

**Volunteer Driver TurnKey Kit**  
*Planning Implementation Evaluation*



**RISK AND RISK MANAGEMENT STRATEGIES**  
**IMPORTANT CONSIDERATIONS FOR**  
**VOLUNTEER DRIVER PROGRAMS AND VOLUNTEER DRIVERS**

**PREPARED BY**  
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# **RISK AND RISK MANAGEMENT STRATEGIES**

## **IMPORTANT CONSIDERATIONS FOR**

### **VOLUNTEER DRIVER PROGRAMS AND VOLUNTEER DRIVERS**

**This White Paper is intended for organizations, groups and communities as they plan a new volunteer driver program or consider ways they can strengthen an existing program. The paper is organized in five parts:**

**Part 1: Myths and Realities: Volunteer Driver Program Risk**

**Part 2: Needs and Challenges: Senior Transportation Services**

**Part 3: Risk Factors: Volunteer Driver Programs**

**Part 4: Risk Management Strategies**

**Part 5: Exemplary Risk Management Practices**

**Conclusion**

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**Attachment 1: Characteristics of Sponsors and Drivers**

**Attachment 2: Insurance as a Two-Track Issue**

**Attachment 3: How is insurance Coverage Affected**

**Attachment 4: The Volunteer Protection Act of 1997**

**The purpose of the paper is to acknowledge the risk challenges associated with organizing and operating a volunteer driver program and to provide information that will be helpful when discussing the idea of starting a volunteer driver program, when planning a volunteer driver program, or when considering the possibility of expanding an existing volunteer driver program.**



# Part 1

## MYTHS AND REALITIES

### VOLUNTEER DRIVER PROGRAM RISK

While volunteer driver programs and volunteer drivers must address a variety of myths about their risk in providing transportation, many of those myths have been dispelled by the experiences of both sponsors and drivers. Below are some of the myths and realities that are facts of life for volunteer driver program operations.

**Myth** Many concerns about liability are related to the impression that volunteer driver programs are not safe.

**Reality** There is no documented evidence that volunteer driver programs are unsafe and thus, such concerns do not appear to be related to a lack of safety.

**Myth** Sponsors generally do not worry about liability until it is time to purchase an automobile or secure insurance.

**Reality** Concerns about liability in relation to establishing a volunteer driver program often are expressed in the course of planning meetings with a community or a board of directors, and the topic frequently causes the discussions to come to a speedy close.

**Myth** Volunteer driver programs that do not own vehicles have few worries about liability.

**Reality** While volunteer driver programs that use the vehicles of volunteer drivers may have less exposure than those that own vehicles, such programs still have exposure to risk.

**Myth** Because volunteer driver programs are smaller and less well funded than public transportation programs, they have more crashes and physical injuries to drivers and riders and damage to vehicles and other property.

**Reality** Indeed, volunteer driver programs experience crashes, although there is no evidence that they are frequent occurrences or that any related property damage or physical injury incurred is associated with their size, budget or risk management practices.

**Myth** An organization with limited assets does not need to worry about legal actions because of personal injury or damage to property.

**Reality** All organizations that sponsor volunteer driver programs should be concerned about the exposure of their organizations due to providing transportation, however, those concerns often are greater when the sponsor has what might be called “deep pockets”.



**Myth** When volunteer driver programs provide “supportive transportation” they will incur losses because volunteer drivers help passengers and sometimes go into their place of residence.

**Reality** The type of services a volunteer driver program provides will impact on the level of exposure, the potential for liability, and the need for insurance. Thus, while exposure to potential liability is greater when “supportive transportation” is provided, there is no evidence of legal actions related to abuse, theft, or falls in conjunction with volunteer drivers providing “supportive transportation”.

**Myth** Exposure to risk is the same for all transportation services.

**Reality** While risk management principles are the same for all transportation providers, the type of services they provide impact on their level of exposure, potential for liability, and need for insurance.

**Myth** After a program sponsor secures insurance, there will no longer be a need for concern about risk management.

**Reality** Regardless of the insurance status of a volunteer driver program, sponsors should always be attentive to liability, exposure, insurance, and risk management policies and procedures.

**Myth** Prospective volunteer drivers have good reasons to be concerned that volunteer driving will adversely affect their insurance premiums.

**Reality** Insurance premiums are not adversely affected because a person is a volunteer driver. In fact, insurance companies indicate that they base premiums on miles driven and numbers of claims; not on who is in the vehicle or on a single claim.

**Myth** Volunteer drivers are not as dedicated or safe as paid drivers who provide transportation as a job.

**Reality** Volunteer drivers say that their driving is their job, and appear to have safety at least as good as paid drivers.



## PART 2

### NEEDS AND CHALLENGES

### SENIOR TRANSPORTATION SERVICES

Many communities, non-profit organizations, and volunteer groups, throughout the country have created volunteer driver programs to fill gaps and supplement transportation provided by traditional transportation services that may not be equipped to meet the needs of senior riders who no longer drive. These programs often provide transportation to seniors who are frail and in need of assistance and to people with disabilities, to people in the workforce, and to children. Like traditional services, they provide transportation to destinations (some to life-sustaining and others to life-enriching destinations, and many to both). However, many of them also provide what the Beverly Foundation calls “supportive transportation” in the form of door-to-door and door-through-door transportation. Sometimes they even make arrangements for a volunteer driver or escort to stay with the passenger at the destination.

In filling the gaps and supplementing traditional transportation services, volunteer driver programs accomplish three major purposes. They provide rides to people who need transportation. They provide people with the opportunity to serve their neighbors. They supplement transportation services in the community. Unfortunately, the positive contributions of volunteer driver program sponsors may be diminished or erased altogether, if people or properties are harmed as a result of their transportation delivery actions or those of their volunteer drivers. These potential risks create the need for good risk management policies and programs.

#### A. TRANSPORTATION NEEDS

While some service providers view transportation as the avenue for getting services to seniors, transportation is in fact a two-way street that also enables people to get where they need to go. The senior mobility side of the street can both enable and prevent seniors from accessing quantity and quality of life experiences. In other words, transportation is “the tie that binds”. It binds seniors to what might be called life sustaining activities (the doctor, the pharmacy, the social service program, the grocery store); and it also binds them to life enriching activities (the movie, the hairdresser, the home of a friend, volunteer activities, education programs). Some people call these activities the quality of life activities or the fun things in life. While many professionals believe that there is a greater need for life sustaining, non-emergency medical transit and travel to essential activities, many believe that quality of life transportation is just as important or perhaps even more important.

Older adults who no longer driver are the seniors who are in greatest need of transportation options. Those who have family members near by often depend on them for transportation, but when they live alone without the benefit of family or friends, they



often must depend on community based transportation services. Unfortunately, the very real physical or mental limitations that made it difficult or impossible for them to drive can also make it difficult for them to access traditional public and paratransit services. The reason is because they may be too weak to get on a bus, or too frail to walk to the curb for the van, or they may need someone to help them from the vehicle into the destination, and perhaps even stay with them at the destination.

The problem is that traditional services weren't designed to be "senior friendly" and often cannot be adapted so that they can be senior friendly. And just what is senior friendly, you ask? It goes beyond the usual emphasis of availability, and includes four additional A-Factors of accessibility, acceptability, adaptability, and affordability. These criteria have been identified by the Beverly Foundation as *The 5 A's of Senior Friendly Transportation*.

#### **THE 5 A'S OF SENIOR FRIENDLY TRANSPORTATION\***

Availability:	Transportation exists and is available when needed (e.g., transportation is at hand, evenings and/or weekends).
Accessibility:	Transportation can be reached and used (e.g., bus stairs can be negotiated; bus seats are high enough; van comes to the door; bus stop is reachable).
Acceptability:	Addresses standards relating to conditions such as cleanliness (e.g., the bus is not dirty); safety (e.g., bus stops are located in safe areas); and user-friendliness (e.g., transit operators are courteous and helpful).
Affordability:	Addresses costs (e.g., fees are affordable; fees are comparable to or less than driving a car; vouchers or coupons help defray out-of-pocket expenses).
Adaptability:	Transportation can be modified or adjusted to meet special needs (e.g., wheelchair can be accommodated; trip chaining is possible).

\* Developed by the Beverly Foundation in 2000.

Yes, a traditional or public transit service may be organized to take people in the community to their desired destination, but it may not be senior friendly in that: (1) it might not be there when they need it, (2) it might not come to or through their door; (3) it may not be viewed as safe; (4) it may not be something they can pay for; and (5) it may not make the multiple stops they need. When existing transportation services are unable to meet the transportation and transportation support needs of seniors, volunteer driver program and volunteer drivers often step up to the plate to fill the transportation gaps faced by older adults.



## B. RISK MANAGEMENT CHALLENGES

Volunteer driver programs make transportation available in two ways: they provide transportation in a vehicle (generally an automobile), and supportive transportation (assistance to passengers outside the vehicle). Volunteer driver programs such as Ride Connection in Portland, Oregon; Shepherds' Escort Transport in Kalamazoo, Michigan; Elder Services of Merrimack Valley in Merrimack, New York; and Bedford Ride in Bedford, Virginia provide not only transportation but also provide supportive transportation to senior passengers.

Although there is no evidence of an excessive number of collisions or documented legal actions against volunteer driver programs, they still face many risk management challenges. These include: (a) limiting exposure to potential liability; (b) purchasing insurance to cover any loss; (c) ensuring reasonable and prudent care to riders; and (d) ensuring reasonable and prudent professional conduct of volunteer drivers. Not only can insurance be difficult to obtain (especially when programs provide supportive transportation), but premiums for vehicle and volunteer driver coverage may experience an annual increase. Consequently, many sponsors find themselves facing "premium fatigue" or discover that they cannot even secure insurance for some supportive transportation services they provide. However, in some instances, a greater challenge can be to explain liability and insurance to the volunteer driver.

Developing and implementing a good risk management strategy presents a challenge to volunteer driver program sponsors and to volunteer drivers alike. Why?

- Not all sponsors have a background in transportation service delivery and do not fully appreciate the need for risk management activities.
- Not all sponsors have information about good risk management strategies.
- Not all sponsors have the staff or funds to support a good risk management policy, strategy, or program.
- Many volunteer drivers want to spend their time driving passengers rather than on management and training activities.
- Many sponsors believe that volunteer drivers will leave the program if they are asked to participate in risk management activities, especially driver training.

Common practices say that a transportation service should provide a reasonable and prudent level of care to passengers and reasonable and prudent professional conduct. Thus, it is important for volunteer driver program sponsors to ensure that their services and drivers are reasonable and prudent in their care and conduct.

Do current practices of volunteer driver sponsors and volunteer drivers represent good risk management? The best information available appears to be the Beverly Foundation's 2004 and 2005 STAR Search Survey of Volunteer Driver Programs which includes data from 186 surveys. The following two charts, that include data from the 2004 survey, indicate the type of self-reported risk management practices of volunteer driver programs and volunteer drivers that responded to the survey. (2)



Risk Management Responses from Volunteer Driver Programs			
Drivers Complete Application	89%	Volunteers Report to Manager	71%
Drivers Give Feedback	89%	Volunteer Driver Staff Meetings	59%
Drivers Receive Job Description	83%	Drivers Sign Contract	52%
Program Evaluates Drivers	80%	Have Driver Staff Meetings	43%
Provides Driver Handbook	72%	Risk Management Problems	13%
Provides Driver Training	71%	Driver Insurance Challenges	6%
* Source: Star Search 2004 Volunteer Driver Organization Survey			

Risk Management Responses from Volunteer Drivers			
Complete Application Form	77%	Receive Driver Handbook	58%
Have Feedback Mechanism	77%	Receive Driver Training	54%
Report To Volunteer Manager	71%	Have Job Description	53%
Screened By Organization	68%	Evaluation As Driver	44%
Have Central Place To Meet	62%	Attend Driver Staff Meetings	34%
* Source: Star Search 2004 Volunteer Driver Survey			

It is clear from these data that, while programs and drivers view their risk management practices somewhat differently, both programs and volunteer drivers are able to identify a wide range of risk management practices. A more complete discussion of volunteer driver programs and volunteer drivers is included in Attachment 1.





# PART 3

## RISK FACTORS

### VOLUNTEER DRIVER PROGRAMS

Providing transportation involves risk related to property damage or physical injury, and presents risks for people who volunteer to drive and for organizations that use volunteer drivers. A volunteer driver program must consider such risks as they relate to the passengers, the sponsor, the community, and the drivers themselves. Both volunteer driver programs and volunteer drivers, like traditional services and paid drivers, need to consider risk as an integral part of their planning, operations, and evaluation.

#### A. Concerns Related To Risk

Some of the concerns expressed by policy makers and professionals working in the field of transportation options for seniors, and by volunteer driver program sponsors and volunteer drivers are:

- that the driver and/or passenger will be injured getting to or into the vehicle
- that there will be a crash
- that the driver and/or rider will be injured in the crash
- that property (such as the vehicle) will be damaged in the crash
- that the driver and/or passenger will be injured at the destination
- that a passenger or family member (or driver) will initiate a lawsuit for damages
- that the property or reputation of the sponsor will be jeopardized
- that the income or financial assets of the sponsor will be jeopardized
- that the insurance premiums will increase because of volunteer driving
- that the insurance policy will be cancelled in the event of a fall, crash or litigious action against the sponsor

These are legitimate concerns, and while some are not based on risk experience, they must be acknowledged and addressed by programs as they identify risk hazards and develop strategies for risk management.

#### B. Continuum of Risk Factors

Public transportation services often provide fixed route transit with transit stops along the route. Other transportation providers, such as ADA paratransit and Dial-A-Ride services, offer curb-to-curb transit in which the passenger meets the vehicle at the curb. The risk emphasis for these transportation services is generally associated with getting passengers in and out of vehicles and getting them from one destination to another. The risk is greater when volunteer driver programs provide personalized, one-on-one, supportive transportation service in which the driver or escort goes to-the-door and through-the-door at the passenger's residence or destination, and sometimes even





liability for property damage, physical injuries to the passenger (or driver), or even physical abuse to the passenger in the course of providing assistance to or into the residence or destination. According to some providers, the fact that some insurers do not understand the practice of providing supportive transportation (especially when it involves going through the door) can relegate it to a “don’t ask – don’t tell” relationship with the insurer.

(3) Insurance: The purpose of purchasing insurance is to cover any loss related to property damage or personal injury. According to the Community Transportation Association of America, insurance is the biggest and most expensive problem faced by volunteer driver programs. As a result, prospective and current program sponsors express concerns about obtainable and affordable insurance. Indeed, insurance can be difficult to obtain (especially when programs provide supportive transportation), and premiums for vehicle and volunteer driver coverage may increase every year. However, the fact that insurance is subject to state regulation, combined with the fact that states vary widely in their legislation and attitude towards insurance, means that volunteer driver programs in some states may have little difficulty securing and paying for insurance, while programs in other states may be faced with a wider variety of challenges.(4)

Insurance also is a consideration for volunteer drivers. When a volunteer driver provides transportation in his or her vehicle, the insurance policy on the vehicle is the first line of coverage in the event of a crash. Thus, it is necessary for volunteer drivers to have insurance coverage on a vehicle that will be used for volunteer transportation. In the event of a crash not only will the volunteer driver’s vehicle insurance provide the first line of coverage, the volunteer driver will be responsible for paying the deductible, a cost which could present a major financial burden to some volunteer drivers.



## PART 4

### RISK MANAGEMENT STRATEGIES

According to the Nonprofit Risk Management Center in Washington, DC, “*risk management is a discipline for dealing with the possibility that the future may be surprisingly different from what we expect. This discipline offers much more than a means to avoid risk, because few successful ventures can proceed without some uncertainty*”. (5)

#### A. Understanding Liability

The three general classifications of liability mentioned earlier provide a framework for understanding liability and developing appropriate risk management strategies.

- Direct liability - when an organization or individual is held responsible for its actions or inactions. Example: failing to supervise the volunteer properly. Risk Management Strategy: Documented supervision of volunteer drivers.
- Indirect or vicarious liability - when an organization is held responsible for harm caused by persons acting on its behalf. Example: There is negligence on the part of a volunteer driver who damages a parked car while exiting a parking space. Risk Management Strategy: Behind the wheel driver training.
- Strict liability - when responsibility for harm is automatic and finding negligence or misconduct is not required. Example: The volunteer driver is driving under the influence of an illegal substance. Risk Management Strategy: Criteria and follow up actions in driver screening.

The examples above suggest that in addition to being “the heart and soul of transportation services”, volunteer drivers also can be “the heart and soul of a risk management strategy.”

#### B. Limiting Exposure

Four strategies for addressing risk hazards by limiting exposure are suggested by the Risk Management Center.

- **Avoidance:** canceling a service or an activity in which the perceived risk outweighs the benefit.
- **Modification:** adjusting policies, plans, and procedures to reduce potential loss to a level deemed acceptable to the organization.
- **Sharing:** partially transferring an activity or the consequences of a risk to another party by contractual agreement.
- **Retention:** accepting all or part of the risk and preparing for the consequences if a risk scenario should become a reality.



Examples of the activation of each of these strategies by volunteer driver programs are provided below.

Gold Country Telecare - Grass Valley, California Gold Country Telecare is a paratransit provider that sponsors a volunteer driver program. At one time, the volunteer drivers provided door-through-door transportation services to passengers, but its insurance broker required the program to sign an agreement that drivers would not go through the door to help passengers. The program developed a **risk avoidance** strategy by signing the form and requiring drivers to sign a similar form, thus eliminating what its insurer believed was a high-risk service.

TRIP – Riverside, California TRIP’s design suggests a **risk modification** strategy in that the program design departs from traditional volunteer driver sponsorship models, and policies and procedures were modified in the following way: (1) riders recruit their own drivers, (2) the agreement for travel is between the rider and driver and not the program, (3) TRIP does not schedule rides, and (4) reimbursements for mileage are paid to riders who then give reimbursements to the drivers. Thus, in modifying the traditional design, TRIP has limited its exposure to potential liability.

The Seniors Resource Center – Denver, Colorado SRC is a “one-stop shopping” modified transportation brokerage. It incorporates a **risk sharing** strategy for it determines which transportation service is best for the rider (based on physical and mental criteria), and in addition to providing some rides, also establishes contractual relationships and funding agreements with other services (which provide their own vehicles, drivers, and insurance) to provide rides.

West Austin Caregivers - Austin, Texas West Austin Caregivers practices a **risk retention** strategy in that it recruits volunteer drivers, provides rides primarily to older adults in a specific part of the Greater Austin Area, and purchases insurance to cover any potential loss.

It is important to note that regardless of the strategy selected, volunteer driver programs will need to consider two types of potential exposure: in-the-vehicle activities associated with getting passengers from one destination to another; and “supportive transportation” activities associated with helping passengers from the residence to the vehicle, to the destination, and even staying with the passenger at the destination.

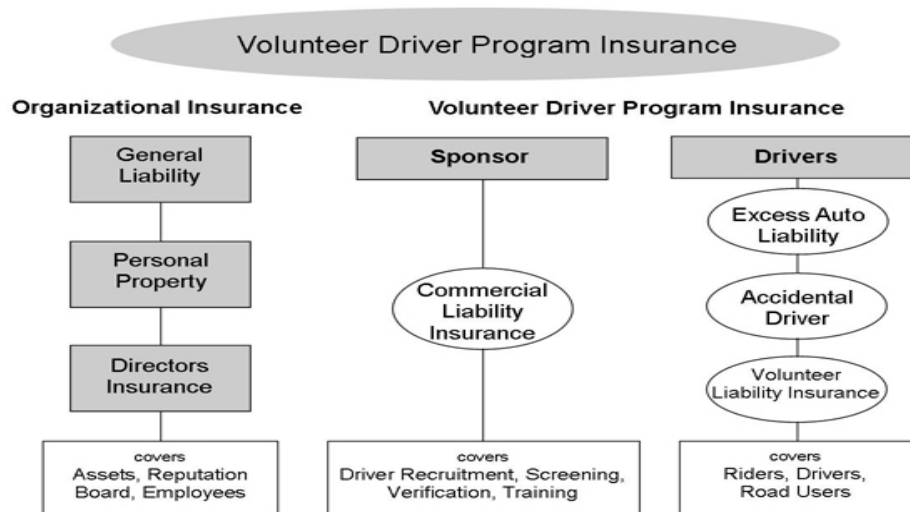
### C. Purchasing Insurance

Regardless of the method of handling risk, a volunteer driver program will need to purchase insurance. Basic insurance requirements for volunteer driver program sponsors generally include normal coverage as a non-profit organization (general liability, personal property, and directors insurance coverage); and coverage specific to the volunteer driver program (organizational liability, and volunteer driver coverage including excess auto liability, accidental driver insurance, and volunteer liability



insurance). The illustration below provides a visual example of insurance coverage and how it might be explained to drivers.

While some volunteer driver programs acquire insurance through private insurers, a growing number are able to insure their activities through pools organized by non-profit insurers. Four examples are The CIMA Companies in Virginia which provide or broker insurance regardless of the location of the program; Community Transportation Association of Virginia (CTAV) which brokers insurance for its members; Nonprofits' Insurance Alliance of California (NIAC) which writes policies for non-profit organizations in California and other states in which it is located; and Nonprofits United of California which writes policies for non-profits that own at least one vehicle. Attachment 3 includes information relevant to insurance for volunteer driver programs provided through these non-profit pools.



Volunteers generally purchase insurance for their personal vehicles through a local salesperson, broker or membership group. While there is no known insurance coverage for the financial risk related to the insurance deductible, some volunteer driver programs offer to cover the volunteer's deductible in the event of a crash.

#### D. Developing Policies and Procedures

In addition to identifying the risks, limiting exposure and purchasing insurance, a risk management strategy has the purpose of: (a) articulating risks and putting into place appropriate, systematic, day-to-day operating policies and procedures; and (b) establishing training programs that control risk and improve performance. In other words, there are a number of strategic actions in addition to limiting risk and purchasing insurance that volunteer driver programs can and should take to protect themselves and their volunteer drivers. What follows is a recommended list of risk management policies and programs for transportation service providers, including volunteer driver programs, suggested by the Non-profit Risk Management Center.



- standards for safe drivers and safe driving conduct
- specific criteria for selection and screening of drivers
- driver training in defensive driving
- driver training for emergency measures
- driver training in passenger treatment
- driver training for special vehicles
- regular maintenance and repair of service-owned vehicles
- insurance coverage for service owned and non-owned vehicles
- on-going evaluation of drivers, vehicles, and service delivery

These recommendations are not only meant to limit the risk of the sponsor, but to limit the risk of volunteer drivers. According to the Center, these contribute to good management practice, for “good management is good risk management.”



## PART 5

### EXEMPLARY RISK MANAGEMENT PRACTICES

The following are examples of risk management practices in five key areas: policies and procedures, driver recruitment, driver training, driver insurance coverage, and evaluation.

**Volunteer Driver Policies and Procedures** Many volunteer driver programs recognize that volunteers are not employees and should be treated as individuals who are freely giving their time for a worthy cause without pay. At the same time, there also is recognition that there are certain guidelines to which volunteers should adhere... for their safety, the safety of the sponsor, and the safety of the passenger. The Link Volunteer Driver Program of Hunterdon, New Jersey supplements the Hunterdon County Consolidated Transportation System by providing medically-related transportation for elderly and disabled. The program exercises risk management responsibility for 13 volunteer drivers who may only use County owned vehicles for transporting passengers. Policies and procedures for volunteer drivers include: (1) requirement for medical/physical exam, (2) proof of valid driver's license; (3) accident report and post-accident test requirement; (4) trips scheduled through LINK Central Dispatch only, (5) trips not to exceed 75 miles; (6) advance information when passenger assistance is required; and (7) requirement to report to Transportation Office to receive trip information and vehicle keys.

**Volunteer Driver Recruitment** Driver Recruitment, as it pertains to risk management, requires a screening process that will enable the program to select individuals who are capable of performing services required without posing a health or safety hazard to the passengers, the program, or to the public in general. Bedford Ride of Bedford, Virginia is a volunteer driver program associated with the Area Agency on Aging. In addition to recruitment activities by staff, the Bedford State Office of AARP has helped with recruitment by sending mailings to AARP members in Bedford Ride's service area. The program exercises risk management responsibility for 130 drivers. Volunteer driver screening includes a criminal background check, a DMV check, a drug test, verification of current drivers' license and verification of insurance. New volunteers are introduced to the program in a face to face interview during which the program and role of the volunteer are explained and a job description is provided.

**Volunteer Driver Training** If there is an accident, the insurer will want to know if the volunteer driver program provided training for drivers. If not, depending on the policy, they may choose not to cover the incident or it may change its rate structure. The YCCAC (York County Community Action Council) of Sanford, Maine encompasses a service area of more than 1,000 square miles and 29 towns. The volunteer driver program supplements YCCAC's primary transportation service that operates 17 bus routes 5 days a week. The volunteer driver program exercises risk





management responsibility for 55 volunteer drivers. Volunteer drivers receive training upon their acceptance into the program and are required to earn at least four driver training credits per year. The training is organized as an options-based continuing education activity that offers choices (defensive driving, first aid, CPR, safety seat transport, volunteer driver injury avoidance, basic sign language, dealing with mental illness). Drivers receive certificates acknowledging the completion of each course. The guiding rule for YCCAC as the program sponsor is to “give drivers everything we can think of in training, because they will be dealing with everything”. The variety of courses offered indicates that the YCCAC provides a driver training experience beyond that of most volunteer driver programs.

Volunteer Driver Insurance Coverage Insurance is an important factor in limiting the financial exposure due to the risks associated with operating a volunteer driver program. A sponsoring organization needs to purchase insurance, but the volunteer driver needs insurance as well. The RSVP of Dane County Driver Services Program of Madison, Wisconsin exercises risk management responsibility for 330 volunteer drivers. Insurance for the program includes coverage for the sponsor and excess coverage for non-owned vehicles. RSVP’s cost for insuring its transportation service in 2004 was \$3,678. In addition to coverage provided by the sponsor, each RSVP volunteer who participates in the program is eligible for three kinds of insurance (accident insurance, excess medical coverage, and accidental death and dismemberment coverage) because of the fact that Dane County Driver Services Program is affiliated with the National Senior Service Corps Programs. The insurance applies while the volunteer is performing his or her assignment and while on the way to and from the volunteer site, but does not replace the need for volunteer drivers to provide coverage for their vehicles. The RSVP of Dane County Driver Services Program was started in 1975 and has had no liability issues in its thirty years of operation. The National Service Corps Insurance program is administered by the CIMA Companies, Inc.

Volunteer Driver Evaluation Volunteer Driver evaluation is one of the key elements of a volunteer driver program. Programs use a variety of mechanisms to evaluate drivers (driver self-evaluations, passenger evaluations of drivers, annual surveys, and even focus groups). TRIP (The Transportation Reimbursement and Information Project) in Riverside, California is affiliated with the Riverside County Area Agency on Aging and partially funded by the Riverside County Transportation Commission. The program exercises risk management responsibility for 600 volunteer drivers. TRIP undertakes and documents annual driver evaluations that include rider input and program reviews.

## PART 5: RECOMMENDATIONS FOR ACTION

The recommendations below are specific to actions related to risk management that can be taken by, and on behalf of volunteer driver programs and organizations and groups that foster and support them.



- (1) Collect information about “the best of the best” volunteer driver program risk management practices and disseminate it to volunteer driver program sponsors.
- (2) Prepare and disseminate a booklet on *Risk Management Strategies for Volunteer Driver Program Sponsors* that includes a discussion of the concept of risk management, suggested strategies, and exemplary practices.
- (3) Prepare and disseminate a booklet on *Volunteer Driver Screening Strategies for Volunteer Driver Program Sponsors* by collecting information on “best practices” of volunteer driver screening and combining it with best practice screening criteria from the literature.
- (4) Collect information about “the best of the best” volunteer driver training programs and disseminate the information and related materials (such as job descriptions and class materials) to volunteer driver program sponsors.
- (5) Provide driver training program information (such as the AAFTS *Roadwise Review*) and training (such as AARP’s Driver Safety Program) free of charge as a mechanism for supporting volunteer drivers.
- (6) Undertake the research to determine the level of safety in volunteer driver programs as indicated by the number of crashes and legal actions during the past ten years.
- (7) Encourage insurance actuaries to meet to discuss how to set appropriate insurance rates for volunteer driver programs and volunteer drivers.
- (8) Explore with insurers the possibility of reducing the premiums of volunteer driver programs and volunteer drivers (by 10%, 15%, or 20%) which demonstrate safe driving as indicated by an absence of collisions for five or more years.
- (9) Broadcast information through the media and through national networks that insurers base their rates on mileage driven and do not cancel volunteer driver insurance policies when they have crashes.
- (10) Encourage program sponsors to support their volunteer drivers by self-insuring to cover the insurance deductible of volunteer drivers in the event of a crash and/or create a fund to pay the deductible of volunteer drivers across America in the event of a crash.



## CONCLUSION

In conclusion, risk management provides the method by which a volunteer driver program sponsor can acknowledge and identify potential downside and upside risks; evaluate and prioritize those risks; implement and communicate various risk management strategies; and monitor and update the risk management program. Such a program must include the interests and concerns of the sponsor as well as the interests and concerns of the volunteer drivers.

Many volunteer driver programs are sponsored by small, non-profit agencies that successfully recruit and screen volunteer drivers. However, because of their limited staff and resources, they are not able to engage in the extensive risk management practices that are set forth in much of the risk management literature. As a result, their activities are considered “primitive” and “high risk” by some professionals in transportation, even though most have had no crashes or incidents resulting in property or bodily damage or legal action after many years of providing transportation. The view that volunteer driver programs lack sophistication and do not pay sufficient attention to practicing good risk management must be overcome if volunteer driver programs are to be considered as viable transportation options for seniors and others in America.

There is an immediate need for action that will assist volunteer driver programs developing strategies, creating policies, and activating on-going risk management programs. Not only will such actions enhance the image and service delivery of volunteer driver programs, they also will help protect the programs, their drivers, their passengers and the community at large.

## RESOURCES

- (1) Bailey, L., *Aging Americans: Stranded without Options*, Surface Transportation Policy Project, April, 2004.
- (2) The Beverly Foundation. Survey of Volunteer Driver Programs and Volunteer Drivers, 2004 & 2005. (The results include a database of 186 volunteer driver programs and 728 volunteer drivers.)
- (3) Nonprofits' Insurance Alliance of California (NIAC). *Managing Volunteers Balance Risk and Reward*. [www.insurancefornonprofits.org](http://www.insurancefornonprofits.org) (no date)
- (4) Hardin, J., *High Priority Issues Facing Community-Based Volunteer Transportation for Seniors*, Community Transportation Association of America, January 2004.
- (5) Nonprofit Risk Management Center of Washington, D.C., *A Golden Opportunity: Managing the Risks of Service to Seniors*, 2003.



# ATTACHMENT 1

## CHARACTERISTICS OF SPONSORS AND DRIVERS

While there is no current estimate of the number of volunteer driver programs or volunteer drivers in America, it is believed that the Beverly Foundation maintains the most extensive database in the country. This database which was compiled in conjunction with the Foundation's 2004 and 2005 STAR Search survey of volunteer driver programs and volunteer drivers includes data on 186 programs and 728 volunteer drivers. The programs and their drivers are located in 37 states, plus the District of Columbia. (2)

### A. Characteristics of Sponsors

The sponsors of volunteer driver programs include many types of organizations: transportation services, senior centers, area agencies on aging, volunteer organizations such as interfaith groups, churches, community service agencies, retired and senior volunteer programs, and service organizations such as the Red Cross and the American Diabetes Association. They are located in communities throughout the country: large and small, urban and rural, and transportation risk and transportation poor.

Volunteer driver programs receive funding from many sources. The primary source of funding appears to be grants from public and private sources followed by tax revenue. While rider fees provide a source of revenue for many programs, they are not available to many programs since a large number do not charge fees to their riders. While they provide transportation to a variety of destinations, the greatest number of rides appears to be to medical services and appointments followed by rides for shopping and personal activities.

There are several questions that are asked about the operation and viability of volunteer driver programs. How much do they cost? How many people do they serve? Who are the volunteer drivers? What kind of vehicles do they use? What assistance do they provide? What is their collision experience? Are they sustainable? Answers to these questions from 186 volunteer driver programs are provided in the accompanying chart.

Program Profile	
Total Number Drivers	10,583
Total Number Riders	251,163
Average # Years In Operation	16.5
Average Budget	\$86,890.15
Average Cost Insurance	\$3,062.57
Total Number of Collisions	9 (2003/4)
Total Cost of all reported Collisions	\$50,241 (2003/4)
<b>* Source: Star Search 2004-5 Organization Survey</b>	



The chart indicates that the programs surveyed involve a large number of volunteer drivers and provide a large number of rides. Some have budgets in the range of \$20,000 per year while others have budgets of more than \$4,000,000 per year. The way they are organized and the number of rides they provide will generally determine their cost. The fact that many volunteer driver programs have been in existence for a long period of time, suggests that such programs can be sustained.

## B. Characteristics Of Volunteer Drivers

Volunteer driver program sponsors say that drivers are “the heart and soul of a transportation service” and maintaining an enthusiastic, well-trained driving staff is the key to the success of their program regardless of whether the drivers are paid or volunteer, and regardless of who owns the vehicle. The accompanying charts include responses from 728 volunteer drivers and provide information on who the volunteer drivers are and why they volunteer to drive. The data sources were the 2004 and 2005 STAR Search Volunteer Driver Surveys.

Volunteer drivers come from all walks of life. Some are homemakers who bring their children along for the ride, and others are empty nesters who are looking for something to do since after-school and weekend soccer games are a thing of the past.

Some are students who are just beginning their adulthood, and others are retirees who have completed their paid work life. Some are people who lease big expensive luxury cars, and others own old, utility vans. Some are CEOs who squeeze in an hour or two a week between appointments, and others are hourly employees who have more time than money. Some are mobile and run marathons, and others are disabled and have to use wheel chairs and assistive devices. Some go to church every Sunday and others drive someone else to church every Sunday.

**Volunteer Driver Profile**

Age	Under 65 Over 65	
Length of Service	3 Years or Less More than 3 Years	
Ethnic Background	Caucasian Other	
Time Commitment	1-5 hr. per Week 6-10 hr. per Week	
Top Two Trips	Medical Shopping	

Volunteer drivers commit themselves to becoming a driver for a neighbor, a friend, or a

### **Top 5 Motivations of Drivers**

- to help others
- to do something meaningful
- to give back to the community
- to stay active
- because I was asked

complete stranger; and often continue for many years. In rural areas they are especially dedicated, as each trip may require many miles of driving and many hours of assistance. While some drivers only provide transportation to non-emergency medical services; others take their passengers to the library, to the bank, to visit a friend, to volunteer activities, and even to the barber shop or hair dresser. They

look at driving as an opportunity to meet wonderful people, to have interesting experiences, to contribute time rather than money, and to give back to the community.



They say that getting to know the passengers is one of their greatest sources of satisfaction.

In summary, volunteer drivers can be just about anybody. They say their concerns about driving are related more to delivering transportation (finding time to drive, locating destinations) than about liability or costs. They undertake many activities, and they have many reasons for volunteering to drive. Above all, they say that they receive much more than they give.\*

\*An extensive discussion of programs and volunteer drivers can be found in the Report on STAR Search 2004 on the Beverly Foundation Website at [www.beverlyfoundation.org](http://www.beverlyfoundation.org). Data related to volunteer drivers and stories about their experiences can be found in *Stories From The Road: Volunteer Drivers Tell It Like It Is*. This book was published by the Beverly Foundation in late 2005 and is available on Amazon.com.



## ATTACHMENT 2

### HOW IS INSURANCE COVERAGE AFFECTED BY VOLUNTEER DRIVER PROGRAM DESIGN?

#### **Question: When does the insurance issue kick in?**

Not so long ago, our TurnKey Kit work group was asked a question about insurance. The question was framed with two volunteer driver program options:

- (1) a public information campaign where a group encourages citizens, churches, and service clubs to reach out to seniors in their communities and "offer a neighbor a ride." A kind of "pure person-to-person volunteerism."
- (2) a volunteer driver program where seniors are matched with a volunteer, where they call a central number for information about rides, where people are scheduled for rides; where volunteers get reimbursed for rides; and provide assistance to and from the vehicle, to and from the destination, and perhaps even at the destination.

#### **Response**

It may be helpful to look at the volunteer driver insurance as a three track issue.

- Track 1: the volunteer driver is driving family members, or friends, or neighbors without the involvement of an organization or transportation program
- Track 2: the volunteer driver is driving family members, friends, neighbors, strangers...anyone...as part of an organized program that recruits drivers, schedules rides, and reimburses for mileage.
- Track 3: the volunteer driver not only drives the rider from one point to another in the vehicle (owned by the driver or the sponsoring organization) but also provides door-to-door or door-through-door "supportive transportation" to the rider.

**Track 1** In the first example the "volunteer ride" is arranged between two people (or perhaps a lot of people get together) and one person volunteers to drive. Such a one-on-one, person-to-person agreement would not (necessarily) affect the insurance of the driver. According to professionals in the insurance industry, actuaries base their insurance ratings on miles driven and not who is riding in the car. They also base their ratings on fares or payment for rides (as with taxis or private shuttles), so if the rider pays the driver, it may well affect the driver's insurance. However, this would fall into



the Track I category in the case of a purely “volunteer ride” or the “offer a friend a ride” program.

**Track 2** In the second example, an organization (i.e. a sponsoring organization such as a church, senior center, RSVP, AAA) recruits drivers, organizes rides, and/or reimburses drivers for mileage. It doesn’t affect the insurance of the driver unless the volunteer driver adds considerably more miles to his or her annual miles driven because of volunteering to drive, or unless the driver accepts payment for the rides, in lieu or in addition to mileage reimbursement.

- While some people say that insurers increase premiums when people serve as volunteer drivers, there is no data to support that claim. (In some instances that could happen, but it is probably the agent or broker who is making the decision and is not a company policy.)
- Some people also think that they will not be covered by their personal insurance when providing rides as a volunteer driver. Because an auto insurance policy is basically a “standard contract” that does not allow the purchaser of the service to negotiate either the services that are received nor the amount that is paid for the service (the premium), unless a coverage is specifically excluded by a policy, passengers of a volunteer driver are covered. We are not aware of any policy that specifically excludes coverage of a passenger in a volunteer driver’s vehicle.

Of great importance is the fact that whoever owns the vehicle will be responsible for insuring the vehicle. If the volunteer driver is driving a vehicle owned by the sponsoring organization (of the volunteer driver program) the program is responsible for insurance. Alternately, if the volunteer driver is driving his or her personal automobile to provide transportation, the volunteer driver’s insurance is the first line of coverage in the event of property damage or bodily injury. So long as no payment is received for the service that the volunteer provides, other than a mileage reimbursement that does not exceed the Internal Revenue Standard Rate limit then in effect, the “vehicle for hire” exclusion would not apply. Whichever the case, providing transportation involves risk related to property damage or physical injury, and both the sponsoring organization and volunteer drivers need to be aware of their potential liability, their exposure and ways they can limit their exposure, and the importance of purchasing insurance to cover any losses in the event of property damage or bodily injury.

**Track 3** One of the reasons volunteer driver programs are organized is because riders need extra support in order to access transportation and services. Some people call it arm-to-arm support, others call it chair-to-chair support, still others call it door-to-door and door-through-door support. What is important with respect to risk is that it increases the risk beyond that of normal transportation services because the volunteer driver is not just driving the vehicle but also physically helping the passenger, and perhaps even going into the passenger’s residence. Many volunteer driver programs have a “don’t ask, don’t tell” approach to such “supportive transportation” but such





activities can be insured, and many programs have discovered the best way to insure them is through their general liability policy or the purchase of a special rider to their general liability policy.

However, if a volunteer meets certain criteria under the Volunteer Protection Act of 1997, he or she has a complete defense to an action, excluding motor vehicle accidents that are covered by automobile insurance, and has no liability for providing volunteer services. This protection only applies to volunteers for a government or non-profit sponsoring agency. Attachment 4 provides an overview of the Volunteer Protection Act (Public Law 105-19) and how it affects volunteer liability.

**Conclusion** Volunteer driving poses risks to the passengers, the drivers and the program sponsors. Sponsors and volunteer drivers need to be aware of risk and need to have the confidence that comes with being insured in the event of an accident that causes property damage or bodily injury. While some sponsors say they find it difficult to purchase insurance coverage, most successful volunteer driver programs are able to insure destination transportation (driving the vehicle from here to there) as well as supportive transportation (helping the passenger to and from the vehicle and destination and at the destination). Supportive activities are especially important when providing transportation to older adults...and it can be a very difficult concept to get across to agents, brokers, and even actuaries.

What is important is that regardless of the range of services provided, there will be a concern about liability (related to property damage or bodily injury) and both the sponsor and the volunteers should be protected. Obviously, any sponsor will want the normal range of insurance coverage (general liability, personal property, and directors insurance) and insurance related to the volunteer driver program as well (commercial liability and insurance for the volunteer drivers...especially excess auto liability insurance). Volunteer driver program sponsors need to find inexpensive ways to address the risks that they and their volunteer drivers often face. In addition to covering risks, such coverage can provide a great recruitment tool for volunteers concerned about their liability and exposure. Some volunteer driver programs piloted by the Beverly Foundation have expanded the "we value your contribution" message to volunteer drivers by volunteering to pay the volunteer driver's deductible in the event of a crash.

Attachment 3 provides a comparison of non-profit companies that insure volunteer driver programs.



## ATTACHMENT 3

### COMPARISON OF SELECTED NON-PROFIT INSURERS

Company	Nonprofits' Insurance Alliance of California (NIAC)	Non-Profits United	THE CIMA COMPANIES, INC.	Community Association Of Virginia (CTAV)
Contact Information	PO Box 8507 Santa Cruz, CA 95061-8507 Tel: (800) 359-6422 Fax: (831) 459-0853 <a href="mailto:info@niac.org">info@niac.org</a> <a href="http://www.niac.org">www.niac.org</a>	344 Thomas L. Berkley Way, Suite 340 Oakland, CA 94612-3505 Tel: (800) 442-4742 Fax: (510) 763-2941 <a href="mailto:info@nonprofitsunited.org">info@nonprofitsunited.org</a> <a href="http://www.nonprofitsunited.org">www.nonprofitsunited.org</a>	216 South Peyton St. Alexandria, VA 22314-2892 Tel: (800) 468-4200 Fax: (703) 739-0761 <a href="mailto:Volunteers@cimaworld.com">Volunteers@cimaworld.com</a> <a href="http://www.cimaworld.com">www.cimaworld.com</a>	109 North Bailey Lane, Purcellville, VA 20132 Tel: (888) 534-0400 Fax: NA <a href="http://www.ctav.org">http://www.ctav.org</a> <a href="mailto:info@ctav.org">info@ctav.org</a>
Type	Non-Profit (Organized under California Risk Retention Laws)	Non-Profit (Self-insurance pool)	For-Profit (Property/casualty and employee benefits broker)	Non-Profit Association of Transportation Providers
Insures	NIAC writes policies for 501(c)(3) nonprofits operating in California  NOTE: 1. NIAC belongs to the Nonprofits Insurance Alliance Group. The Nonprofits Insurance Alliance Group consists of four companies: Alliance Member Services; Alliance of Nonprofits for Insurance, Risk Retention Group; National Alliance of Nonprofits for Insurance; and the Nonprofits' Insurance Alliance of California. All of the companies are nonprofits that provide liability insurance to nonprofits. 2. The group writes in 19 states and the District of Columbia, and it insures more than 6,400 nonprofits.	California 501(c)(3) nonprofits with at least 1 vehicle registered to organization	Writes policies for non-profits, as well as serving for-profit businesses	Offers <i>Selective Insurance Company</i> coverage for association members through: Cabell Insurance Associates PO Box 7606 Charlottesville, VA 22906 Tel: (800) 541-1418 Fax: (434) 977-3954 <a href="http://cabellinsurance.com">http://cabellinsurance.com</a> <a href="mailto:cabell@cabellinsurance.com">cabell@cabellinsurance.com</a>  NOTES: 1. CTAV is oriented towards van and bus service providers. 2. Cabell Insurance Associates are licensed in many states on a non-resident basis. Contact Cabell to determine if agents are able to work in your state. 3. Selective Insurance Group insures businesses and public entities through approximately



	3. The website for information about insurance of non-profits, by the Nonprofits Insurance Alliance Group, in or outside of California, is: <a href="http://www.insurancefornonprofits.org">http://www.insurancefornonprofits.org</a>			750 independent agents in <a href="#">20 eastern and Midwestern states</a> . To find an agent go to: <a href="http://www.selectiveinsurance.com">www.selectiveinsurance.com</a>
Assets as of 2004	\$113.9 million	\$ 9.4 million	Unknown	Unknown
Guarantees	Reinsure excess over 300K with Swiss Re, A.M. Best A+ rated	Reinsure excess over 500K with A.M. Best A+ rated companies	Access to all major insurers, in both U. S. and domestic markets	Selective Insurance is A.M. Best rated A+
Rating	A.M. BEST A (EXCELLENT)	None	Rating dependent on insurer placement	Selective Insurance is A.M. Best rated A+
Number of Members	5,000+	300+	Not applicable	NA
Liability Coverages	<ul style="list-style-type: none"> <li>✓ Commercial General</li> <li>✓ Directors &amp; Officers</li> <li>✓ Social Service Professional</li> <li>✓ Improper Sexual Conduct</li> <li>✓ Umbrella</li> <li>✓ Employee Benefits</li> <li>✓ Commercial Property</li> <li>✓ Employee Dishonesty</li> <li>✓ Non-owned/Hired Auto Liability – excess insurance coverage for employee's or volunteer's use their own vehicles on company business (can be written without owned autos)</li> </ul>	<ul style="list-style-type: none"> <li>✓ Motor Vehicle Liability Coverage - \$1,000,000 minimum coverage per occurrence with higher limits available - Deductibles of \$0 - \$10,000 <ul style="list-style-type: none"> <li>○ Bodily Injury and Property Damage Coverage - for damages resulting from an occurrence involving the ownership, maintenance or use of a covered vehicle.</li> <li>○ Non-Owned and Hired Auto Coverage - for vehicles that are leased, rented, borrowed or hired for agency use, and for employee-owned personal autos used by agency. Coverage is in excess</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>✓ Commercial General</li> <li>✓ Property</li> <li>✓ Umbrella</li> <li>✓ Professional Liability</li> <li>✓ Directors &amp; Officers</li> <li>✓ Volunteer/Employee Dishonesty</li> <li>✓ Volunteer Insurance Service: <ul style="list-style-type: none"> <li>○ Volunteer Accident</li> <li>○ Personal liability insurance</li> <li>○ Excess automobile liability insurance above the volunteer's own insurance</li> </ul> </li> </ul> <p>[NOTE: The 3 coverages above are recommended by CIMA and currently cost \$10.50 per year per volunteer, in addition to the \$135 annual VIS organizational membership fee and other basic organizational insurance</p>	<ul style="list-style-type: none"> <li>✓ Commercial General (volunteer and temp workers included)</li> <li>✓ Property</li> <li>✓ Professional Liability</li> <li>✓ Fiduciary Liability</li> <li>✓ Directors and Officers</li> <li>✓ Umbrella</li> <li>✓ Sexual Misconduct</li> </ul>



		<p>of the registered owner's limits, up to your policy limits.</p> <ul style="list-style-type: none"> <li>○ Uninsured and Underinsured Motorists Bodily Injury Coverage –when injured in an accident caused by the owner or driver of an uninsured or underinsured motor vehicle.</li> <li>○ Motor Vehicle Medical Payments Coverage - \$5,000 coverage per person with a maximum of \$35,000 per occurrence.</li> </ul> <p>NOTE: Coverages specified for Non-Profits United are included in Business Auto policies written by NIAC and the CIMA Companies. The "Back-up vehicle" discounts and the "pro-rated premium for seasonal use of vehicles" (below) are rating issues and do not provide any specific coverage.</p>	coverages, such as general liability, directors and officers, etc.]	
<p style="text-align: center;"><b>Vehicle Comprehensive and Collision</b></p>	<ul style="list-style-type: none"> <li>✓ Business Auto Liability – may be written to cover liability only or may include physical damage</li> <li>✓ Student/Volunteer/Participant Accident - provides a limited amount of coverage for injury (depending on the specific coverage) on a no-fault basis. It is not workers' compensation coverage.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Physical Damage coverage for up to Actual Cash Value of vehicles - \$500 deductible</li> <li>✓ Uninsured Motorist Physical Damage (UMPD) alternative for owners of older vehicles</li> <li>✓ “Back-up vehicle” discounts - for vehicles used only occasionally</li> </ul>	<ul style="list-style-type: none"> <li>✓ Business Auto</li> </ul>	<ul style="list-style-type: none"> <li>✓ \$35,000 Hired Car physical damage</li> <li>✓ \$500 physical damage for employee or volunteer owned vehicles</li> </ul>



		<p>while regular vehicles are rotated out for repairs or maintenance.</p> <ul style="list-style-type: none"> <li>✓ Pro-rated premium for seasonal use of vehicles.</li> </ul>		
<b>WORKER'S COMP</b>	Not offered	Offered	Offered	Offered
<b>Risk Management Assistance</b>	<ul style="list-style-type: none"> <li>✓ Driver training program</li> <li>✓ DMV Pull service</li> <li>✓ Video lending library</li> <li>✓ Subsidized employee handbook service</li> <li>✓ Self-assessment tool</li> <li>✓ Subsidized attorney consultation service</li> <li>✓ Seminars and presentations</li> <li>✓ Technical assistance hotline</li> </ul>	<ul style="list-style-type: none"> <li>✓ On-site defensive driving classes</li> <li>✓ Instructor Training Course (ITC) to assist members needing driver training.</li> <li>✓ On-site safety visits bring personalized Risk Management consultation right to our members.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Risk management services on a fee basis, separate from the sale of any insurance, through <i>Risk Control Services</i> subsidiary</li> <li>✓ \$135 annual <i>Volunteer Insurance Service</i> membership fee includes: <ul style="list-style-type: none"> <li>○ <i>VIS Connections</i> newsletter</li> <li>○ Library of information relating to management of risks in the nonprofit organization</li> <li>○ Research available and appropriate insurance relating to volunteer activities</li> <li>○ Consultation on risk management issues via a toll-free line.</li> </ul> </li> </ul>	<p>Through Selective Insurance Group:</p> <ul style="list-style-type: none"> <li>✓ Video lending library</li> <li>✓ On-line Defensive Driving Course</li> <li>✓ On-line Safety and Health Training</li> </ul> <p>Through CTAV:</p> <ul style="list-style-type: none"> <li>✓ Technology EXPO and Training Conference</li> <li>✓ Defensive Driving</li> <li>✓ Wheelchair Securement and Lift maintenance</li> <li>✓ Passenger Assistance Techniques</li> <li>✓ FTA Drug and Alcohol</li> <li>✓ Supervisory Training</li> <li>✓ Vehicle Maintenance.</li> </ul>



# ATTACHMENT 4

## THE VOLUNTEER PROTECTION ACT OF 1997

### (PUBLIC LAW 105-19)

Volunteers for a non-profit 501(c)3 and volunteers for government entities, like school districts, are protected from law suites under the provisions of the Volunteer Protection Act of 1997. In the 1980s, many volunteers were being sued for non-criminal activities that had inadvertently brought harm to another.

A famous case was the little league volunteer coach who was sued because he repositioned his Little League shortstop to the outfield, and in the outfield the Little League shortstop then misjudged a fly ball and sustained an eye injury. Many felt that something had to be done because the willingness of volunteers to offer their services was being eroded by the potential for liability actions against them. Senator Paul Coverdell introduced the bill that found immediate bipartisan co-sponsors and wide support. According to then Senator Ashcroft, “***The history of this country is that we have not only protected our family, we have enriched our families by helping our neighbors because we have been taught one of the most important values of life, that is, that we are not alone, that we live together in community.***” Most everyone in the 105th Congress agreed.

The Act generally provides that, if a volunteer meets certain criteria, he or she has a complete defense to an action and has no liability. Under the Act, a “volunteer” is anyone who:

- performs services (including officers, directors, trustees, and direct service volunteers); for a nonprofit organization or governmental entity; and
- receives no compensation other than reasonable reimbursement for expenses incurred and does not receive anything of value in lieu of compensation of more than \$500 per year. [NOTE: Mileage reimbursement at a rate that does not exceed the current IRS Standard Rate is a “reasonable reimbursement”.]

The Act *does not* provide liability cover for someone who commits a criminal act while volunteering, nor does it protect a volunteer for harm resulting from “gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer”. Additionally, the Act excludes coverage for automobile accidents and stipulates that protection for driving accidents is otherwise provided by State requirements that drivers be appropriately licensed and that drivers “maintain insurance”.

For example, if a volunteer, who has been recruited by transportation service of a non-profit organization, is involved in an automobile accident, the volunteer is not covered by the Volunteer Protection Act, but will be covered by their personal auto insurance. If on



the other hand, a person being helped by a volunteer for the same non-profit to walk from the vehicle into their home, or into a doctor's office, and the volunteer is carefully assisting their rider without negligence, the volunteer would have liability coverage under the ACT.

The Volunteer Protection Act does not, however, protect the sponsoring agency – only the volunteers for government or non-profit agencies. The sponsoring agency must purchase general liability, excess auto, and other insurance coverage to protect it against potential actions.