

People come to North Carolina for a number of reasons – for work, for vacation, to visit family, or while passing through to another state. Unfortunately, out-of-state drivers face the same risk of getting into a car accident as any other driver. While these accidents can pose some challenges not present in other cases, an experienced [North Carolina car accident lawyer](#) can minimize these issues and focus on getting you the compensation you deserve.

## Insurance is Nationwide

As an initial matter, do not worry about whether there will be insurance coverage. Insurance policies provide coverage regardless of where they were purchased. Whether it is you or the other driver who is from out of state, filing the insurance claim will proceed exactly the same as if both drivers were from North Carolina.

## Where the Accident Occurred is Important

Whether one or both of the drivers is from out-of-state, it ultimately doesn't matter – North Carolina law will determine the outcome of your case. This is important because North Carolina has some fairly unique legal principles that distinguish it from other states. Furthermore, if you are going to pursue legal action, you may have to file your lawsuit in North Carolina. As a result, your case will be governed by North Carolina legal procedure.

Whether you are from out of state or the other driver is from out of state, you will need to navigate the peculiarities of North Carolina law and procedure. You should therefore contact a North Carolina car accident lawyer if you have suffered a serious injury and need help.

## North Carolina Is a Pure Contributory Negligence State

One of the unique facets of North Carolina law is that it follows the contributory negligence rule, along with only three other states. The contributory negligence rule is a legal principle that bars an injured party from receiving any compensation if their own negligence contributed to the accident. For example:

- Andrew is injured in a car accident when Barry runs a stop sign.

- Upon investigation, it is discovered that Andrew was speeding at the time the accident occurred.
- By operation of the contributory negligence rule, Andrew is barred from receiving any compensation for his injuries, as a result of his own negligence and despite the fact that his negligence was minimal.

Most states do not follow this rule because it is considered to be too harsh. However, it is important to realize that the contributory negligence rule is an affirmative defense. To be successful, they must prove two things:

1. That you were negligent in some way; and
2. That your negligence contributed to the accident.

An experienced car accident lawyer will be able to assess whether contributory negligence will be an issue in your case and determine whether it can be overcome.

## If You Are From Out of State

If you are an out-of-state driver and you were injured in a car accident in North Carolina, the first thing to do is to report the claim to the insurance company. As mentioned above, North Carolina law will control the outcome. As a result, the insurance company may try to determine whether you were contributorily negligent in order to deny the claim.

Assuming that contributory negligence is not an issue, however, the claim process should proceed just as it would in any other case. This means that the insurance company may or may not agree to pay fair compensation for your injuries and other losses. In order to receive the compensation you deserve, you may therefore have to file a lawsuit.

Unfortunately, you will likely be unable to sue the at-fault driver in your home state. While there are exceptions, you can generally sue someone in one of two locations:

1. Where they reside; or
2. Where the accident occurred

Since where they reside and where the accident occurred are in the same state, you will very likely have to file a lawsuit in North Carolina. As a result, you may want to contact a North Carolina car accident lawyer if you think you may have to pursue a claim – even if you do not have to file a lawsuit, they can help you navigate the claim process.

A common question for out-of-state clients is whether they will have to make frequent trips to North Carolina as part of their case. Your lawyer will be able to handle most of the case while you remain at home, communicating with you via phone, email, or whichever platform works best for you. And while they can minimize the need for you to travel to

North Carolina, you may have to be present to testify in court or in a deposition.

## If the Other Driver is from Out of State

While you have the option to sue the other driver in their home state, you do not have to. As noted above, you can sue them in North Carolina if you need to pursue legal action. However, most car accident lawyers would encourage you to pursue legal action in the jurisdiction where the accident occurred, if for no other reason than your own convenience. There is no legal or financial benefit to suing the other driver in the state where they reside.

## Commercial Vehicle and Truck Accidents

Accidents involving [semi-trucks and other commercial vehicles](#) often involve drivers from outside of North Carolina. The driver may be from one state, the vehicle may be registered in another state, and the business headquartered in a third. While this may pose practical difficulties in terms of determining who is ultimately responsible, you can still pursue your claim in North Carolina.

## Contact Martin & Jones if You Have Been Injured in a Car Accident

With over 30 years of experience, we have handled all types of car accident cases with a successful track record of taking care of our clients' needs. Whether you are from out of state or the other driver was from out of state, we can help put your accident behind you. [Contact us](#) today by calling 800-662-1234 to schedule a free consultation to discuss your case.