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Basic characteristics of the Motor third party liability insurance system in the United States of America

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SUMMARY

In this paper, the author analyzes some aspects of compulsory third party liability insurance in the United States of America, pointing out the significant differences that are made regarding the most common legislative solutions applicable to the law of Western European countries. Special attention is paid to the protection of third parties, injured people, as well as interesting solutions that are applied in the business practice of insurance companies to protect drivers and passengers in the insured vehicle. Some of the most common examples of insurance coverage available to policyholders in everyday life are described, but there are also significant deficiencies in the protection of road accident victims, as well as the rather limited protection of policyholders themselves.

The basic principles regarding the obligation to bear the damage caused are discussed as well as different levels of insurance coverage provided. In addition to this, some of the peculiarities of how claims are resolved in extrajudicial or judicial proceedings, some basic characteristics of the insurance market itself are also discussed.

Key words: motor third party liability insurance, the USA, liability risk share, insurance coverage, damages, insurance market.

LITERATURA (REFERENCES)

- American Car Auto Insurance USA: Auto Insurance Department US and Car Insurance United States, 1-2, dostupno na: <https://www.car-insurance-news.com/american-car-insurance-usa-auto-insurance-united-states.html>, 24. 6. 2019.
- Arizona Department of Transportation. Mandatory Insurance, dostupno na: <https://www.azdot.gov/motor-vehicles/faq/vehicle-services/mandatory-insurance>, 23. 6. 2019.
- Bailey, J. H. III, Hagedorn, B. R. (2000). *Secured Transactions in a Nutshell*, Fourth Edition, St. Paul, Minn: West Group.
- Baker, T. (2007). *Liability Insurance, Moral Luck, and Auto Accidents*, 1–18, dostupno na: <https://poseidon01.ssrn.com/delivery.pap?ID,26.6.2019>.
- Belanić, L. (2017). „Prikaz teorija o reformi osiguranja od automobilske odgovornosti i njihova primjena u komparativnom pravu”, *Evropska revija za pravo osiguranja*, XVI(3), 32–43.
- Dobbyn, F. J. (2003). *Insurance Law in a Nutshell*, St. Paul, Minn.: Thomson West Group.
- FBI. Insurance fraud, U.S. Department of Justice, dostupno na: <http://www.fbi.gov/stats-services/publications/insurance-fraud>, 20. 6. 2019.
- Ilkić, Z. (2012). „Odgovornost osiguranika od autoodgovornosti za prouzrokovanu štetu”, *Zbornik radova Pravnog fakulteta u Novom Sadu*, 1, 507–522.
- Insurance Information Institute. *Background on: No-fault auto insurance*, 6. November 2018, dostupno na: <https://www.iii.org/article/background-on-no-fault-auto-insurance>, 23. 6. 2019.
- Investopedia. *4 Types Of Insurance Everyone Needs*, 1-13, dostupno na: <https://www.investopedia.com/financial-edge/0212/4-types-of-insurance-everyone-needs.aspx>, 26. 6. 2019.
- Ivošević, B. (2009). *Transportno osiguranje*. Beograd: Pravni fakultet Univerziteta Union i IGP Delta Press.
- Jašarević, O. (2010). „Krivično-pravni i saobraćajno-kriminalistički aspekti prevara u osiguranju”, *Univerzitetska hronika*, 3, 81.
- Keeton, E. R., Widiss, I. A. (1988). *Insurance Law: A Guide to Fundamental Principles, Legal Doctrines, and Commercial Practices*, St. Paul, Minn.: West Publishing Co.
- Krulj-Mladenović, M. (2015). *Obim osiguravajućeg pokrivača u obaveznom osiguranju od građanske odgovornosti automobilista*, Doktorska disertacija. Novi Sad: Univerzitet Educons, Fakultet za evropske pravno-političke studije.

Hodgin, R. (2002). *Insurance Law (Text and materials)*, Second Edition. London / Sydney / Portland, Oregon: Cavendish Publishing Limited.

Landed, J. "Car insurance – Which insurance do you need for your car in the US?"; dostupno na: <https://www.justlanded.com/english/United-States/Articles/Travel-Leisure/Car-insurance>, 30. 6. 2019.

Lowry, J., Rawlings, Ph. (2005). *Insurance Law: Doctrines and Principles*, Second Edition. Oxford and Portland: Hart Publishing.

Martinez, P. L., Whelan, W. J. (2001). *Cases and Materials on general practice – Insurance Law*, Fourth Edition. St. Paul, Minn.: West Group.

Masters, S. L., Jacobs, R. QC., Stanley, P. (2004). *Liability Insurance in International Arbitration: The Bermuda Form*. Oxford and Portland: Hart Publishing.

National Highway Traffic Safety Administration (NHTSA). *Fatality Analysis Reporting System (FARS)*, dostupno na: <https://www.nhtsa.gov/research-data/fatality-analysis-reporting-system-fars>, 25. 6. 2019.

Patterson, W. E. (1957). *Essentials of Insurance Law (An Outline of Legal Doctrines in Their Regulations to Insurance Practices)*, Second Edition. New York / Toronto / London: McGraw-Hill Book Company INC.

Radović, Z., Aleksić, Ž., Petrović, Z., Petrović, T. (2003). *Prevare u osiguranju*. Beograd: IP Glosarijum.

Ratner, L. D., Hazen, L. T. (2002). *Securities Regulation in a Nutshell*, Seventh Edition. St. Paul, Minn.: West Group.

State of Maine, Professional & Financial Regulation. Insurance Required by Law, dostupno na: https://www.maine.gov/pfr/insurance/consumer/individuals_families/auto/general_information/required_insurance.html, 23. 6. 2019.

Stempel, W. J. (1999). *Law of Insurance Contract Disputes*, Second Edition, Volume 2. New York: Aspen Law & Bussiness.

The Florida Senate. Bill Analysis and Fiscal Impact Statement, March 13, 2019, 1-13, dostupno na: <https://www.flsenate.gov/Session/Bill/2019/714/Analyses/2019s00714.bi.PDF>, 25. 6. 2019.

Third parties (Rights against Insurers) Act 1930.

Uniform Computer Information Transactions Act (1999).

Uniform Electronic Transactions Act (1999).

Žarković, N. (2013). *Pojmovnik osiguranja*. Novi Sad: Skonto.