

What is a Tort?

(And why would I limit it?)



Q: Limited-Tort vs. Full-Tort – What it means to you.

A: As you decide which liability coverage you want under your auto policy, you will be asked whether you want to elect "limited-tort" or "full-tort". The following information is intended to explain what those two terms mean in plain English, and the implications of choosing one.

The Choices:

- **Limited-Tort:** Limits your right to sue for pain and suffering, except in cases of "serious injury". This "limited-tort" option qualifies you for a reduction in your premium.
- **Full Tort:** Does not limit your right to sue. You do not qualify for a reduced premium if you elected the "full-tort" option.

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, 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 going after the responsible driver's insurance company, or if you are filing the claim with your own insurer, under an uninsured or underinsured motorist claim.

Q: Apart from serious injury, are there any other exceptions if I choose limited-tort?

A: Even if you've elected limited-tort, you can still sue for pain and suffering under certain circumstances. 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 my economic damages, such as unpaid medical bills, un-reimbursed 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. Your selection of limited-tort applies to your ability to sue others under your policy. Should you be at fault in an accident, the injured parties can seek recovery from you for any economic damages. Their ability to sue you for non-economic damages is determined by whether they elected the limited-tort or full-tort option on their own policy.

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 40 percent 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 policy, such as comprehensive and collision, are not affected by your tort selection.

Q: How do I know what I should do?

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.