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Using Comparative and Contributory Negligence Theories in Determining Fault in Auto Accidents by Ethan Rehman

Article published on March 9th 2012 | Business

Road accidents are not only known for property breakage and injuries, but also for the question "who is to blame?". Normally, the driver who struck the other car responsible, even if it is an accident or done out of malice. However, the nature of the accident and the accounts from both sides may produce a result different from the standard. In other words, determining the blame is not always smooth sailing.

Police comprehensively review the scene of the crash to provide accurate details of what actually occurred. Some cases of car accidents look direct and obvious, but there are also collisions that are vague in plain sight. In addition, both the victim and the one at fault can be accountable for a car accident. In this case, the court splits the responsibility to both parties based on the outcome of the investigation.

Negligence is a typical issue when it concerns car accidents, as every driver on the road has a obligation to exercise safety. Although the one responsible had no intention of crashing the victim's car, he can still be held liable for neglecting to follow safe driving techniques. The legal system in the United States defines and follows either of two kinds of negligence in figuring out who is at fault.

Contributory: The auto accident attorney Salt Lake City has to offer says the injured party in a car collision is not entitled to recover losses if he is to some extent at fault. Assuming that this is the case, then a state uses the contributory negligence theory to settle claims in court. It is still being used in a couple of states, besides Utah. It may sound wrong, but, as mentioned previously, a driver has the obligation to exercise caution in driving.

Comparative: The comparative negligence theory is a less rigid concept and is commonly used in most states. If both parties are liable for the mishap, the court determines the gravity of each party's accountability based on accounts and official reports. The auto accident attorney Utah residents seek advice from says an injured party's recovery claims may be cut by 20 percent if the party is 20 percent accountable.

But, there are limitations to the comparative negligence theory. The injured party that is 50 percent accountable or more is not qualified to claim recovery assets as it shows that he is mainly at fault. The Utah auto accident attorney says that, in some states, the plaintiff's damages may be reduced if he is partly responsible for his own traumas.

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