

Loss Of Vehicle Control Due To Medical Issues And ICBC Claims

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In my years of practice as an ICBC Injury Claims lawyer I have seen my share of unique cases.

One type of case that I have always found interesting and challenging are those dealing with the issue of fault when someone becomes ill behind the wheel and as a result is involved in a motor vehicle collision.

What if a driver loses control of a vehicle due to a heart attack and injures others? What if the driver has a stroke or a seizure? What if a driver blacks out due to a medical condition and injures others? Can the innocent victims make an ICBC tort claim for pain and suffering in these circumstances? The answer is it depends.

The ability to make a tort claim in negligence for pain and suffering revolves around the issue of fault. If someone loses control of their vehicle due to a medical condition they may not be at fault for the collision. The issue is whether the driver who lost control knew or should have known that he/she was at risk for losing control of their vehicle. If a driver has every reason to believe he/she is medically fit when getting behind the wheel and then suffers an unexpected medical event which leads to a car accident they may not be at fault. This can be contrasted where someone forgets to take prescription medication which exposes them to the risk of seizure and then ends up in a car accident. In the latter case liability is much more likely. The challenging cases lie in the big grey area in between these 2 hypothetical scenarios.

There are many details that need to be explored when determining whether a driver who injures others due to a medical condition is at fault. When ICBC tort claims are denied in such circumstances it is important to explore the drivers fitness to drive and get to the bottom of what he/she knew or should have known about their fitness prior to getting behind the wheel.