



AmTrust North America
An AmTrust Financial Company

Safety Zone

Determining Preventable and Non-Preventable Vehicle Accidents

When investigating a vehicle accident, we oftentimes rely upon an old adage of trying to find out who is at fault. After all, if it was determined our driver is not at fault, then he/she was operating a vehicle correctly. Right?

Believe it or not, just because a driver is not found to be at fault does not mean that he/she could not have done something to avoid an accident in the first place. Our primary objective in investigating vehicle accidents should be to prevent our drivers from being involved in ANY accident regardless of fault. However, the questions we typically ask include:

- Was someone cited?
- Was a claim paid?
- What did the police report say?

There are problems with all of these questions. None of them have any relevance to the preventability of the accident. Additionally, they focus on assigning blame or placing the burden of safe driving on a single individual instead of many or all parties involved.

By determining an accident's preventability, you can focus on the root causes and increase the likelihood of developing the proper corrective actions to address the issues. For anyone assessing or judging an accident, it is imperative as many facts about conditions and circumstances as possible are gathered, whether they are in the driver's control or not.

When is an Accident Preventable?

The [National Safety Council](#) (NSC) defines a preventable collision as *"a collision in which the driver failed to do everything reasonable to avoid it."*

On the other hand, an accident is non-preventable when the driver is legally parked or properly stopped at the direction of a law enforcement officer, a signal, stop sign or traffic condition.

There are exceptions to these definitions, but treat them as such and not allow excuses to influence the determination such as weather conditions or actions of other drivers. These concepts are generated from the National Safety Council.

The California Highway Patrol describes crashes using the word "collision" rather than "accident" because they consider almost all collisions not as accidents, but perfectly preventable collisions.

Types of Vehicle Collisions

Intersection Collisions

Failing to observe the right-of-way whether a stop sign or light is present is preventable. To be deemed a non-preventable accident, the vehicle must be struck in the extreme rear or side while the driver was protected by lights or stop signs.

At an intersection, regardless of lights, signs, or right-of-way, a driver should know to yield to anyone who assumes the right-of-way somehow belongs to them. A responsible driver should also know and understand the turning radius of the vehicle and avoid damaging others. These are preventable collisions.

Sideswipes

Drivers should be able to judge distances properly when leaving a parking spot and enter traffic safely.

Drivers should be able to pass other vehicles and pull back into the lane of travel when the other vehicle in the rearview mirror becomes visible. Similarly, a driver can prepare for a passing vehicle by slowing down to let another vehicle overtake him/her while passing.

Parked vehicles can have people opening doors unexpectedly and should be anticipated by a driver. This type of accident is non-preventable only if the driver is already passing and the door opens.

A skilled driver knows to stay out of other vehicle's blind spots or have vehicles traveling in their blind spots for long periods.

Pedestrian and Animal Collision

Collisions with a pedestrian are usually considered preventable, even in cases of pedestrians coming out from between parked cars. Awareness of the presence of children, congested areas, bus stops, etc. is critical. Similarly, collisions with animals are typically preventable especially since the driver should recognize the presence of animals in the area.

In either case, the collision should only be considered non-preventable if the pedestrian was behaving so unreasonably that there was no way for the driver to have anticipated the actions or the animal was behaving unusually or unexpectedly in an area where no animals occupy.

Parked or Stopped Vehicle Collision

The collision is non-preventable if the vehicle is properly and legally parked. All other accidents with the vehicle double parked or in a "No Parking" zone are preventable.

Mechanical Failure

Mechanical defects and failures such as bad brakes, blown tires, etc. should be considered preventable in that the driver should know how to properly conduct a pre-trip inspection before operating the vehicle at the beginning of each day. If, however, the failure was sudden and unexpected, not as a result of abuse or wear and tear, the collision may be considered non-preventable.

Setting Standards for Company Drivers

The bottom line is – what are the company standards for authorized drivers? Are there any? Does the company train drivers in defensive driving skills as part of the employee eligibility and qualifications process?

According to the *NSC*:

More Than 90% of Crashes are Caused by Human Error

In 2018, there were an estimated 40,000 fatalities due to motor vehicle crashes. Driving is a universal hazard, and vehicle crashes can have a devastating impact on both households and businesses alike. This is why preventing future motor vehicle collisions at your organization is key to your success.

AmTrust recognizes that safety starts with knowledge. We offer a variety of [transportation safety resources](#), including [streaming video training materials](#), to our policyholders as a value-added feature. Whether your employees drive personal vehicles, company vehicles or heavier commercial vehicles, it's our goal to help your organization reduce and manage the risks these drivers face. [Get access](#) to our transportation safety vehicles today.

AmTrust distributes this e-newsletter as a service for its customers. It is provided in the spirit of professionals sharing their work with each other. The information provided in this document is intended for use as a guideline and is not intended as, nor does it constitute, legal or professional advice. It is not intended to provide authoritative answers to safety and health questions. AmTrust does not warrant that adherence to, or compliance with, any recommendations, best practices, checklists or guidelines will result in a particular outcome. Before using the information here, the accuracy and appropriateness of the information to your specific situation should be verified by a person qualified to assess all the factors involved.

CONTACT INFO:

PHONE: 888.486.7466 ext. 363275
WEB: www.amtrustnorthamerica.com
EMAIL: AskLC@amtrustgroup.com

MAILING ADDRESS:

AmTrust North America
2605 Enterprise Road, Suite 290
Clearwater, FL 33759