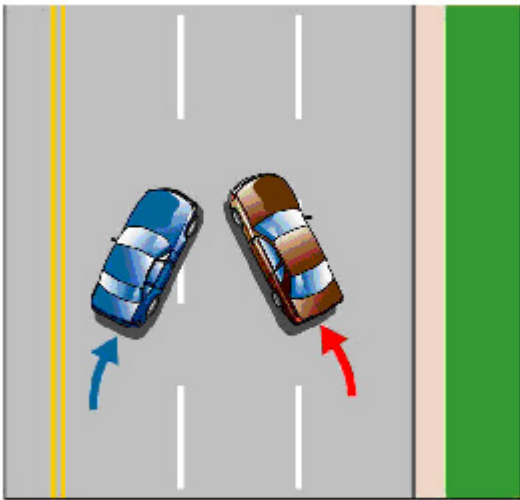


Changing Lanes

When a vehicle leaves its lane of travel and crashes into another vehicle going the same direction, a court will generally find the one that left its lane to be 100 per cent at fault. (Motor Vehicle Act, Section 151)

A court will assess the credibility of both drivers and any other relevant factors to decide which vehicle left its lane of travel.

If ICBC adjusters are not able to establish which vehicle was responsible, or if it can be established that both drivers made the lane change at the same time, fault will be shared equally.



Motor Vehicle Act section(s): Sections 151

Who did the courts find at fault?

When ICBC assesses who is at fault for a crash, we do so based on how the courts have decided fault in previous, similar crashes.

The courts have the final say about who is at fault. Here is what the courts in British Columbia have decided in cases like the crash example above:

Related B.C. court cases

- [Chee v. Insurance Corp. of British Columbia](#)
- [Cooper v. Torrance](#)
- [Tse v. Jung](#)
- [Situ v. Lee](#)

Chee v. Insurance Corp. of British Columbia

In the British Columbia Supreme Court case of *Chee v. Insurance Corp. of British Columbia* [1997] BCJ No. 980, one of the drivers was on his way to work when he attempted to change lanes on Clark Drive. His vehicle came into contact with a black Mercedes, he then attempted to pull away, lost control and hit a parked car and a telephone pole. The driver of the Mercedes left the scene and was never located.

The court said that what likely happened was that the driver was fully in his lane when the Mercedes tried to pass him on the left and sideswiped his car, causing it to lose control. The unknown driver was found to have been 100 per cent at fault.

Cooper v. Torrance

In the British Columbia Provincial Court case of *Cooper v. Torrance* [2003] BCPC 271, an accident happened on the Patullo Bridge. A bus had changed lanes into the curb lane where another driver was travelling. The right rear corner of the bus collided with the driver's side of the car. The bus driver had looked in his mirror and had seen the other driver about a half car length behind his bus; he then turned his attention back to the road, for about 20 seconds, and did not look in his mirror again before making the lane change. The judge said that 20 seconds was too long, and that he should have looked in his mirror again prior to making the lane change, therefore the bus driver was 100 per cent at fault.

Tse v. Jung

In the British Columbia Supreme Court case of *Tse v. Jung* [1998] WL 1719572, one of the drivers was coming home from a car race at the University of British Columbia. He was travelling east on Marine Drive. There was another vehicle just in front, and to the right of this driver, which moved over into this driver's lane. The driver steered to the left, but his front wheel hit the curb and skidded onto the median. The judge said that under Section 151 of the *Motor Vehicle Act*, a driver must not change lanes unless it can be done safely and without affecting the travel of another vehicle. Therefore, the driver who changed lanes was 50 per cent at fault, because he failed to make sure he could change lanes without affecting the other vehicle's travel. The judge also said the other driver was 50 per cent at fault, because he was driving too fast and took inappropriate evasive action when he attempted to move into the other lane.

Situ v. Lee

In the British Columbia Provincial Court case of *Situ v. Lee* [2002] BCPC 198, a woman was driving south on Knight Street in Vancouver. She activated her left signal to try and change lanes, did a shoulder check, then proceeded to change lanes when she was hit by another vehicle, driven by a man, which was also attempting to change lanes. The case had a twist to it in that the male driver tried to deceive the court, by having a family member pretend to have been the driver, for reasons unknown. Due to this attempt at deception the court chose to believe the female driver, and put 100 per cent fault on the male driver.