

On approval of the Rules for using transport (except for representative offices of foreign states and international organizations with diplomatic immunity) to arrive in the area of emergency of a social nature, as well as the delivery of persons in need of emergency medical care to a healthcare organization, if the delay can pose a real threat to the life or health of people, with compensation of damage to the owners in case of its infliction

Unofficial translation

Decree of the Government of the Republic of Kazakhstan № 1357 dated December 20, 2013.

Unofficial translation

Footnote. The heading as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days from the date of the first official publication).

In accordance with Subparagraph 1) of Paragraph 5 of Article 3-1 of the Law of the Republic of Kazakhstan dated February 8, 2003 “On state of emergency”, the Government of the Republic of Kazakhstan **hereby DECREES AS FOLLOWS:**

1. To approve the attached Rules for using transport (except for representative offices of foreign states and international organizations with diplomatic immunity) to arrive in the area of emergency of a social nature, as well as the delivery of persons in need of emergency medical care to a healthcare organization, if the delay can pose a real threat to the life or health of people, with compensation of damage to the owners in case of its infliction.

Footnote. Paragraph 1 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days from the date of the first official publication).

2. This Decree shall be enforced upon expiry of ten calendar days from the day of the first official publication.

*The Prime Minister
of the Republic of Kazakhstan*

S. Akhmetov

Approved by
the Decree of the Government
of the Republic of Kazakhstan
No. 1357 dated December 20,
2013

Rules for using transport (except for representative offices of foreign states and international organizations with diplomatic immunity) to arrive in the area of emergency of a social nature, as well as the delivery of persons in need of emergency medical care to a healthcare organization, if the delay can pose a real threat to the life or health of people, with compensation of damage to the owners in case of its infliction

Footnote. The heading as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days from the date of the first official publication).

1. General Provisions

1. These Rules for using transport (except for representative offices of foreign states and international organizations with diplomatic immunity) to arrive in the area of emergency of a social nature, as well as the delivery of persons in need of emergency medical care to a healthcare organization, if the delay can pose a real threat to the life or health of people, with compensation of damage to the owners in case of its infliction (hereinafter referred to as the Rules) have been developed in accordance with the Law of the Republic of Kazakhstan dated February 8, 2003 "On State of Emergency" and shall determine the procedure for using transport (except for except for representative offices of foreign states and international organizations with diplomatic immunity) to arrive in the area of emergency of a social nature, as well as the delivery of persons in need of emergency medical care to a healthcare organization, if the delay can pose a real threat to the life or health of people, with compensation of damage to the owners in the case of its infliction by the National Security Committee, Ministry of Internal Affairs, Ministry of Defense and local executive authorities (hereinafter referred to as the state authority for prevention and liquidation of emergency of social nature).

Footnote. Paragraph 1 – as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days after the date of first official publication).

2. The procedure for using transport to arrive in the area of emergency of a social nature, as well as the delivery of persons in need of emergency medical care to a healthcare organization, if the delay can pose a real threat to the life or health of people

Footnote. The heading as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days after the date of first official publication).

2. The decision of using transport (except for representative offices of foreign states and international organizations with diplomatic immunity) to arrive in the area of emergency of a social nature shall be made by the first head of the state authority for prevention and liquidation of emergency of social nature or designated substitute.

3. The state authority for prevention and liquidation of emergency of social nature shall form an application for the use of transport, set the date and time for the start of transportation , and send it to the owner of vehicle with simultaneous notification to the authorized agency for transport.

The owner of transport shall decide on the terms of provision and departure of transport to carry out transportation in accordance with Appendix 1 to these Rules.

4. The application for provision of transport shall be sent in written form or in the electronic document certified by electronic digital signature of the first head of the state authority for prevention and liquidation of emergency of social nature.

5. In the case of using transport to deliver persons in need of emergency medical care to a healthcare organization, if the delay can pose a real threat to the life or health of people, as well as when it is returned to the owner of vehicle or to the person providing it, the area commandant office shall issue the technical inspection certificate of vehicle, certifying the technical condition of vehicle, as well as its configuration and condition, in accordance with Appendix 2 to these Rules.

Footnote. Paragraph 5 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days after the date of first official publication).

6. The used transport shall be provided by the owner of transport with fuels and lubricants and other materials sufficient for transportation to the destination and backwards to the place of permanent deployment, and must comply with the requirements for safety transportation in accordance with the Laws of the Republic of Kazakhstan.

Transport, for the control of which special knowledge are required shall be provided the crew (person) with control skills of the vehicle.

7. The state authority, legal entity or individual carrying out shipment (transportation) by aviation shall immediately notify the authorized agency for civil aviation of the planned flight in order to ensure the flight shall be completed on time.

The authorized agency for civil aviation, upon receipt of notice of the planned flight shall provide air navigation services to aircraft from airports of departure and arrival.

3. Procedure for compensation of damage to owners in the case of its occurrence

8. To compensate for damage caused in the circumstances specified in Paragraph 1 of these Rules, the owner of vehicle shall, within seven working days from the date of causing damage, submit the application for damages to the state authority for prevention and liquidation of emergency of social nature, commandant of area (during the period of state of emergency) at the place of use of vehicle, filled out in the form in accordance with Appendix 3 to these Rules.

9. The following shall be attached to the claim for damages:

1) for individuals - a copy of the identity document of vehicle owner, and for legal entities - copies of the certificate of state (accounting) registration (re-registration) of a legal entity (branch and representative office);

2) a copy of Vehicle Registration Certificate used in liquidation of emergency of social nature;

- 3) a copy of application for provision of transport (if any);
- 4) copies of the documents provided by Paragraph 5 of these Rules.

10. Registration of the application shall be carried out in registration book of applications for compensation of damage caused and made payments on the form in accordance with Appendix 4 to these Rules, with the issuance of confirmation of acceptance of the application to vehicle owner.

11. Within seven working days from the date of registration of application, the state authority for prevention and liquidation of emergency of social nature, commandant of area, shall organize an assessment of the amount of damage caused to the vehicle by an independent expert accredited by the authorized state authority for regulation and supervision of financial market and financial organizations (hereinafter referred to as - independent expert) chose by vehicle owner.

In this case, the costs associated with the organization of assessment of the amount of damage caused to the vehicle shall be borne by the state authority for prevention and liquidation of emergency of social nature or commandant of area.

12. If the applicant asks for compensation for the cost of fuels and lubricants spent only, then an independent expert shall not be required to assess the amount of damage caused to vehicle.

13. The owner of vehicle, within seven working days from the date of submission of a claim for damages, shall keep the vehicle in the condition it was after use and provide an opportunity for officials of the state authority or its territorial unit to inspect the damaged vehicle, as well as an independent expert to assess the caused damage.

14. The organization of assessment of the amount of damage caused to the owner of vehicle shall include the following steps:

- 1) the choice by the owner of vehicle of an independent expert in accordance with the list of independent experts and information on their location, contact numbers provided by the state authority or its territorial authorities;

- 2) determination of location for assessment in agreement with the owner of vehicle and an independent expert;

- 3) caused damage assessment;

- 4) familiarization of vehicle owner with assessment report.

15. When assessing the amount of caused damage to vehicle, the cost of its recovery shall be calculated based on market prices effective on the day the damage occurred, the loss of the vehicle commodity value, minus the accrued amortization (depreciation) of vehicle prior to its occurrence.

16. The amount of damage caused during the destruction of vehicle shall be determined on the basis of its market value on the day the damage occurs.

The vehicle shall be considered destroyed if its restoration is technically impossible or not economically justified. The restoration of the vehicle shall be considered economically

unreasonable if the expected expenses for restoration of vehicle exceed eighty percent of its market value on the day the damage occurs.

17. If the state authority for prevention and liquidation of emergency of social nature or commandant of area within the time period established by Paragraph 11 of these Rules, shall not arrange for an independent expert to assess the damage caused to vehicle, the owner of vehicle can independently use the services of an independent expert.

The documented expenses of the owner of vehicle for payment of the services of an independent expert shall be included in the amount of reimbursable damage.

18. After the conclusion made by an independent expert, the head of the state authority for prevention and liquidation of emergency of social nature or commandant of area shall issue the order for compensation of damage caused under the circumstances specified in Paragraph 1 of these Rules.

19. Damage shall be compensated by transferring within three banking days from the date of issuing the order of funds to the current or savings account specified in the application of vehicle owner.

20. After compensation of damage in the register of applications for compensation of caused damage and made payments, an appropriate entry shall be made with the date, amount of compensation of damage and the number of payment document.

21. Intentional fraudulent acts aimed at illegal receipt of payments shall entail liability in accordance with the Criminal Code of the Republic of Kazakhstan.

22. Owners of vehicles shall be reimbursed expenses for the use of vehicles in cases provided by these Rules, as well as caused damage by the reserves of local executive authorities and the Government of the Republic of Kazakhstan in the manner established by the budget and civil legislation of the Republic of Kazakhstan.

Appendix 1

to the Rules for using transport
(except for representative offices
of foreign states and international
organizations with diplomatic
immunity) to arrive in the area of
emergency of a social nature, as
well as the delivery of persons in
need of emergency medical care to
a healthcare organization, if the
delay can pose a real threat to the
life or health of people, with
compensation of damage to the
owners in case of its infliction

Footnote. The top right corner of Appendix 1 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days after the date of first official publication).

Full name of owner of transport
as well as the authorized state agency

for transport

Application No. _____

1. Purpose of transportation _____

2. Type and quantity of transport _____

3. Route and destination _____

4. Date and time of the start of transportation (movement) _____

5. Number of passengers _____

6. Name, weight, nature of the cargo, hazard information,
number of seats and dimensions of each seat, chassis of military equipment _____

Head of state authority _____

(position, title, signature, full name)

" _____ " _____ 20 ____

SEAL

Appendix 2
to the Rules for using transport
(except for representative offices
of foreign states and international
organizations with diplomatic
immunity) to arrive in the area of
emergency of a social nature, as
well as the delivery of persons in
need of emergency medical care to
a healthcare organization, if the
delay can pose a real threat to the
life or health of people, with
compensation of damage to the
owners in case of its infliction

Footnote. The top right corner of Appendix 2 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days after the date of first official publication).

REPORT

for technical inspection of vehicle

upon receipt / return to owner

" ____ " _____ 20 ____

I certify that I, _____, together
with

1) _____

2) _____

have inspected the vehicle

owned / held on balance _____

(Full name. details of owner (user) of the vehicle)

State registration number plate _____

Identification number (VIN) _____

Make, model _____

Production year _____

Vehicle Registration Certificate (*series,*

number) _____

Body number _____

Frame number _____

Motor number _____

Tire make, diameter, wear, damage condition _____

Vehicle category _____

Speedometer at the time of inspection _____

Durability _____

General condition of body _____

Condition of glasses, internal and external lighting devices _____

Interior condition of vehicle _____

Motor condition and its systems _____

Condition of suspension system, transmission _____

(indicate technical condition, completeness, damage condition)

Bumpers and over wheeled dirt protection devices,

its condition _____

Muffler and exhaust pipes _____

The Record is drawn up by:

(signature, full name, seal)

1) _____

(signature, full name)

2) _____

(signature, full name)

I have received copy of the Record

(signature of the owner (user))

Appendix 3
to the Rules for using transport
(except for representative offices
of foreign states and international
organizations with diplomatic
immunity) to arrive in the area of
emergency of a social nature, as
well as the delivery of persons in
need of emergency medical care to
a healthcare organization, if the
delay can pose a real threat to the
life or health of people, with
compensation of damage to the
owners in case of its infliction

Footnote. The top right corner of Appendix 3 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days after the date of first official publication).

To the Head _____
(name of state authority,
military (special) rank,
Full name of official)
from _____,
(Full name, details of applicant)
residing or located at

**Application
for compensation of damage**

I kindly ask you to compensate for material damage caused in connection with
using vehicle _____

(make, production year, motor number, body number,

chassis number, state registration number plate, series, number and date of issue of Vehicle Registration Certificate) in emergency zone,
state of emergency _____,
(time, place, nature of event) including recovery costs
(repairs) of damaged vehicle *(name, make)* _____

_____ ,
including the cost of fuels and lubricants
_____ in the amount of _____ liters.

Please compensate material damage at the address: _____

_____ ,
(region, district, city, address of residence, location)

Bank name _____

BIC, IIC of Bank _____

Current or savings account _____

in the name of _____

_____ ,
(Full name, details of applicant)

IIN (BIN) of recipient No. _____

I attach the following documents to the application

1. _____
2. _____
3. _____
4. _____
5. _____

" ____ " _____
(day) (month) (year)

Applicant _____

(signature, Full name)

(cut here)

Application of citizen _____

Registered under No. _____ Application acceptance date _____

Name, position and signature of person who accepted application _____

Appendix 4
to the Rules for using transport
(except for representative offices
of foreign states and international
organizations with diplomatic
immunity) to arrive in the area of
emergency of a social nature, as
well as the delivery of persons in
need of emergency medical care to
a healthcare organization, if the
delay can pose a real threat to the
life or health of people, with
compensation of damage to the
owners in case of its infliction

Footnote. The top right corner of Appendix 4 - as amended by the Decree of the Government of the Republic of Kazakhstan dated 25.12.2020 No. 893 (shall be enforced upon expiry of ten calendar days after the date of first official publication).

**Registration book of applications for compensation
of material damage and payments made**

No	Full name or details of applicant	Date of receipt, no.	Address of residence or location	Reason of compensation for material damage (brief description of place, time)	Amount of material damage caused	No. and date of payment document for cash paid (registrar's signature)
1	2	3	4	5	6	7