



# Keegan & Keegan, Ross & Rosner, LLP

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## Employer Forced to Pay UM Coverage

Self-insured employer has to provide Uninsured Motorist coverage for all employees operating a motor vehicle in the course of his or her employment in addition to Workers' Compensation coverage.

In *Elrac, Inc. V. Exum*, the court rejected the contention of the UM carrier 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, "Given 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 filing such a claim against the employer."

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