

Board of Appeals Standard of Fault

Collision with a Lawfully or Unlawfully Parked Vehicle

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision with a lawfully or unlawfully parked vehicle.

Rear End Collision

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision with the rear section of another vehicle.

Out of Lane Collision

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is partially or completely out of its proper lane and is in collision with another vehicle: (A) while being passed by the other vehicle, the passing vehicle being in its proper lane; or (C) while changing or turning into or across the other vehicles lane.

Failure to Signal

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision while failing to signal as required by law before turning or changing lanes.

Failure to Proceed with due Caution from a Traffic Control Signal or Sign

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the operator fails to obey a traffic control signal or sign, or fails to proceed with due caution there from, and whose vehicle is thereafter in a collision with another vehicle.

Collision on Wrong Side of Road

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in collision with another vehicle which is moving in the opposite direction on the proper side of the roadway or center line.

Operating in the Wrong Direction

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle in the wrong direction on a travel lane, one way street, or highway, and whose vehicle is thereafter in a collision with another vehicle.

Collision at an Uncontrolled Intersection

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in a collision with another vehicle at an uncontrolled intersection: (A) if the operators vehicle enters a main road from a secondary road, (B) if both vehicles enter the intersection at the same time, and such operators vehicle entered the intersection from the left of the other vehicle, failing to allow the vehicle on the right to proceed, Or (C) if the operators vehicle enters the intersection at a point in time later than the other vehicle.

Collision While in the Process of Backing Up

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is in the process of backing up and whose vehicle is thereafter in a collision with another vehicle.

Collision while making a left turn or U-turn across the travel path of a vehicle traveling in the same or opposite direction

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle making a left turn or U-turn across the path of travel of another vehicle moving: (A) in the same direction or, (B) in the opposite direction, and whose vehicle is in a collision with such vehicle.

Leaving or Exiting from a Parked Position

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is leaving or exiting from a parked position, parking lot, alley or driveway, and whose vehicle is in a collision with another vehicle.

Opened or Opening Vehicle Door(s)

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the vehicles door or doors are opened or opening resulting in a collision with another vehicle.

Single Vehicle Collision

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating the only vehicle involved in the collision.

Failure to Obey the Rules and Regulations for Driving

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the operator violates any provision of M.G.L Chapter 85, 89 or 90, or fails to obey the following regulations: The Metropolitan District Commission (350 CMR), Registry of Motor Vehicles (540 CMR), MA Department of Highways (720 CMR), MA Turnpike authority (730 CMR), or MA Port Authority (740 CMR), and whose vehicle is in a collision with another vehicle.

Unattended Vehicle Collision

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the vehicle is left unattended and rolls resulting in a collision.

Collision While Merging onto a Highway, or into a Rotary

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle merging onto a highway, or into a rotary, when the other vehicle is already on the highway, or in the rotary, resulting in a collision.

Non Contact Operator Causing Collision

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle which is not in a collision, but whose actions cause the collision of one or more other vehicles.

Failure to yield the right of way to emergency vehicles when required by law

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when the operator fails to yield the right of way to emergency vehicles (as required by M.G.L. c. 89, § 7) resulting in a collision.

Collision at a “T” Intersection

The operator of a vehicle subject to the Safe Driver Insurance Plan shall be presumed to be more than 50% at fault when operating a vehicle coming from a roadway that terminates onto a throughway and whose vehicle is in a collision with another vehicle traveling on that intersecting throughway.