

5.30K NONUSE OF SEATBELT ON ISSUE OF NEGLIGENCE¹
(Approved 6/89)

Some of the evidence presented in this case bears upon defendant's contention that plaintiff was not wearing a seatbelt at the time of the accident. This contention is not relevant in deciding who is at fault for causing the accident.² However, it may be important in determining the amount of money that the plaintiff may recover for any injuries he/she received. I will talk about that with you in a few minutes.³

¹*Waterson v. General Motors Corp.*, 111 N.J. 238, 264 (1988): "Consequently, the relevant inquiry is not whether the failure to use a seatbelt contributed to the cause of the accident but whether the nonuse of a seatbelt contributed to plaintiff's injuries."

²This charge is not intended to address cases where nonuse of a seatbelt is alleged to have contributed to the happening of the accident itself. *Waterson*, *supra* note 1, at 268 n. 5.

³This refers to Model Civil Charge 8.21.