

Wearing Your Seatbelt Could Save Your Life and Your Personal Injury Claim

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The first seatbelts began appearing in cars in the 1950s. However, it was not until 1968 that all vehicles in the United States were required to come standard with seatbelts. Since then, seat belts have saved hundreds of thousands of lives.

Despite the known safety benefits of seatbelts, drivers and passengers routinely fail to buckle up, placing them at an increased risk of severe injury or death. Not only that, but a motorist's failure to wear a seatbelt can have a significant impact on their ability to recover compensation in the event of a car accident.

Seat Belt Statistics

Indisputably, seatbelts save lives. According to the most recent statistics compiled by the National Highway Traffic Safety Administration (NHTSA), of the 37,133 people killed in [motor vehicle accidents](#) in 2017, 47 percent were not wearing seat belts. The NHTSA estimates that seatbelts saved nearly 15,000 lives, and would have saved an additional 2,500 had motorists buckled up.

Seatbelt Laws

Every state in the United States requires motorists to wear seatbelts. However, each state has its own [seatbelt laws](#). Typically, states have various statutes addressing seatbelt usage. For example, New Jersey has a law requiring children under the age of eight to be secured in a [child seat](#) and a separate law requiring everyone over the age of eight to wear a seatbelt. States also vary in terms of whether a motorist's failure to wear a seatbelt is a primary infraction – meaning a police officer can pull over a motorist for nothing more than not wearing a seatbelt.

The Relevance of Seatbelt Use in a Personal Injury Case

When someone is injured in a car wreck, they can bring a personal injury lawsuit against the responsible party or parties. However, under the doctrines of contributory negligence, comparative fault, and the mitigation of damages, an accident victim's failure to wear a seatbelt can drastically affect their ability to recover for their injuries.

Both comparative fault and comparative negligence are methods that courts use to handle a situation where an accident victim shares responsibility for their injuries. Mitigation of damages is a concept that requires an accident victim to do what they can to reasonably limit their damages. While each of the doctrines can play a role in the recovery process, they are very different.

In situations where a plaintiff's conduct contributed to an accident, courts use one of three approaches:

1. **Contributory Negligence:** Under the doctrine of contributory negligence, accident victims who are even the slightest bit at fault for causing a collision cannot recover compensation from any other parties. This is even the case if another party was primarily responsible for the accident. Contributory negligence is an extremely harsh – and outdated – doctrine, and only a small handful of states continue to use this approach.
2. **Comparative Negligence:** Under a comparative negligence analysis, or comparative fault, an accident victim who shares some blame for causing the accident can still recover for their injuries. However, their total recovery amount will be reduced by their percentage of fault. For example, suppose an accident victim suffered \$300,000 in damages but was found to be 25 percent at fault. In this case, the accident victim would recover \$225,000, which is the total amount of damages, less 25 percent.
3. **Modified Comparative Negligence:** The modified comparative negligence approach is identical to a comparative negligence analysis, except that under the modified method, plaintiffs who are more than a certain amount at fault cannot recover for their injuries. Most states use either 50 or 51 percent as the cut-off. Simply stated, this means accident victims who are more than half responsible for causing a crash cannot recover for their injuries.

Only a small number of states rely on a contributory negligence framework. However, those states do not typically allow the jury to hear evidence of a plaintiff's failure to wear their seatbelt. This is because a motorist's lack of a seatbelt does nothing to cause a crash. On the other hand, states using the comparative fault and modified comparative fault are split in terms of whether they allow the jury to hear evidence of an accident victim's failure to wear a seatbelt. The rationale being that, while wearing a seatbelt does not prevent an accident, it can lessen an accident victim's injuries.

Another important concept in car accident cases is the requirement that plaintiffs mitigate their damages. Generally, the law requires a plaintiff to take reasonable steps to prevent additional injury. A plaintiff's failure to mitigate damages may result in a reduction in their damages award. Most states consider a plaintiff's decision not to wear a seatbelt as a failure to mitigate their damages.

Of course, evidence that an accident victim was not wearing a seatbelt is only relevant in some car accident cases. For example, if an accident victim's injuries were not related to their failure to wear a seatbelt, seat belt non-use evidence is not relevant. The burden rests with the defense to establish that the plaintiff's injuries would be less severe had they buckled up.

The importance of wearing a seatbelt cannot be overstated. Seatbelts are a critically [important safety feature](#) capable of saving lives. In addition, an accident victim's failure to wear a seatbelt can also adversely impact their ability to recover financial compensation for their injuries.

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