

How New Mexico's Pure Comparative Negligence Law Impacts Car Accident Claims

An Albuquerque, NM car accident lawyer explains what you need to know

Being hurt in a [car accident](#) in New Mexico can turn your life upside down. Medical bills can add up fast. Time away from work can put your income at risk. The stress of dealing with insurance companies can be overwhelming. In New Mexico, the law adds another layer of complexity to your case – the state's "pure comparative negligence" law.

This state regulation is important because it directly affects how much money you may be able to recover for your crash. Even if the other driver was clearly at fault, your own actions will still be looked at and could come into play when deciding your car accident injury claim.

Understanding how the law works can help you protect your rights and avoid losing out on compensation you deserve.

That's where an experienced New Mexico car accident lawyer like [Andras Szantho](#) in Albuquerque can make a difference. He understands how insurance companies use this law to their advantage and how to level the playing field on behalf of injury victims. With the right legal strategy, you can confidently pursue the full compensation you deserve for your accident-related expenses.

What is New Mexico's pure comparative negligence law?

Pure comparative negligence is the rule New Mexico uses to decide how compensation is divided in an accident case when more than one person shares blame. Under [New Mexico Statute \(NMSA\) § 41-3A-1](#), the law looks at everyone's actions and assigns each person a percentage of fault in a motor vehicle accident. Whatever percentage you are assigned is the same percentage by which your compensation is reduced.

For example, if you are awarded \$100,000 for your accident-related expenses and you are found to be 30 percent at fault, you would only receive \$70,000. And unlike some other states, you can still receive compensation for your car accident even if you are more than 50 percent at fault. For example, using the same \$100,000 amount, if you were 70 percent at fault for causing your collision, you would only receive \$30,000 in accident-related compensation.

This legal principle is why New Mexico's law is referred to as a "pure" comparative negligence system. Even if you are mostly to blame for causing the collision, you can still receive a small amount of money to pay for some of your accident expenses. Even so, it's critical that you show the other driver's responsibility was greater than yours. The less fault assigned to you, the more money you are entitled to recover.

When does pure comparative negligence apply to car accidents?

Pure comparative negligence applies in any case where fault is shared between drivers. It is most often used in disputes over intersection accidents, lane change crashes or rear-end collisions where both drivers may have contributed in some way. New Mexico law requires courts and insurance companies to look at all circumstances when assigning a fair percentage of blame.

Situations where New Mexico's pure comparative negligence law may apply to car accidents include:

- Crashes where both drivers were speeding before the collision.
- Intersections where one driver ran a stop sign but the other was distracted.
- Rear-end collisions where the driver in front stopped suddenly without warning.
- Multi-car pileups where several drivers made mistakes leading to the crash

In theory, this law makes sure that no single driver is automatically blamed without carefully looking at the facts. However, legal theory and reality can be very different. These decisions can be highly subjective. That's why having a New Mexico car accident lawyer who understands how the state's pure comparative negligence law works handling your injury claim or lawsuit can often make a big difference in the outcome of your case.

Will comparative negligence affect my claim for medical bills, lost wages, and pain and suffering differently?

Yes. Comparative negligence applies to all categories of damages, the legal term for compensation for financial losses. Whether you are asking for money for medical expenses, lost income or financial compensation for pain and suffering, your award will be reduced by the same percentage of fault assigned to you. That means if you are found partially responsible for the crash, every type of compensation will be affected as part of your car accident injury claim.

Medical bills are often the largest portion of damages in a car accident claim. If you have \$50,000 in medical expenses and you are 20 percent at fault, you would only be able to collect \$40,000. The same percentage of fault applies to lost wages, making it crucial to limit your share of fault as much as possible.

Pain and suffering damages are also reduced under comparative negligence. These damages are more subjective, so insurance companies often argue that your pain is worth less if you share blame. A skilled lawyer can work to make sure that your experience is fully recognized and that you receive fair compensation despite attempts to minimize your recovery.

Who decides what percentage of fault I'm assigned in my case?

The percentage of fault in a car accident case can be decided in different ways depending on how your claim is handled. If your case is resolved through an insurance claim, the insurance

adjuster will try to assign fault, often based on police reports, witness statements and other evidence. Insurance companies also often conduct their own independent investigations. And in most cases, many insurance companies use this process to reduce the amount they have to pay injury victims.

If you file a car accident lawsuit and your case goes to court, the percentage of fault is usually decided by a jury. Jurors listen to evidence, consider testimony and then assign percentages of responsibility to everyone involved. Their decision directly affects the amount of compensation you are awarded under New Mexico law.

In some cases, fault may also be negotiated as part of a settlement. Lawyers for both sides may argue over evidence and percentages until they reach an agreement. Because this decision is so important to the outcome of your case, having a skilled attorney representing you can be critical when determining your percentage of fault in a car accident.

If I am partially at fault, can I still receive car accident compensation?

Yes, under New Mexico's pure comparative negligence system, you can still receive compensation even if you were partly at fault. Unlike other states that prevent recovery if you are more than 50 percent responsible, New Mexico allows injury victims to receive compensation no matter how much blame you share. The key difference is that your award is reduced by your percentage of fault.

This means that even if you were 60 percent at fault, you could still collect 40 percent of your damages (financial losses). While that might seem small, in cases with serious injuries, it can still be a significant amount of money. Every percentage point matters, so reducing your share of fault can greatly increase how much money you receive for your accident.

Because insurance companies know this, they often push hard to increase the fault percentage assigned to injury victims. Having a lawyer who can challenge these claims and protect your rights can make sure you receive the maximum amount of compensation available to you under New Mexico law.

What kind of evidence can help prove the other driver was mostly at fault?

Car accident evidence can play a central role in showing the other driver was primarily responsible for your crash. Without strong proof, insurance companies may try to assign more blame to you. The right evidence can shift the balance in your favor, demonstrate what really happened and protect the value of your injury claim.

Key types of evidence often include:

- Police reports documenting citations and officer observations.
- Traffic camera or dashcam footage capturing the crash.

- Eyewitness statements supporting your version of events.
- Photographs of vehicle damage and skid marks at the scene.
- Cell phone records showing distraction or texting by the other driver.
- Accident reconstruction reports by experts explaining in detail how the crash happened.

Each piece of evidence can help paint a clear picture of what happened and why the other driver was at fault. Collecting and preserving this information quickly is critical since evidence can disappear quickly after a crash. A lawyer can conduct a detailed investigation and make sure nothing important is overlooked.

Does comparative negligence apply to both lawsuits and insurance claims?

Yes, New Mexico's pure comparative negligence law applies to both car accident lawsuits and insurance injury claims. Insurance companies use the law to calculate payouts during the claims process, and courts use it when awarding damages (compensation for financial losses) at trial. That means the rule can impact your case no matter how it is resolved.

In the claims process, insurance adjusters often assign percentages of fault based on their interpretation of the evidence. This can lead to disputes since insurers are motivated to reduce their financial responsibility. Without legal help, you may end up with an unfairly low accident claim.

In court, judges and juries apply comparative negligence based on the evidence presented by the attorneys involved in the case. This makes it important to have a lawyer who can present your case clearly, powerfully and persuasively. By showing why the other driver was more at fault, you improve your chances of recovering the maximum amount allowed under the law.

How do insurance companies use comparative negligence to reduce payouts?

Insurance companies often try to use New Mexico's pure comparative negligence to lower the amount they have to pay after a car accident. By assigning a higher percentage of blame to you, their aim is to reduce the value of your claim. This tactic is used frequently because every percentage point of fault reduces their payout, often by a significant amount of money.

Some ways insurers try to use New Mexico's pure comparative negligence law against injury victims include:

- Arguing you were distracted at the time of the crash.
- Claiming you were speeding even slightly above the limit.
- Suggesting you failed to brake or swerve in time to avoid the crash.
- Blaming you for not wearing a seatbelt to reduce your injury claim.

- Disputing the severity of your injuries compared to your share of fault.
- Claiming your injury is a pre-existing medical condition that has nothing to do with the accident.
- Using vague or incomplete police reports to assign more blame to you.

These strategies are designed to shift responsibility away from the at-fault driver and onto you. Insurance companies use them because they know even small percentages can save them thousands of dollars. Having a lawyer to push back against these arguments is essential to protecting the full value of your claim.

How can a lawyer challenge an unfair fault percentage assigned to me?

A New Mexico car accident lawyer can take many steps to fight back against an unfair fault percentage. Insurance companies often assign blame without fully investigating a crash, but an experienced attorney knows how to level the playing field and uncover the truth. With the right evidence and arguments, your lawyer can reduce your share of responsibility and increase your compensation.

Ways that a lawyer can challenge fault assigned to you after an accident include:

- Gathering additional evidence such as video footage or witness statements.
- Hiring accident reconstruction experts to analyze how the crash happened.
- Pointing out errors or omissions in your official police accident report.
- Highlighting traffic violations committed by the other driver, such as speeding or driving under the influence of alcohol.
- Presenting medical evidence linking your injuries directly to the crash.
- Negotiating aggressively with insurance adjusters and opposing lawyers.

By taking these steps, your attorney can shift the focus back where it belongs – on the driver who caused your car accident. This can make a major difference in how much compensation you ultimately recover. It also gives you confidence knowing someone is standing up for your rights at every step of the process.

Why should I hire an Albuquerque car accident attorney?

Car accident cases in New Mexico can be complicated, especially with pure comparative negligence involved. Insurance companies will often use every tool they can to reduce or deny injury claims. Having an experienced Albuquerque car accident lawyer on your side means you don't have to face these challenges alone.

Attorney Andras Szantho of the [Szantho Law Firm, P.C.](#) has years of experience representing crash victims throughout New Mexico. He knows how the law works, how insurance companies operate and how to build strong cases that hold negligent drivers accountable. His focus is on making sure injury victims have a fair chance of recovering the compensation they rightfully deserve.

Get a legal warrior who will fight for you. [Contact us](#) and schedule a [free case evaluation](#) with an Albuquerque car accident attorney focused on winning your case. Our Albuquerque office is conveniently located on Prospect Avenue. We also have an office located in Santa Fe, New Mexico. Best of all, we work on a [contingency fee](#) basis. That means you only pay us if we obtain a financial settlement or verdict for you.