

Washington Negligence Laws

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State Negligence Laws at a Glance

Negligence is the failure to exercise an expected degree of care, leading to another person's injuries. For example, a motorist who fails to wear their glasses (as required by their driver's license) and then causes an accident may be found negligent and thus liable for the other party's injuries. Most torts -- such as medical malpractice and slip-and-fall claims -- are based on negligence.

Based on common law, state negligence laws are, generally speaking, the same from one state to the next. However, they can differ with respect to how fault is assigned under any given set of circumstances.

In Washington, for example, contributory negligence lessens the amount a plaintiff can recover in proportion to their degree of fault, while it does not completely bar recovery of damages.

Under the legal theory of contributory negligence, for example, a plaintiff may only claim 70 percent of their damages for injuries if the court determines that they were 30 percent responsible for the incident. A few states don't allow recovery at all if the plaintiff is partially responsible, but most have moved away from this and now recognize degrees of contributory fault.

What are the Elements of a Negligence Claim?

In order to demonstrate a defendant's negligence, the plaintiff must prove the following five elements:

1. *Duty* - The defendant owed the plaintiff a duty, either to act (or refrain from acting) in a certain way, as would be expected from a "reasonable" person.
2. *Breach of Duty* - The defendant acted (or failed to act) contrary to their duty to the plaintiff.
3. *Cause in Fact* - The defendant's breach of duty in fact resulted in the plaintiff's injuries. In other words, would the injury have occurred without the defendant's alleged negligence?
4. *Proximate Cause* - The defendant's actions or inactions were within the scope of known risks; the defendant "should have known" an injury could occur.
5. *Damages* - The plaintiff in fact suffered injuries, physical or otherwise, as a result of the defendant's negligence.

The jury or judge is tasked with deciding whether these elements are present in order to determine negligence.

The basics of Washington negligence laws are listed below. See [Negligence: Background](#) to learn more.

Code Section	<u>4.22.005</u> to <u>925</u>
Pure Comparative Negligence	Plaintiff's contributory fault reduces their damages in proportion to their degree of fault. However, it does not completely bar recovery.
Contributory Negligence-Limit to Plaintiff's Recovery	Fault is assigned by percentages, and the amount that a plaintiff can recover is reduced by the percentage at which they are found to be at fault.
Contribution Among Tortfeasors	Yes; <u>§4.22.040</u>
Uniform Act	Yes; <u>§4.22.005</u> to <u>925</u>

Note: State laws are constantly changing. Contact a Washington personal injury attorney or conduct your own legal research to verify the state law(s) you are researching.

Research the Law

Consider reviewing the following resources to learn more about laws in Washington, including those related to negligence.

- At Washington Law, you'll find resources for all laws in the state, including those related to negligence.
- At Official State Codes, you'll find links to the official online statutes (laws) in all 50 states and the District of Columbia.

Negligence: Related Resources

Consider reviewing the following for more information on negligence:

- The Law of Negligence
- Standards of Care and the Reasonable Person
- Find a Negligence Attorney.

Need More Information? Seek Help from an Attorney

If you've been injured in an accident, it can be very stressful to navigate the consequences of being injured. It's possible you're dealing with costly medical bills, while you may also not be able to work as you did prior to the accident.

Whatever the case may be, it might be wise to seek the assistance of a qualified negligence attorney near you. They can assist you in all legal matters related to your injury.

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