

# TORT — FULL VS LIMITED.

## YOUR AUTO INSURANCE OPTION. DO YOU KNOW THE DIFFERENCE?



By Heide Peters, Agent, Rothenberger Insurance Services, LLC

The difference between full tort and limited tort insurance is that a driver with a full tort insurance policy retains the right to sue another (at fault) driver for pain and suffering. A driver with limited tort insurance gives up that right.

Although there are a few exceptions to be able to sue with limited tort, in the state of Pennsylvania you must be very seriously injured to sue with limited tort. Serious meaning, permanent disfigurement, dismemberment, serious impairment of body function, or death, which is decided by the state of Pennsylvania.

Exceptions: You are hit by a drunk driver, you are on a bicycle or motorcycle, you were an occupant in a non-private vehicle such as a bus or a taxi, or you were hit while out of state. That state's law takes precedence.

It is also good to know that your tort choice follows you as a passenger in another vehicle.

Imagine the following scenario: You are on your way home from work, driving along in your car, and all of a sudden, with no warning at all, an SUV driving towards you from the opposite direction veers over into your lane right at you! You have nowhere to go, no time to hit the brakes, and the only thing you can do is brace yourself for the impact—AND CRASH.

Next thing, you find yourself scrunched up in a ball, and trapped in your car, yelling for help! Every single airbag went off in the car — and you are

panicking because you see smoke coming from the engine compartment. You are screaming for someone to help you, and you can see the person that hit you get out of their car and walking around.

Time goes by and finally help comes, and they have to actually cut you out of your car, and you are taken by ambulance to the hospital.

You have cuts and bruises, and you need stitches. You also have major injuries to your feet and ankles, and the pain and swelling gets worse over time, which is also causing you to miss work. Your first party medical insurance benefits run out, and now you are forced to use your own medical insurance; that is if you even have medical insurance. This is on top of worrying about your totaled car, and when you can get back to work. Oh yeah, and how are you are going to get to work? And on top of that you have to get physical therapy — when are you going to get there? And there is the mental anguish of it all.

You find out that the at fault driver was found 100 percent at fault.

So, you decide to sue — but guess what? You have limited tort...

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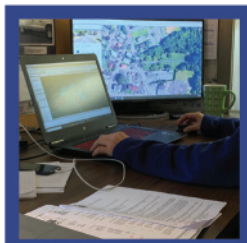


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If you choose Limited Tort, then you must realize that you are relinquishing your rights to sue. You must decide for yourself if you are willing to risk the possibility of having to pay ongoing costs associated with an accident. This may include lost wages, medical bills, your pain and suffering, and your time.

If you opt for a Full Tort policy, you should not need to worry about paying expenses out-of-pocket for ongoing injuries related to an accident that was not your fault. But you will, pay more for your insurance to keep your right to sue.

It is your choice...

The laws of the Commonwealth of Pennsylvania give you the right to choose either of the two tort options:

A. "Limited Tort" Option — The laws of the Commonwealth of Pennsylvania give you the right to choose a form of insurance that limits your right and the right of members of your household to seek financial compensation for injuries caused by other drivers. Under this form of insurance, you and other household members covered under this policy may seek recovery for all medical and other out-of-pocket expenses, but not for pain

and suffering or other nonmonetary damages unless the injuries suffered fall within the definition of "serious injury" as set forth in the policy or unless one of several other exceptions noted in the policy applies.

B. "Full Tort" Option — The laws of the Commonwealth of Pennsylvania also give you the right to choose a form of insurance under which you maintain an unrestricted right for you and the members of your household to seek financial compensation for injuries caused by other drivers. Under this form of insurance, you and other household members covered under this policy may seek recovery for all medical and other out-of-pocket expenses and may also seek financial compensation for pain and suffering and other nonmonetary damages as a result of injuries caused by other drivers.

Before you do anything else, check your Auto Insurance Policy and see whether you have Limited Tort or Full Tort. Should you be interested in knowing the difference of what it would cost, give me a call, Heide Peters, at Rothenberger Insurance Services 610.406.5827.