

WHITE AND STEELE, P.C.
ATTORNEYS AT LAW

White and Steele Wins Court of Appeals' Decision Regarding Offer of UM/UIM Coverage

On March 19, 2007, the Colorado Supreme court denied the plaintiff's Petition for Certiorari in Kaercher v. Sater and National Farmers Union, 2006 Colo. App. Lexis 1014 (Colo. Ct. App., June 29, 2006). In this case, the trial court granted the defendants' motion to dismiss, holding that the insurance agent and insurance carrier had no obligation to offer UM/UIM coverage above the amount of \$100,000/\$300,000, specified in C.R.S. § 10-4-609. The Court of Appeals affirmed the trial court decision and held that since Mr. Kaercher actually purchased UM/UIM coverage with limits of \$100,000/\$300,000, the defendants had no statutory duty to offer higher limits of UM/UIM coverage. The Court of Appeals also held that the defendant agent exercised his reasonable duty of care and the plaintiff did not establish any special relationship with the defendant agent which could create a claim under common law negligence. For questions regarding the Court of Appeals decision, please contact Keith Olivera at kolivera@wsteele.com or at (303) 296-2828.