

Liability for Damage Caused in Connection with Operation of Vehicles

Abstract

Liability for damage caused in connection with operation of vehicles is defined as a no-fault liability in sec. 2927 et seq. of Czech Civil Code and it belongs among other so-called special cases of no-fault liability. In order for the obligation to compensate for damage to arise, it is absolutely necessary that all legal preconditions are met, both elemental ones as well as specific ones which are regulated specifically for each type of no-fault liability.

However, when determining specific preconditions for the occurrence of the obligation to compensate pursuant to sec. 2927, the Civil Code uses terms such as “vehicles“, “transport“, “operator“ or “special nature of transport“ without defining these terms in any way at the same time. The insufficient concretization of above mentioned terms then causes many practical problem connected with their interpretation and application.

The aim of this thesis is to analyze some selected problematic aspects of no-fault liability according to sec. 2927 of Czech Civil Code, to evaluate the legal diction and to offer answers to some unanswered and uncertainly or conflictingly answered questions related to these selected legal aspects. For such purpose, mainly the descriptive-analytical method and the method of comparison were used, since some selected aspects were compared with the Austrian legislation, which is very close to the Czech legislation due to common legal roots.

From the structural point of view, the introductory chapter presents the genesis of the special legal regulation of liability according to sec. 2927 of Civil Code, as it is important for the proper grasp of the current legal regulation, which is based on earlier legal regulations valid and effective in the Czech Republic. The second chapter deals with the meaning and purpose of the special legal regulation, as it must be taken into account when interpreting problematic aspects. In the second chapter all preconditions that must be fulfilled under sec. 2927 of Civil Code for the obligation to compensate for damage to arise are presented as well. The third, fourth and fifth part of this thesis are focused on problematic specific legal preconditions of the obligation to compensate for damage according to sec. 2927 of Civil Code, namely on terms such as transport, vehicle, operator, operation of vehicle and special nature of operation of vehicle. The last part of this thesis then deals with possibilities of the responsible person to be exonerated.