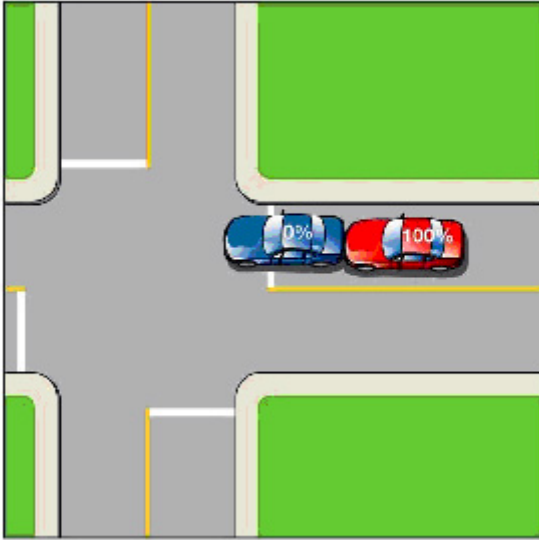


Rear-end Collision

A vehicle must be far enough behind the vehicle it is following to be able to stop safely, even in an emergency. (*Motor Vehicle Act*, Section 162)

Generally, the courts will rule that a vehicle that rear-ends a vehicle in front is 100 per cent at fault. However, in some cases the vehicle in front will be found at fault. This might happen when, for example, there is evidence the vehicle in front stopped for no reason or it suddenly changed lanes then braked.



Motor Vehicle Act section(s): Section 162

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 examples above:

Related B.C. court cases

- [Baker v. Cade](#)
- [Cannon v. Clouda](#)
- [Ayers v. Singh](#)
- [Lloyd v. Fox](#)

Baker v. Cade

In the case of a rear-end collision, the following driver has to show he was not at fault. In British Columbia Supreme Court case of *Baker v. Cade*, [1999] BCJ 239, a driver suffered a panic attack while crossing the Mission Bridge. She stopped in the outside traffic lane near the middle of the span with her hazard lights on. There were signs indicating it was illegal to do this. The driver directly behind her also stopped, but without his hazard lights on. A motorcyclist, with his wife as a passenger, came up the ramp and collided with the second vehicle.

The judge said the driver who had the panic attack was not at fault, since she had never experienced a panic attack of that strength before. She acted responsibly under the circumstances. The second driver, the judge said, should have put on his hazard lights. However, it was the job of the driver who rear-ended the second vehicle to prove that the collision was not his fault. Here, the motorcyclist failed to do so. There was nothing in the evidence to show that something was obstructing his view or that he could not have turned into the other lane. The motorcyclist was found to be 100 per cent at fault.

Cannon v. Clouda

In the British Columbia Provincial Court case of *Cannon v. Clouda* [2002] BCPC 26, two cars were stopped at an intersection, one behind the other. The light turned green and the first driver started across the intersection. She had difficulty getting her car into third gear, therefore her car decelerated rapidly, and the car behind her rear-ended her.

The judge said the car following failed to leave enough room and failed to pay enough attention, and therefore was 100 per cent at fault.

Ayers v. Singh

An exception to this law is where the leading driver suddenly and unexpectedly slows down on a green light. In this case, the failure of the leading driver to exercise due care and attention causes the lead driver to be the sole cause of the accident.

In *Ayers v. Singh* [1997] 85 BCAC 307, a British Columbia Court of Appeal case, a driver was headed north on Highway 17. He approached the intersection of Highway 10, with two cars following behind him. The left-turn arrow controlling traffic in the left-turn lane turned red, and this first driver, even though he was going straight through the intersection and his light was green, suddenly stopped. An inexperienced driver, he believed that he had to stop as well. He stopped suddenly. The driver of the car behind him looked left to see if the lane was clear to swerve around him, but couldn't avoid hitting the first car.

The court, agreeing with the trial judge, said that the driver who rear-ended the first car had a split-second decision to make "in the agony of the moment". He probably should have applied the brakes, rather than attempting to go around the first car, but nonetheless he did all he could have done, and was not blamed for making the wrong choice. The first driver was 100 per cent at fault.

Lloyd v. Fox

In *Lloyd v. Fox* [1991] 57 BCLR (2d) 332, a British Columbia Court of Appeal case, the drivers of two vehicles going in opposite directions had stopped to chat with each other on a country road. This was a regular occurrence on this road. An approaching motorcyclist was aware of this. The motorcyclist was speeding somewhat. Seeing the vehicles blocking the road, he applied his rear brake after some hesitation then forcefully applied both brakes. His motorcycle overturned and he hit one of the cars.

The motorcyclist argued that in the “agony of the moment” he made the wrong choice in hesitating, then forcefully applying his brakes. The court said that where someone is partly at fault, this argument would likely fail. Also, the driver must have acted as a reasonably competent driver would have, which the motorcyclist did not do here. The cars were 60 per cent at fault, and the cyclist was 40 per cent at fault.

Vehicle cuts off another vehicle

When one vehicle cuts off another, turning sharply into its lane and hitting the brakes, it will generally be at fault. The following vehicle will only be responsible for the rear-end collision if it occurred after the lane-changing vehicle was properly established in its new lane.

Related B.C. court case

Koskinen v. Town

In the British Columbia Court of Appeal case of *Koskinen v. Town* [1994] 92 BCLR (2d) 37, one driver was headed west on Canada Way in Burnaby, and the other driver pulled out from a gas station onto Canada Way and headed west. The driver who was first headed west changed into the curb lane to drive past the other vehicle. Suddenly, without warning or signal, the other driver turned into the curb lane in front of him and they collided.

The judge said that the driver who suddenly changed lanes was 75 per cent at fault, but the other driver was also partly at fault because he had been speeding.