

## **Report on a period of non-use of a truck for a traffic insurance company**

### **Background**

The enclosed form has been prepared jointly by the Finnish Motor Insurers' Centre and Finnish Transport and Logistics SKAL. The purpose of the form is to facilitate and harmonise the filing of claims for damages for the period of non-use of a truck with the motor liability insurance company of the party at fault in a traffic accident.

The motor liability insurance system is based on tort liability jurisprudence, according to which the actual damage or injury is compensated for. The purpose of the standard compensation system of the motor liability insurance is to accelerate the receipt of compensation. However, it does not mean that the party who sustained damage or injury would always be eligible to the standard compensation if the actual damage or injury is less severe. Correspondingly, if the standard compensation is too low, the party who sustained damage or injury has the right to demand compensation on the basis of the actual damage or injury.

In addition to the principle of full compensation, there are other principles based on tort liability jurisprudence, such as the principle of indemnity and obligation to limit the damage, that are applied in the compensation for traffic accidents. The principle of indemnity means that the party who sustained damage or injury cannot achieve a better financial standing due to the accident than without it. The obligation to limit the damage means that the party who sustained damage or injury has the obligation to take action in order to ensure that the amount of damage remains as small as possible.

For example, the use of a substitute vehicle or leased vehicle (a tractor and/or a trailer) may result in a smaller damage than the standard compensation. That is why it should be applied in these situations, if possible, and if it reduces the amount of damage. If the vehicle has been used for business in a normal manner, no loss according to the standard compensation exists. In that case, the actual compensable damage should be determined in accordance with the guidelines

concerning the expenses incurred by substitute vehicle leasing, issued by the Traffic Accident Board, or whether it should be based on a capital expenditure for the use of one's own substitute vehicle.

## Questions

1. This question aims to determine if the vehicle was unfit for traffic. For example, minor dents or scratches do not render a vehicle unfit for use in traffic. In that case, the repairs can be carried out later and any parts needed can be ordered in advance for the repairs. A vehicle fit for use in traffic does not need to be off traffic waiting for the repairs before the scheduled appointment.
2. The purpose of this question is to determine if services were provided with another vehicle, for example, during the period of non-use. If traffic or transportation services continued, no loss of income is generated. In that case, the insurance covers the extra costs, such as the cost of leasing a vehicle in accordance with the guidelines issued by the Traffic Accident Board or the additional expenses incurred by using one's own substitute vehicle.
3. This question determines whether a standard compensation is being claimed.
4. In this section, compensation is claimed in accordance with the actual damage, if the party who sustained damage or injury deems that the standard compensation is not sufficient. Variable costs in the income statement are deducted from the return. The basis is that such costs, including fuel, service, tyre or equivalent costs, are not incurred during the period of non-use either. With regard to salary expenses, you should keep in mind that they may be fixed, in other words, when the salary payment obligation exists, these expenses must be paid during the period of non-use as well. In some cases, salaries may be variable, in which case they are not paid during the period of non-use. The report aims to indicate the vehicle's revenue/daily billing, variable costs of the vehicle (fuel, tyres, service and repair costs), salaries and social security payments. The attachment form can be used to prepare the report (see the attachment form).
5. If the driver was paid a salary for the duration of the period of non-use, a certificate/report of the salaries and social security payments paid should be attached. If the driver is not paid a salary during the period of non-use, this salary portion will not be compensated for by insurance, since the actual loss in the form of salary paid against no work performance has not arisen.

6. A description of the entrepreneur's loss of income if they themselves were the driver.
7. Indicate here whether the driver or entrepreneur driver was injured in this accident and whether he or she receives compensation for loss of income due to personal injury for the period of non-use.
8. Additional information that may be significant in the determination of the compensation for loss during the period of non-use can be provided on the back of the form or by other means.

## **Claimant's information**

Name

Contact information

Bank account number (in the IBAN format, 18 digits)

Vehicle registration number

Make and model

## **Accident information**

Date and time

Location

Parties

## Information of the vehicle at fault

Name

Contact information

Registration number

Make of car

Model

Motor liability insurance company

I am filing a claim for compensation as a party not at fault in a traffic accident for a period of non-use.

The damaged vehicle (reg.no.) \_\_\_\_\_ has been in professional use (a truck).

1. Did the loss inspection indicate that the vehicle is not fit for traffic use?

No      Yes

2. Was gainful employment interrupted for the duration of vehicle repairs?

No      Yes

No, because own substitute vehicle was used (enter reg.no. here)

No      Yes

No, because own leased vehicle was used (enter reg.no. here)

No      Yes

The amount of costs incurred by the use of the substitute or leased vehicle during the repair period  
\_\_\_\_\_ euros.

Grounds for not having a substitute or leased vehicle:

3. I claim the regular compensation for the period of non-use. My own estimate of the loss of  
income (please fill in sections 5–7) \_\_\_\_\_ euros.

No      Yes

4. I claim compensation based on the actual loss in the amount of \_\_\_\_\_ euros, since the loss of income exceeds the amount of the standard compensation. I am attaching the income statement or equivalent information showing the vehicle's return and variable costs for the past six months, at a minimum. The attachment form can be used to prepare the report (see the attachment form).

No            Yes

5. The driver was paid a salary for the duration of the period of non-use although the driver had no work while being employed by this entrepreneur.

No            Yes

6. The entrepreneur themselves was the driver of the vehicle and they suffered loss of income for the duration of the non-use period of the vehicle (if needed, please provide a description in a separate attachment).

No            Yes

7. The entrepreneur or the driver was paid compensation for loss of income due to a personal injury for the duration of the period of non-use from, for example, an accident insurance or motor liability insurance.

No            Yes

8. Other expenses and further information (if needed, on the back of the form or in a separate attachment):

## Attachment

### Calculation of the loss of sales margin during the period of non-use

**The calculation is based on bookkeeping or an equivalent report (excluding VAT)**

**The bookkeeping materials used as the basis of the calculation must be enclosed.**

As a rule, the business operations can be deemed to have been interrupted for the damaged vehicle only, unless proven otherwise. Therefore, the calculation is vehicle-specific.

If the entrepreneur has several vehicles and maintains vehicle-specific bookkeeping, a vehicle-specific calculation derived from it can be used as a basis of calculation.

Otherwise, the loss of the sales margin calculated from the bookkeeping materials is divided by the number of the vehicles.

If the entrepreneur's fleet includes a wide variety of vehicles (e.g. a heavy-duty tractor-trailer and a wheel loader), the basis of the division can be other than the number of vehicles.

**1 Vehicle revenue/month/vehicle** **€/month**  
(E.g. €11,500/month)

#### **Average variable costs to be deducted/month:**

Kilometres driven/month (e.g. 6,000 km)	km
Fuel consumption	L/100 km
Average price of fuel	€/L

**1.1 Fuel costs in total** **€**

(Price of fuel × consumption/100 km × kilometres driven)

E.g. €0,95/L × 30 L/100 km × 6,000 km = €1,710

Repair, service and tyre costs €/km

**1.2 Repair, service and tyre costs in total** **€**

(Repair, service and tyre costs €/km × kilometres driven)

E.g. €0,12/km × 6,000 km = €720

**2 Variable costs in total/month** **€/month**

(Item 1.1 + item 1.2)

E.g. €1,710 + €720 = €2,430

**Number of days driven per month (e.g. 21 days)** **days**

**3 Computational loss of sales margin** **€/month**

(Item 1 – item 2)

E.g. €11,500/month – €2,430/month = €9,070/month

**4 Computational loss of sales margin** **€/day**

(Item 3 ÷ number of days driven)

E.g. €9,070 ÷ 21 days = €431,90/day

**Duration of period of non-use, days (e.g. 10 days)** **days**

**Loss of sales margin during the period of non-use** **€**

(Item 4 × duration of the period of non-use)

E.g. €431,90/day × 10 days = €4 319,00

Date

Name and signature

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