

Q&A

Limited Tort vs. Full Tort What it means to you

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.” This brochure 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. This “full-tort” option is not eligible for a reduced premium.

If I choose the “limited-tort” option, what am I giving up?

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, under an uninsured or underinsured motorist claim.

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

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.

If I choose limited tort, can I still sue for my economic damages, such as unpaid medical bills, unreimbursed lost wages or other out-of-pocket expenses?

Yes. You can still sue to recover these damages.

This brochure is intended to help consumers understand tort choices under Pennsylvania’s Motor Vehicle Financial Responsibility Law and is not a substitute for your responsibility to make your own choices under the law.

If I choose limited tort, can I still be sued by someone else?

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.

What do I get in return for choosing limited tort?

You could receive a reduction in premium for choosing limited tort. Beginning in 2004, you could receive up to a 40 percent reduction in premium for bodily injury, first-party benefits and uninsured and underinsured motorist coverage.

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

No. The premium for other coverage under your personal automobile policy such as comprehensive and collision are not affected by your tort selection.

How do I know what I should do?

Making such a personal decision about your options is yours—and yours alone under the law. As your professional independent agent, I can help explain these tort options and your policy coverage choices. Our agency’s job is to help provide you with information on these choices so that you can make informed decisions.

What is a tort?
(And why would
I limit it?)

**Success through Independence
and Professionalism**

You can depend on me as your independent agent for expert guidance in protecting your insurance interests. My independence means I can bring you an array of choices because I am not tied to one insurance company. My professionalism means I bring the highest standards of service in helping you evaluate the highest quality of coverage options. My independence and professionalism mean my service to you is as individual as you are.



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