STATE OF MICHIGAN

COURT OF APPEALS

VIRGINIA SCHULZ,

Plaintiff-Appellant,

v

CITIZENS INSURANCE COMPANY,

Defendant-Appellee.

UNPUBLISHED
August 3, 1999

No. 208870
Oakland Circuit Court
LC No. 96-534812 NO

Before: Doctoroff, P.J., and Markman and J.B. Sullivan*, JJ.

PER CURIAM.

Plaintiff appeals as of right from an order granting defendant's motion for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

The sole issue on appeal is whether plaintiff was "entering into" her parked vehicle, within the contemplation of the exception to the parked vehicle exclusion provision of the no-fault act, MCL 500.3106(1)(c); MSA 24.13106(1)(c), when she tripped and fell over a parking bumper block. The trial court held that plaintiff was not "entering into" her vehicle when she sustained injury. On de novo review, we agree. *Spiek v Dep't of Transportation*, 456 Mich 331, 337; 572 NW2d 201 (1998).

The resolution of this dispute turns on the interpretation of the phrase "entering into" as it is used in MCL 500.3106(1)(c); MSA 24.13106(1)(c). The primary goal of judicial interpretation of statutes is to give effect to the Legislature's intent. *Putkamer v Transamerica Ins Corp of America*, 454 Mich 626, 631; 563 NW2d 683 (1997). Clear and unambiguous statutory language may not be the subject of judicial construction. *Tryc v Michigan Veterans' Facility*, 451 Mich 129, 135; 545 NW2d 642 (1996). Further, statutory language is to be accorded its ordinary and generally accepted meaning. *Id.* at 135-136.

In the present case, plaintiff primarily argues that she was "entering into" her parked vehicle, within the contemplation of MCL 500.3106(1)(c); MSA 24.13106(1)(c), because she was in physical

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

contact with the vehicle and intended to retrieve personal belongings from inside the vehicle just before she fell. We disagree.

This Court has consistently held that one must be, at least, in the process of "entering into" the vehicle when sustaining an injury for such injury to be compensable under the no-fault act. In *Shanafelt v Allstate Ins Co,* 217 Mich App 625, 632; 552 NW2d 671 (1996), this Court held that the plaintiff was "entering into" the vehicle when she was injured because she had "placed her hand on the door handle, opened the door, took a small step, and then fell." In *Hunt v Citizens Ins Co*, 183 Mich App 660, 664; 455 NW2d 384 (1990), this Court held that the plaintiff was "entering into" the vehicle when he was injured because he "had car keys in his hand and his left hand on the car door." Similarly, in *Teman v Transamerica Ins Co of Michigan*, 123 Mich App 262, 265; 333 NW2d 244 (1983), this Court held that the plaintiff was injured while in the process of "entering into" his vehicle because "opening the door is part of the process of 'entering into' the vehicle."

In the present case, the undisputed facts do not establish that plaintiff was "entering into" her vehicle when she fell and sustained an injury. Plaintiff was walking around the front of her vehicle in an effort to reach the passenger side door. Plaintiff had turned the corner at the front of the car and, while her hand was touching the hood of the car, her foot hit a parking bumper block which caused her to fall and sustain a hip fracture. Although plaintiff may have been on the passenger side of the car when she fell, plaintiff was not near enough to the passenger door to be said to be "entering into" the car, within the ordinary and generally accepted meaning of the language of the statute. Plaintiff may have *intended to* enter into the car to retrieve personal items, but the express language of § 3106(1)(c) does not include a provision regarding such intent. *McCaslin v Hartford Accident & Indemnity,* 182 Mich App 419, 422; 452 NW2d 834 (1990). Therefore, the trial court correctly held that there was no genuine issue of material fact that plaintiff was not "entering into" her vehicle, under MCL 500.3106(1)(c); MSA 24. 13106(1)(c), at the time she was injured. Accordingly, the trial court properly granted summary disposition in favor of defendant pursuant to MCR 2.116(C)(10).

Affirmed.

/s/ Martin M. Doctoroff
/s/ Stephen J. Markman
/s/ Joseph B. Sullivan