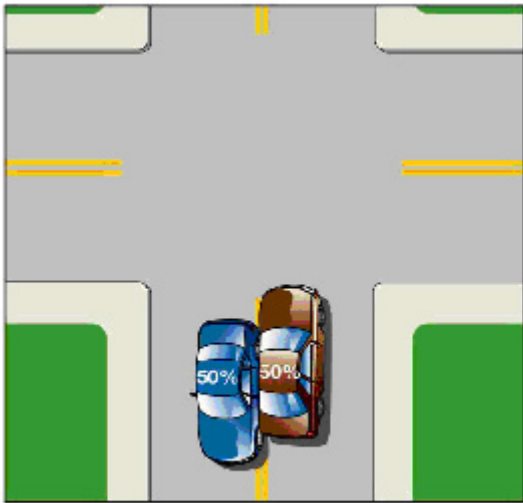


## Crossing centre line, sideswiping vehicle

Crash example: Two vehicles are travelling in opposite directions on a road. One vehicle crosses over into the approaching vehicle's lane. (*Motor Vehicle Act*, Sections 150, 151, 154, and 155)

A court will generally rule that the vehicle that leaves its lane of travel is 100 per cent at fault. The 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 cannot establish which vehicle crossed over into the other lane, fault will be shared 50-50 between the vehicles.



**Motor Vehicle Act section(s):** Sections 150, 151, 154 and 155

### ***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***

- [Watson v. Monfils](#)
- [Tucker v. Arleson](#)

### ***Watson v. Monfils***

In the British Columbia Court of Appeal case, *Watson v. Monfils* [1999] BCAC 110, two drivers were going in opposite directions prior to the collision on the Trans

Canada Highway. One of the drivers was headed north in the centre lane. The other driver, in an 18 wheel semi-trailer, was headed south.

The evidence was that the semi-trailer's front wheels were in his own lane, but that the double axles at the rear of the trailer were on the wrong side of the centre line. The other driver's vehicle was crushed in the front by the semi-trailer. In this case the driver of the car was hugging the centre line with the knowledge that the semi-trailer was approaching. If she had not hugged the centre line the accident would not have happened, therefore she was 25 per cent at fault and the driver of the semi-trailer was 75 per cent at fault.

### *Tucker v. Arleson*

In the British Columbia Court of Appeal case, Tucker (Public Trustee of) v. Arleson (1993) 78 BCLR (2d) 173, a female driver on Highway 29 collided with another vehicle coming from the other direction. She lost control, began to slide, and ended up on the wrong side of the road. The other driver was driving too fast for the conditions, which were wet and slippery roads. He also failed to slow down when he saw her sliding towards him, instead he moved over to the centre of the road. However, the court said that a driver confronted with a vehicle coming towards him on his side of the highway was not expected to have the driving skills of a Grand Prix contestant. The other driver did not know that stretch of the road was icy, and to have expected him to have been a perfect driver was not reasonable, therefore he was not at fault at all and the female driver who slid onto the wrong side of the road was 1/3 at fault. The other 2/3 fault went to the Crown who had failed to maintain the road safely.