



A. Statute of Limitations¹

- **Personal Injury:** Three years from the discovery of the injury. 12 V.S.A. § 512 (4)
- **Property Damage:** Three years from the discovery of the injury. 12 V.S.A. § 512 (5)
- **PIP Subrogation:** Not applicable in Vermont.
- **Wrongful Death:** Two years from the date of death, but not later than two years from the discovery of the death of the person, but if the person against whom the action accrues is out of the State, the action may be commenced within two years after the person comes into the State. After the cause of action accrues and before the two years have run, if the person against whom it accrues is absent from and resides out of the State and has no known property within the State that can by common process of law be attached, the time of his or her absence shall not be taken as part of the time limited for the commencement of the action. If the death of the decedent occurred under circumstances such that probable cause is found to charge a person with homicide, the action shall be commenced within seven years after the discovery of the death of the decedent or not more than two years after the judgment in that criminal action has become final, whichever occurs later. 14 V.S.A. § 1492
- **No-Fault:** Not applicable in Vermont.
- **Action Against Municipality:** Three years (see above)

B. Comparative Negligence

Vermont follows the modified comparative fault rule. Under this doctrine, a plaintiff's recovery is reduced by their percentage of comparative fault up to 50%. If a plaintiff is found to be more than 50% at fault for a personal injury, they are barred from recovery. 12 V.S.A. § 1036

C. Joint & Several Liability

Joint and several liability does not apply to negligence matters in Vermont. If multiple defendants are found to be at fault for a plaintiff's injuries, each defendant is liable to the plaintiff for that defendant's proportionate share of damages. 12 V.S.A. § 1036

D. PIP/Medical Payment Coverage

Vermont does not require PIP coverage. As a result, there are no statutes that specifically provide for PIP subrogation in Vermont.

¹ Statutes of limitation are tolled in cases involving defendants who are absent from the state of Vermont. See 12 V.S.A. § 552

E. Medical Damages

In Vermont, Plaintiffs are permitted to submit the full amount of their medical bills, regardless of insurance or other payments, to the jury, as part of their claimed economic damages. Defendant may not introduce evidence of how much Plaintiff's providers accepted as payment for medical services because that evidence would violate the collateral source rule.

F. Highway Defect Statute

State Highways – Written notice within 20 days. Vehicle may not exceed gross weight limits.

All rights of action on account of the insufficiency or want of repair of any bridge or culvert on the highways taken over by the State shall exist against the State and not against the town, provided that the notice required in sections 987 and 988 of this title is first given in writing to the Agency. 19 V.S.A. § 23. Liability is limited to \$75,000 or maximum policy limits, whichever is greater.

Town Highways - Written notice within 20 days. Vehicle may not exceed gross weight limits.

If damage occurs to a person, or his or her property, by reason of the insufficiency or want of repair of a bridge or culvert that the town is liable to keep in repair, the person sustaining damage may recover in a civil action. If the damage accrues in consequence of the insufficiency or want of repair of a bridge erected and maintained by two or more towns, the action shall be brought against all the towns liable for the repairs. The damage and costs shall be paid by the towns in the proportions in which they are liable for the repairs. 19 V.S.A. § 985. Liability is limited to \$75,000 or maximum policy limits, whichever is greater.

G. Graves Amendment - 49 U.S.C. § 30106 (a)

An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if

- (1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and
- (2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

49 U.S.C. § 30106 (a)