

Scope of Application of the French Loi n° 85-677 du 5 Juillet 1985 (Traffic Accident Compensation Act)

*Chung-Wu Chen**

Abstract

The Loi n° 85-677 du 5 juillet 1985 (hereafter referred to as special law) is the main law regulating french traffic accident compensation problems. Besides, it is also the special law of the french general civil liability law.

This article focus on the range of the special law, including three main parts : Vehicle, Traffic accident and Compensation parties.

The definition of the so-called 'Vehicle' is greatly relative to its transportation function. As long as it can work successfully when accident happens, it is the vehicle what the law means. Regardless of the fact that it operates continuously or temporarily, that the accident site is in public, in private, or at the road open to vehicular traffic, that the car is in action or not moving, all of the above are the so-called 'Vehicle'. In addition, train, circulating on its own way, is excluded from the special law. As far as the policy is concerned, such exclusion is not without question.

According to the definition of Traffic accident, the damage resulting from intentional behavior is not included. When the incident is both a traffic accident and a workplace accident, french courts consider that the compensation law regulating the latter is prior to be applied. As a result, the chance that the victim can be protected under the special law is relatively decreasing. We need to examine the reasonableness of that opinion.

The range of the victim and the responsible under the special law is

extremely extensive. The vehicle driver and possessor may be responsible for the damage, but as they may suffer pain and loss, they are also victims protected under the special law.

Keywords : traffic accident, compensation, Loi n° 85-677 du 5 juillet 1985, vehicle, vehicle driver, vehicle possessor, traffic accident victim