

Meeting The “Serious Injury” Threshold in Massachusetts to Sue for Pain and Suffering

Why Massachusetts No-Fault Rules Make the Serious Injury Threshold So Important

The pain caused by a [car accident](#) is real, the disruption is immediate, and it can feel like the law should automatically be on your side when someone else’s carelessness turns your life upside down.

In Massachusetts, though, the rules after a car crash are not that simple. Our state uses a no-fault system for motor vehicle crashes, which means your own insurance pays certain benefits first, and you can’t always sue the at-fault driver for pain and suffering. When you know what the law requires, you can make better choices about treatment, documentation, and legal action.

How Does Massachusetts No Fault Work After a Crash?

Massachusetts is a no-fault state for motor vehicle accidents, which means that after most crashes, you turn first to your own Personal Injury Protection (PIP) coverage instead of immediately suing the at-fault driver. Under Massachusetts General Laws [chapter 90, section 34M](#), every auto policy issued in this state must provide PIP benefits for reasonable and necessary medical expenses, a portion of lost wages, and certain replacement services, up to the policy limits, regardless of who caused the collision.

Those PIP benefits are described in the statute as being “in lieu of” damages that could otherwise be recovered from the at-fault driver, at least up to the amounts PIP pays. In plain terms, the law is designed so that some medical bills and lost income get paid quickly without a fight over fault, but that tradeoff comes with a restriction: you can’t always pursue pain and suffering against the negligent driver unless you meet the serious injury threshold referenced in [chapter 231, section 6D](#).

For crash victims, no-fault can feel like a double-edged sword. It helps with early bills, but it can also feel like a gate that stays shut until you can show the statute’s requirements are met.

What Does Massachusetts Law Say About Pain and Suffering?

In any tort action arising out of the ownership, operation, maintenance, or use of a motor vehicle in Massachusetts, this statute limits when someone injured in a crash can recover damages for pain and suffering, mental suffering, and similar non-economic losses.

Under section 6D, you can recover pain and suffering only if one of two paths is satisfied:

- **The Monetary Threshold is Met:** You incur more than a minimum amount in reasonable and necessary medical expenses for treatment of your injuries.
- **The Injury Type is Serious Enough:** You suffer one of several specific, statutorily defined injuries that automatically qualify as serious, regardless of the total medical bills.

What Is the Two Thousand Dollar Medical Expense Threshold?

One of the most common ways Massachusetts crash victims meet the serious injury standard is by crossing the monetary threshold in chapter 231, section 6D. The statute states that a person can pursue pain and suffering if reasonable and necessary expenses incurred for specific medical services as a result of the crash exceed two thousand dollars.

Those qualifying expenses include:

- Necessary medical, surgical, x-ray, and dental services related to the crash
- Prosthetic devices needed due to the injury
- Necessary ambulance and hospital services
- Professional nursing care
- Funeral expenses in fatal cases

What doesn't count are non-medical costs, speculative future expenses that are not reasonably certain, or charges that are not tied to treating crash-related injuries. The bills have to be both reasonable and necessary, which is why documented medical records and clear treatment recommendations matter so much.

Which Injuries Automatically Meet the Serious Injury Threshold?

Even when medical bills fall below two thousand dollars, section 6D lists several injuries that automatically qualify as serious enough to open the door to pain and suffering. These are situations where the law recognizes that the human cost is so profound that it shouldn't be limited by a dollar figure on medical bills.

Here are the key categories.

- **Death:** If the injury causes death, the serious injury threshold is met. Section 6D allows recovery of pain and suffering where the crash-related injury results in death, and those claims are typically brought through the decedent's estate, often alongside wrongful death remedies.

- **Loss of a Body Member:** The statute specifically includes injuries consisting of a loss of a body member, which can mean an amputation or a loss of function of a limb or similar body part. This category is serious enough that the threshold is met even if the medical bills don't cross two thousand dollars.
- **Permanent and Serious Disfigurement:** Section 6D covers injuries that consist in whole or in part of permanent and serious disfigurement. That can include significant scarring, disfiguring burns, or other lasting visible injuries, especially on the face, neck, or other prominent areas.
- **Fracture of Any Bone:** The statute also identifies an injury that "consists of a fracture" as meeting the threshold. That means any broken bone, from a fractured femur to a small bone in the hand, may qualify when properly documented, including some dental fractures depending on the facts.
- **Certain Loss of Sight or Hearing:** Section 6D incorporates by reference paragraphs (a) through (g) of [chapter 152, section 36](#), which is part of the Massachusetts workers' compensation law describing specific levels of loss of sight and hearing. Not every minor vision or hearing change qualifies, but when the loss meets those statutory definitions, the serious injury threshold is satisfied.

How Does the Threshold Interact with PIP Benefits?

PIP benefits and the serious injury threshold work together in a way that can feel confusing until you see the whole picture. Under [chapter 90, section 34M](#), PIP is supposed to pay reasonable and necessary medical expenses and certain wage losses promptly, and those payments are treated as being in place of damages you might otherwise seek from the at-fault driver up to that amount.

If you don't meet the chapter 231, section 6D threshold, you may be effectively limited to PIP benefits for your bodily injury claim, even if the other driver clearly caused the crash. That can leave you with unpaid pain, lingering limitations, and no direct avenue to pursue non-economic damages.

Section 34M also requires that PIP claims be presented "as soon as practicable" and within at least two years of your car accident, with documentation of the injuries, treatments, and wage loss. Insurance companies can raise defenses if the claim is delayed or information is incomplete. When the threshold is met, however, you move beyond PIP and can pursue a liability claim or lawsuit for pain and suffering and additional damages against the at-fault driver's bodily injury coverage.

What Evidence Helps Prove That You Meet the Threshold?

Meeting the serious injury threshold isn't just about what happened to you, but what you can prove. In practice, that means documentation drives everything.

Key pieces of evidence often include:

- Detailed medical records from every provider involved in your care
- Itemized medical bills showing the nature and amount of each charge
- Diagnostic imaging reports confirming fractures, dislocations, or similar injuries
- Surgical records, including notes about amputations or reconstructive procedures
- Photographs and physician statements describing scarring or disfigurement

When these pieces are missing or incomplete, insurance companies are more likely to claim that the two-thousand-dollar threshold has not been reached or that an injury is not truly permanent or serious. That is why crash victims who try to “tough it out” without treatment, or who skip follow-up appointments, sometimes discover too late that they don't have the paperwork needed to cross the legal threshold, even though the pain never really went away.

What Damages Become Available Once the Threshold Is Met?

Once the threshold is met, the door to non-economic damages opens, and we can pursue pain and suffering and related harms tied to the crash. That's not just your medical bills, but what the injury did to your life, your relationships, and your sense of self.

In many cases, this includes:

- **Pain and Suffering:** Physical pain, emotional distress, loss of enjoyment of life, and similar human harms directly related to the injuries.
- **Additional Medical Expenses:** Treatment not covered by PIP, including future care reasonably expected due to ongoing symptoms.
- **Lost Wages and Earning Capacity:** Income already lost plus the impact on your ability to work and advance in your career.
- **Other Consequential Losses:** Out-of-pocket costs and disruptions that flow naturally from the injuries and treatment.

One more practical detail worth knowing: Massachusetts generally gives car accident victims three years from the date of the crash to file a personal injury lawsuit, under [M.G.L. c. 260, § 2A](#). That is a separate deadline from the two-year window for PIP claims under chapter 90, section 34M. Missing either deadline can permanently close off options for recovery, which is

one more reason why connecting with an attorney early before evidence fades or time runs out makes a real difference.

Our Massachusetts Car Accident Lawyers Can Fight for Your Full Coverage

When you're in pain, juggling appointments, calls from insurance companies, and worries about work and family, trying to decode the law can feel like trying to read a foreign language in the middle of a storm. Our attorneys at the [Law Offices of Mark E. Salomone](#) step into that storm with you. We look at the same statutes the insurance companies are leaning on, and we build your case around the evidence needed to meet the serious injury threshold.

We work closely with your doctors to document the true nature of your injuries, whether that means tallying medical bills to prove the two-thousand-dollar threshold, obtaining imaging and specialist reports to confirm fractures or loss of function, or developing photographic and testimonial evidence of permanent and serious disfigurement.

If you were hurt in a Massachusetts motor vehicle crash and you're not sure whether you meet the serious injury threshold, we want you to know that you don't have to figure that out alone. [Contact us](#) to book a free consultation. We can evaluate how the law applies to your situation and help you take the next step toward recovery. We handle every case on a contingency fee basis, which means no upfront costs and no legal fees unless we recover compensation for you.