

Limited-Tort vs. Full-Tort – Which Tort Option is Best?

In Pennsylvania, when you make application for auto insurance, you must decide which **TORT Option** is appropriate for you and your household. We advise our clients that you consult with legal counsel before you elect "**Full Tort**" or "**Limited Tort.**" The brief narrative below provides an explanation of the scope of your legal remedy when you choose to sue for "**pain & suffering or non-economic damages.**"

The 2 Automobile Insurance Tort Options in Pennsylvania

Q: If I choose the "Limited-tort" option, what am I giving up?

A: You are giving up the right to sue for non-economic damages, more commonly known as "pain and suffering," except in cases of serious injury. *The law defines "serious injury"* as death, serious impairment of body function or permanent, or serious disfigurement. If your injury is determined to be serious, you will keep your right to sue for non-economic damages even if you have elected Limited-Tort. This selection will be effective whether you are litigating against the negligent automobile owner and their insurance company, or if you are making a claim with your own insurer, if your auto insurance policy affords you "**Uninsured or Underinsured" motorist coverage.**

Q: Apart from serious injury, are there any other policy provisions that afford my household Full-Tort rights, even though we have elected the "Limited-Tort" option?

A: Even if you've elected "Limited-Tort," you still have the legal right to sue for "pain and suffering" for specified policy exceptions. Common examples are when the responsible driver is convicted of, or accepts Accelerated Rehabilitative Disposition for, driving under the influence of alcohol or a controlled substance, or if the responsible driver's vehicle is registered in another state.

Q: If I choose "Limited-Tort," can I still sue for "non-economic damages," such as unpaid medical bills, reimbursement for lost wages or other out-of-pocket expenses?

A: Yes. You can still sue to recover these damages.

Q: If I choose "Limited-Tort," can I still be sued by someone else?

A: Yes. The Tort Option you have applies to your ability to sue others under your policy. Should you be at fault in an accident, the injured 3rd parties can seek recovery from you for "non-economic damages or pain & suffering." The injured 3rd party is permitted to sue for their "non-economic damages" based upon the auto insurance policy Tort Option they elected.

Q: What do I get in return for choosing Limited-Tort?

A: You should receive a reduction in premium for choosing Limited-Tort. The reduction you receive could be up to a 30 % of the premium you pay for bodily injury, first-party benefits and Uninsured and Underinsured motorist coverages.

Q: Do these savings apply to other parts of my auto coverage?

A: No. The premium for other coverages under your personal automobile insurance policy, such as comprehensive and collision, are not affected by your Tort Option selection.

Q: How do I know which "Tort Option is best for our household?

A: Making such a personal decision about your options is yours – and yours alone under the law. As your independent insurance agent, I can help explain these options. Our agency's job is to help

provide you with information on these choices so you can make informed decisions. We recommend that you consult with legal counsel before you choose which Tort Option is best for your household.