

I Was A Passenger In A Car Accident But I Wasn't Wearing A Seatbelt?

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Just a few days ago, I was involved in a car accident, where the vehicle in which I was riding as a front-seat passenger was struck in the rear while fully stopped at a stop sign. Unfortunately, at the time, I was not wearing my seatbelt and was injured. My friends tell me that I can't make a claim for my injuries because I wasn't wearing a seatbelt. Is this true?

Your failure to wear a seatbelt will not bar you from asserting a claim, but may affect your ability on how much you may recover for your injuries, if at all. Simply put, under New Jersey law, you may not recover for your injuries as a result of an accident, even if it was entirely not your fault, where your injuries occurred as the sole result of your failure to wear a seatbelt. In other words, if your injuries could have been completely avoided by wearing a seatbelt, you may not recover for your injuries, despite having no fault in causing the accident. This law applies regardless of whether you are operating the vehicle or a passenger situated in the front or back seats.

When faced with this issue, the court would engage in a complex analysis, requiring the jury to answer a series of questions in order to parse out what injuries can be attributed to your failure to wear a seatbelt and which injuries can be solely attributed to the accident itself, if any. Based upon the jury's responses to these questions, the court will then mold the verdict, which again, may or may not lead to a recovery on your part. Often times, cases involving the failure to wear a seatbelt will require testimony from biomechanical experts, who can inform the judge and jury on whether the resultant injuries and their severity are related to the nonuse of a seatbelt.

Your friends are incorrect in that you are barred from asserting a claim for your injuries. However, what you may recover, if anything, is a separate question involving a multitude of factors. As you can see, these are highly complicated matters, and you should consult a qualified personal injury attorney.