

Risk on the Road: Managing Volunteer Driver Exposures



By

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Many nonprofits rely on volunteer drivers to help fulfill their programs and services. Whether the drivers are taking seniors to medical appointments or bringing meals or library books to those unable to leave their homes, opportunities abound for volunteers to fill a much-needed gap in transportation services in our communities.

Nonprofit leaders are often concerned that they may be putting either volunteers or their nonprofit at risk because of the inherent danger connected with motor vehicle accidents. However, we are not aware of any study that demonstrates that the use of volunteer drivers is somehow more risky than other activities involving motor vehicles.

One factor that does seem to be an indicator of an increased risk of accidents is that a motor vehicle accident is more likely to occur when the driver is driving an unfamiliar vehicle—an indication that volunteer drivers who drive their own cars may be less risky than if the nonprofit staff were to ask a volunteer to drive an unfamiliar van or car owned by the nonprofit.

What Insurance Applies When Volunteer Drivers Use the Nonprofit's Vehicles?

We are often asked, “Who can drive my nonprofit’s vehicles?” The answer is that with the nonprofit’s permission, anyone may use a vehicle owned by the nonprofit. No matter who is driving—employee or volunteer—the nonprofit’s commercial auto insurance policy will apply to any accidents involving vehicles owned by the nonprofit. The policy should be examined closely. A nonprofit’s commercial auto policy has three components: liability, physical damage on the vehicle itself (collision and comprehensive coverages), and medical payments for injuries to occupants of the nonprofit’s vehicle. Nonprofit policy holders should review their policies with their brokers or agents to determine which specific losses are covered and where coverage gaps might lie. For instance, you might assume that your nonprofit’s auto policy would provide coverage in the event a van were stolen, when in fact the coverage may exclude theft completely. The nonprofit’s auto insurance will generally cover all vehicles both owned by the nonprofit. Many nonprofits also have coverage for “non-owned” vehicles (such as those that are leased or rented by the nonprofit or personal vehicles driven on the nonprofits’ behalf).

What Insurance Applies When Volunteers Drive Their Own Cars?

It is important to note that volunteer drivers, while using their own cars, will be covered initially by their own *personal auto insurance*. A volunteer’s personal auto insurance for his/her own car will cover anyone named in a lawsuit arising out of the use of the personal auto, therefore, the nonprofit may also initially be covered by the volunteer driver’s policy. However, in cases where a catastrophic injury occurs to someone, such

as a passenger or pedestrian when a volunteer driver is using her own car, the damages might exceed the driver's personal auto insurance limits. In that case, the nonprofit itself is vulnerable if it is named in a lawsuit resulting from the accident. Moreover, while a nonprofit may assume that a volunteer driver has adequate personal auto insurance, that may not be the case. Non-owned auto insurance will also cover the nonprofit if the volunteer driver's personal auto insurance policy has lapsed or been cancelled. For this reason, many nonprofits purchase **non-owned auto liability insurance**.

Non-owned auto liability insurance covers liability for accidents caused by an employee or volunteer driving their own vehicle on a nonprofit's behalf. The coverage is designed to protect only the nonprofit organization, not the employee or volunteer. Coverage applies above the liability limits of the vehicle owner's personal automobile policy. There is no coverage for damage to the vehicle that is not owned by the nonprofit. To really circle the wagons and close the coverage loop, some carriers will provide an endorsement on non-owned auto policies that add the volunteer who drives his or her own car on the nonprofit's business as an additional insured under the nonprofit's non-owned auto policy. This provides coverage in excess of the volunteer's own policy limits.

Non-owned auto insurance is critical for any nonprofit that uses volunteer drivers who drive their own cars, or those nonprofits that expect employees to use their own cars for work-related transportation.

Does State Law Limit Liability for Volunteer Drivers?

Some state laws limit volunteer liability when volunteers are providing services for tax-exempt charitable organizations, however, exceptions abound. For instance, in many states while there may be protection for volunteers, the protection does not apply when volunteers are operating motor vehicles. In other states, the protection does not apply at all. For a summary of state liability laws relating to volunteer transportation programs, download our free mobile app, [VolunteerProtect!](#), or [read "Information for State Volunteer Driver Liability Laws" by the National Conference of State Legislatures](#).

What Risk Management Steps Should Be Considered For Volunteer Drivers?

Your nonprofit should take special precaution depending on the nature of each volunteer driver's role. For example, volunteer drivers who provide transportation to children or vulnerable adults should receive special training compared to volunteer drivers who simply transport materials—not passengers—for your nonprofit. Factors like these should shape the volunteer driver screening process, as well as orientation and training.

Screening volunteer drivers is an important risk management process that demands attention. Nonprofits that use volunteer drivers must determine the level of screening that is appropriate for the role that volunteer drivers will play. For instance, drivers who transport clients, especially minor children, and those transporting multiple clients in vans, should be subject to much more stringent screening, background checking, and supervision, than a volunteer who simply transports equipment or materials for the nonprofit. Ask your insurance broker or agent whether your nonprofit's commercial auto insurance carrier provides guidance on screening procedures for volunteer drivers.

These straightforward tips can be applied by every nonprofit to manage the risk that an unprepared driver will be behind the wheel.

- **Identify a Driving Program "Supervisor" or Coordinator** to assign and, if necessary, terminate volunteer drivers. This person will have to enforce policies and procedures, put together training sessions, conduct spot checks by phone or in person, carry out annual evaluations as your program grows and develops, and make important decisions such as when to cancel a volunteer's driving duties due to inclement weather.
- **Screen your volunteer drivers.** Basic core qualifications for volunteer drivers need to be determined to ensure that inexperienced drivers are disqualified and that every driver provides proof of a valid license and up-to-date vehicle registration. A formal orientation and training program should be required for all volunteer drivers, and the nonprofit needs to determine which driving infractions will disqualify a volunteer from driving, and whether a formal driving records check is required for eligibility to volunteer.
- **Create guidelines for driver conduct.** There are a host of issues that should be addressed with volunteers, such how and whether they are responsible for assisting passengers in and out of vehicles, whether they should be alone with passengers, and how many passengers may be transported at one time.
- **Ask volunteer drivers to sign a Volunteer Driver Pledge Form.** Having volunteers sign a pledge form that spells out exactly whose insurance is responsible and that the volunteer agrees to maintain his/her vehicle in good condition can go along way to protecting the nonprofit as well as managing the expectations and guiding the prudent conduct of volunteers. Scroll to the bottom of this article to review

a sample Volunteer Driver Pledge.

- **Educate volunteers about their own insurance policies**, as well as the limitations of the nonprofit's automobile coverage. Enlist the help of your broker or agent to outline what the nonprofit's own auto insurance does and does not cover and make sure to manage volunteer drivers' expectations about what the nonprofit's insurance does—and does not—cover. If any volunteer will be driving his/her own vehicle, then your nonprofit should obtain a copy of the volunteer's current personal auto insurance policy and vehicle registration.
- **Be prepared for incident and accident response.** Volunteers need to know what emergency procedures to follow if there is an accident while they are driving on behalf of the nonprofit. Many organizations create a simple emergency response toolkit, and ask volunteer drivers to keep the toolkit in their cars. The emergency response toolkit could include simple procedures for reporting a car accident, getting medical or police assistance at the scene of the accident, and keeping the volunteer driver and any passengers as safe as possible while at the scene.

Sample Volunteer Driver Pledge

Consider using a Volunteer Driver Pledge to manage your volunteer drivers' expectations and enlist their cooperation for a safe transportation program. *Feel free to use and customize this sample Volunteer Driver Pledge:*

As a volunteer for [Name of Nonprofit], I understand that my safety and the safety of others is paramount. I understand that driving as a volunteer is a privilege, not a right, and therefore, I agree to:

1. Provide evidence of my current status as a licensed driver in [insert Name of State]
2. Comply with all of [Name of Nonprofit]'s policies and procedures and any directions provided by my supervisor
3. Comply with all laws and regulations concerning driving, including laws pertaining to the use of seat belts, child safety seats, cell phone use, and speed limits
4. Promptly notify my supervisor of any physical conditions, vehicle defects, or road conditions that might affect my safety or the safety of those I am driving
5. Notify my supervisor of any traffic citations I receive—even if given while driving on my personal time
6. Attend driver training at the request of [Name of Nonprofit]

And, if involved in an accident, I agree to complete an Accident Report provided by [Name of Nonprofit] and to cooperate with the police, my supervisor, and [Name of Nonprofit]'s insurer, its insurance adjusters and attorneys.

I pledge that if I drive my own vehicle on behalf of [Name of Nonprofit], I will maintain adequate personal auto insurance. I also understand that as a volunteer driver, my personal auto insurance will be activated for any accidents or incidents that involve my vehicle, including those that occur while I am serving as a volunteer driver for [Name of Nonprofit].

Signature _____

Date _____

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