



Cars and Insurance

“Cars and insurance” contains answers to some of the questions that consumers will have when they have been involved in a road traffic accident.

**Insurance
& Pension
Denmark**

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Also read the internet brochure “Daily life and insurance”

Brancheorganisationen Forsikring & Pension
Forsikringsoplysningen
Philip Heymans Allé 1, 2900 Hellerup

Replacement car

You are entitled to payment for a hire car when the following two requirements are **both** satisfied:

- 1) there must be a fully or partially liable counterparty, and
- 2) the car shall be used for commercial purposes – or – it is not possible for you to manage without the car, e.g., because you cannot get to work using public transport without incurring severe time penalties.

If you hold insurance with the entitlement to a hire car after an accident, you must **always** contact your own insurance company.

Who will pay?

The insurance company of the liable counterparty shall pay for the hire car. You must, however, pay the sum first. In case of any doubts, you can contact the counterparty's insurance company prior to hiring the car.

For how long?

The counterparty's insurance company must pay the car hire during the repairs in accordance with the insurance assessor's report.

The car hire will, however, only be paid during the "net" repair time. This means that you will not be paid for the full duration if, e.g., the workshop has to wait for spare parts or there are other reasons for the work not progressing. The insurance assessor can tell you how many days have been estimated for the repairs.

If the car is a write-off, you can normally only receive car hire payment for a maximum of two weeks counting from the incident date.

You can normally not receive payment for car hire during weekends and holidays.

How much could you be paid?

The counterparty's insurance company must pay documented costs for hire of a car similar to the damaged one – with a deduction for saved wear etc. on your own car.

The guideline deduction for standard passenger cars is approx. DKK 1 per kilometre travelled. The sum is price index adjusted.

If the hire car insurance includes an excess, you can purchase insurance against this risk. The cost shall not be paid, however, if you already have an excess on your own car.

You can also purchase a loss of use and accident insurance for the hire car. You cannot, however, expect to have the cost refunded.

If you are partially liable for the accident, the payment shall be reduced by the proportion of your liability. If, e.g., you are one-third liable, the final car hire compensation shall be reduced by one-third. [See the section dealing with collision liability.](#)

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Vehicle depreciation as a result of damage

If your car suffers substantial damage, you may suffer a loss when you come to sell the car at a later date. You cannot realise the same price for the car after the damage as you could prior to it.

Insurance supplement

You may have purchased a depreciation supplement for your car insurance. In this case, you must always contact your own insurance company.

The counterparty's liability insurance

If the counterparty's liability insurance is to pay for depreciation, the following conditions must generally be satisfied:

1. The counterparty must be fully or partially liable for the accident.
2. Your car must be a passenger car of late vintage, typically less than 3 years old. If the passenger car is of an older vintage, compensation can be considered where depreciation can be demonstrated.
3. The damage must be substantial, with repair costs typically representing at least 20% of the car's trade value prior to the damage.

What can you demand?

It is important to emphasise that the depreciation assessment is based on an estimate on an individual case basis and that the compensation normally cannot exceed 20% of the cost to repair your car.

The compensation can depend on the condition of the car, mileage, and the nature and scope of damage. Some repairs do not cause a value reduction and are therefore not included in the depreciation calculation. This applies, e.g., to the replacing of airbags, wings and the like.

If the counterparty is only partially liable for the accident, the depreciation compensation will be reduced.

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Collision liability

If you cause a road traffic accident or are apportioned part of the liability for an accident, this will usually affect your excess and the cost of your insurance.

In the following pages, we will outline some examples of road traffic accidents involving vehicles which often lead to doubts regarding the apportioning of liability.

The examples shown are based on many years of court precedence. It is therefore likely that any court proceedings will lead to the same outcome.

In cases where parties provide opposing statements and no unbiased witnesses are available, precedence shows that liability will often be equally apportioned.

In case of accidents where the police has taken a report, you should be aware that you are not necessarily without liability related to the accident even if you are not fined. The police views regarding the offence, i.e. who to fine, does not have to align with the compensation issue.

Continued on the following page



No liability



1/3 liability



1/2 liability



2/3 liability



Full liability

See examples of:

Left turn

Collision from behind

Queueing collision

Head-on traffic

Reversing

Right turn

Lane-change

Collision with parked vehicles

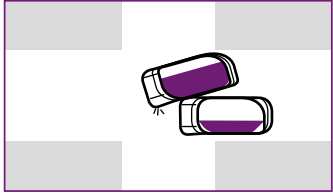
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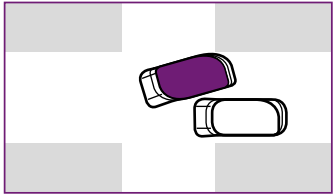
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Left turn

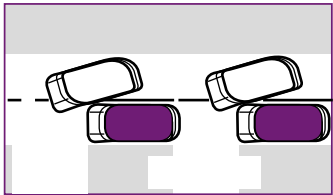


1. Left turn.
Collision with overtaking vehicle.



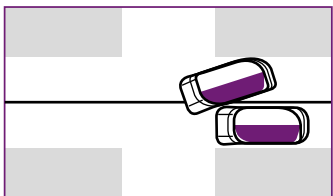
2. Left turn. Collision with overtaking vehicle. Turning performed without or at the same time as indicating.

Left turn. Turning towards private entry-way - or turning from lane marked as intended for straight through traffic or right turn.

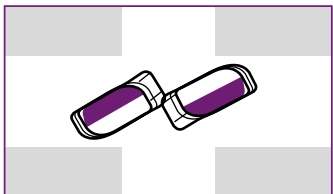


3. Left turn crossing broken line. Collision with overtaking vehicle.

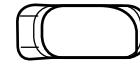
Overtaking can be proven to have been executed across unbroken line.



4. Left turn crossing unbroken line. Collision with overtaking vehicle.



5. Head-on traffic, both turning left.



No liability



1/3 liability



1/2 liability



2/3 liability



Full liability

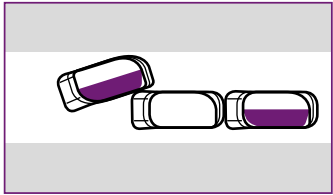
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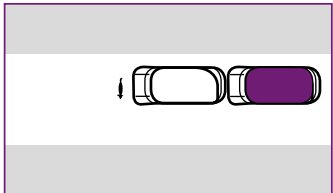
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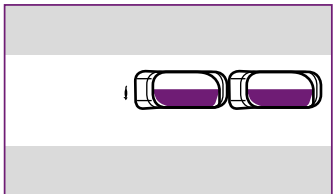
Collision from behind



6. If a vehicle executes a manoeuvre which causes another vehicle to have to brake, and the other vehicle is struck by a party from behind, the liability shall be equally shared, provided that the party creating the situation, in case of collision with the vehicle braking, would have been considered liable.

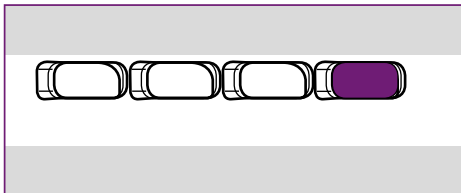


7. Braking for other traffic, dogs and large animals, collision by vehicles from behind.

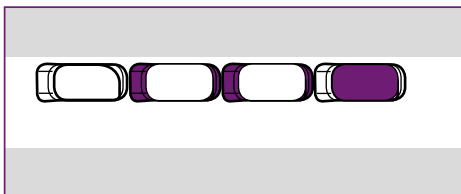


8. Braking without traffic-related cause and braking for cats, birds and other smaller animals, collision by vehicles from behind.

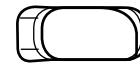
Queueing collision



9. Full liability to the rearmost vehicle if it is shown that vehicles in front of this are pushed into each other.



10. Vehicle in front without liability if the braking was traffic-related. The other vehicle shall pay for damages to own front section and rear section of vehicle in front and so on.



No liability



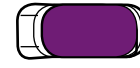
1/3 liability



1/2 liability



2/3 liability



Full liability

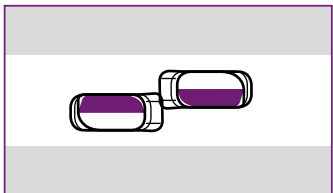
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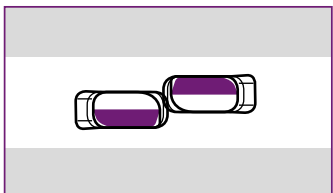
Also read the internet brochure "Daily life and insurance"

Head-on traffic



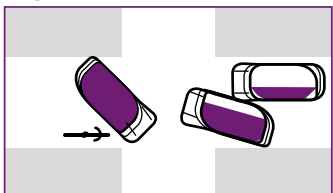
11. Head-on collisions. Equal liability - unless it can be demonstrated that one party has crossed the centre of the road or an unbroken line.

Reversing



12. Collisions between reversing vehicles, irrespective of the situation at the moment of collision.

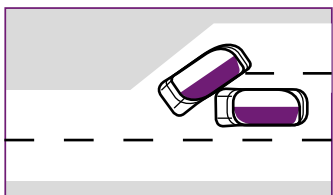
Right turn



13. Right turn. Collision with party overtaking on the right. There is a side road to the left. 2/3 to the turning party.

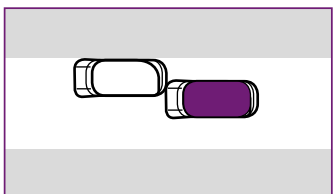
If the party overtaking on the right is a moped, the turning party has full liability.

Lane-change



14. Merging. Collision for which the merging provisions of the Road Traffic Act, Section 18 (3, 4) applies (approach lanes, lane number reduction, lanes merging).

Collision with parked vehicles



15. Collision with a vehicle parked on the side of a public road, including the hard shoulder of a motorway. During daylight or where the vehicle is illuminated during times requiring illumination.



No liability



1/3 liability



1/2 liability



2/3 liability



Full liability

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Consumer information and tools

Forsikring & Pension (Insurance & Pension Denmark)

Forsikring & Pension is the industry organisation for insurance companies, pension companies and cross-sectional pension funds in Denmark. We manage the interests of the insurance and pension industry and it is our vision that the industry shall be seen as a significant actor, contributing constructively to the creation of security and to solving societal challenges. www.forsikringogpension.dk

Forsikringsoplysningen (Insurance Information)

You can call or write our experts, who will assist you with your insurance-related queries. You can also follow Forsikringsnørden (the Insurance Nerd) on Facebook, who offers useful advice about how to prevent damage and information about new developments in the insurance field. The website contains general information and answers to a number of frequently asked questions. www.forsikringsoplysningen.dk

Forsikringsguiden (The Insurance guide)

Here, you can compare insurance terms and prices online. You select the insurance type and then which companies you wish to include in the comparison.

www.forsikringsguiden.dk

Stopindbrud (Burglary prevention)

Here, you can find advice regarding securing your home, holiday house, car, boat, and business to prevent theft. Stopindbrud.dk is a collaborative effort between Forsikring & Pension and Det Kriminalpræventive Råd (Danish Crime Prevention Board). www.stopindbrud.dk

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Complaints procedure

1) Contact the insurance company

You can start by contacting the member of staff or department handling your case. Tell them what you are not happy about. It could be that there has been a simple mistake which can be easily remedied.

2) Write to the complaints manager

If, after stage 1, you still wish to complain, please do so in writing to the complaints manager of the insurance company to which your complaint relates.

All insurance companies are legally obligated to appoint a complaints manager for private customer relations and for business customer relations where these do not significantly differ from a private customer relation.

Explain to the insurance company what you are unhappy about and what you wish to achieve.

3) Submit a complaint to Ankenævnet for Forsikring (Insurance Complaints Board)

If you are still not satisfied with the decision or case-handling by the insurance company, you can complain to Ankenævnet for Forsikring, if the matter:

- relates to insurance held by yourself - not someone else
- relates to private insurance matters.

You cannot, therefore, complain about a decision from a counterparty's company or issues related to your business affairs.

Ankenævnet for Forsikring (Insurance Complaints Board)
 Anker Heegaards Gade 2, DK-1572 København V
 Telephone: +45 33 15 89 00 (10:00-13:00).
www.ankeforsikring.dk

4) Take legal action

Anyone can bring a case before the courts. Even if it has been ruled on by Ankenævntet for Forsikring (Insurance Complaints Board).

Forsikringsoplysningen (Insurance Information) is happy to provide general advice and guidance to citizens and companies.

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