

Barometer of Liability Chart v3 dated 1 Jun 08

The new scenarios and rules **will be applicable for accidents occurring from 1 Jun 08 onwards.**

The Barometer of Liability Chart will **apply** in the following situations:

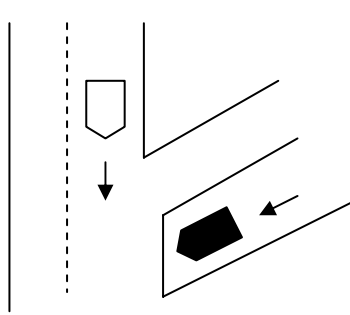
1. Agreed facts within an agreed scenario
2. Conflicting facts/versions of circumstances of accident within an agreed scenario (e.g. BOLA applies even if there are disputes over “right of way” with regards to yellow box, traffic lights, stop sign, stop line and the like)
3. Conflicting facts/versions of circumstances of accident outside BOLA scenarios to be settled at 50/50% liability.
4. Disputes on the type of BOLA scenarios to be applied to be settled at 50/50% liability
5. Regardless of the decision of Courts, FIDReC and other mediation/arbitration centres
6. Restrict to repair costs and uninsured losses (loss of use and excess)
7. Members cannot reject Third Party claim even if claim quantum is less than Third Party excess



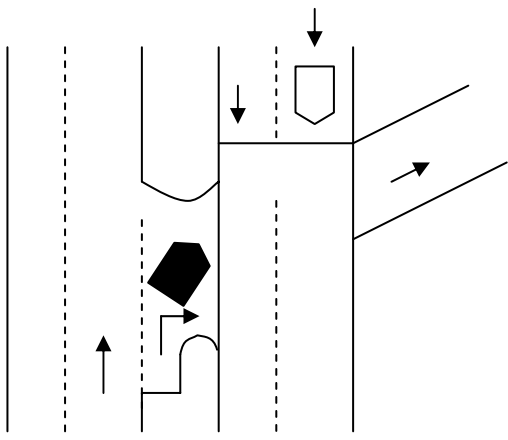
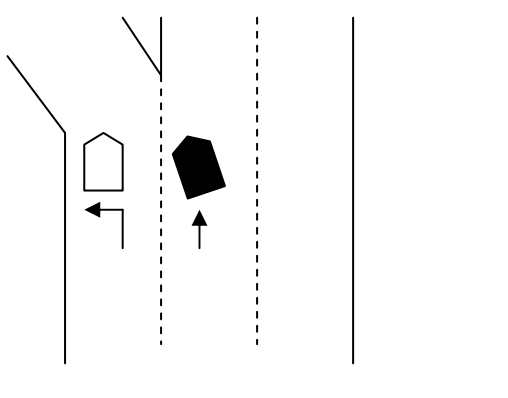
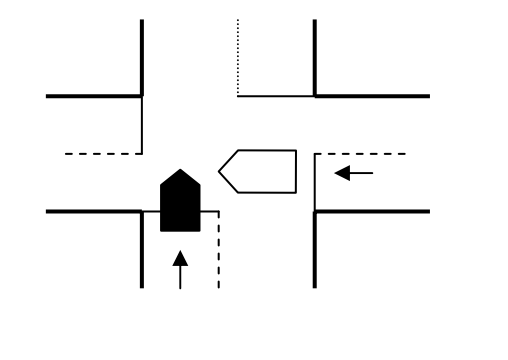
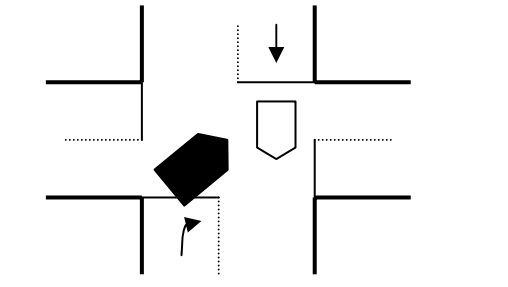
Exclusion List



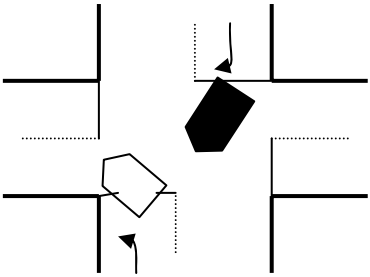
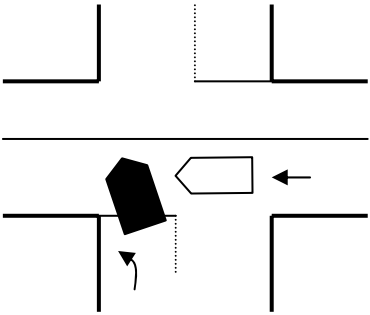
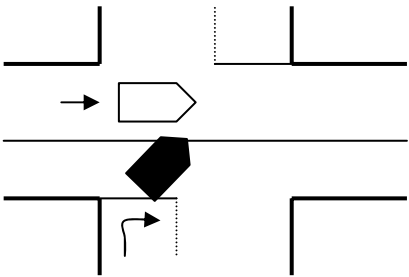
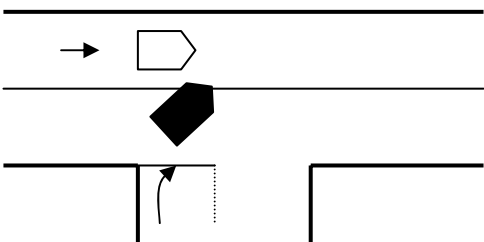
Note: This exclusion list will not be applicable for chain collisions.



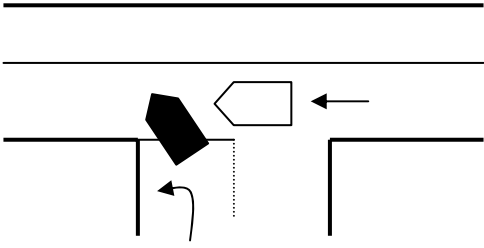
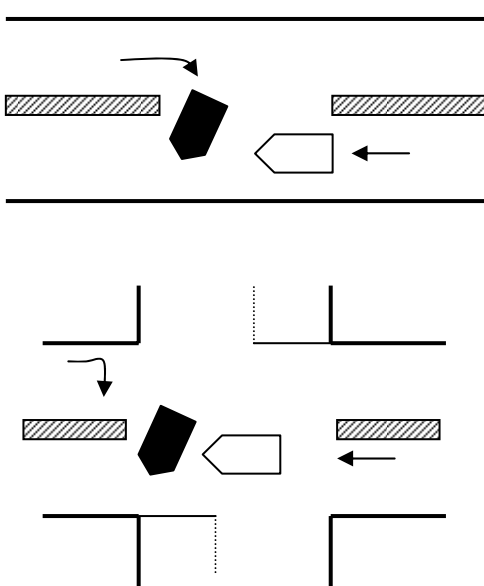
The Barometer of Liability Chart will **not** apply when there is :



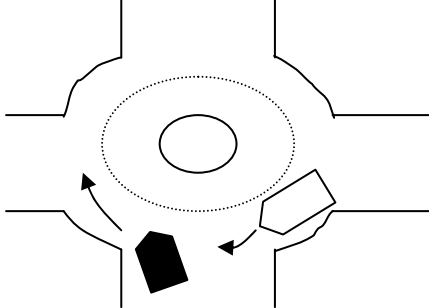
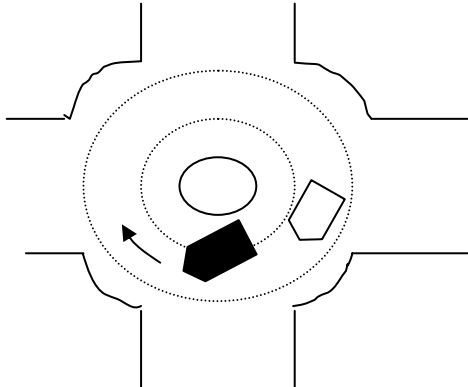
- a. Independent witness affirming “ Right of Way” through an affidavit or Statutory Declaration
- b. If any party involved is charged by the Traffic Police (TP) under a Traffic Offence (include TP’s warning)
- c. Repudiation of liability
- d. i) Admission of liability in the report of one party or
ii) there is photographic/video graphic evidence which provides conclusive results



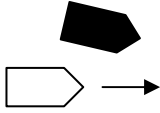
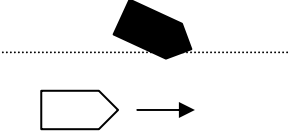
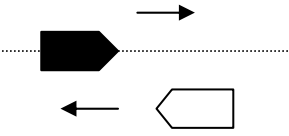
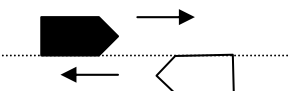
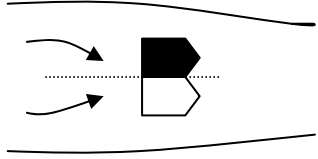
| | SCENARIO | DESCRIPTION | X | Y |
|-------------------|---|--|------|----|
| Y-Junction | | | | |
| 1. |  | Vehicle X – Turning out from a Side Road Vehicle Y – Moving Straight Ahead Reason: Vehicle approaching main road should exercise greater caution. | 100% | 0% |



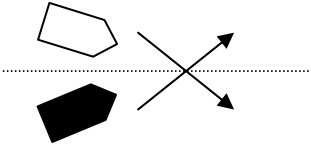
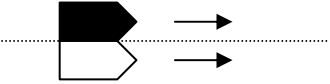
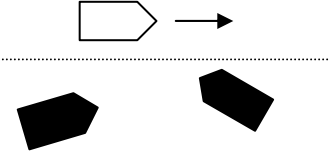
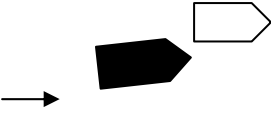
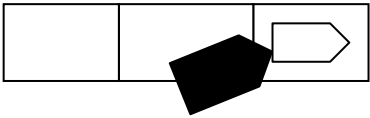
| | SCENARIO | DESCRIPTION |  X |  Y |
|----|---|---|---|---|
| | Y-Junction | | | |
| 2. |  | <p>Vehicle X – Turning Out from Side Road Vehicle Y – Moving Straight Ahead</p> <p>Reason: Vehicle making a turn at an intersection should exercise greater degree of care towards on-coming traffic</p> | 100% | 0% |
| | Slip Road | | | |
| 3. |  | <p>Vehicle X – Moving along a Straight Lane trying to turn into the Side Road Vehicle Y – Moving on a Turning Lane into the Side Road</p> <p>Reason: Vehicles should keep in the proper lane and change lane only when it is safe</p> | 100% | 0% |
| | X-JUNCTION | | | |
| 4. |  | <p>Vehicle X – Moving Straight Vehicle Y – Moving Straight</p> <p>Reason: Traffic approaching from the right has precedence</p> | 100% | 0% |
| 5. |  | <p>Vehicle X – Turning Right Vehicle Y – Moving Straight</p> <p>Reason: Onus is on the turning vehicle</p> | 100% | 0% |



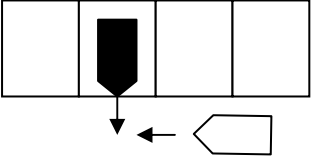
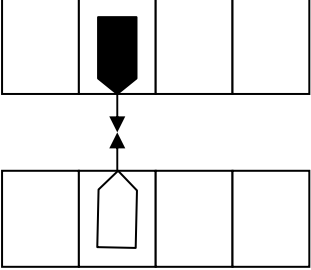
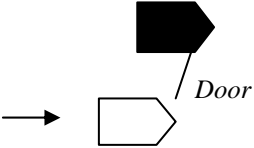
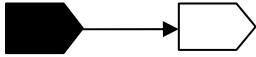
| | SCENARIO | DESCRIPTION |  X |  Y |
|-------------------|---|---|---|---|
| 6. |  | Vehicle X – Turning Right, from opposite direction Vehicle Y – Turning Left Reason: Onus is on the vehicle turning right to exercise caution while turning across junction | 100% | 0% |
| 7. |  | Vehicle X – Turning into Main Road Vehicle Y – Moving Straight Ahead Reason: Any vehicle approaching main road should exercise greater caution | 100% | 0% |
| 8. |  | Vehicle X – Turning into Main Road Vehicle Y – Moving Straight Ahead Reason: Any vehicle approaching main road should exercise greater caution | 100% | 0% |
| T-JUNCTION | | | | |
| 9. |  | Vehicle X – Turning into Main Road Vehicle Y – Moving Straight Ahead Reason: Traffic on main road has precedence | 100% | 0% |

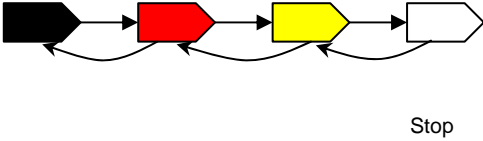
| | SCENARIO | DESCRIPTION |  X |  Y |
|--|--|---|--|--|
| 10. |  | <p>Vehicle X – Turning into Main Road</p> <p>Vehicle Y – Moving Straight Ahead</p> <p>Reason: Traffic on main road has precedence</p> | 100% | 0% |
| U-Turns / 3-point Turns at any junction (Controlled / Uncontrolled) | | | | |
| 11. |  | <p>Vehicle X – U-turning</p> <p>Vehicle Y – Moving Straight Ahead</p> <p>*All U-turns (legal / illegal), or turns not prohibited by road markings.</p> <p>Reason: All vehicles making turn or u-turn across main road must exercise greater caution.</p> | 100% | 0% |

| | SCENARIO | DESCRIPTION |  X |  Y |
|--|--|--|--|--|
| ROUNDABOUT - Entering (Controlled / Uncontrolled) | | | | |
| 12. |  | <p>Vehicle X – Entering into the Roundabout Vehicle Y – Moving along in the Roundabout</p> <p>Reason: Vehicle already in the roundabout has precedence</p> | 100% | 0% |
| ROUNDABOUT – Both Parties Within | | | | |
| 13. |  | <p>Vehicle X – Changing Lane Vehicle Y – Moving along</p> <p>Reason: Vehicles should keep in the proper lane and change lane only when it is safe.</p> | 100% | 0% |



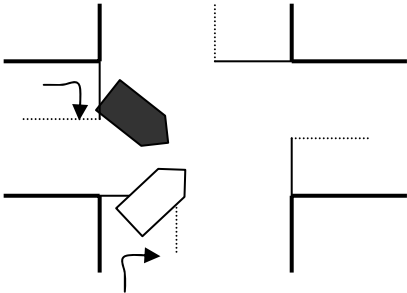
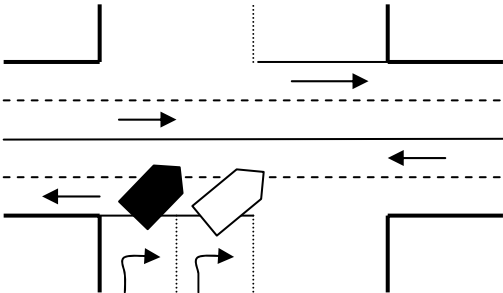
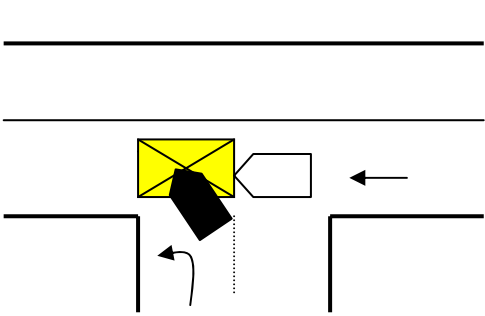
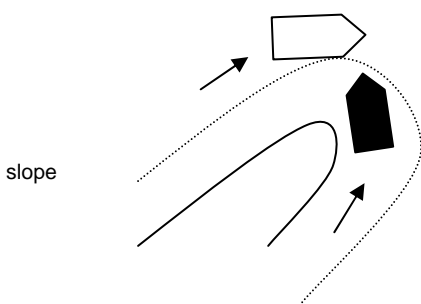
| | SCENARIO | DESCRIPTION |  X |  Y |
|----------------------|---|---|---|---|
| STRAIGHT ROAD | | | | |
| 14. |  | Vehicle X – Moving out from Stationary position Vehicle Y – Moving straight Reason: Vehicle moving out should exercise greater caution | 100% | 0% |
| 15. |  | Vehicle X - Changing lane Vehicle Y – Moving in own Lane Reason: Vehicles should keep in the proper lane and change lane only when it is safe. | 100% | 0% |
| 16. |  | Vehicle X – Encroaching / Straddling lanes Vehicle Y – Moving in own Lane Reason: Vehicle should keep in lane | 100% | 0% |
| 17. |  | Vehicle X – Straddling lane Vehicle Y – Straddling lane Reason: Vehicle should keep in lane | 50% | 50% |
| 18. |  | Vehicle X – Converging into single lane Vehicle Y - Converging into a single lane Reason: Both vehicles should exercise greater caution when merging | 50% | 50% |

| | SCENARIO | DESCRIPTION |  X |  Y |
|-----------------|---|--|---|---|
| 19. |  | <p>Vehicle X – Changing lane Vehicle Y - Changing lane</p> <p>Reason: Both vehicles should exercise caution when changing lanes</p> | 50% | 50% |
| 20. |  | <p><u>Side swipe – including at bend</u> Vehicle X – Moving within lane Vehicle Y – Moving within lane</p> <p>Reason: Both vehicles should exercise consideration</p> | 50% | 50% |
| 21. |  | <p>Vehicle X – Losing control of vehicle and encroaching into path of another vehicle Vehicle Y – In control of car</p> <p>Reason: Driver must be in full control of vehicle at all times</p> | 100% | 0% |
| CAR PARK | | | | |
| 22. |  | <p>X – Moving Y – Parked</p> <p>Reason: Moving/reversing vehicles must exercise greater care than parked vehicles</p> | 100% | 0% |
| 23. |  | <p>Vehicle X – Moving forward or reversing into parking lot Vehicle Y – Parked</p> <p>Reason: Moving /reversing vehicle must exercise greater care than parked vehicles</p> | 100% | 0% |

| | SCENARIO | DESCRIPTION |  X |  Y |
|---|---|---|---|---|
| 24. |  | <p>Vehicle X – Reversing out of / Moving forward into parking lot</p> <p>Vehicle Y – Going straight</p> <p>Reason: Vehicle moving out should exercise greater care</p> | 100% | 0% |
| 25. |  | <p>Vehicle X – Reversing out / Moving out of parking lot</p> <p>Vehicle Y – Reversing out / Moving out of parking lot</p> <p>Reason: Both vehicle should exercise caution</p> | 50% | 50% |
| OPENING OF VEHICLE DOOR (Anywhere) | | | | |
| 26. |  | <p>Vehicle X</p> <ul style="list-style-type: none"> – Driver / passenger's vehicle door opened into path of other traffic – Driver / passenger inside / outside the vehicle <p>Vehicle Y – Moving</p> <p>Reason: Driver should not obstruct/cause danger to passing vehicles</p> | 100% | 0% |
| FRONT TO REAR COLLISION | | | | |
| 27. |  | <p>Driver of the vehicle X will be 100% liable for losses incurred by the vehicle Y</p> | 100% | 0% |

| CHAIN COLLISION | |
|---|--|
| | <p>The scenarios do not apply when:</p> <ol style="list-style-type: none"> 1. Malaysian vehicle is involved 2. Singapore Government vehicle is involved 3. Driver is self-insured for property damage 4. Any party is involved in unauthorised or drink-driving (with proof) <p>The apportionment of liability applied for the scenario below will apply to collisions involving three or more vehicles.</p> <p>It will be applicable for claims submitted by all parties (including lawyers).</p> |
| SCENARIO | DESCRIPTION |
| <p>28.</p>  | <p>Driver of the vehicle behind will be 100% liable for losses incurred by the vehicle immediately in front only</p> <p>Reason: To avoid costly litigation for collision damages</p> |

SUPPLEMENTARY SCENARIOS

| | SCENARIO | DESCRIPTION |  X |  Y |
|--|---|--|---|---|
| X-JUNCTION | | | | |
| 29 |  | Vehicle X – Turning right Vehicle Y – Turning right Reason: Traffic approaching from the right has precedence. | 100% | 0% |
| 30 |  | Vehicle X – Turning right Vehicle Y – Turning right Reason: Both vehicles should exercise caution when turning right in the same direction | 50% | 50% |
| YELLOW BOX at any junction – Entering (Controlled / Uncontrolled) | | | | |
| 31 |  | Vehicle X – turning left Vehicle Y – Moving Straight Ahead Reason: Any vehicle entering another road should exercise greater caution. (This will not apply if there is an independent witness or one party admits fault.) | 100% | 0% |
| CAR PARK | | | | |
| 32 |  | X – Moving and turning up / down slope Y – Moving and turning down / up slope Reason: Both vehicle should exercise caution | 50% | 50% |