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Into The Pit: Supreme Court Holds Vehicle Maintenance Mishap Triggers PIP

By Daniel S. Schrode II **February 9, 2024**

In *Bellmore v Friendly Oil Change, Inc. et al.*, the Michigan Supreme Court reversed the Court of Appeals, concluding that Plaintiff's injuries did arise out of the maintenance of her motor vehicle as a motor vehicle, as defined by MCL 500.3105(1).

The accident occurred when Plaintiff tripped and fell into the service pit at an oil change facility where her car was being serviced. Plaintiff was asked by a service technician to walk over to look at her old oil filter and approve its replacement. On her walk to examine the filter, she tripped and fell into the service pit. The Court reasoned that the service pit, akin to a hydraulic lift or jack, facilitated vehicle maintenance by providing access to certain parts, thus establishing a causal relationship between the injury and the maintenance activity.

Additionally, the Court of Appeals judgment, which addressed personal protection insurance benefits under MCL 500.3106(1), was also vacated. The Court clarified that MCL 500.3106(1) does not independently entitle individuals to no-fault benefits but rather operates as an exclusionary provision, barring coverage for injuries involving parked motor vehicles unless specific exceptions apply. Notably, the Court emphasized that when injuries stem from the maintenance of a motor vehicle, analysis under MCL 500.3106(1) becomes unnecessary, as established in *Miller v Auto-Owners Ins Co*, 411 Mich 633 (1981).

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The Michigan Supreme Court held that injuries sustained while walking over to examine an old oil filter at an oil change facility arose from the maintenance of a motor vehicle as a motor vehicle. Therefore, the No-Fault Act applied to the accident and injuries, including the entitlement to PIP benefits. Additionally, the Court clarified that MCL 500.3106(1) did not independently provide no-fault benefits, but rather excluded coverage for injuries involving parked motor vehicles unless exceptions applied.

Justice Zahra concurred with the majority's finding regarding the origin of Plaintiff's injuries but dissented concerning the interpretation of MCL 500.3106(1), instead advocating for a narrower application based on the vehicle's parked status. Justice Bernstein recused himself from participation due to a familial interest in the matter.

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