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Understanding Your Tort Choices

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, and the implications of choosing one.

THE CHOICES

LIMITED-TORT

Limits your right to sue for non-economic damages (pain and suffering), except in cases of serious injury. This 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 elect this option.

If I choose limited-tort...

CAN I STILL SUE FOR *ECONOMIC* DAMAGES?

Yes. You can still sue to recover damages for unpaid medical bills, un-reimbursed lost wages, or other out-of-pocket expenses.

If I choose limited-tort...

CAN I STILL BE SUED BY SOMEONE ELSE?

Yes. Your selection of limited-tort applies only to your ability to sue others under your policy. If you are at fault in an accident, the injured parties can seek recovery from you for any economic damages. Their ability to sue you for pain and suffering is determined by *their* tort selection.

If I choose limited-tort...

WHAT DO I GET IN RETURN?

You should receive a reduction in premium for choosing limited-tort. The reduction you receive could be up to a 40% of the premium you pay for bodily injury, first-party benefits, and uninsured/underinsured motorist coverages.

If I choose limited-tort...

DO THESE SAVINGS APPLY TO OTHER PARTS OF MY AUTO COVERAGE?

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

If I choose limited-tort...

WHAT AM I GIVING UP?

You are giving up the right to sue for "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 "pain and suffering" even with limited-tort.

If I choose limited-tort...

ARE THERE ANY OTHER EXCEPTIONS APART FROM SERIOUS INJURY?

Yes, common examples are when the responsible driver is driving under the influence or has a vehicle registered in another state.