



Definition of "Motor Vehicle" and "The use of motor vehicle" in Israel

Ilan Kaner. Adv
AIDA Meeting in Helsinki 15-16 June 2016

1. The European directive which relates to motor insurance, demands any member state to take all appropriate measures to ensure that civil liability is covered by insurance. The insurance has to cover the liability of the user of the vehicle towards third parties.

In Israel, the coverage is much wider:

We have a no-fault system, by which any victim of a car accident including the driver himself, is compensated, regardless the liability of the driver. Any owner of a vehicle has to insure it with one of the private insurance companies, and driving a car without insurance is a criminal offence.

2. The problems we face in Israel regarding the scope of the law are quite similar to the problems in Europe: what is considered a "Motor Vehicle" which has to be insured, what will be included under the heading "Use" of a motor vehicle and so on.
3. The European Directive defines "Vehicle" as "Any motor vehicle intended for travel on land, and propelled by mechanical power but not running on rails, and any trailer, whether or not coupled".

In England, the Road Traffic Accidents statute defines vehicle as "A mechanically propelled vehicle intended or adopted for use on roads".

In both definitions, as in Israel, a motor vehicle should be mechanically propelled, but there is a difference between a vehicle that is intended for travel on land (as in the European directive) and a vehicle that is intended or adopted for use on roads, as in England.

Similarly to the European directive, the Israeli Law applies to any vehicle that is propelled by mechanical power and intended for travel on land, but it includes trains, industrial and agriculture vehicles which one rarely meets on the road.



4. As for agriculture or industrial vehicles these vehicles have two purposes: transportation and the industrial or agriculture use. The fact that their main purpose is not for transportation is not relevant. The question is whether these vehicles are normatively capable of being driven on the road. If they are - they will be regarded as a vehicle under the law (and here we approach the English system).

Therefore - a fork lift is considered as a "Motor Vehicle" as well as tractors, shoveldozers, combines, whereas carting cars which are intended only for use in a closed premises are not regarded as a Motor Vehicle.

5. As some of you know, we are currently involved in a large case regarding electric bicycles that are not yet regarded as motor vehicles but we think that they should be.
6. The use of any vehicle that is considered as a "motor vehicle" has to be insured, but the use should be the normal use of that vehicle. If, for example, a private car is used as a stage for dancing on its roof - this kind of use is not covered. On the other hand, when you use an industrial vehicle for its normal, non-transportation use, this use is covered.
7. Entering or leaving a vehicle is part of the use of the vehicle as far as it is considered as the regular use of that vehicle. When you enter a car just in order to listen to the radio it will not be regarded as "use" of the vehicle.
8. Loading or unloading goods is especially excluded from the term "use", and these activities are not insured.
9. Repairing a car in a garage by a mechanic is not considered "use" under the law. But repairing it in the middle of the road by someone who is not a professional mechanic is considered as a recognized use thereof.
10. Any use of the mechanical power of the car in order to fulfill its normal purpose is regarded as "use" which is covered.
11. The variety of situations and the fact that sometimes the case falls under several options, with contradicting outcomes, create numerous disputes and make us lawyers very happy.