

North Carolina's Contributory Negligence Rule

The single most important — and most surprising — law for any NC accident victim to understand.

The 1% rule, in plain English

North Carolina is one of only a handful of states that still follows **pure contributory negligence**. If the other side can show you were even **1% at fault** for the crash, you can be barred from recovering anything — no matter how badly the other driver behaved.

Why it matters

Insurers know this rule and use it aggressively. A small admission, a guess about speed, or a "shared blame" framing can wipe out an otherwise strong claim.

Common ways victims get blamed

- Apologizing or guessing about fault at the scene.
- Allegations of speeding, distraction, or a missed signal.
- Not wearing a seatbelt (used to argue you worsened your injuries).
- Crossing outside a crosswalk or against a signal (pedestrians).
- Lane position or following distance disputes.

How to protect yourself

1. Never admit or speculate about fault — to anyone, including insurers.
2. Document the scene thoroughly so the facts speak for themselves.
3. Get independent witnesses and preserve any camera footage fast.
4. Follow traffic laws and keep records that show you did.
5. Talk to a lawyer early if any fault is disputed.