



LEFT TURN MOTOR VEHICLE CRASHES

Generally speaking, a motorist turning left who is involved in a crash with an oncoming vehicle will be cited and found to be the cause of the crash. Arizona Revised Statue 28-772 places the duty on the left turn driver to yield. The statute states:

Vehicle turning left at intersection: the driver of a vehicle within an intersection intending to turn left shall yield the right of way to a vehicle that is approaching from the opposite direction and that is in the intersection or so close to the intersection as to constitute an immediate hazard.

Also the Arizona Attorney General issued a statement as a foot note to this statute stating, “one making a left turn must do so only when it is safe to do so, that is, when approaching traffic will not be endangered and will not be required to suddenly slow or halt to avoid a collision.” Arizona Attorney General Opinion 5-A82

The Arizona Court of Appeals Division One in 1995 in the case of *Smith v. Johnson*, held that a bad left turn is negligence per se. The *Johnson* Court went on to state “the statue imposing duty upon a left turning driver within an intersection to yield a right of way to oncoming vehicles does not allow the due care defense. A left turning driver must yield to oncoming traffic regardless of whether he diligently looks for such traffic.”

In a rare situation a left turning vehicle or a driver who is injured while turning left as the left turning vehicle may be able to obtain a recovery depending on the speed and location of the oncoming driver. This will be very fact specific in terms of what the oncoming driver was doing. This also may require experts such as accident reconstructionist to determine speeds and locations of the vehicles.

If you have been injured in a left turning vehicle crash, contact Simon Law Group at 480-745-2450 or email us at Craig@SimonLawAZ.com.