

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**SHERRY K. BYERS, APPELLANT,
v.
SHELTER MUTUAL INSURANCE COMPANY, RESPONDENT.**

WD68698

DATE: November 12, 2008

Appeal From:

Jackson County Circuit Court
The Honorable Jack R. Grate, Jr., Judge

Appellate Judges:

Division Two: James M. Smart, Jr., Presiding Judge, Ronald R. Holliger and Thomas H. Newton, Judges

Attorneys:

Robert G. Neds, Kansas City, MO, for appellant.

Bernard T. Schmitt, Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

SHERRY K. BYERS, APPELLANT,
v.
SHELTER MUTUAL INSURANCE COMPANY, RESPONDENT.

No. WD 68698

Jackson County

Before: James M. Smart, Jr., Presiding Judge, Ronald R. Holliger and Thomas H. Newton,
Judges

Sherry Byers was injured as a passenger in a vehicle operated by an insured of Shelter Mutual Insurance Company. Byers wanted coverage under the uninsured motorist coverage of the policy. Shelter refused to pay for Byers's injuries because she was not an insured under the policy. Byers sued Shelter. The trial court granted summary judgment to Shelter. Byers appeals, arguing that the definition of "use" in the policy violates the public policy of Missouri.

AFFIRMED.

Division Two holds:

Byers was not an insured under the policy. The policy required that a passenger who was not a relative or living in the insured's home must be using the vehicle. The term "use" was defined in the policy, and Byers's role as a passenger did not meet that definition. Missouri law does not require uninsured motorist coverage for occupants of the vehicle. Thus, the definition of "use," excluding occupants from uninsured motorist coverage, is valid.

Opinion by: Ronald R. Holliger, Judge

Date: November 12, 2008

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