



# Risk Management Considerations for Volunteer Drivers in Ontario

## The Law

Ontario law mandates that the registered owner of the vehicle bear the primary responsibility for liability arising from the ownership, use or operation of their vehicle. This is found within the *Insurance Act* of the Province of Ontario which is the governing legislation for automobile insurance in Ontario.

## Does the law change when a volunteer is driving their own vehicle on behalf of and for the municipality?

No, the law does not change. Whenever the vehicle is driven, regardless of who is driving the vehicle, or for what purpose the vehicle is being used, the owner of the vehicle bears the primary responsibility for liability. It is the owners' automobile policy that will be the primary responding policy in the event of an accident.

## Why does the owner's automobile's policy respond?

The insured vehicle(s) is attached to the automobile insurance policy. Therefore, whenever the vehicle is used, the automobile policy insuring the vehicle responds to any accidents involving that insured automobile.

## Risk Management Considerations for Volunteer Drivers

1. Since the volunteer's insurance policy is the primary responding policy, it is imperative that:
  - The vehicle is insured.
  - Sufficient levels of Third Party Liability coverage be carried by the owner of the vehicle (the mandatory minimum limit of liability insurance in Ontario is \$200,000).
  - The municipality obtain evidence in the form of a letter from the employee/volunteer's insurance broker confirming that insurance is in effect and the policy recognizes the employee/volunteer's work-related use.
2. Request proof of insurance on an annual basis.
3. Implement a written policy that specifies:
  - Minimum levels of liability insurance for those who operate their own vehicle on behalf of the municipality.
  - The number and type of license convictions that is acceptable (i.e. careless driving; impaired driving; speeding tickets).
  - Accident history – number of accidents in the last three years that is acceptable.

- Expected maintenance standards especially if vehicle is used to carry passengers.
- Motor Vehicle Reports (MVRs) ordered annually to ensure that all drivers hold a valid driver's license.
- The completion of a questionnaire to gather information on current drivers. The questionnaire will ask questions about previous driving history; convictions; accidents; information collected will be subject to privacy legislation.
- Your hands-free communication policy.
- Your requirements in any contract.

## Volunteer Driver Pledge Form

Some organizations will ask volunteers to sign a Volunteer Driver Pledge Form. The form states that volunteers:

- Provide evidence of current status as a licensed driver, current auto insurance policy and vehicle registration.
- Comply with all of the policies and procedures that have been provided.
- 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.
- Promptly notify supervisor of any physical conditions, vehicle defects or road conditions.
- Notify supervisor of any traffic citations received while driving on personal time.
- Attend driver training if requested.
- Agree to complete an accident report, cooperate with the police, supervisor, organization's insurer, insurance adjuster and legal counsel, should an accident occur.

The Volunteer Driver Pledge Form should include a statement similar to this sample and should be signed by every volunteer who drives as part of their duty.

### Sample:

I pledge that if I drive my own vehicle on behalf of (name of organization), adequate insurance will always be in force; and I also understand that as a volunteer driver, the limits and coverage's provided by my personal automobile insurance are applicable to any accidents or incidents that involve my vehicle, including those that occur while I am serving as a volunteer driver for (name of organization).

Signature \_\_\_\_\_

Date \_\_\_\_\_

For more information, see our article on Risk Management Considerations for Volunteers, Non Owned Auto.