

7.10 CONTRIBUTORY NEGLIGENCE (Approved 5/91)

NOTE TO JUDGE

Causes of action in negligence arising on and after August 22, 1973 are governed by the comparative negligence statute *N.J.S.A. 2A:15-5 et seq.* That statute changed the existing law. Thereafter a finding of "Contributory Negligence" no longer bars a plaintiff's claim unless that negligence was greater than the negligence of the defendant (or the combined negligence of all defendants). "Any damages sustained shall be diminished by the percentage sustained of negligence attributable to the person recovering".

Retained are revised sections that present specific situations where negligence of the plaintiff may call for specific language to be charged.