

2023 ALFA International Insurance Practice Group -- Quick Reference Guide¹

STATE	STATUTE OF LIMITATIONS/ REPOSE ²	LIABILITY STAND. ³	FAULT ALLOCATION	NON-ECON CAPS & LIMITS ON ACTUAL DAMAGES	PUNITIVES Y/N AND LIMITS	Timing – Insurer to Acknowledge Claim	Collateral Source Rule	JOINT & SEVERAL LIABILITY	AVAILABLE DEFENSES ⁴	DAUBERT STANDARD
AL	2-PI,WD	N, W, O (AEMLD)	Pure contributory	WD-Purely Punitive	Yes (limits)	15 days	Modified	Yes	AR, P, LI, AL, SU, M, GS, S	Yes
AK	2-PI,WD; DR; 10-SOR	N, SL, CE, W	Pure comparative	Non-econ cap	Yes (limits)	10 days	No	No	AR, M, AL, LI, S, SA, AD	Yes
AZ	2-PI,WD	N, SL, W,O	Pure comparative	No	Yes	30 days but regulatory rule only	Yes	No, w/ minimal exceptions	M, AL, LI, IU, SA, P, S, AD, SU	Yes
AR	3-PI,WD; DR; 5-SOR	N, SL, W	Modified comparative	No	Yes	15 days	Yes	No, several only unless “in concert”	AL, LI, IU, GC, P, GS	Yes
CA	2-PI,WD; DR; 4/10-SOR	N, SL, CE, W, O	Pure comparative	Yes	Yes	15 calendar days	Yes	Yes, for econ.	AR, M, AL, LI, IU, SA, GC, P, GS, S, AD, SU	No (<i>Kelly/Frye</i> test applies)
CO	2-PI,WD; DR;10-SOR	N, SL, W	Pure comparative	Yes (w/ exceptions)	Yes (limits)	Reasonably promptly	Yes	No	AR, M, AL, LI, IU, SA, P, GS, S, AD	Modified
CT	2-PI,WD; 3/10-SOR	N, SL, R, W O	Modified comparative	No	Yes	Reasonable promptness	Yes, limited	No	M, AL, LI, IU, SA (limit), GC (limit), P	Yes
DE	2-PI,WD; 6-SOR	N, W	Modified comparative	No	Yes	15 working days	Yes (exception Medicare/ Medicaid write offs)	Yes	AR, M, A, LI, IU, P, SU	Yes
DC	3-PI; 1-WD; DR	N, SL, W	Pure contributory, except strict liability	No	Yes	Reasonably promptly	Yes	Yes	AR, M, AL, LI, SA, GC, P, SU	Yes
FL	4-PI; 7-SOR	N, SL, W, O	Modified comparative	Paid meds	Yes (limits)	14 days	Yes	No	AR, M, LI, IU, SA, P, S, GC, GS, AD	Yes
GA	2-PI,WD; DR; 10-SOR	N, SL, W	Modified comparative	No	Yes (limits)	15 days for first party property damage	Yes	No	AR, M, AL, LI, SA, GS, P, SU	Yes
HI	2-PI,WD; DR	N, SL, CE	Modified comparative (pure for strict liability)	No	Yes	Within 15 working days	Yes	Yes, for certain circumstances	M, GC, AL, LI, IU	Modified
ID	2-PI,WD; 10-SOR	N, SL, W	Modified comparative	Non-econ cap	Yes (limits)	Promptly	No	No	AR, M, AL, LI, IU, SA, P, AD, S, SU	Modified

¹ There are exceptions to many of the statutes and concepts noted in this chart and it is not intended to be comprehensive.

² PI - Personal Injury; WD - Wrongful Death; DR - Discovery rule applies; SOR - Statute of Repose

³ N – Negligence; SL – Strict Liability; CE – Consumer Expectation; W – Warranty; O – Other

⁴ AR - Assumption of Risk; M - Misuse; AL - Alteration; LI - Learned Intermediary; IU - Inherently Unsafe Products; SA - State of the Art; GC - Government Contractor Defense; P - Preemption; GS - Compliance with Government Standards; S - Seatbelts; AD - Alcohol/drugs; SU - Sophisticated User

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IL	4-PI,WD; DR; 12-SOR	N, SL, W	Modified comparative	No	Yes	15 working days	Yes	Yes	AR, M, LI, IU, GC, P, GS	Yes
IN	2-PI,WD; DR; 10-SOR	N, SL, W	Modified comparative	No	Yes (limits)	Reasonably promptly	Yes	No	AR, M, AL, LI, SA, GC, P, GS, SU	Modified
IA	2-PI,WD; DR; 15-SOR	N, SL, W	Modified comparative	No	Yes	15 days	Yes	Yes, if ≥ 50%	AR, M, AL, SA, P, S	No
KS	2-PI,WD; DR; 10-SOR	N, SL, W	Modified comparative	No, with exceptions	Yes (limits)	10 days	Yes	No	SU, P, M, AL, LI, IU, GS, AR	Yes
KY	1- PI,WD; DR	N, SL, W	Pure comparative	No	Yes (limits as set by SCOTUS)	15 days	Yes	No, several only	AR, M, AL, LI, IU, SA, GC, P, GS, S, AD, SU	Yes
LA	1-PI,WD; DR	N, SL	Pure comparative	Not for general torts	Yes & Yes	1 st Party = 30-60 days	Some limits	Yes	AR, M, AL, IU, SA, P, SU	Yes
ME	6-PI; 2-WD	N, SL, W, O	Modified comparative	Yes	Yes (limited WD)	Yes – “reasonable time”	Yes	Yes	AR, M, AL, LI, SA	No
MD	3-PI,WD; DR	N, SL, W	Pure contributory, except strict liability	Non-econ cap	Yes	15 working days	Yes	Yes	AR, M, AL, LI, SA, P, SU	Yes
MA	3-PI,WD; DR; 6/7-SOR	N, SL, W	Modified comparative	No	Yes	30 days	Yes (CL).	Yes	AR, M, AL, LI, IU, SA, P, AD, SU	Modified (D-L)
MI	3-PI,WD; DR (malpractice) 6-SOR	N, W, SL (very limited)	Pure comparative	Non-econ cap	No	Reasonable time	Yes	No (w/ limited exceptions)	AR, M, AL, SA, P,GS, S, AD, SU	Yes
MN	6-PI; 3-WD (4-strict liability)	N, SL, W	Modified comparative	No	Yes;	10 days (except for health ins. claims)	Damages reduced by amount from collateral sources, dd exceptions	Yes, if > 50%	AR, M, AL, LI, IU, SA, P, GS, AD, SU	No
MS	3-PI,WD; 6-SOR; DR	N, SL, W	Pure comparative	Yes	Yes (limits based on net worth)	15 days	Yes	No	AR, M, AL, LI, IU, SA, P, AD, SU	Yes
MO	5-PI; 3-WD-3; 2-Med. Mal.; DR ~	N, SL, W	Pure comparative	No for gen. torts Yes for med mal	Yes. Limits may be unconstitutional	10 days	Yes	Yes, if ≥ 50%	AR, M, AL, LI, IU, SA, GC, P, AD, GS, S	Yes
MT	3-PI,WD; DR	N, SL, W	Modified comparative	No	Yes (limits)	30 days	Yes	Yes, if ≥ 50%	AR, M, AL, LI, P	No

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NE	4-PI; 2-WD; 10-SOR	N, SL, W	Modified comparative	No (exceptions for med mal claims and claims against political subdivisions)	No	15 days after receipt of settlement info or a properly executed proof of loss.	Yes.	Yes	AR, SA, M, LI, IU, P, S, SU, AL	Yes.
NV	2-PI,WD; DR	N, SL, W, CE	Modified comparative	No (w/ exceptions)	Yes (limits)	20 days	Yes (exceptions)	Yes, where comparative fault cannot be asserted as a defense	AR, M, AL, LI, SA, GC, P, GS, AD	No
NH	3-PI,WD; DR; 8-SOR (construction)	N, SL, W	Modified comparative	No	No	10 working days	Yes, though undecided whether evidence of lesser amt. paid by health insurance is admissible	Yes, if ≥ 50%	AR, M, AL, LI, IU, SA, P	Yes
NJ	2-PI,WD; DR; 10-SOR	SL, CE, W	Modified comparative	No (other than Punitive limits)	Yes (limits)	10 working days	Yes (exceptions)	Yes, if ≥ 60 %	AR, M, AL, LI, IU, SA, GC, P, S, AD, SU	Yes (modified)
NM	3-From injury	N, SL, W	Pure comparative	No	Yes	Reasonable promptly	Yes	Yes, in chain of distribution	AR, M, AL, LI, SA, SU, P	Modified
NY	3-PI; 2-WD; DR (toxic substances)	N, SL, W	Pure comparative	No	Yes	Within 15 days	Yes	Yes (w/ exceptions)	AR, M, AL, IU, SA, GC, P, GS, S, AD, SU	Yes
NC	3-PI, 2-WD,4-UCC, 4- UDTP, 12-SOR, DR	N, W	Pure contributory	Yes (paid/incurred medical expenses)	Yes (limits)	Reasonably Promptly	Yes	Yes	AR, M, AL, LI, P, SU	Yes
ND	6-PI; 2-WD, DR	N, SL, W	Modified comparative	No	Yes (limits)	Reasonable promptness	No (personal insurance exception)	No	AR, M, AL, GS	No.
OH	2-PI; WD; DR; 10-SOR	SL	Modified comparative	Yes (w/ exceptions)	Yes	15 days	No, except if source of collateral benefits has contractual right of subrogation.	Yes	AR unforeseeable M, AL, LI, IU, SU	Yes
OK	2-PI,WD; DR; 10-SOR; 5/3 K; 5 UCC sale	N, SL, W	Modified comparative	Evidentiary rule re paid vs. incurred medical	Yes (limits)	30 days for P&C; 60 days accept/deny post Proof of Loss.	Yes	Several only	AR, M, AL, LI, IU, SA, GC, P, S, AD, SU	Yes

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OR	2-PI; 3-WD; DR 10-SOR	N, SL, W	Modified comparative	Yes (w/ exceptions)	Yes	30 days - OAR 836-080-0225	Yes	Several only (w/ exceptions)	M, AL, LI (for N only), IU, SA, P, GS, S	Follows <i>Daubert</i>
PA	2-PI,WD; DR; Bad Faith	SL, W	Modified comparative	No	Yes	10 days	Yes	Yes, if ≥ 60 %	AR, M, AL, LI, GC, P, SU	No (<i>Frye</i> standard)
RI	3-PI,WD; DR	N, SL, W	Pure comparative	No	Yes	15 days	Yes, except in Medical Malpractice	Yes	AR, M, A, LI, GC, P, SU	Modified
SC	3-PI,WD;DR; 8-SOR (improvements)	N, SL, W	Modified comparative	No	Yes (qualified limits)	20 biz days (electronic); 40 biz days (paper)	Yes	Yes, if ≥ 50%	AR, M, AL, LI, IU, SA, P, SU	Yes (hybrid)
SD	3-PI,WD; DR	N, SL, W	Modified comparative	No	Yes	30 days	Yes (med mal exception)	Yes	AR, M, AL, SA, P	Yes
TN	1-PI,WD; 3-PD; 4-BOW; DR; 10-SOR	N, SL, W	Modified comparative	Yes	Yes (limits)	Reasonably promptly	Yes	Limited	M, AL, LI, SA, GS, S, AD	Yes
TX	2-PI,WD; DR; 10-SOR or 15-SOR	N, SL, W	Modified comparative	Yes (paid/incurred medical expenses)	Yes (limits)	15 days/30 days (surplus lines carrier)	Yes	Yes, if > 50%	AR, M, AL, LI, IU, SA, GC, P, GS, S, AD, SU	Yes
UT	2- PI,WD	N, SL, W	Modified comparative	No	Yes	Yes, 15 days	Yes	No	AR, M, AL, LI, IU, SA, P, GS, SU	Modified
VT	3-PI; 2-WD; DR; 4-UCC Warranty	N, SL, W	Modified comparative	No	Yes	10 days	Modified	Yes	AR, P, M, AL, LI, IU, SA, GC, GS, AD	Yes
VA	2-PI,WD; DR	N, W	Pure contributory	No	Yes (limits)	15 calendar days	Yes	Yes	AR, M, AL, LI, P, SU	No
WA	3- PI,WD	N, SL, W, CE, O	Pure comparative	No	No	10 days	Yes	Several only (w/ exceptions)	AR, M, AL, LI, GS, SA, P, GC, S, AD, LI	No
WV	2-PI,WD; DR	N, SL, W	Modified comparative	No	Yes (limits)	15 days	Yes	Several only (w/ exceptions)	AR, M, AL, LI, IU, SA, GC, P, GS, S, SU	Yes
WI	3- PI w/DR; 3-WD, 15- SOR	N, SL, O	Modified comparative	Yes	Yes (limits)			Yes, if > 50%	AD, AL, AR (contrib) IU, M, P S, SA, SU	
WY	4-PI/SL; 2-WD; 10-SOR	N, SL, W	Modified comparative	No	Yes	Reasonable under circumstance	Limited to Tort	No	AR, M, AL, LI, IU, SA, GC, P, GS, AD, SU	Yes

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