

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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LORRAINE ROSER,

Plaintiff-Appellant,

v

LINDA RUTH CLEMENTS and KEVIN  
CLEMENTS,

Defendants-Appellees.

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UNPUBLISHED

March 3, 2000

No. 204785

Macomb Circuit Court

LC No. 96-006088-NI

Before: O'Connell, P.J., and Murphy and Jansen, JJ.

PER CURIAM.

Plaintiff appeals as of right from the circuit court's order granting defendants summary disposition on plaintiff's automobile negligence claims on the basis that the claims were barred by MCL 500.3135(2)(c); MSA 24.13135(2)(c). We affirm.

There is no genuine issue of material fact that at 2:20 PM on May 10, 1996, the time and date of the collision, plaintiff was driving her own motor vehicle which was not covered by no-fault insurance. Plaintiff's claim that her insurer, AAA, should be estopped from asserting that her policy was canceled at noon on May 10, 1996 is without merit. Unlike the circumstances in *Morales v Auto-Owners*, 458 Mich 288; 582 NW2d 776 (1998), AAA made no representation to plaintiff that could have induced a belief that her policy would be in effect at the time of the accident. *Id.* at 296-297. To the contrary, both in previous correspondence with plaintiff and in a telephone conversation the morning of the accident, AAA expressly informed plaintiff that her policy would cancel if her premium payment was not received by noon that day. Because plaintiff's vehicle was not covered by no-fault insurance, her claim for damages is barred by MCL 500.3135(2)(c); MSA 24.13135(2)(c). Accordingly, defendants were entitled to summary disposition pursuant to MCR 2.116(C)(10).

Because plaintiff's claims did not accrue until the exclusionary provision of § 3135 was already in effect, plaintiff was not deprived of any vested right to an action. Also, § 3135(2)(c) does not create a suspect classification or affect a fundamental right. The statutory exclusion is intended to enforce the insurance requirements of the no-fault act by barring those who fail to obtain the statutory no-fault insurance from suing for damages. The statute is rationally related to furthering a legitimate

governmental objective and, accordingly, does not violate constitutional guarantees of equal protection or due process of law. *Neal v Oakwood Hosp Corp*, 226 Mich App 701, 719-720; 575 NW2d 68 (1997).

Affirmed.

/s/ Peter D. O'Connell

/s/ William B. Murphy

/s/ Kathleen Jansen