



Information leaflet for those affected by traffic accidents

You have been affected by a traffic accident. The most important information on the handling of the issues that arise can be found below.

Criminal proceedings

After the traffic accident, the police and the public prosecutor will initiate a criminal investigation. After completion of the criminal investigation, the public prosecutor decides:

- Whether the proceedings are to be abandoned (e.g., if the suspected offence cannot be proven and insufficient evidence is available).
- Whether the proceedings are to conclude with a summary penalty order. This occurs if the person who caused the accident confesses or if the circumstances of the case are sufficiently clarified by other means and a fine or monetary penalty not exceeding 180 daily penalty units or a custodial sentence not exceeding 6 months is possible.
- Whether the proceedings are to be referred to a court that shall pass judgement, particularly when more severe punishments are possible.

The **court passing judgement** decides on the guilt of the person who caused the accident and the degree of penalty. It can also decide on the affected person's financial claims (civil claims).

If you have not declared yourself a private complainant, you will not hear anything about these court proceedings, as they are proceedings between the state and the person who caused the accident.

As a victim, however, you have the right to receive the decision or the summary penalty order in the case in which you are a victim from the court or the public prosecutor's office free of charge, unless you have expressly waived this right.

As such offences, especially when injuries are relatively minor, are only prosecuted on request, the police will only charge the person who caused the accident with breaching the Road Traffic Act, not with common assault. Is it necessary that you press an assault charge against the person who caused the accident? We recommend that you do so if you have received **no acknowledgement of liability** from the liability insurance provider covering the vehicle that caused the accident within an appropriate period of time. Please note: you **have only 3 months from the date of the accident** to file a criminal complaint of assault.

Medical costs

Medical costs are the costs of medical treatment, ambulances and other measures prescribed by a physician, e.g., physiotherapy.

If you are working, report the incident to your employer's accident insurance provider. If you are not working, report the incident to your personal health and accident insurance provider. If you are currently unemployed and registered with the regional job centre (RAV), report the incident there. You must then submit the invoices (e.g., from medical specialists or hospitals) to the relevant insurance provider. The insurance provider will pay the invoices, then bill the liability insurance provider covering the person who caused the accident. If you settle the matter via your health insurance, excess and deductibles can be subsequently claimed from the liability insurance provider covering the vehicle owner who caused the accident.

Claims for damages and other costs

Other damages and costs caused by the accident must be claimed from the liability insurance provider covering the vehicle that caused the accident. This mainly includes the following:

- Compensation for the claimant's damaged automobile, moped or bicycle.
- Compensation for damaged clothing, glasses, shoes etc.
- Compensation for ancillary medical costs, deductibles, excess, consumables, travel to medical experts and therapy, costs of trauma therapy etc.
- Lost wages and income as a result of the accident.
- Compensation for housekeeping (so-called household damage).
- Damage to career advancement.
- Costs of your own legal representation, if this is not covered by legal costs insurance.
- Compensation for loss of upkeep (lost income and assistance in the household in cases of death).

If a damaged automobile, motorcycle or bicycle is repaired, or a replacement is purchased, it is advisable to contact the relevant liability insurance provider in advance.

Compensation for pain and suffering

Claimants often raise the question of whether they are entitled to compensation for pain and suffering. Such compensation is possible under the following circumstances:

- If the professional and private possibilities experienced prior to the accident are left impaired.
- If the accident leaves behind physical injury or psychological damage.
- If there are fatalities.
- If the healing process was very painful, abnormally long or otherwise extraordinarily arduous for the affected person.

Compensation for pain and suffering is to be claimed from the liability insurance provider covering the vehicle that caused the accident.

Causal liability

If you were struck by a tram, automobile or moped as a pedestrian **and you are also partly to blame**, the motorised road user has proportionally greater liability because of the applicable **operational risk** (the risk that such "strong" road users generally entail for the weaker ones).

Therefore, it also makes sense in cases such as these to clarify the uninsured damages and costs, as well as any compensation claims for pain and suffering, as described above.

