

New York's 2026 Auto Injury Law Changes Drivers Need to Know

New Rules on Fault, Serious Injury, and Compensation Caps

New York overhauled its motor vehicle injury laws in 2026. Lawmakers removed one of the old paths to proving a serious injury, created a rule that can block a claim entirely if the injured person shares too much of the blame, and capped pain and suffering payouts for certain at-fault drivers. Anyone working with a [New York car accident lawyer](#) needs to understand these changes before deciding how to move forward.

These changes apply to lawsuits filed on or after May 26, 2026, according to the [New York State Department of Financial Services](#). That means the date a case gets filed can determine which rules apply.

The primary changes are:

- **Sharing Too Much Blame Can Block Recovery:** In car accident injury cases, an injured person can be barred from recovering money if their share of the fault is greater than the fault of the driver, or drivers, they are suing.
- **One Path to a Serious Injury Claim Is Gone:** The 90/180-day category no longer applies. A claim now has to qualify under one of the categories that remain.
- **Some At-Fault Drivers Face a \$100,000 Cap:** Certain at-fault drivers who are uninsured, convicted of impaired driving, or convicted of committing or fleeing from a felony may face a \$100,000 cap on pain and suffering damages.
- **Medical Records Still Carry the Case:** Records that connect the crash to the injury, and the injury to ongoing limitations, remain central to a claim.

Each of these changes can determine whether a claim succeeds, which is why a case benefits from being reviewed by an attorney before an insurer gets the chance to apply the new rules on its own terms.

How the Comparative Fault Change Can Affect Recovery

Under the updated rule, someone hurt in a car accident can be barred from recovering money if they are found more at fault than the driver they are suing, or more at fault than the combined share of the drivers being sued. This comes from a change to [CPLR Section 1411](#), and it only applies to personal injury cases, not property damage or [wrongful death claims](#). If someone can still recover, their payout is reduced by their own percentage of fault, the same as before.

Here's an example. Say one driver is hurt and sues one other driver. If the injured driver is found 40% at fault, their damages are reduced by 40%. A 50/50 split does not trigger the bar.

But if the injured driver is found 60% at fault and the other driver only 40%, the injured driver recovers nothing.

This makes the evidence from the crash itself more important. Dashcam and surveillance video, witness statements, vehicle damage, photos, and data pulled from a car's electronics can all help push back on an insurance company's attempt to shift blame onto the injured person.

This fault rule only applies to motor vehicle injury cases. Other kinds of New York negligence cases still use the older rule, where fault only reduces a payout and never blocks it outright.

The 90/180 Category Is Gone

The old 90/180 rule let someone qualify for a claim by showing a doctor-documented injury kept them from doing most of their normal daily activities for at least 90 of the 180 days after the crash. That category is gone now.

The categories that remain include broken bones, serious scarring, permanent loss of use of a body part, permanent injuries that meaningfully limit a person, and significant limits on a body function, along with death, loss of a limb, or loss of a pregnancy.

For injuries like chronic pain from soft-tissue or nerve damage, that usually means the medical evidence has to show that the injury fits another remaining category, such as a significant or permanent limitation. Records showing missed work or an inability to do daily tasks are still useful, but on their own they no longer meet the threshold the way they once could.

A qualifying injury does not have to be permanent. The significant-limitation category is different from the categories that require permanence. What matters is whether the medical evidence lines up with whichever category is being claimed.

Who Actually Faces the \$100,000 Cap

News coverage sometimes shorthands this as a cap on illegal drivers, but the real rule is narrower. The cap only applies to an injured driver who is at fault, is still allowed to recover under the fault rule above, and fits one of three categories.

- **Certain Uninsured Drivers:** The driver was legally required to carry insurance and didn't, unless the lapse in coverage lasted less than 30 days.
- **Drivers Convicted of Impaired Driving:** The driver was impaired at the time of the crash and was convicted of it.
- **Drivers Convicted of a Qualifying Felony:** The driver was committing a felony, or fleeing from one, at the time of the crash and was convicted of it.

The \$100,000 cap does not apply to claims involving injuries that result in death. An insurance company simply asserting that a driver did something illegal isn't the same as proving the cap applies, which is exactly the kind of claim an attorney can push back on if an insurer tries to use it to limit compensation.

Proving an Injury Still Comes Down to the Medical Record

A note that says a patient reported "8 out of 10 back pain" documents how someone feels in the moment. It doesn't explain what caused the pain, whether the crash caused it, or how much it actually limits the person.

New York's highest court addressed this years ago, explaining that a qualifying limitation can be shown either through measurable testing or through a doctor's assessment that has an objective basis for comparing the injury to normal function. Which kind of proof is needed depends on which category of injury is being claimed.

For ongoing back or neck pain, that could mean exam findings that show reduced range of motion, weakness, or nerve-related symptoms tied to a specific diagnosis. A disc herniation showing up on an MRI does not, by itself, prove a serious injury.

Strong documentation usually includes:

- **Early Medical Records:** Emergency room visits and initial exams that capture symptoms and a diagnosis soon after the crash.
- **Diagnostic Imaging:** X-rays, MRIs, and CT scans that can show fractures, disc damage, nerve compression, or other findings connected to the pain.
- **Functional Testing:** Exams that measure range of motion, strength, reflexes, sensation, or the ability to walk normally.
- **Specialist Evaluations:** Assessments that address diagnosis, treatment, causation, and how long the limitations are likely to last.
- **Treatment Records:** Physical therapy, medication, injections, surgery, and rehab notes showing what care was given and how the person responded.
- **Work Restrictions:** Specific medical limits on lifting, standing, sitting, or driving that explain reduced capacity.
- **Follow-Up Exams:** Later visits showing whether the injury improved, stayed the same, or got worse.

No single test proves an injury on its own, and pulling this evidence together well is easier with an attorney managing the record from the start.

Explaining Prior Injuries and Gaps in Treatment

Insurance companies often argue that ongoing pain is really from an old injury, a degenerative condition, or something unrelated to the crash. A doctor may need to directly address that argument, including whether the crash caused a new injury or made an existing condition worse.

Gaps in treatment come up too. New York's Court of Appeals has said that stopping treatment without explanation can hurt a serious injury claim, but it has also recognized that someone doesn't have to keep going to appointments that aren't helping just to keep a paper trail.

An attorney can help make sure the record reflects the full picture instead of letting an isolated note or a treatment gap speak for itself.

What This Means If You've Been Hurt in a New York Car Accident

These changes raise the stakes on both sides of a claim: proving fault, proving the injury qualifies, and knowing whether a cap might apply.

[Giampa Law's](#) attorneys gather medical records, investigate the crash, secure evidence of fault before it disappears, and push back when an insurer tries to use the new law to deny or shrink a claim. Our case results include a [\\$1.5 million settlement](#) for neck and back injuries sustained in a Bronx rear-end accident.

If you've been hurt in a New York car accident, [contact us](#) for a free consultation. We represent injured people across the Bronx, Westchester County, and New York City, and you pay no fees unless we win your case.