# 93A Consumer Protection Statute – Closed Raceway Accident

**SERVICES**
**Transportation Law**

The plaintiff, an insurance agent, sued my client, the plaintiff's insurer, when his high performance motor vehicle was damaged while he was driving on the New Hampshire International Speedway. Plaintiff's vehicle was a high-performance street-legal car that the plaintiff has spent hundreds of thousands of dollars on modifications to the vehicle. As a result of the accident with the speedway, the vehicle was a total loss. The plaintiff sued the insurer, seeking a recovery of the full property damage and damages in the form of treble damages and legal fees.

The primary defense theory was that the vehicle was not covered under the applicable insurance policy. Although unclear, the policy stated that there would be no coverage for vehicles operated in a "speed or motor contest." Although it was undisputed that the plaintiff was not operating his motor vehicle in a speed or motor contest, he was operating the motor vehicle on a closed racetrack. The defense highlighted the circumstances of the accident noting that a reasonable person could not reasonably expect to be covered while operating a motor vehicle in closed track environment.

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