referred to in article 122 (1) of legislative decree n. 209 of 7 September 2005, subject to compulsory insurance against third party liability for the risks classified in class 10, other than carrier's liability, referred to in article 2 (3) of the same decree.

Article 3
(Scope)

1. This Regulation applies to insurance undertakings authorised in Italy to pursue compulsory insurance against civil liability in respect of the use of motor vehicles and craft as well as to insurance undertakings having their head office in another EEA State licensed to pursue insurance business in Italy in the insurance classes 10 (excluding carrier's liability) and 12 under the right of establishment or by way of free provision of services.

CHAPTER II
Insurance certificate and sticker

Section I – Common provisions

Article 4
(Documents attesting compliance with the insurance obligation)

1. Compliance with the obligation to take out insurance against civil liability in respect of the use of motor vehicles and craft shall be attested by a specific insurance certificate issued by the insurance undertaking or, in case of a contract underwritten by way of co-insurance, by the leading insurer.
2. The sticker, delivered by the insurance undertaking at the time of the issue of the insurance certificate, shall be displayed on the motor vehicle, trailer and semi-trailer to which the insurance refers, according to the terms established by article 181 of legislative decree n. 285 of 30 April 1992.
3. In order to use the vehicle or craft drivers shall keep with them the insurance certificate and sticker for submission, along with the other vehicle documents and the driving licence on request by the competent bodies.

Article 5
(Contracts underwritten by way of co-insurance)

1. When compliance with the insurance obligation is achieved by underwriting a co-insurance contract, if the co-insurers are jointly and severally liable instead of in proportion to their respective share and a leading insurer has been appointed, the insurance certificate shall show only the corporate name of the leading insurer, with the indication that the contract has been underwritten by way of co-insurance. If the co-insurers are not jointly and severally liable and are therefore liable each in proportion to their respective share of risks, the insurance certificate shall show the corporate name of all the co-insurers.
2. However the sticker may show only the leading insurer.

Section II – Insurance certificate

Article 6

(Characteristics of the insurance certificate for motor vehicles)

1. In case of motor vehicles for which insurance is compulsory the insurance certificate shall contain the following indications:
 - a) name and head office of the insurance undertaking, number of registration in the Register of undertakings kept by ISVAP or in the lists attached to the Register and the other information details established by article 2250 of the civil code;
 - b) policyholder's name or corporate name or firm and residence, domicile or head office;
 - c) type of vehicle;
 - d) registration plate data or, if no registration plate is required, chassis and engine identification data;
 - e) the insurance period for which the premium or premium rate has been paid;
 - f) the insurance contract number;
 - g) signature of the insurance undertaking's legal representative or of the intermediary registered under section A of the single electronic register of insurance and reinsurance intermediaries referred to in article 109 of the decree, authorised by the undertaking to conclude the contract to which the certificate refers;
 - h) name and address of the claims representative, in case the insurance certificate is issued by an insurance undertaking pursuing business in Italy by way of freedom to provide services.
2. Pursuant to article 1 of presidential decree n. 474 of 24 November 2001 the insurance certificate of vehicles travelling on test or for demonstrational purposes in case of sale, shall contain the data of the test plate instead of those indicated under paragraph 1 (d).
3. In case of vehicles with trailers separate insurance certificates shall be issued for the tractor and for the trailer.

Article 7

(Characteristics of the insurance certificate for craft)

1. In case of craft for which insurance is compulsory the insurance certificate shall contain the information referred to in article 6 (1) (a, b, e, f, g and h) as well as that on the engine power and the craft's entry or registration data or, if it is not subject to compulsory registration or entry, on the trademark and engine number resulting from the relevant certificate issued in compliance with the provisions in force.

Article 8

(Optional information)

1. Undertakings shall include any further information in addition to that envisaged in article 6 (1) and in article 7 in a separate section of the insurance certificate; the number of pieces of information shall be such and so arranged as not to cause confusion as to the name and head office of the insurance undertaking providing the cover.

Section III – Sticker

Article 9

(Characteristics of the sticker)

1. The sticker shall be drawn up in accordance with the model in annex 1 and contain the following indications:
 - a) name of the insurance undertaking;
 - b) data of the plate for motor vehicles, trailers and semi-trailers; entry data or, in the absence of such data, trademark and engine number for craft. In case of vehicles with test plates: the data of such plate. In case of vehicles for which no plate is envisaged: the chassis and engine identification data;
 - c) type of motor vehicle or craft, unless, in the latter case, insurance is taken out with reference to the removable engine referred to in article 123 of the decree;
 - d) expiry day, month and year of the insurance period indicated in the certificate as per article 6 (1 e);
 - e) signature by the legal representative of the insurance undertaking;
 - f) name and address of the claims representative, in case the sticker is issued by an insurance undertaking pursuing business in Italy by way of freedom to provide services.
2. In case of trailers and semi-trailers a separate sticker shall be issued for the tractor and for the trailer/semi-trailer.

Section IV – Special provisions

Article 10

(Vehicles with temporary plates and used vehicles travelling on test, for trial or demonstration)

1. In case of vehicles with temporary plates insurance may be taken out for a period equal to the period of validity of the waybill.
2. Insurance undertakings may underwrite temporary insurance covers under certain policy and premium conditions, with a duration of no longer than five days (which cannot be extended), for used vehicles put into operation by dealers for selling purposes, travelling on test, for trial or demonstration.
3. In case the insurance referred to under paragraph 2 is taken out, undertakings shall issue a certificate indicating the elements to be used for the vehicle identification and the period of validity of the insurance. The certificate shall be displayed on the vehicle to which it refers according to the arrangements established in article 4 (2). Undertakings shall adopt adequate procedures for the management of incoming and outgoing printed forms regarding those insurance covers.

Section V – Provisions on the issuing of documents

Article 11

(Provisions on the issuing of the insurance certificate and sticker and provisionally equivalent documents)

1. According to article 127 (3) of the decree the insurance certificate and sticker shall be issued to the policyholder by and at the expense of insurance undertakings upon payment

- of the premium or of the premium instalment and at any rate not later than within five days. In case of undertakings using distance selling techniques the above documents shall be provided at the residence or domicile of the policyholder within the same delay.
2. During the period referred to under paragraph 1 the receipt relating to the payment of the premium or of the premium instalment issued by the insurance undertaking shall be considered as provisionally equivalent to the insurance certificate and sticker also in case it is sent by fax or e-mail. In the absence of the receipt the statement issued by the insurance undertaking (also if sent by fax or e-mail) attesting that the obligation to take out insurance has been complied with, or the receipt of the undertaking's pre-printed post-office giro slip relating to the payment of the premium or of the premium instalment shall be considered as provisionally equivalent to the insurance certificate and sticker.
 3. The provisionally equivalent documents referred to under paragraph 2 must show the undertaking's name, policy number, data of the plate or, if the latter is not required, the chassis and engine identification data and the effective date of the cover.
 4. For the purposes referred to under paragraph 2 insurance undertakings shall:
 - a) upon payment of the premium or of the premium instalment: deliver to the policyholder the receipt relating to the payment or the statement;
or
 - b) make available to the policyholder, in due advance, the pre-printed post-office giro slip.
 5. The provisionally equivalent documents referred to under paragraph 2 shall:
 - a) be displayed on the vehicle to which they refer according to the arrangements established in article 4 (2) or kept according to and for the purposes of article 4 (3);
 - b) have graphical features and dimensions allowing them to be displayed on the vehicle according to letter a).

Article 12

(Issuing of duplicates of the insurance certificate and sticker)

1. Insurance undertakings shall issue, at the request and expense of the policyholder, a duplicate of the insurance certificate and sticker in case they have deteriorated, have been stolen, lost or destroyed.
2. In case of failure of mail services to deliver the insurance certificate and sticker on time, insurance undertakings marketing contracts by means of distance communication techniques shall issue a duplicate, at the request of the policyholder, without costs to be borne by the latter.
3. In case of deterioration the policyholder shall give the deteriorated insurance certificate and sticker back to the undertaking.
4. In case of theft, loss or destruction of the insurance certificate or of the sticker the policyholder shall provide to the undertaking evidence that he/she has reported it to the authorities responsible or, if so envisaged under contract terms, a declaration on the event occurred.
5. The issuing of the duplicate shall be registered by the undertaking. The insurance certificate and sticker shall mention the word «duplicate» by using bold characters.

CHAPTER III – Reporting a claim

Article 13 (Accident statement form)

1. The statement form to be used in case of accident involving motor vehicles for which insurance is compulsory shall be drawn up according to the model shown in annex 2 (Agreed motor accident statement - claim notification)

Article 14 (Vehicles registered or enrolled in foreign States. Accident statement form issued by a foreign insurance undertaking)

1. In case of accident between motor vehicles for which insurance is compulsory where vehicles registered or enrolled in foreign States temporarily travelling in Italy are involved, the obligation to report the claim can be complied with also by using forms issued by foreign insurance undertakings, provided that they are compliant with the model referred to under article 13.

Article 15 (Delivery of the accident statement form by the insurance undertaking)

1. When underwriting or renewing the insurance contract, as well as any time a claim is notified, undertakings shall deliver to the policyholder a copy of the accident statement form along with the insurance certificate and sticker.

Article 16 (Other information)

1. A sheet shall be added to the form referred to under article 13; the sheet shall be designed according to the model shown in annex 2 (Other Information), containing further information on accidents, which is necessary to feed the claims data bank set up at ISVAP pursuant to article 135 of the decree.
2. The accident statement form referred to under article 13 shall maintain the effects envisaged by the decree even if the other information requested in the additional sheet is missing.

CHAPTER IV Transitional and final provisions

Article 17 (Repeals)

1. ISVAP order n. 2136 of 13 December 2002 shall be repealed on 1 July 2008.

Article 18
(Publication)

1. This Regulation shall be published in the Italian Official Journal and in ISVAP's Bulletin and website.

Article 19
(Entry into force)

1. This Regulation shall enter into force on the day after the publication in the Italian Official Journal, except for the provisions referred to under articles 6, 7, 8 and 9 and under Chapter III, which shall enter into force on 1 July 2008.
2. Until 30 June 2008 undertakings may continue to use the insurance documents and the accident statement form drawn up according to presidential decree n. 973 of 24 November 1970 and to ISVAP order n. 2136 of 13 December 2002 respectively.

Rome, 6 February 2008

the President
(Giancarlo Giannini)