



Court Affirms Provision in No-Fault Act Prohibiting Damages for Uninsured Motorists is Constitutional

General Litigation Practice Group

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PRACTICE AREAS

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In this third-party no-fault case, *Stallman v Houchin*, Court of Appeals unpublished disposition, Docket No. 276138 (Jan 29, 2008), Defendant's vehicle crossed the center line and collided head-on with plaintiff's vehicle. Plaintiff sustained permanent disabling injuries as a result and filed suit seeking non-economic damages. Defendant filed for summary disposition on the basis that Plaintiff failed to maintain no-fault insurance coverage on his vehicle as required and was statutorily precluded from collecting non-economic damages.

The Court affirmed the binding precedent of *Stevenson v Reese*, 239 Mich App 513; 609 NW2d 195 (2000), which held that the provision in Michigan's No-Fault Act prohibiting damages for uninsured motorists (MCL 500.3135(2)(c)) did not violate equal protection and was constitutional because the statute "did not completely abolish the right to bar recovery" and "was rationally related to the state's legitimate interest in maintaining a fair, efficient, and affordable system of automobile insurance."

The Court further held that Plaintiff's argument that the placement of an uninsured driver in a classification different from that of a passenger, pedestrian or bicycle rider lacked a rational basis was "without merit." The Court reasoned that because a "passenger, a pedestrian, and a bicycle rider are not operating an owned motor vehicle," it was not unreasonable that the statute "does not require them to maintain no-fault insurance coverage."

This case is significant because it reaffirms: (1) the Court's position that uninsured motorists are not entitled to recover for non-economic damages; and (2) that MCL 500.3135(2)(c) prohibiting recovery to uninsured motorists is constitutional. Also noteworthy is the court's recognition that passengers, pedestrians and bicycle riders are distinct from "owners" or "operators" of motor vehicles and should be classified accordingly.
