

What Is Full Tort vs. Limited Tort in Pennsylvania?

Pittsburgh attorneys who fight for maximum compensation for crash victims

When you buy car insurance in Pennsylvania, you're asked to make a choice that most people breeze past without much thought. Full tort or limited tort? It sounds like legal jargon, and honestly, it kind of is. But this one decision, buried inside your insurance application, can have an enormous impact on what you're able to recover if you're hurt in a [car accident](#).

What does "tort" actually mean in this context?

In plain English, "tort" refers to a legal wrong. When someone else's negligence injures you, you have a right to bring a tort claim against them and seek compensation. Pennsylvania's Motor Vehicle Financial Responsibility Law (MVFRL), codified at [75 Pa.C.S. § 1705](#), gives drivers two options when purchasing auto insurance: elect full tort, or elect limited tort. The choice you make is binding on you and all household members covered by your policy.

Full tort means you keep your unrestricted right to sue. After a car accident caused by someone else, you can pursue compensation for all your losses: medical bills, lost wages, out-of-pocket costs, and non-economic damages like pain and suffering, emotional distress, and loss of enjoyment of life.

Limited tort means you give up that right, at least partially. You can still recover your economic losses, including medical expenses and lost income. But you generally cannot pursue pain and suffering damages unless your injuries cross a specific legal threshold defined as a "serious injury."

The trade-off is financial. Drivers who elect limited tort typically pay lower premiums, roughly 15–40% less depending on their insurance provider and coverage level.

What counts as a serious injury under Pennsylvania law?

This is where limited tort gets complicated. If you chose limited tort and were hurt in a crash, your ability to recover pain and suffering damages hinges entirely on whether your injuries qualify as "serious." Pennsylvania law at [75 Pa.C.S.A. § 1702](#) defines a serious injury as one resulting in:

- Death
- Serious impairment of a bodily function
- Permanent serious disfigurement

The middle category, “serious impairment of a bodily function,” is where most disputes arise. Courts have found that even soft tissue injuries can qualify when they are well-documented, persistent, and substantially interfere with a person’s daily functioning. Judges typically weigh the extent of the impairment, which body function was affected, how long it lasted, and what kind of treatment was required.

Are there exceptions that restore full tort rights even under a limited tort policy?

Even if you chose limited tort, Pennsylvania law contains several exceptions that give you the right to pursue full compensation as though you had elected full tort all along. These exceptions are found in 75 Pa.C.S. § 1705(d) and include:

- **The at-fault driver was uninsured:** If the driver who hit you didn’t carry the insurance Pennsylvania requires, the limited tort restriction doesn’t apply. You can file a claim through your own uninsured motorist coverage and pursue full damages.
- **The at-fault driver was convicted of DUI or entered the ARD program:** When impaired driving causes the crash, limited tort goes out the window. The key is that the driver must actually be convicted or enter ARD, not simply suspected.
- **The at-fault vehicle was registered in another state:** If the car that hit you has, say, an Ohio or New Jersey plate, your limited tort election doesn’t control. Pennsylvania courts treat you as a full tort claimant in those situations.
- **You were a passenger on a commercial vehicle or motorcycle:** If you were riding in a taxi, Uber, Lyft, rental car, bus, or on a motorcycle at the time of the accident, limited tort doesn’t apply, regardless of your own policy’s election.

These exceptions exist because limited tort is a contract between you and your own insurance company. When the circumstances shift in ways the legislature found fundamentally unfair, the restrictions don’t follow.

How does your tort election affect household members and family?

Your tort choice binds everyone in your household covered under your policy. If you chose limited tort to save \$50 a year, that choice also limits your spouse, your teenager with a new license, and any other household member driving under your coverage.

Under 75 Pa.C.S. § 1705, where two or more named insureds are on a policy, any one named insured can make the election for all of them. One person’s signature, one checkbox, one phone call to an agent. The rest of the household may not even know which option was selected until they’re sitting in an emergency room. This is worth reviewing on your current policy right now, before any car accident happens.

What are the pros and cons of full tort vs. limited tort?

Laying it out side by side makes the trade-offs easier to see. Here's what each option actually gives you, and what it costs you.

Full tort pros:

- Unrestricted right to sue for pain and suffering, emotional distress, and loss of life's pleasures
- No injury threshold to meet in order to pursue non-economic damages
- Covers the full impact of an accident on your life, including injuries that surface weeks or months later
- Stronger negotiating position with insurance companies after a crash
- Provides protection for all household members covered under the policy

Full tort cons:

- Higher monthly premium
- Typically around 15 percent more than a limited tort policy

Limited tort pros:

- Lower monthly premium, which can help drivers on a tight budget maintain coverage
- Still allows recovery for medical bills, lost wages, and other out-of-pocket economic losses
- Exceptions exist that can restore full tort rights in certain situations

Limited tort cons:

- Bars pain and suffering claims unless injuries meet the "serious injury" legal threshold
- That threshold is a high bar, often excluding real but non-catastrophic injuries like whiplash or soft tissue damage
- Puts you at a disadvantage in settlement negotiations with insurance adjusters
- Savings on premiums rarely outweigh what you could lose in a significant accident

How do insurance companies use your tort election against you?

Insurance adjusters have access to your policy details before they ever pick up the phone. If your declarations page shows limited tort, they know your pain and suffering claim is restricted right out of the gate. That information shapes every offer they make, and they count on you not knowing it.

Here's how it plays out in practice:

- **Early lowball offers:** Adjusters often move fast on limited tort claims, and they reach out within days of a car accident with a settlement offer. The goal is to close the file before you understand the full extent of your injuries or consult an attorney. Once you sign, it's over.
- **Challenging the serious injury threshold:** If you're pursuing pain and suffering under the serious injury exception, expect the insurance company to push back hard. They'll scrutinize your medical records, question whether your impairment is truly serious, and argue that your injuries don't meet the legal standard. This is a standard playbook.
- **Using your limited tort status to anchor negotiations:** Even when an exception clearly applies, adjusters may act as though limited tort still controls. Some claimants accept less than they're owed simply because they don't know the exception exists.
- **Delaying while your bills pile up:** The longer a claim drags on without legal representation, the more financial pressure builds on the injured person. Adjusters understand this. Pressure produces settlements that benefit the insurance company, not you.

So which tort option should I choose?

That question ultimately depends on your personal risk tolerance and financial situation. Limited tort costs less on paper. But that savings can disappear entirely if you're in a serious accident and can't recover what your injuries actually cost you, financially and personally.

The general position among Pennsylvania personal injury attorneys is that full tort is almost always worth the premium difference. You're not just buying insurance coverage; you're preserving your rights. Pain, suffering, and the ways an injury disrupts your life are real harms. Limited tort asks you to absorb a portion of those harms yourself in exchange for a lower monthly bill.

If you're already injured and unsure which option you selected, don't assume you're stuck. Look at your declarations page and talk to a lawyer before you conclude what you can or can't recover. Several of the exceptions above, and the serious injury threshold itself, are grounds that are regularly litigated and sometimes won.

Ready to find out what your case is actually worth?

If you were hurt in a car accident in Pittsburgh, the clock is already running. Insurance adjusters are trained to move fast, pay little, and close your file before you fully understand what your injuries are going to cost you. Whether you have full tort coverage and want to make sure you're getting everything you're entitled to, or you have limited tort and aren't sure if an exception applies to your situation, [Romanow Law Group](#) knows how to cut through the confusion and build the strongest possible case on your behalf.

Our attorneys have handled thousands of car accident claims across Pittsburgh and Western Pennsylvania. We know the tactics insurance companies use, and we know Pennsylvania tort law inside and out. Plus, we're not afraid to take a case to trial when that's what it takes to get a fair result.

Getting started costs you nothing. We offer free consultations and work on a contingency fee basis, which means no upfront or hidden fees. If you're in Pittsburgh, Western Pennsylvania, or anywhere the firm serves, [contact us online](#) or call today. Tell us what happened. We can explain your legal options.

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