



ADDRESSING THE RISKS OF VOLUNTEER DRIVERS IN TRANSPORTATION



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As nonprofits face increasing financial constraints, many organizations are exploring alternative solutions to manage costs, including the use of volunteer drivers using their personal vehicles for organizational transportation.

While this approach may offer immediate financial relief, it introduces significant risks and potential liabilities for both the drivers and the organizations. This bulletin examines the key factors that could lead to substantial legal awards against both parties, emphasizing the need for stringent standards and practices to ensure safety and mitigate risks.

- 1. Driver Screening:** One of the most critical factors in ensuring the safety of transportation is the thorough screening of volunteer drivers. Nonprofits must implement comprehensive background checks to identify any criminal history and review Motor Vehicle Records (MVRs) for driving violations or other red flags that could indicate a potential risk. MVRs should be run initially and at least annually thereafter to ensure the driver stays in good standing with the state for which they hold a license in. Without proper screening, nonprofits may inadvertently allow individuals with unsafe driving records or criminal backgrounds to transport items on behalf of the nonprofit, increasing the likelihood of accidents and subsequent legal claims.
- 2. Driver Experience and Training Curriculum:** Experience and training are paramount in ensuring that volunteer drivers are capable of safe driving. Nonprofits should establish minimum experience requirements for volunteer drivers, such as a certain number of years of driving experience or a clean driving record. Additionally, a standardized training curriculum should be developed to educate drivers on safe driving practices, emergency procedures, and the specific needs of the organization. Lack of experience and inadequate training can lead to accidents, putting people at risk and exposing an organization to liability.

- 3. Personal Automobile Insurance:** Volunteer drivers must have personal automobile insurance sufficient to cover today's costs if they are driving their own vehicles. It is recommended that drivers carry a minimum of \$300,000 Combined Single Limit (CSL) coverage. This level of insurance helps ensure that there are adequate funds available to cover any potential damages or injuries resulting from an accident. It is also important that the driver's personal policy does not have a "commercial use exclusion" which would nullify the coverage if being used in a commercial setting, such as the setting currently at hand. Nonprofits should verify the insurance coverage of all volunteer drivers and require proof of insurance before allowing them to transport on behalf of the organization. Inadequate insurance coverage can leave both the driver and the nonprofit financially vulnerable in the event of an accident.



4. Distracted Driving Guidelines: Distracted driving is another critical issue that can compromise the safety of volunteer drivers and their passengers. Nonprofits should implement strict guidelines to prevent distracted driving, including prohibiting the use of mobile phones and other electronic devices while driving. Additionally, drivers should be educated on the dangers of distracted driving and encouraged to focus solely on the task of driving. Accidents resulting from distracted driving can lead to significant legal awards against both the driver and the organization.

5. Drowsy Driving: Drowsy driving is a significant concern that can impair a driver's ability to operate a vehicle safely. Nonprofits must establish guidelines to prevent drowsy driving among volunteer drivers, such as limiting the number of hours a driver can operate a vehicle without rest and ensuring that drivers are well-rested before transporting on behalf of the organization. Failure to address drowsy driving can result in accidents caused by impaired reaction times and decreased awareness, leading to potential legal claims against both the driver and the nonprofit.

6. Vehicle Maintenance Records: The condition of the vehicles used for transportation is a crucial factor in ensuring safety. Nonprofits must require volunteer drivers to maintain their vehicles in good working order and provide regular maintenance records. This includes routine checks of brakes, tires, lights, and other essential components.

Failure to maintain vehicles properly can result in mechanical failures and accidents, exposing both the driver and the nonprofit to liability.

7. Written Contract: There should be a written contract between the nonprofit and all volunteer drivers outlining each party's responsibilities. This contract should detail the expectations for driver conduct, vehicle maintenance, insurance requirements, and accident reporting procedures. By clearly defining the roles and responsibilities of both parties, potential misunderstandings and disputes can be minimized, and accountability can be established.

8. Accident Claims Reporting: Prompt and accurate reporting of accidents is essential in managing potential legal claims. Nonprofits should establish clear procedures for reporting accidents involving volunteer drivers, including immediate notification of organization authorities and insurance providers. Detailed documentation of the incident, including witness statements and photographs, should be collected to support any potential legal defense. Failure to report accidents promptly and accurately can complicate legal proceedings and increase the likelihood of significant awards against both the driver and the organization.



While the use of volunteer drivers may offer a cost-effective solution for nonprofits, it introduces substantial risks that must be carefully managed. Implementing stringent standards and practices for driver screening, experience, training, drowsy and distracted driving prevention, vehicle maintenance, personal automobile insurance, written contracts, regular monitoring, and accident reporting is essential in mitigating these risks. By prioritizing safety and establishing comprehensive guidelines, nonprofits can help protect both their volunteers and themselves from potential legal liabilities and ensure a safer transportation environment.

Gallagher National Risk Control has a group of nonprofit health and safety experts who understand the unique exposures and challenges of the industry as it stands today. Please don't hesitate to reach out to your Gallagher team and engage the National Risk Control for more tools, trainings and resources on this and other relevant topics.

