

STATEMENT OF THE ISSUES

I. WHETHER THE TRIAL COURT ERRED AS A MATTER OF LAW BY HOLDING AN OWNED-BUT-NOT-INSURED EXCLUSION IN RELATION TO UNINSURED MOTORIST COVERAGE WAS VALID AND NOT VOID AS AGAINST PUBLIC POLICY.

The trial court held that an owned-but-not-insured exclusion for uninsured motorist coverage was not void as against public policy.

- *Phen v. Progressive Northern Ins. Co.*, 2003 SD 133, 672 N.W.2d 52
- *De Smet Ins. Co. of South Dakota v. Pourier*, 2011 SD 47, 802 N.W.2d 447
- *SDCL* § 58-11-9
- *SDCL* § 58-11-9.5