

MSC Order: High court to take up whether PIP pays for handicap vehicle

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The Michigan Supreme Court is going to hear argument on an application for leave looking at whether no-fault personal protection insurance benefits cover handicap-accessible transportation. In an Order dated September 23, 2011 in *Kenneth Admire v. Auto-Owners Insurance Company*, No. [142842](#), the Court said it would decide whether to grant the application or “take other action.”

On February 15, the Court of Appeals (No. [289080](#)) affirmed a grant of summary disposition for the injured plaintiff. Mr. Admire is wheelchair-bound after a 1987 auto accident. He requires a modified vehicle. Auto-Owners provided a modified van for a number of years, but when the van needed replacement in late 2006, Auto-Owners took the position that it wasn’t obligated to purchase a new van under the no-fault act or the parties’ transportation purchase agreement. Auto-Owners paid for “medical modifications” to a new van, but the parties have been litigating over the remaining cost of a new van, which was \$18,388.50.

The trial court granted summary disposition to plaintiff based on the terms of the parties’ contract, but the Court of Appeals declined to affirm on that basis, holding that there was an ambiguity in the language precluding judgment for either party. Turning to the requirements of the no-fault act, the Court of Appeals affirmed. It rejected Auto-Owners’ argument that Mr. Admire could have relied on public transportation, and that the van itself was not compensable because he would have had a vehicle of some kind regardless of his injuries. The Court of Appeals held that a modified van was required by the transportation needs necessitated by Mr. Admire’s injuries, and that Auto-Owners’ responsibility was not limited to the incremental cost of making the modifications.