

STATE OF MICHIGAN  
COURT OF APPEALS

---

ROBERT LEE SMITH,

Plaintiff-Appellant,

v

CARL EUGENE AKERLIND,

Defendant-Appellee.

---

UNPUBLISHED

March 30, 2004

No. 244661

Wayne Circuit Court

LC No. 00-034434-NI

Before: Zahra, P.J., and Saad and Schuette, JJ.

MEMORANDUM.

Plaintiff appeals as of right from a circuit court order dismissing his complaint pursuant to defendant's motion for summary disposition. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed this action seeking damages for injuries sustained in an automobile accident. Plaintiff admitted that his vehicle was uninsured at the time of the accident. The court dismissed the complaint pursuant to MCL 500.3135(2)(c). The trial court's ruling on a motion for summary disposition is reviewed de novo. *Kefgen v Davidson*, 241 Mich App 611, 616; 617 NW2d 351 (2000). Statutory interpretation is a question of law which is also reviewed de novo. *Roberts v Mecosta Co General Hosp*, 466 Mich 57, 62; 642 NW2d 663 (2002).

MCL 500.3135 provides in part:

(1) A person remains subject to tort liability for noneconomic loss caused by his or her ownership, maintenance, or use of a motor vehicle only if the injured person has suffered death, serious impairment of body function, or permanent serious disfigurement.

(2) For a cause of action for damages pursuant to subsection (1) filed on or after July 26, 1996, all of the following apply:

\* \* \*

(c) Damages shall not be assessed in favor of a party who was operating his or her own vehicle at the time the injury occurred and did not have in effect

for that motor vehicle the security required by section 3101 at the time the injury occurred.

Pursuant to MCL 500.3101, the owner or registrant of any vehicle required to be registered “shall maintain security for payment of benefits under personal protection insurance, property protection insurance, and residual liability insurance.” MCL 500.3101(1). Most motor vehicles driven or moved on a highway must be registered. MCL 257.216.

Section 3135(2)(c) is constitutional, *Stevenson v Reese*, 239 Mich App 513; 609 NW2d 195 (2000), and dismissal of a plaintiff’s suit is proper on the basis that the plaintiff is precluded recovery of noneconomic damages as an uninsured motorist. *Chop v Zielinski*, 244 Mich App 677, 684; 624 NW2d 539 (2001). We find no error in the trial court’s ruling.

Affirmed.

/s/ Brian K. Zahra  
/s/ Henry William Saad  
/s/ Bill Schuette