

COA Opinion: Michigan Catastrophic Claims Association does not have to reimburse the benefits paid by a No-Fault insurer to a non-Michigan resident arising out of an accident with a Florida vehicle

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The Court of Appeals has just published its opinion in *United Services Auto Association v. Michigan Catastrophic Claims Association*, No. 289579, as authored by Judge Donofrio. This case arises from costs associated with a Florida accident, which were paid under a Michigan no-fault insurance policy and for which the insurer seeks statutory reimbursement from the MCCA. The trial court concluded that because the insurer did not pay a premium to MCCA for this vehicle, it was not entitled to reimbursement and awarded summary disposition to MCCA. On appeal, the Court of Appeals concluded that the car involved in the accident was not required to be licensed in Michigan and thus the statutory duty to reimburse was not triggered, and affirmed summary disposition on that basis. Specifically, the Court relied on the facts showing that the insured had moved to Florida, purchased/registered the car in Florida, and had never driven (or intended to drive) the car in Michigan, to conclude that the vehicle was not required to be registered in Michigan, and thus not required to be insured in Michigan.