

NO. 94-20941  
Summary Calendar

\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

*Center v. Employers Cas. Co.*, 833 S.W.2d 257, 260 (Tex. App.-Corpus Christi 1992, writ denied). The plain meaning of the language of the policy is that which an ordinary person would give to it, taken in the context of the whole policy. *Tumlinson v. St. Paul Ins. Co.*, 786 S.W.2d 406, 408 (Tex. App.-Houston [1st Dist.] 1990, writ denied) (citation omitted).

We find the exclusion of family-owned or family-driven vehicles in Burton's husband's uninsured motor vehicle policy plainly applies to Burton's husband's car, which was the only car involved in the accident from which Burton's claims arose. Furthermore, contrary to Burton's arguments, the Texas Safety Responsibility Act and the Texas Supreme Court's decision in *National County Mut. Fire Ins. v. Johnson*<sup>1</sup> have no application to non-mandatory uninsured motor vehicle policies. Texas courts both before and after *Johnson* have upheld family exclusion provisions in uninsured motor vehicle policies, specifically finding such exclusions do not contradict the public policy of Texas. *Farmers Texas County Mut. Ins. Co. v. Griffin*, 868 S.W.2d 861, 870 (Tex. App.-Dallas 1993, writ denied); see also *Bergensen v. Hartford Ins. Co. of the Midwest*, 845 S.W.2d 374, 377 (Tex. App.-Houston [1st Dist.] 1992, writ ref'd).

AFFIRMED.

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<sup>1</sup> 879 S.W.2d 1 (Tex. 1993).