

Recent Development of French Traffic Accident Compensation Law

-- Focusing on the Reform of Loi n° 85-677 du 5 juillet 1985

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Abstract

The main purpose of this article is to present the recent development of the french traffic accident compensation law, especially focusing on the reform of “loi n° 85-677 du 5 juillet 1985” (hereafter referred to as the ‘new law’)

In the first part of this article, we will take a general look at the background and proposals of reform concerning traffic accident compensation system. Due to the high rate of death and injuries resulting from traffic accidents, the French has always considered it to be a serious social problem. The french traffic accident compensation law used to be based on its general civil tort liability system, which is made up of strict and objective (non-fault) liability, liability insurance, and a special compensation fund. However, this system on the whole is not entirely satisfying with “under-compensated victims” and “overburdened judicial systems” as the two main sources of criticism. Thus began the proposals of reform lead by scholar André Tunc and later on followed by the government.

In the second part of this article, we will focus on introducing the main contents of the new law and its relations with the general civil tort liability system. The goal of this new law is to improve the status of the victims substantially. To achieve its goal, the new law is based on ‘the victim’s perspective’. Therefore, many situations in which the victims would not have received compensation are changed dramatically. The victims would now be

adequately compensated under the new law. In addition to this, there are many rules in the new law that aim to speed up the litigation progress and provide incentives for settlements. The role of the courts in the process of reform is another important point we should take note of. Despite the controversies caused by the enactment of the new law, as time passed, it is now turning out to be a workable and efficient compensation system. The French is satisfied of this system.

Keyword: Traffic accidents, compensation, Tunc's proposal of reform, civil liability, strict liability, general civil tort liability law, liability insurance, the autonomy of loi n° 85-677 du 5 juillet 1985, direct insurance

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