

Kentucky Supreme Court
Cases of Note
July-[August](#), 2016

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1. Hold down the control (“Ctrl”) key and click on the link.
2. Right-click on the link and select “Open Hyperlink”.

Note: No Court in July

INSURANCE

Countryway Insurance Company v. United Financial Casualty Insurance Company, et al.
[2014-SC-000265-DG](#) August 25, 2016

Opinion of the Court by Justice Hughes. All sitting; all concur. Auto insurers both providing uninsured motorist coverage to a person injured while a passenger in vehicle owned by another raised a priority issue in the trial court. That court resolved the issue by ruling that the companies’ competing “other insurance” clauses cancelled each other out and left the companies jointly liable on a pro-rata basis. Reversing, the Court of Appeals ruled that primary liability rested with the passenger’s personal carrier. Reversing the Court of Appeals, the Supreme Court held, in accord with *Kentucky Farm Bureau Mut. Ins. Co. v. Shelter Mut. Ins. Co.*, 326 S.W.3d 803 (Ky. 2010), that the Motor Vehicle Reparations Act implicitly fixes primary uninsured motorist coverage on the vehicle owner’s insurer.