

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT CAYER,

DEC 11 1990

Plaintiff-Appellant,

v

No. 117911

NATIONAL UNION FIRE INSURANCE COMPANY,
a Pittsburgh corporation, AMERICAN
INTERNATIONAL ADJUSTMENT CORPORATION
OF ILLINOIS, an Illinois corporation,
and AMERICAN INTERNATIONAL INSURANCE
GROUP, a New York corporation, jointly
and severally,

Defendants-Appellees.

Before: Gribbs, P.J., and Cavanagh and Marilyn Kelly, JJ.

PER CURIAM.

Plaintiff appeals by right from the order granting defendants' motion for summary disposition on grounds that the vehicle at issue was not, as a matter of law, a motor vehicle for purposes of the no-fault act. MCR 2.116(C)(10). We affirm.

The no-fault act states:

"Motor Vehicle" means a vehicle, including a trailer, operated or designed for operation upon a public highway by power other than muscular power which has more than 2 wheels. Motor vehicle does not include a motorcycle or a moped, as defined in section 32b of Act No. 300 of the Public Acts of 1949, being section 257.32b of the Michigan Compiled Laws. Motor vehicle does not include a farm tractor or other implement of husbandry which is not subject to the registration requirements of the Michigan vehicle code pursuant to section 216 of the Michigan vehicle code, Act No. 300 of the Public Acts of 1949, being section 257.216 of the Michigan Compiled Laws. [MCL 500.3101(2)(e); MSA 24.13101(2)(e).]

The trial court determined that the scraper in this case was not a motor vehicle within the meaning of the act. We agree. The scraper was without tail lights, turn signals or a speedometer. It could not be operated on a public highway without a special permit and two escort vehicles. The trial

court did not err in concluding that the scraper was not "designed for operation upon a public highway". See Schoenith v Auto Club, 161 Mich App 232; 409 NW2d 795 (1987); Jones v Employers Ins of Wausau, 157 Mich App 345, 348-349; 403 NW2d 130 (1987), lv den 428 Mich 899 (1987).

Affirmed.

/s/ Roman S. Gibbs
/s/ Mark J. Cavanagh
/s/ Marilyn Kelly