

TITLE 7: CIVIL PROCEDURE
DIVISION 2: ACTIONS AND SPECIAL PROCEEDINGS

§ 2901. Effect of Contributory Fault.

(a) In an action based on fault seeking to recover damages for injury or death to person or harm to property, any contributory fault chargeable to the claimant diminishes proportionately the amount awarded as compensatory damages for an injury attributable to the claimant's contributory fault, but does not bar recovery. This rule applies whether or not under prior law the claimant's contributory fault constituted a defense or was disregarded under applicable legal doctrines, such as last clear chance.

(b) "Fault" includes acts or omissions that are in any measure negligent or reckless toward the person or property of the actor or others, or that subject a person to strict tort liability. The term also includes breach of warranty, unreasonable assumption of risk not constituting an enforceable express consent, misuse of a product for which the defendant otherwise would be liable, and unreasonable failure to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and contributory to fault.

Source: PL 12-26, § 3.

Commission Comment: PL 12-26 took effect on October 19, 2000. Contained in PL 12-26 were the following title, findings, prospective effect, severability, and savings clause provisions:

Section 1. Findings and Purpose [sic]. This act may be cited as the "Uniform Comparative Fault Act."

Section 2. Findings. The harsh all-or-nothing rule of contributory negligence at common law which is the rule of the CNMI has not been properly ameliorated by the several exceptions also developed at common law. Whether the general rule or an exception applies, one party or the other is always treated unfairly. This has been widely recognized and the Federal Government and two-thirds of the States have adopted some form of comparative fault. The Legislature finds that the rule of contributory negligence is simply too harsh and unfair in its implementation. Rather than retaining a legal doctrine that has been rejected by the majority of American jurisdictions, the legislature finds that it is in the best interest of the people to apportion damages on the basis of an individual's degree of fault.

Section 10. Prospective Effect. This Act shall be applied and construed so as to effectuate its general purpose to make uniform the law with respect to the subject of this Act among jurisdictions enacting it.

Section 11. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 12. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.