

STATE OF MICHIGAN
COURT OF APPEALS

JENNIFER JONES,

Plaintiff-Appellant,

v

SBC TELEHOLDINGS, INC., and ALLEN
GILES,

Defendants-Appellees.

UNPUBLISHED

May 8, 2008

No. 278213

Oakland Circuit Court

LC No. 2006-072943-NO

Before: White, P.J., and Hoekstra and Smolenski, JJ.

PER CURIAM.

Plaintiff appeals as of right from a circuit court order granting defendants' motion for summary disposition in this automobile negligence action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed this action seeking noneconomic damages for injuries she claims to have suffered when the car she was driving, which was not registered or insured in this state, was rear-ended by a car driven by Giles, and owned by his employer SBC. The circuit court granted defendants' motion for summary disposition, concluding in part that recovery was barred by 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 that is also reviewed de novo on appeal. *Van Reken v Darden, Neef & Heitsch*, 259 Mich App 454, 456; 674 NW2d 731 (2003).

A person is subject to tort liability for automobile negligence if the injured person "suffered death, serious impairment of body function, or permanent serious disfigurement." MCL 500.3135(1). However, "[d]amages 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." MCL 500.3135(2)(c).

Section 3101 provides:

The owner or registrant of a motor vehicle required to be registered in this state shall maintain security for payment of benefits under personal protection insurance, property protection insurance, and residual liability insurance. Security shall only be required to be in effect during the period the motor vehicle is driven or moved upon a highway. [MCL 500.3101(1).]

An owner includes a person who holds the legal title to the vehicle. MCL 500.3101(2)(g)(ii). Subject to limited exceptions not relevant here, vehicles driven or moved on the highways of this state must be registered. MCL 257.216.

Plaintiff claims that insurance was not required pursuant to an exception in § 3102, which provides, in pertinent part:

A nonresident owner or registrant of a motor vehicle . . . not registered in this state shall not operate or permit the motor vehicle . . . to be operated in this state for an aggregate of more than 30 days in any calendar year unless he or she continuously maintains security for the payment of benefits pursuant to this chapter. [MCL 500.3102(1).]

The circuit court determined that § 3102 did not apply because plaintiff was a resident of Michigan at the time of the accident. We find no error.

It is undisputed that the vehicle plaintiff was driving was titled in her name. Plaintiff presented evidence that although the vehicle was titled in her name, the vehicle remained in Georgia, her father obtained insurance on the vehicle in Georgia, and her step-mother brought the vehicle to plaintiff in Pontiac just days before the accident. Plaintiff also testified that she had been living and working in Michigan since September 2003. She had a Michigan driver's license and her children were enrolled in school here. While plaintiff disputes that these facts are sufficient to establish residency, she sets forth no facts on which she bases her claim of non-residency, and, indeed, her testimony supports that she was a resident of Michigan and was only in Georgia temporarily.

Plaintiff also asserts that the circuit court erred in its reading of § 3102(1), and that, correctly interpreted, that provision grants a thirty-day grace period to resident registrants of vehicles. While such a grace period may, indeed, make sense under the facts of this case, we do not read the statute as so providing. "Nonresident" clearly modifies both "owner" and "registrant." Thus, because § 3102(1) is limited to nonresident owners and registrants of vehicles, and plaintiff was a resident, the statute is inapplicable. For the same reason, MCL 257.243 is inapplicable because it too applies to nonresidents.

Because plaintiff was a resident of Michigan and was driving her car on the highways of this state, she was required to register and insure the vehicle. Therefore, the trial court did not err in granting defendants' motion.

In light of our decision, it is unnecessary to consider plaintiff's remaining issue on appeal.

Affirmed.

/s/ Helene N. White
/s/ Joel P. Hoekstra
/s/ Michael R. Smolenski