



### A. Statute of Limitations

- **Personal Injury:** Two years from date of accident – A.R.S. §12-542
- **Property Damage:** Two years from the date of loss – A.R.S. §12-542
- **PIP Subrogation:** Arizona does not recognize PIP subrogation rights
- **Wrongful Death:** Two years from death – A.R.S. §12-542
- **No-Fault:** Not applicable to Arizona
- **Action Against Municipality:** A claimant must file a notice of claim against a public entity within 180 days and a lawsuit within 1 year after the cause of action accrues – A.R.S. §12-821; A.R.S. §12-821.01

### B. Comparative Negligence

Arizona is one of 13 states that have adopted a “pure” comparative fault law (A.R.S. §12-2501 et seq.). The pure comparative doctrine allows a plaintiff to recover damages from a defendant minus his or her percentage of comparative negligence. Even if the plaintiff is 99% responsible for the accident, he or she can recover 1% of the damages in Arizona.

### C. Joint & Several Liability

Arizona abolished joint & several liability in favor of pure comparative negligence principles, with a few notable exceptions. Joint and several liability remains the rule in cases where vicarious liability applies; where the tortfeasors acted in concert; for actions brought under the Federal Employers’ Liability Act, which addresses compensation of injured railroad workers; and for waste disposal cases. Ariz. Stat. §12-2506; *Yslava v. Hughes Aircraft Co.*, 936 P.2d 1274 (Ariz. 1997).

### D. Serious Injury Threshold

Not applicable to Arizona

### E. PIP Subrogation

Arizona does not recognize direct PIP subrogation rights. Assignment of a personal injury cause of action is prohibited. *Allstate Ins. Co. v. Druke*, 576 P.2d 489 (Ariz. 1978). A carrier can perfect its lien against any third-party recovery for Med Pay benefits in excess of \$5,000 by recording the lien within 60 days after payment with the office of the county recorder where the accident occurred. A.R.S. § 20-259.01(J).

## F. Graves Amendment

Under the Graves Amendment, the owner of a leased vehicle cannot be held vicariously liable for the negligent operation of that vehicle, despite the general rule that a vehicle's title owner is presumptively liable. So long as the owner demonstrates, *prima facie*, that it was engaged in the business of renting or leasing motor vehicles and was not otherwise negligent, the owner/lessor will be dismissed from the litigation pursuant to the Graves Amendment. Pursuant to Federal statute 49 USC § 30106, the Graves Amendment preempts all state statutory and common law to the extent those laws hold owners in the business of renting or leasing motor vehicles, vicariously liable for the negligence of drivers.

49 USC § 30106(a) states:

(a) In general. – An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if -

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).