

CZECHOSLOVAKIA

*Law of July 11, 1951 No. 63/1951 Coll. on Liability for Injuries Caused by Transport Conveyances as amended by Law no. 58/1956 Coll.*¹

SECTION 1

(1) An operator of a railroad, motor vehicle, airplane, motor driven vessel and an operator of transport carried out with other vessels [hereinafter: "operator" and "vehicle"] shall also be liable under this law for injury caused by the special nature inherent in the operation.²

(2) In doubtful cases the owner, or each joint owner of the vehicle shall be presumed to be its operator and, if a vehicle which is in the charge of a socialist legal entity is involved, that entity shall be presumed to be the operator.

SECTION 2

(1) If a vehicle is delivered for repair, the repairman shall be presumed to be the operator until the return of the vehicle.

(2) In the event that somebody uses a vehicle without the knowledge or against the wishes of the operator at the time of injury, the user instead of the operator shall be liable for the injury. In addition to the user, the operator shall continue to be liable provided he negligently made, such use of the vehicle possible; if a person close to the operator makes use of the vehicle in this way, it shall be presumed that the operator by his negligence made the use possible.

SECTION 3

If several persons are liable for the injury they shall be jointly and severally liable, unless hereinafter provided otherwise.

SECTION 4

(1) The operator and the person who in his stead or in addition to him, is liable for the injury, shall be relieved of the liability only in the event the injury:

1. was caused by the negligence of the aggrieved party; or
2. was caused by an act of a third party that could not be prevented; or
3. could not be prevented and was due neither to the condition of the vehicle or other operational facilities, not to the failure or deficiency of the operational facilities or organization of persons employed in the operation.

¹ The 1950 Civil Code (Law No. 141/1950 Coll.) hereinafter referred to as "Civil Code" has been replaced by the 1964 Civil Code, sec. 509(11) (Law 40/1964 Coll.), effective April 1, 1964. As of that date Law No. 63/1951 Coll. was abrogated.

² Damages, in general, are governed by Chapter XVI of the 1950 Civil Code, Law of October 25, 1950, No. 141/1950 Coll.