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PRACTICE BRIEF · PERSONAL INJURY

Recent Developments in California Personal Injury Law (2025-2026)

Grand Park Law Group · January 2026 · 10 min read



California personal injury law is shaped by a combination of statutory reform, appellate doctrine, and the emergence of entirely new categories of harm. The period from 2025 through early 2026 has been unusually active. Higher minimum insurance requirements, the expiration of a key survival action remedy, the first wave of autonomous vehicle tort litigation, a surge in battery fire product liability claims, and a deepening split over damages for uninsured plaintiffs are all reshaping how injury cases are filed, valued, and tried.

This article surveys five developments that personal injury practitioners and claimants should understand heading into 2026.

I. Minimum Auto Insurance Limits Increased

January 1, 2025 **Vehicle Code § 16056: New Minimum Liability Limits**

Effective January 1, 2025, California raised its minimum automobile liability insurance requirements under Vehicle Code § 16056 from $15,000/$30,000 bodily injury and $5,000 property damage to $30,000/$60,000 bodily injury and $15,000 property damage. The increase — the first adjustment in over two decades — was intended to bring mandatory coverage closer to the actual cost of treating even moderate crash injuries. However, while the new minimums represent a doubling of the prior floor, they remain far below realistic medical costs for serious injuries such as spinal fractures, traumatic brain injuries, or multi-surgery orthopedic repairs, where bills routinely exceed $200,000. The practical consequence is a significant increase in underinsured motorist (UIM) claims: more at-fault drivers will carry policies that technically satisfy the statute but

are functionally inadequate to compensate a seriously injured plaintiff. Practitioners should anticipate that UIM arbitration and first-party bad faith litigation will constitute a growing share of personal injury motor vehicle practice through 2026 and beyond.

II. SB 447 Survival Action Window Closed

January 1, 2026 **CCP § 377.34: Expanded Survival Remedy Expires**

SB 447, enacted in 2022, temporarily amended Code of Civil Procedure § 377.34 to permit the recovery of damages for a decedent's pre-death pain, suffering, and disfigurement in survival actions — a category of damages that had been excluded from survival claims under prior California law. The amendment applied to actions filed on or after January 1, 2022, with a sunset date of January 1, 2026. Unless the Legislature acts to extend or make permanent the expanded remedy, survival actions filed after the sunset date revert to the prior rule: the decedent's estate may recover economic losses (medical expenses, lost earnings) but not non-economic damages for the decedent's own suffering before death. This closure has immediate strategic implications. Cases involving catastrophic pre-death injuries — nursing home neglect, delayed cancer diagnosis, or prolonged hospital negligence — lose a substantial component of recoverable damages if the survival action was not filed before the window closed. Plaintiffs' counsel with pending wrongful death investigations should confirm whether timely filing under SB 447 was accomplished and, if not, whether any legislative extension is pending.

III. Autonomous Vehicle Liability: Emerging Doctrine

2025-2026 **AV Tort Questions Reach California Courts**

California's expanding autonomous vehicle fleet — concentrated in Los Angeles and San Francisco — has begun generating the state's first wave of tort litigation involving AV-caused injuries. These cases present unresolved questions that existing negligence and products liability frameworks were not designed to answer. Among the most contested issues: what duty of care does an AV software developer owe to vehicle occupants and third-party road users? When an AV malfunctions, does the resulting injury sound in products liability (design defect or manufacturing defect under the *Barker v. Lull* framework) or in traditional negligence (failure to exercise reasonable care in software engineering)? Early trial-level decisions in Los Angeles and San Francisco Superior Courts are beginning to address these questions, but no published appellate authority yet governs. The distinction matters enormously for plaintiffs, because strict products liability eliminates the need to prove the manufacturer's negligence — the plaintiff need only show the product was defective. As AV deployment scales, expect this area to produce significant appellate decisions within the next two to three years.

IV. E-Bike & Battery Fire Product Liability Wave

2025-2026 **Lithium-Ion Battery Defects Drive Strict Liability Filings**

Lithium-ion battery fires in e-bikes, electric scooters, hoverboards, and consumer energy storage devices have emerged as one of the fastest-growing categories of personal injury and property damage litigation in California. The injuries are often catastrophic — severe burns, smoke inhala-

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tion, and in some cases death — and the fires frequently occur during charging, making residential property damage claims common as well. Plaintiffs in these cases are pressing strict products liability theories under both prongs of *Barker v. Lull Manufacturing Co.*, 20 Cal.3d 413 (1978): the consumer-expectations test (an ordinary consumer does not expect a bicycle battery to ignite during normal charging) and the risk-benefit test (the manufacturer bears the burden of proving that the product's benefits outweigh the risk of thermal runaway). The cases raise complex supply chain issues, as many of the batteries are manufactured overseas and integrated by domestic assemblers or sold through online marketplaces, creating questions about distributor and marketplace liability that California courts are actively resolving.

V. Howell / Corenbaum: Uninsured Plaintiff Frontier

2025-2026 **Uninsured Plaintiffs and the Billed-vs.-Paid Divide**

Since the California Supreme Court's decisions in *Howell v. Hamilton Meats & Provisions, Inc.*, 52 Cal.4th 541 (2011), and *Corenbaum v. Lampkin*, 215 Cal.App.4th 1308 (2013), plaintiffs with health insurance generally may recover only the amounts actually paid or incurred on their behalf — not the higher billed charges — as past medical damages. But what about plaintiffs who have no health insurance at all? The uninsured plaintiff paid nothing through an insurer and received no negotiated discount; the full billed amount is arguably the amount "incurred." California trial and appellate courts remain divided on this question. Some courts have permitted uninsured plaintiffs to claim the full billed charges on the ground that those amounts represent the actual economic obligation. Others have applied Howell's reasoning more broadly, holding that billed charges are inherently inflated and do not reflect the reasonable value of services regardless of insurance status. The issue is ripe for California Supreme Court review, and the outcome will have an outsized effect on case valuations — particularly in cases involving uninsured plaintiffs with significant medical treatment, where the gap between billed charges and a court-imposed "reasonable value" can amount to hundreds of thousands of dollars.

PRACTICAL CONSIDERATIONS

- The new $30,000/$60,000 auto insurance minimums remain inadequate for serious injuries; verify underinsured motorist coverage on every motor vehicle intake
- Confirm whether survival actions involving pre-death suffering were filed before January 1, 2026, and monitor any pending legislative extension of SB 447
- Autonomous vehicle claims require early identification of the software developer, the vehicle manufacturer, and the AV permit holder as potential defendants — each may face different liability theories
- E-bike and battery fire cases demand prompt evidence preservation, including the battery cell, charging equipment, and any manufacturer recall or CPSC notice
- For uninsured plaintiffs, the measure of past medical damages remains unsettled — retain expert testimony on reasonable value and track appellate developments on the Howell uninsured-plaintiff question

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Publication	Recent Developments · 2025-2026

Available online at grandparklawgroup.com/practices/personal-injury/insights/articles/recent-developments-2025-2026.
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