

Introduction

Driving in Japan can be challenging. The streets are narrow and crowded. Additionally, it can be difficult getting used to sitting on the right side of the car and driving on the left side of the street.

Just as important as learning the rules of the road is familiarizing yourself with the procedures to follow after a traffic accident. The laws and culture of Japan dictate a much different approach to traffic accidents than in the United States.

If you are involved in a traffic accident it is vital to understand the laws and customs in Japan. You are not only subject to civil penalties, but you could also be prosecuted for the underlying traffic offense. The maximum punishment is seven years in jail or a \$10,000 fine. The actions you take today could have an effect on how much time and money your traffic accident will cost. A small gesture now might save you from future legal problems.

This brochure will provide suggestions on what to do if you are involved in a traffic accident. However, every case is different. If you are involved in a traffic accident on or off base make sure that you contact 374 SFS Law Enforcement desk immediately, and your insurance company as soon as possible.

Legal Assistance Hours:
By Appointment Only

Notary & POA Hours:
Monday -Thursday
0900-1100 & 1300-1500



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AUTOMOBILE ACCIDENTS IN JAPAN

This Brochure Includes:

- Consequences of Accidents
- Factors Influencing The Severity
- Determining Your Responsibility
- Insurance Issues
- Criminal Prosecution



The information in this brochure is of a general nature and is not intended as a substitute for legal counsel.

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Consequences of an Accident in Japan

In Japan, you may face two consequences after being in an accident. First, you may be held accountable for damaged property, personal injury, and pain and suffering. Second, you may be held criminally liable. **Quick and responsive action to settle with injured parties** is essential to minimizing criminal action. Quick action means within a day after the accident you are already trying to settle claims issues, visiting the injured parties and presenting condolence gifts as appropriate, just as the typical Japanese person would if they injured you.

Factors Which may Impact the Consequences of Your Accident

Attitude: A sincere regret for the accident and sympathy for any injured person is invaluable in handling accidents here in Japan. Hostility toward the other parties, quibbling over who was at fault, or refusal to recognize any responsibility for the accident will not be favorable to you.

Police: You probably spoke to the Japanese police and/or Security Forces at the time of the accident. They may have given you the opinions on how serious the accident was or who was at fault, who was injured, etc. This can be misleading. First, the magnitude of any injuries is unknown until someone goes to the doctor, which may occur sometime after the accident. Second, insurance adjusters make their own determination of who is at fault. Finally, the Japanese prosecutor will make his/her own determination of whether the case should be prosecuted.

Non-Injury Accidents: Be careful before you assume there is no injury, because people may not report their injuries until later. Criminal prosecution is not a major concern in such an accident. Nevertheless, you may be responsible for a large amount of property damage. Japan is an expensive country. You must rely on your insurance to cover this. If it is not enough the Japanese person can sue you to collect more

Condolence Visit: A condolence visit is always appropriate if a Japanese person is injured in an accident in which you were involved. Regardless of fault, a condolence visit or gift is very important. A small gift or card will reflect your sympathy for the person's injuries. It is not an admission of guilt. Lack of this common courtesy can seriously affect how the Japanese authorities who consider your case view you. You should speak to your insurance company before arranging a condolence visit.

Solatium: Solatium is generally a gift or money given at a condolence visit. Solatium is highly recommended in cases of serious injury, and even in cases of minor injury it will be beneficial. Solatium is generally in the range of 10,000 to 20,000 Yen, but may be up to 50,000 Yen in cases of severe injury or death. If you were on "official duty," the U.S. may pay official solatium; however, this does not change your obligation to solatium. Like condolences, lack of payment of solatium can significantly affect the perception of the injured parties and the Japanese officials who will determine whether criminal prosecution is appropriate. You should coordinate with your insurance company before arranging to pay solatium.

Determining Your Responsibilities

Apart from condolence and solatium you must compensate any injured persons for their property damage, medical expenses, pain and suffering, etc. If you fail to fully compensate the injuries for whatever reason you may receive a heavy fine up to \$10,000 and if the injuries are serious you will probably go to jail as well.

Japan is a comparative negligence jurisdiction. This means several people may be held responsible for the same accident. Although you may feel you did not cause the accident you may be held partially liable for not taking precautions to avoid the accident.

Factual determinations – many times responsibility is based upon facts in dispute. Your insurance company will determine, based upon the accident report, similar accidents and any other information they have, who they feel is at fault and how much. You may wish to challenge that determination in court or otherwise negotiate.

During negotiations, other parties to the accident may be paying out-of-pocket to have their vehicles repaired and for medical bills, if injured. You may be found to be unreasonably avoiding responsibility and if the injured person complains, it may affect the prosecutor's decision.

Insurance Issues

To obtain your USFJ driving permit and vehicle registration you are required to have Japanese Compulsory Insurance (JCI) that covers bodily injury. You must also have at least 3,000,000 Yen liability insurance to cover property damage and 30,000,000 Yen bodily injury insurance, as required by regulation. This is the minimum amount required. Virtually all Japanese carry more and they will consider you irresponsible if you aren't better insured.

Some people find out too late that their insurance coverage is woefully inadequate. If the damage exceeds your coverage you are personally responsible for it. A sincere attempt to pay something will be appreciated. Ignoring the debt will generally be viewed unfavorably and may cause the Japanese to file a lawsuit against you.

Criminal Prosecution

As indicated, negligent driving causing physical injury is a crime in Japan. In other words, an accident can be a crime. The penalty can include up to seven years in prison or a fine of 1 million yen. The Japanese police and prosecutors have considerable discretion in recommending the potential cases not to be prosecuted. More favorable treatment is normally given to the person who made efforts to compensate injured parties and expressed sorrow for the accident.