

Comparative Negligence Comparisons

Comparative negligence is based on contributory negligence

States with Pure Comparative Negligence

Arizona, Louisiana, Mississippi, New York, Rhode Island, Washington, Puerto Rico,
Alaska, California, Florida, Illinois, Iowa, Kentucky, Michigan, Missouri, New Mexico

States with 49% rule

Arkansas, Colorado, Georgia, Idaho, Kansas, Maine, North Dakota, Utah, West Virginia,
Wyoming

States with 50% rule

Connecticut, Delaware, Hawaii, Indiana, Massachusetts, Minnesota, Montana, Nevada,
New Hampshire, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Vermont,
Wisconsin, Virgin Islands

Pure Comparative Negligence:

Plaintiff's share of the negligence	20%	
Defendant's share of the negligence		80%
Plaintiff's damages		\$ 10,000
Plaintiff's recovery		(10000x .80) \$ 8000

The 50% rule

Plaintiff's share of the negligence	50%	
Defendant's share of the negligence		50%
Plaintiff's damages		\$ 20,000
Plaintiff's recovery (an equally negligent plaintiff can recover)		\$10,000 (50%)
(But a plaintiff over 50% at fault is barred from recovery)		

49% Rule

Plaintiff's share of the negligence	50%	
Defendant's share of the negligence		50%
Plaintiff's damages		\$ 20,000
Plaintiff's recovery		\$ 0
(under the 49% rule, an equally negligent plaintiff is barred from recovery)		