Minitort-Damage to Utility Box Trailer

**Milroy,Michael**

Good Afternoon:

Your thoughts and opinions greatly appreciated on this minitort issue:

 Pick-up pulling utility trailer.  Defendant rear ends plaintiff causing damage to trailer with more than two wheels.  Assume defendant had insurance as required.   MCL 500.3101 defines “motor vehicle” as follows:  “Motor vehicle” means a vehicle**, including a trailer**, that is operated or designed for operation on a public highway by power other than muscular power and has more than 2 wheels.”

In this instance I think that the minitort provision of MCL 500.3135 applies and plaintiff may be entitled to damages up to $1000 not covered by insurance.  The trailer is viewed as a “motor vehicle” under the facts presented.

Let me add a wrinkle.  The same section defining “motor vehicle”, MCL 500.3101, provides that the owner/registrant of a motor vehicle maintain insurance.  Minitort is always a “pay to play” scenario. If in my case the driver of the pickup did not maintain security on the trailer he was hauling, and that which was damaged in the accident, is this plaintiff headed for a no cause of action?

Thanking you in advance for the input.

Michael J. Milroy

63rd District Court

**jbpahl0824**

My opinion - Plaintiff is entitled to damages.  I don't have specific insurance coverage on my trailer, but according to my vehicle insurance agent, the trailer is automatically covered as part of the towing vehicle's policy.  Might want to inquire of the Defendant as to if the towing vehicle was insured.

Jim

55th

**Milroy,Michael**

I agree Jim.  Under those circumstances the trailer would have insurance and plaintiff could recover.

Thanks.

Mike

**testolij**

I agree with Jim.  If I had this small claims case I would find for damages for Plaintiff.