

WE COULDN'T DO IT WITHOUT YOU!

It's a fact: many people in our communities need help getting to the places they need to go. Whether they are no longer able to drive, they have a disability that prevents them from driving, or there is no public transportation available -- many of our neighbors are not as mobile as they would like to be.

Who provides the helping hand? Volunteer Drivers!

Volunteer Drivers are vital to the well-being of our community. You are often the only transportation that links people with critical services and activities necessary for a healthy, productive life.

WE WANT YOU TO FEEL SAFE.

The liability of volunteers as they do their work has become a concern in recent years. While accidents do happen, the reality is that very few volunteers have ever been sued. And we want to keep it that way.

If you're starting to get worried, don't. We hope this brochure will reassure you about how safe you are, and also answer your questions. Knowing the facts about Minnesota law and how your insurance works should keep you feeling great about volunteering.

The truth is, volunteers in most situations are protected by law.

How you are protected is determined by the kind of agency for which you volunteer. According to current Minnesota law:

- Volunteers in programs operated by voluntary, nonprofit agencies and organizations (those exempt under MN Statute 290.05) are immune from civil liability as long as they are acting in

good faith and within the scope of their volunteer responsibilities. There are exceptions to this general rule for instance, when the volunteer directly injures someone or causes wrongful death. If the injury occurs in a car accident, the volunteer's automobile liability insurance provides coverage of a lawsuit. See "The 'what ifs?' of accidents and liability" section.

Volunteers in established programs operated by state or local units of government (for example, the city, county, park, or school district) are protected by the state or local unit of government for which they volunteer. They are *indemnified* which means that in case of a lawsuit, the unit of government will provide legal assistance and/or pay damages. The exceptions noted above also apply.

- Volunteers in programs operated by for profit organizations (some nursing homes or residential care facilities, for instance) are not covered by immunity or indemnification under state law. In this case, ask if the organization has a risk management program and/or insurance for volunteers, and how it affects you.

Keep in mind that your insurance works for you.

- **Your insurance rates will not be increased** just because you use your car as a Volunteer Driver. However, your rates may be affected if you drive a significant number of additional miles each year.
- **Insurance companies cannot refuse to pay claims** because you use your car as a Volunteer Driver. Keep in mind, though, that your personal auto policy does not cover "a vehicle used for hire or as a taxi." Basically, this means you should not accept payments or gifts from passengers it could be viewed as using your vehicle "for hire."
- You can receive a donation that goes to your volunteer organization. Plus, your organization may *reimburse* you for normal mileage expenses, as long as the

reimbursement rates fall within Internal Revenue Service (IRS) regulations. Call (800) 829-1040 if you need details. Reimbursement that exceeds IRS regulations could be considered taxable income.

- Insurance companies cannot cancel, or refuse to renew, your personal auto insurance policy because you are a Volunteer Driver. If you think this has happened, contact the Enforcement Division of the Department of Commerce at (651) 296-2488.

FOR MORE INFORMATION

Contact the following organizations:

- ▶ Minnesota Department of Commerce: Consumer Response Team
651-296-2488,
or
toll free 800-657-3602.
- ▶ Minnesota Board On Aging
651-431-2500
MN Relay: 711 or 1-800-627-3529
www.mnaging.org
- ▶ Minnesota Department of Transportation: Office of Transit
651-366-4191

For help managing a safe volunteer program, your organization may want to contact the Nonprofit Risk Management Center www.nonprofitrisk.org

Thanks for helping Minnesotans get where we need to go!

Remember:

This brochure does not take the place of your insurance policy or legal advice. Volunteer immunity and indemnification laws are relatively new in Minnesota and have not yet been tested in the courts. Refer to your insurance agent or attorney with specific questions. Your insurance policy is the legal document that decides the insurance coverage in each case.



VOLUNTEER DRIVERS

Getting There Safely

Insurance & Liability Information

Minnesota Board on Aging,
Minnesota Department of Human Services
and
Minnesota Department of Commerce
and
Office of Transit, Department of Transportation



The 'what ifs?' of accidents and liability:

■ What if I'm in an accident as a Volunteer Driver and a passenger is injured?

Minnesota law provides for personal injury protection coverage which compensates victims of automobile accidents without proof of negligence on anyone's part ("personal injury insurance protection"). In this case, an injured passenger's own automobile insurance provides reimbursement for medical expenses or lost income (within specified limits).

Injured passengers should first seek coverage for medical and lost wage expenses under their own personal injury protection insurance policy, or the policy on a vehicle where they are a resident of the household. If the passenger has no policy, under no-fault law the driver's policy would provide coverage.

The second part of the law provides for *automobile liability insurance*. As a Volunteer Driver, your automobile liability insurance covers you for "bodily injury and property damages resulting from your negligence." Thus, if a passenger sues you for injuries suffered in an accident while riding in your car, your personal automobile insurance policy provides coverage.

There are exceptions, such as commuter vans and vehicles used to transport children as part of family day care programs, or to school, or a school-sponsored activity. Please check with your insurance agent if you have a question.

■ What if my passenger falls and is injured as I walk that person to or from my car?

Coverage is the same if an accident occurs while entering or alighting from the vehicle. (See previous 'what ifs'.) If the passenger falls going into a building, the party responsible for the accident is liable.

■ What if I'm in an accident but I'm driving the organization's vehicle, not my own?

Since liability "follows the vehicle" the organization's insurance will provide coverage. Personal injury protection coverage benefits will be provided by the passenger's automobile insurance. If the passenger has no policy, the organization's personal injury protection insurance will respond.

■ What if I'm transporting items (meals, equipment, blood) rather than people?

The organization for whom you're volunteering should assume responsibility for property in your care because your personal automobile insurance policy will not cover others' property. Check with the organization to make sure its insurance covers its transported property.



BE PREPARED ---- THE BEST WAY TO STAY SAFE.

As a Volunteer Driver, you should:

Check your own insurance before volunteering, and also ask about the organization's insurance. Be sure the organization will cover property transported in your vehicle.

- Make sure you have a valid driver's license. The standard "Class C" driver's license applies to most vehicles a volunteer could drive, but there are exceptions for vehicles such as school buses. Ask your volunteer organization if a special license is needed.
- Attend all job-related orientation and training offered by your volunteer organization, and keep records of your participation. Know and abide by all established policies and procedures.
- Have all passengers wear seat belts. When transporting children, use age-appropriate seat restraints.
- Stay within the scope of your volunteer responsibilities. Insurance provides coverage for you as a volunteer only for accidents that happen while you are carrying out the duties you are specifically asked to perform.
- Take a defensive driver training course. Minnesota law provides 10% credit on insurance rates for drivers age 55 and older who complete the course and show evidence to their insurance company.

- Report any medical problems that might affect your driving to the volunteer organization.
- Keep your car well-maintained.

The volunteer Organization should:

- Check for a valid driver's license and adequate automobile insurance.
- Provide orientation, training, and refresher training to stimulate and increase volunteers' driving skills and ability to help passengers.
- Provide a job description outlining the scope of the volunteer's responsibilities, with clear instructions and policies spelled out.
- Accept volunteers as part of a team, including them in training and meetings that pertain to their volunteer responsibilities.
- Establish and communicate lines of supervision, so volunteers know to whom they are responsible.
- Inform drivers of tax regulations and benefits.
- Maintain accurate volunteer records.