



Employer Forced to Pay UM Coverage

In *Elrac, Inc. V. Exum*, the court rejected the contention of the Uninsured Motorist carrier. The carrier argued that since the accident occurred while the claimant was operating a motor vehicle owned by his employer, a self-insured company, and was in the regular course of his employment, the exclusivity provisions of the Workers' Compensation Law precluded the claimant from arbitrating a claim against his employer.

The court noted that "although petitioner is self-insured, it is required to provide uninsured motorist benefits pursuant to Insurance Law §3420(f)(1)." Thus, the court held, "[g]iven the public policy of this State requiring insurance against injury caused by an uninsured motorist, we find that a self-insured employer is required to provide mandatory uninjured motorist benefits to employees and that the Workers' Compensation Law does not preclude the employee from filling such a claim against the employer."

Keegan & Keegan, Ross & Rosner, LLP
147 N. Ocean Avenue
Patchogue, New York 11772

Phone: 631-475-9400
Fax: 631-475-0601
Website: <http://www.keeganlaw.us>