Research Report

Volunteer Driver Insurance in the Age of Ridehailing

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AARP’s Public Policy Institute informs and stimulates public debate on the issues we face as we age. Through research, analysis, and dialogue with the nation’s leading experts, PPI promotes development of sound, creative policies to address our common need for economic security, health care, and quality of life.

The views expressed herein are for information, debate, and discussion, and do not necessarily represent official policies of AARP.

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Executive Summary

Volunteer-provided transportation offers older adults and people with disabilities an affordable option to get to where they need or want to go. Adequate insurance coverage is important to these programs because it helps ensure that everyone (drivers, passengers, and those outside the vehicle) is protected in the event of a crash. However, some volunteer drivers have had difficulty obtaining insurance coverage. The fast growth of ridehailing services—also known as transportation network companies (TNCs), such as Uber and Lyft—further complicates this issue because some insurance agents might place volunteer drivers in the TNC risk category. State laws that do not explicitly exclude volunteer drivers and programs from their TNC definitions may exacerbate the confusion.

This paper presents information on the current state of auto insurance for volunteer drivers and volunteer driver programs and offers recommendations for state legislatures, nonprofits, and the insurance industry. Insights are based on calls to insurance agents at the nation’s 10 largest auto insurance companies, a five-question survey sent to the CEOs of 11 insurance companies, interviews with industry leaders, and a 50-state inventory of state laws related to volunteer drivers.

The success of a volunteer-provided transportation program depends on its ability to recruit and retain drivers. When insurance agents tell potential volunteer drivers that their insurance rates might be raised, that they might have to purchase a commercial policy, or that they could jeopardize their coverage, these potential volunteers might be leery of participating. Thus the uncertainty regarding insurance classification of volunteer drivers can negatively affect the ability of volunteer-provided transportation programs to recruit drivers and carry out their missions. Program managers worry that issues with insurance companies will put this form of transportation at risk just as the demand for these services is rising with an aging population.

Much of the problem stems from confusion among insurance agents regarding how to cover volunteer drivers. AARP’s calls to agents at the largest auto insurance companies found that many agents were unable to provide clear guidance on whether personal auto policies would provide coverage in the event of a crash. Responses to a subsequent survey sent to company CEOs requesting clarification suggest that volunteer drivers would be covered under their personal auto insurance policies, although four of the 11 companies surveyed provided no response.

State TNC laws may also cause confusion among insurance agents. The majority of these laws include a set of definitions having to do with a digital network, personal vehicle, and prearranged ride. As volunteer transportation programs evolve to connect riders to drivers through an app and as they continue to offer driver reimbursement and charge a fare to a customer, insurance agents might be more likely to consider volunteer drivers TNC drivers.

This paper offers the following policy recommendations.

Insurance companies that have not already done so should differentiate between volunteer drivers and TNC drivers. Policies should also make clear that for-hire or livery status does not apply to volunteer drivers, even if they receive mileage reimbursement from the nonprofit for rides they provide or their customers pay fares or fees to the nonprofit to help offset the cost of running the program. A recent Insurance Services Office (ISO) policy form that distinguishes a vehicle’s use in ridehailing service from volunteer or charitable purposes is a good starting point for clarifying policies. Insurance agents should be trained to understand their company’s policy on coverage for volunteer drivers so they can explain it consistently to customers.

Nonprofit service providers should take measures to minimize their liability and to provide protection for their volunteer drivers by purchasing excess automobile liability for volunteer drivers, establishing routine safety protocols, properly screening drivers, and requiring driver training.

State legislatures can help clear up the confusion among insurance agents by clearly differentiating in state laws volunteer-provided transportation, TNCs, and peer-to-peer car sharing. They might also exclude volunteer-provided transportation programs—including those that charge passenger fares—from for-hire transportation and livery laws. State legislators can further encourage
volunteerism in transportation by explicitly prohibiting insurance companies from denying or canceling insurance, imposing a surcharge, or increasing rates solely on the basis of serving as a volunteer driver. Seven states currently do this (California, Florida, Maryland, Maine, New Hampshire, Rhode Island, and Vermont).

Introduction

Access to transportation is one of the biggest barriers for people who do not drive but want to live at home and in the community. Often it is family caregivers who drive their loved ones with mobility needs to doctors’ appointments, grocery stores, and pharmacies, and to visit family and friends.

Also filling the gap, in addition to taxis and other paid transportation services, are volunteer driver programs. Such programs are not new; most have been operating an average of 20 years. Not only does the use of volunteer drivers reduce capital investment and operating costs for these programs, it enables the development of mutually beneficial relationships between drivers and passengers. Volunteer program success relies on the ability to recruit and retain new drivers, which can be hindered by an external factor largely out of the nonprofit programs’ control: volunteers’ personal auto insurance. Adequate coverage helps ensure that everyone is protected in the event of a crash, and potential volunteer drivers might be reluctant to participate if they perceive barriers to securing insurance coverage. Nonprofit program managers have long found drivers to be the hardest volunteers to recruit; potential volunteers often have concerns about insurance cancellation or premium increases, especially when their insurance agents tell them that claims while they are serving as volunteer drivers may be denied.

The rise of ridehailing services (e.g., Uber and Lyft) has exacerbated insurance challenges for volunteer drivers. As AARP’s research revealed, insurance agents often have difficulty distinguishing between people using their personal vehicles to make money and those using them to provide volunteer transportation. This has created confusion just as the demand for volunteer-provided transportation is rapidly increasing.

As the popularity of ridehailing began to grow after 2015, the AARP Public Policy Institute (AARP) experienced an uptick in anecdotal reports from nonprofit volunteer-provided transportation program managers of drivers having difficulty securing insurance for their volunteer services. In response, AARP commissioned the Texas Transportation Institute (TTI) to explore state laws that might affect volunteer drivers, specifically those that relate to insurance, liability, livers, transportation network companies (TNCs) (e.g., Uber and Lyft), and incentives. In addition, AARP called customer service representatives and agents at 10 of the largest automobile insurance companies to inquire into whether their personal auto insurance would cover volunteer drivers. Because of the ambiguous nature of answers received from insurance company representatives, AARP developed a five-question survey pertaining to policy coverage for volunteers that it sent to the CEOs of 11 insurance companies. AARP also contacted representatives of several trade organizations.

This paper presents the results of that research. Specifically, it describes volunteer driver programs; highlights the insurance issues facing volunteer drivers; summarizes relevant state statutes; and offers concluding implications and recommendations for insurance companies, state legislatures, and nonprofit service providers.

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3 E-mail correspondence with William Henry (Volunteer Insurance Service, CIMA Company), November 8, 2019; e-mail correspondence with Katherine Freund (ITN America), June 14, 2019; e-mail correspondence with Carrie Diamond (Greater Wisconsin Agency on Aging Resources Inc.), July 25, 2019; e-mail correspondence with Helen Kerschner (National Volunteer Transportation Center), December 17, 2018.
4 AARP Public Policy Institute calls to the nation’s 10 largest auto insurance companies by market share, May–June 2019.
5 Transportation network companies is a common legal term for ridehailing companies.
RESEARCH APPROACH AND LIMITATIONS

This paper combines interdisciplinary research by AARP and TTI. AARP interviewed customer service representatives and agents at auto insurance companies and requested official company policy determinations through a short survey to company CEOs. TTI conducted a database search of statutory codes and conducted most interviews with industry professionals.

PERSONAL AUTO INSURANCE COVERAGE
AARP researchers called agents at the 10 largest auto insurers (by market share) to better understand how volunteer drivers might be covered under their insurance policies. Researchers tried to gain insight on the following questions:

a) Does your personal auto insurance provide coverage for volunteer drivers if driving is an incidental use of the vehicle?

b) If so, is there coverage if the volunteer driver receives reimbursement from the nonprofit for expenses, such as for gas or mileage?

c) Does the coverage still apply if the nonprofit organization charges a fare or fee to the recipient of service to offset the cost of administering the program? Such a fee is only paid to the nonprofit, not to the volunteer driver.

d) Does incidental use as a volunteer driver affect the underwriting or rating of a policyholder in any way?

e) Does coverage vary by state, and if so, how?

Because of the ambiguity received in responses from insurance representatives, AARP subsequently sent a formal request to the CEOs of each company requesting answers to the above questions. Responses were received from 7 of the 11 companies surveyed; those responses can be found in appendix A.

AARP also reached out to state insurance commissioners for copies of the companies’ personal auto policies used in their state; however, policies were only provided by three states. AARP also spoke with representatives at several state insurance departments to ascertain how state law would pertain to volunteer drivers.

STATE LAWS
TTI researchers conducted a LexisNexis database search of statutory codes from each state and Washington, DC, to identify laws that explicitly address volunteers, volunteer organizations, and volunteer drivers. The researchers also searched the codes to identify laws in the specific statutory areas that address TNCs, using the LexisNexis database and a previously developed TTI database on TNCs. The searches were designed to identify any TNC laws that mentioned volunteer driver or similar transportation programs and to uncover any ways volunteer drivers might be included in the statutes’ definitions and requirements for TNCs. Appendix B1 contains a summary of the research questions and the search terms researchers used. Appendix B2 contains a list of state statutes that pertain to volunteer drivers or programs.

Research Limitations
Where state statutory law is potentially relevant but not explicit or ambiguity exists in the law as to whether it applies to volunteers or volunteer drivers, TTI provided AARP with those citations in a database for future reference. However, the team did not analyze them, nor were they counted in the quantitative assessment in table 1. Researchers also did not examine case law to determine whether courts have interpreted and dispensed with these ambiguities and they did not examine the law in states in which the legislature is silent on the issues. Researchers did not evaluate the laws in the database in terms of whether they do or do not favor volunteer driver programs, because they did not investigate the extent to which any law has been administered or put in practice. Neither federal and local laws nor state
and local regulations that might affect volunteer drivers were included in this research.

To gain further insight, the research team conducted telephone interviews with individuals who could talk about insurance and liability issues on a national scale. The team focused on large companies and professional organizations (e.g., Volunteer Insurance Services of the CIMA Companies, Inc., Community Transportation Association of America, Center for Insurance Policy and Research, Property Casualty Insurers Association of America) and spoke to program managers of nonprofits that offer volunteer-provided transportation services.* An interview guide helped focus the conversation, but the interviews were free-flowing.

The draft paper was reviewed by the organizations interviewed, by Consumer Federation of America, and by the Transportation Practice Group at the law firm of Windels Marx Lane & Mittendorf LLP (attorneys who specialize in transportation regulation, tort, and insurance law).

* For additional details on TTI’s methodology for the policy exploration, see appendices B1, B2, and D.
Volunteer Driver Programs versus Transportation Network Companies

To understand how ridehailing might affect volunteer transportation services, it is important to understand the similarities and differences between the two kinds of transportation services.

VOLUNTEER DRIVER PROGRAMS

Volunteer drivers reduce program operating costs significantly, and these programs can meet the unique transportation needs of older adults and individuals with mobility impediments by performing the needed extras, such as providing door-through-door assistance, carrying packages, and making multiple stops on the same trip.

Volunteer driver programs are now a substantial provider of mobility services; in 2016, the National Volunteer Transportation Center (NVTC) documented more than 800 volunteer transportation programs in 49 states. An August 2018 query to ITNAmerica’s Rides in Sight database of all senior transportation in the United States (which includes more than 15,000 services) documented 917 volunteer transportation programs.

Programs vary in terms of organizational structure, funding sources, passenger fares or fees, reimbursements to drivers, ownership of vehicles used for transporting passengers, and insurance coverage (see sidebars for two different program models).

Affiliation and organization. Most volunteer driver programs are affiliated with national religious or secular not-for-profit organizations or with senior-serving or other health and human service organizations. Some are state or local programs; a few are associated with transit agencies. Many programs have begun to link with veterans groups to provide transportation to Veterans Administration hospitals.

Funding and fares. Two-thirds of volunteer driver programs do not charge a fare but rely on support from grants, donations, private funding, fundraisers, Medicaid trip reimbursement, and local government contributions. One-third charge passengers a fare or a membership (or subscription) fee to help fund operational gaps and enable them to serve more people in need of transportation.

Ownership of vehicles. Most programs assume that volunteer drivers will use their own vehicles, although a few programs also own or lease vehicles that volunteers drive.

Reimbursements to drivers. Virtually all program types offer to reimburse drivers for mileage. A few offer other incentives, such as trip-banking (i.e., if a volunteer spends five hours driving, he or she can bank five hours to obtain transportation for a future time) or rewards programs (e.g., a gas

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6 Kerschner and Silverstein, Introduction to Senior Transportation.
7 Katherine Freund et al., “White Paper: Environmental Scan of Ride Share Services Available for Older Adults,” NORCat the University of Chicago and ITNAmerica, Chicago, December 5, 20119, https://reports.norc.org/white_paper/environmental-scan-of-ride-share-services-available-for-older-adults.
8 Ibid.
card for reaching a given mileage milestone, an appreciation banquet).

**Insurance and risk management.** A volunteer’s personal auto insurance policy is the first line of coverage in a driving event that causes personal injury or property damage. Historically, insurance coverage and premiums have been based on driving experience and miles driven, not on who is in the vehicle. The NVTC recommends that volunteer driver programs carry excess auto liability insurance. This supplemental insurance may go beyond liability for auto accidents to include coverage for personal liability. According to the former center director Helen Kerschner, most programs purchase secondary insurance to protect both the driver and the program in the event the driver’s insurance is insufficient. Some volunteer programs recommend that volunteers carry a personal umbrella policy to add extra liability coverage over and above their regular auto insurance policy. All programs routinely check the backgrounds of drivers (both driving records and criminal background checks), and a few provide driver training to enhance passenger safety.

**Transportation Network Companies**

TNCs are private ridehailing companies that offer transportation services much like those of traditional taxis: a traveler requests a ride and pays a driver who provides that service on demand. The largest and most well-known TNCs in the United States are Uber and Lyft. TNCs are a fast-growing emergent transportation service.

For years volunteer-based programs have referred to their services as *ridesharing*. Traditionally, the term has referred to carpooling, which is covered by most personal auto policies because it is clear that the driver is not making a living from this arrangement, even if passengers share the cost of the trip with the driver.

**Logistics.** Virtually all volunteer transportation services plan rides in advance, matching volunteers with riders on the basis of need and availability. Today, almost all rides are scheduled by telephone, although communication with volunteers can also be through e-mail or text; however, many programs are adopting technologies to match riders and drivers electronically through websites and mobile apps.

**A word about terminology.** For years volunteer-based programs have referred to their services as *ridesharing*. Traditionally, the term has referred to carpooling, which is covered by most personal auto policies because it is clear that the driver is not making a living from this arrangement, even if passengers share the cost of the trip with the driver.

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9  Kerschner and Silverstein, *Introduction to Senior Transportation*.
10 Telephone interview with Helen Kerschner (director, National Volunteer Transportation Center, Community Transportation Association of America), December 17, 2018.
Under the TNC model, noncommercial drivers, operating with a personal vehicle driver’s license, provide rides to customers who are linked to them via a mobile app. Drivers are responsible for their own vehicles. The TNC operates the app and takes a percentage of the fare.

Personal auto insurance does not provide coverage when the driver is logged into the app either on standby or en route to pick up a customer or when a passenger is in the vehicle. TNC drivers, or the TNC company on behalf of the driver, must maintain a separate primary automobile insurance rider or policy that recognizes that the vehicle will be used to transport passengers.

Despite the clear differences between not-for-profit volunteer-provided transportation and TNCs in corporate structure and tax status under federal and state law, some insurance agents interviewed for this paper suggested that simply receiving reimbursement for expenses could be interpreted as equivalent to providing a TNC service under their policies, which could create havoc for many volunteer transportation programs and their existing and potential volunteers. Ambiguities in state TNC statutes may cause additional confusion among agents.

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12 Moran et al., Policy Implications of Transportation Network Companies.
**Volunteer Driver Insurance**

The uncertainty over insurance classification of volunteer drivers can negatively affect the ability of volunteer-provided transportation programs to recruit drivers and raise sufficient revenue to support their mission. Carrie Diamond, transportation and volunteer specialist with the Greater Wisconsin Agency on Aging Resources Inc., said that most volunteer-provided transportation programs in her state have a hard time recruiting drivers anyway, and issues with insurance only make recruitment and retention more difficult. “Vehicle insurance issues could end up decimating the volunteer driver programs that we have today,” she said. In a 2019 survey her organization conducted of all 60 volunteer transportation programs in the state, almost a third reported that one or more drivers had encountered insurance issues.

According to Aaron Brandenburg, assistant director, at the Center for Insurance Policy and Research, if the driver is not being paid for service (beyond reimbursement or a nominal amount), a personal auto policy should cover volunteer driving. Most volunteer transportation program managers pass that interpretation along to volunteer drivers. However, many volunteers hear different interpretations. Some have been warned by their individual insurance agents that they are jeopardizing their personal auto coverage by serving as a volunteer driver. Sometimes an insurance agent simply tells a policy holder that he or she might or might not be covered. In cases in which drivers are reimbursed for expenses or the nonprofit charges a fee to offset some of the operating costs of the service, policy interpretation is even more opaque. To confound things further, volunteer transportation programs are beginning to match drivers with riders through app-based technology similar to that used by Uber and Lyft. In its survey of insurance agents, AARP found it difficult to get clear guidance on whether personal auto policies would provide coverage in the event of a crash.

**SHIFTING GROUND AS RIDEHAILING EMERGES**

According to several sources, the advent of ridehailing services has exacerbated the challenges volunteers face with their insurance agents. Insurance companies are continually evaluating their risk and exposure, and the growth of TNCs has compelled them to reexamine their personal auto insurance policies.

Unlike volunteer drivers, TNC drivers transport passengers for a fee with the expectation of earning money; thus, they are engaged in a commercial activity. Auto insurers became concerned because TNC drivers were using personal cars for their commercial activity but did not have commercial auto insurance.

When TNCs first launched (Uber in 2009 and Lyft in 2012), they did not provide insurance for their drivers, nor did they operate as commercial taxi operations under most state and local laws. With the rapid increase in services, personal auto insurers became concerned that they were experiencing losses from additional exposures because their policy holders were not informing them that they drove for TNCs. An insurance agent might discover that a policy holder was working as a for-hire driver only when an accident occurred during a TNC trip. This situation was exacerbated by the fact that many people began driving for TNCs without changing their personal auto insurance policies, because they did not realize they should or because they wanted to keep their premiums at the same level. This practice

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13 E-mail correspondence with Carrie Diamond (Older Americans Act consultant/transportation and volunteer specialist, Greater Wisconsin Agency on Aging Resources Inc.), September 3, 2019.
15 Telephone interview with Aaron Brandenburg (assistant director, Data Collection and Statistical Analysis, Center for Insurance Policy and Research), December 18, 2018.
16 Telephone interview with William Henry (Volunteer Insurance Service, CIMA company), December 17, 2018.
17 E-mail correspondence with Henry; e-mail correspondence with Freund; e-mail correspondence with Diamond, July 25, 2019; e-mail correspondence with Kerschner.
19 Brandenburg, telephone interview.
caused major coverage gaps for such drivers unless the TNC provided appropriate coverage. The largest TNC companies now provide their drivers with commercial coverage, but the impact of the emergence of TNCs is still felt in volunteer driver programs. An unintended consequence of TNCs has been that volunteer drivers are often put in a high-risk category with higher insurance rates or even have their policies canceled.\(^\text{20}\)

**INSURANCE UNCERTAINTY AMONG VOLUNTEER DRIVERS**

While insurance coverage for those driving for ridehailing companies has largely been clarified in recent years, volunteer drivers still have no such clarification. In fact, the development of new policies for TNCs has only increased the confusion among insurance agents regarding volunteer drivers. This uncertainty reduces the likelihood that people will volunteer to provide transportation services to community members in need.

The overarching conclusion from AARP’s calls to insurance company representatives (see sidebar, “Research Approach and Limitations,” p. 3) is that definitive answers on coverage for volunteer drivers is rare, particularly in response to a hypothetical inquiry. Most agents found the questions AARP posed to be uncommon and not straightforward. AARP’s questions elicited “it depends on” responses such as “Will it be the primary use of the vehicle?” and “Will you volunteer more than a couple of times a month?” (In AARP’s hypothetical question, the insured might drive as a volunteer as often as twice a week, but it would never become the primary use of his or her personal vehicle.)

As one agent explained, insurance policies are written in the form of exclusions. Because volunteer-provided transportation is rare in terms of mileage and insurance requests, it is not explicitly addressed in insurance policies. An agent either assumes that it is permitted or looks for similar situations that are explicit in the policy. For instance, this agent believed that reimbursement of volunteer drivers’ expenses was similar to mileage reimbursement from an employer and thus would be treated the same

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way. But policy interpretation can go the other way, depending on the agent.

AARP found little consistency in how insurance agents said policies would or would not cover volunteer drivers. Six of the 10 agents surveyed said they would likely cover volunteer drivers under personal auto insurance policies, even if those drivers received reimbursement for their expenses, provided that the volunteer work was incidental to the primary use of the vehicle. However, of these 6, 1 said he might apply a business use surcharge (different from a straight commercial policy). Another said she would list the vehicle as a commuter vehicle, which would raise the premium because commuters tend to drive more miles and thus increase their crash risk.

Two agents said they would provide coverage under their personal auto insurance policies if the volunteer received no reimbursement for costs. If the volunteer did receive reimbursement, one of these agents would offer a commercial policy to the customer, but the other would not extend coverage. Two other agents responded that merely being a volunteer driver, reimbursement or not, would mean that the person needed a commercial policy.

### Additional Variables

The calls revealed further complexities for volunteer programs that have less common features:

**Fee-charging programs.** The question “What if the nonprofit were to charge the passenger a fare or fee?” was murky for most company representatives. Only one respondent believed this question would not be material to the insurance company, because the policy is between the driver and the company, and thus would have no impact on rates or coverage. All other company reps said that personal policies would not provide coverage. “Kinda feels like a rideshare” (meaning Uber), said one agent. Another said, “We don’t know if you’re driving a taxi or not.”

**Programs using apps.** A nonprofit’s use of an app to match volunteers with passengers could also pose an insurance issue, particularly if passengers are charged a fare. Some of the agents said that their policies defined ridesharing as a TNC providing prearranged transportation through an app for a fee and a rideshare car to be any vehicle being used for ridesharing activity to transport riders for compensation or a fee via an app or any other transport network company.
Because AARP presented itself to insurance agents as a hypothetical customer and their policies were silent with respect to volunteer driving, most agents were unwilling to provide definitive answers to the questions. The potential for different policy interpretations by different agents from the same company could be a barrier for volunteer drivers and should be explored further in future research.

Policy Clarification from Company CEOs Does Not Extend to Their Agents

Subsequent to its calls to insurance agents, AARP emailed a formal solicitation for policy clarification to the company CEOs. Seven of the 11 companies surveyed responded that their standard personal auto insurance policies would cover volunteer drivers provided that the use of the vehicle for volunteer purposes was incidental and that the driver did not receive compensation beyond reimbursement for gas and mileage. Coverage would still be in place when the non-profit charges a fare or fee to the individual transported, provided that the driver is not compensated for the service. Full responses by insurance companies can be found in appendix A. The consistency in responses among the seven companies suggests that volunteer drivers’ personal auto policies would provide coverage in the event of a crash. The commonly understood industry rule-of-thumb of “where the policy is silent, there is coverage,” would appear to be in force. Nonetheless, it should be noted that four of the 11 companies surveyed provided no response. Moreover, insurance agent responses at three companies were in direct conflict with their official company policy; such responses included that volunteer driving “would not be covered under personal lines,” we “would not write a personal policy,” and we “would apply a business use surcharge.”

Thus, although a personal auto policy may ultimately be honored in the event of a crash or upheld in a court of law, the challenge of volunteer driver recruitment remains. Customers deal directly with insurance agents, not company CEOs. Recruitment challenges will continue to exist as long as agents provide inaccurate or ambiguous information to their customers.

Although a personal auto policy may ultimately be honored in the event of a crash or upheld in a court of law, the challenge of volunteer driver recruitment remains. Customers deal directly with insurance agents, not company CEOs. Recruitment challenges will continue to exist as long as agents provide inaccurate or ambiguous information to their customers.

Insurance Policies and Volunteer Drivers

The rapid growth of ridehailing companies caught insurance companies off guard.\(^1\) Uber began offering commercial service in 2011 and within five years had reached 1 billion rides. By 2015, insurance companies had begun to rewrite policies to address their vulnerability.

Although this analysis did not systematically analyze insurance company policies to examine their treatment of volunteer drivers, some agents provided pertinent sections of insurance policies related to TNC exclusions and endorsements. The wording could be a root cause of agent confusion. One policy defined a transportation network to be “an online-enabled application or digital network used to connect passengers with drivers using vehicles to provide prearranged transportation.” The policy would not cover bodily injury, property damage, or medical payments when the car is used to “carry persons or property for compensation or a fee or provide transportation network service.” While this particular policy explicitly states that the exclusion does not apply to a share-the-expense carpool, it does not address how volunteer transportation would be treated.

Another policy could be even more limiting for volunteer drivers, as it excluded ridesharing arrangements made through TNCs in which “TNCs typically offer a ride sharing service that uses smart phone applications and other Internet-based platforms to connect passengers

with drivers who use personal autos to provide transportation services for a *donation* or a fee.” Some agents might classify a not-for-profit volunteer driver program as a TNC if it connects drivers and passengers through an app and charges a fee or requests a donation.

To the extent that insurance policies are silent on coverage for volunteer drivers but explicitly address other forms of ridesharing, such as share-the-expense carpooling, even individual agents in the same company could follow different interpretations of applying coverage to volunteer drivers.

This confusion might be an unintentional consequence of the fact that many insurance policies have relied on language popular in state legislation. In 48 statutes, a TNC is defined in part as a corporation/partnership/other entity using a *digital network* to connect riders to TNC drivers for prearranged rides.

Part of the problem might also stem from conflicting use of the term *ridesharing*. Typically, a distinguishing feature of ridesharing is that the driver does not profit from the arrangement. For decades, volunteer activities and carpooling were referred to in the insurance industry as ridesharing. When TNCs co-opted the term early in their development, confusion ensued among insurance providers.

Regardless of how benign the origin of the problem, the result is that many current and potential volunteer drivers do not have a clear understanding of whether or how their auto insurance would cover a crash while they are volunteering. Thus they might be leery about driving, and the community and society at large will be deprived of their generous donation of time and resources. Volunteer drivers are an economical use of private resources for public good. They provide high-quality door-to-door service for those in need. They fill gaps by going where buses don’t go, taking long-distance trips that are too expensive by other means, and offering service outside regular business hours. Volunteer-provided transportation programs struggle to recruit and retain drivers, and uncertainties about auto insurance only compound the challenge.

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22 Brandenburg, telephone interview.
RESPONSE BY NONPROFITS
To address issues with insurance companies, particularly when drivers receive reimbursement or customers are charged a fare or fee by the parent program, program managers might respond by pushing back on insurance agents or by requesting rider donations instead of setting mandatory fees. Both options are imperfect.

With the former, program managers might encourage volunteer drivers to push back on insurance agents and argue that because they volunteer for a nonprofit and earn no money beyond reimbursement of expenses, they should not be treated as for-hire or other commercial transportation providers. Fares and other fees are used solely to offset the nonprofit’s operating expenses rather than to return a profit. However, this approach is unsustainable. Nonprofit program managers do not have time to educate every insurance agent who denies coverage to a potential volunteer, and many volunteers will throw in the towel rather than deal with the hassle of negotiating with an insurance company.

As for requesting donations, a program might not receive enough revenue to offset its costs at the level necessary to meet demand. Besides, the program might still be at risk of being classified as a TNC if it accepts donations.

ATTEMPTS TO DISTINGUISH VOLUNTEER-PROVIDED TRANSPORTATION FROM TNCS
Some attempt has been made to demarcate volunteer-provided transportation from TNCs. In 2013, the California Public Utilities Commission (CPUC) released the first state-level ruling to legalize TNC services under its existing authority and defined the term transportation network company.23 In its ruling, the CPUC exempted nonprofit organizations such as volunteer driver programs from its requirements. In California’s Public Utilities Code (section 5353(f)), the term noncommercial enterprise basis includes “operations conducted on a not-for-profit, tax-exempt basis, as authorized by federal or state law.” The code also exempts ridesharing in the traditional sense of the term. In this case the CPUC determined that TNCs do not qualify for the rideshare exemption because its definition of rideshare requires that (a) the transportation service must have a common work-related purpose or (b) the transportation must be incidental to another purpose of the driver. TNCs fail to satisfy either of these requirements.

Recently the Insurance Services Office (ISO), which provides statistical and actuarial information to insurance companies, issued a policy form to clarify liability coverage related to personal auto policies (see appendix C). Liability coverage is excluded for public or livery conveyance, including any period of time a personal vehicle is being used by any “insured” who is logged into a “transportation network platform” as a driver, whether or not a passenger is “occupying” the vehicle. The policy goes on to state, “This exclusion does not apply to (a) a share-the-expense car pool or (b) the ownership or operation of a vehicle while it is being used for volunteer or charitable purposes.” Adoption of the ISO model language is purely voluntary; it is not known which insurance companies have incorporated the language into their policies. None of the insurance company representatives with whom AARP spoke could find clauses in their policies that resembled this model ISO language.

Nonprofit program managers do not have time to educate every insurance agent who denies coverage to a potential volunteer, and many volunteers will throw in the towel rather than deal with the hassle of negotiating with an insurance company.
State law is another avenue to address potential insurance issues facing volunteer drivers. State law often directs the type and level of insurance coverage required for owners of different classes of vehicles, codifies the definition of terms, and might even govern how insurance companies must treat certain customers. State law that aims to address one set of insurance issues (such as those for liveries or TNCs) might have unintended consequences for another set (such as those for volunteer drivers). TTI’s research sought to gain clarity on how state insurance, liability, and TNC laws might affect volunteer drivers and their affiliated nonprofit programs. Appendices B1 and B2 summarize search terms, research questions, and pertinent state statutes.

TTI researchers found statutory codes that explicitly address volunteer insurance, TNCs, and volunteer and organizational liability. The search for statutes that explicitly address the exemption from livery laws of nonprofit volunteer driver programs that collect payment in the form of fares or membership fees did not yield any results; however, two states (Arizona and California) distinguish volunteer drivers from liveries for insurance purposes. The search for volunteer driver programs incentivized by state statute also did not yield any results. Table 1 provides a summary of the number of states that have statutes pertaining to volunteer insurance. Appendix C summarizes the findings with respect to liability.

**INSURANCE FOR VOLUNTEER DRIVERS**

About one-third of the states (15) have statutes that explicitly address insurance for volunteer drivers, but only 7 prohibit insurance providers from denying or canceling insurance, imposing a surcharge, or increasing rates.

The 15 statutes address the following issues: insurance policies refused or canceled, or fees imposed based on the applicant’s status as a volunteer driver; provision of insurance to volunteer drivers by organizations they serve; and exclusion of drivers and vehicles from definition of livery, for-hire, or public conveyance vehicles.

<table>
<thead>
<tr>
<th>Research Topic</th>
<th>Number of States* with Statutes that Explicitly Address Topic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statutes that address insurance issues related to volunteer drivers</td>
<td>15</td>
</tr>
<tr>
<td>Statutes that prohibit insurance providers from denying or canceling insurance, imposing a surcharge, or increasing rates simply because the driver is a volunteer</td>
<td>7</td>
</tr>
<tr>
<td>Statutes differentiating volunteer drivers from livery services</td>
<td>2</td>
</tr>
<tr>
<td>Statutes that explicitly exempt nonprofit volunteer-provided transportation programs from livery laws when the nonprofit collects fare payment from riders</td>
<td>0</td>
</tr>
<tr>
<td>States with TNC laws that address volunteer drivers</td>
<td>0</td>
</tr>
</tbody>
</table>

*The District of Columbia is counted as a state.

24 Liveries are most commonly associated with taxi service.

25 This was not a comprehensive review of livery laws. Search terms were limited to configurations with “volunteer” (see appendices B1 and B2). ITNAmerica’s Katherine Freund reported encountering a conflict in some states where a service is considered livery if any fare is collected, even if the service is not for profit and uses volunteers.

26 A handful of states offer charitable organizations the ability to create specialized licenses plates that can be sold to consumers to raise revenue; however, no state explicitly includes volunteer drivers or programs in its legislative language.
Seven states prohibit insurance providers from denying or canceling insurance, imposing a surcharge, or increasing rates solely on the basis of the would-be insured’s volunteer driver activities. These states are California, Florida, Maryland, Maine, New Hampshire, Rhode Island, and Vermont. Most of the statutes protect volunteers who serve charitable or nonprofit organizations generally. In California, the statute protects volunteers who provide “social service transportation” for older adults or people with special transportation needs (Cal Ins Code § 11580.1).

In 1996 Maine was the first state to pass a law preventing insurance companies from raising rates solely on the grounds that a policy holder was a volunteer driver. The statute, developed by the vice president of Independent Insurance Agents, prohibits discrimination against volunteer drivers and promotes safety by allowing insurance companies to raise the rates for unsafe drivers, whether or not they are volunteers. Several states have passed laws modeled on this one.

According to Katherine Freund of ITNAmerica (which is headquartered in Maine), these laws give volunteer drivers some leverage with insurance agents and can help provide clarity where company insurance policies are not explicit. Freund offered an example of the effectiveness of Maine’s law:

I recently recruited a volunteer driver for ITNPortland. He was very enthusiastic, a recently retired transportation consultant. He checked with his insurance agent, who told him he could not use his car to volunteer because he would not be covered if he had an accident. The volunteer called me, painfully apologetic, but saying his hands were tied—he had to have insurance. I explained that his agent was misinformed because Maine policy protected volunteers from such limitations in their auto insurance coverage. The insurance agent did not believe me so I sent him a copy of the law. And that was the end of the problem.

Freund added,

In states where there is no law, the situation I just described would never have ended so positively, so swiftly. There would have been a prolonged back and forth, with long waiting periods for opinions, approvals, questions, concerns. In all likelihood, the discomfort of the exchange and the uncertainty for the volunteer would have discouraged him or her before the process was complete.

In an email reply to AARP, the Maine Bureau of Insurance confirmed that “insurance companies are not allowed to exclude coverage solely because the insured is a volunteer driver or because a loss occurs when the insured is engaged in volunteer driving.”

Representatives from state insurance departments in New Hampshire and Rhode Island offered similar interpretations of their state’s law.

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27 The Illinois law was excluded because it narrowly limits the type of volunteer driver it protects and does not apply statewide (215 ILCS 5/143.19.2).

28 Email correspondence with Freund.

29 Ibid.

30 Ibid.

31 Email correspondence with Judith K. Watters, Public Information and Consumer Outreach Specialist, Maine Bureau of Insurance, May 15, 2020.
“RSA 412-17-a does prohibit volunteer driver exclusions in personal automobile policies in New Hampshire,” the representative from that state stated. “To the extent that a New Hampshire personal lines automobile insurance policy contains such an exclusion, the exclusion is not enforceable by the Insurer.”32 “The law (Rhode Island § 27-9-4) stands as it says, and volunteer drivers cannot be refused coverage.”33

The situation is different in Wisconsin, which has no comparable state law. According to Carrie Diamond, transportation and volunteer specialist with the Greater Wisconsin Agency on Aging Resources Inc. (GWAAR), volunteers are still being put in the same class as for-profit ridehailing drivers, who require higher levels of insurance. In 2016 GWAAR convened a summit with the state Office of the Commissioner of Insurance, the Wisconsin Insurance Alliance, legislators, and staff from programs that use volunteer drivers. One outcome of the meeting was additional education and clarification about TNC exclusionary language for Wisconsin insurers and their local offices. However, problems continue to arise, and a recent legislative brief by GWAAR sought the passage of legislation similar to Maine’s. “These continuing problems illustrate the need for the legislature to intervene to alleviate barriers in Wisconsin,” suggests Diamond.34

Similarly, in Oregon, representatives of RideConnection, a nonprofit that offers rides to older adults and people with disabilities, have had to intervene on behalf of volunteer drivers whose insurance agents have tried to pressure them into buying commercial insurance, despite the fact that RideConnection covers its more than 350 volunteer drivers under an excess liability policy.35

In North Dakota, a state without a clear statute protecting volunteer drivers, a representative of the Insurance Department noted that there’s nothing in statute that prohibits a company from surcharging a policy for volunteer driving, but that they are not aware of any company doing so. Similarly, a representative from a Mid-Atlantic state said that there is nothing in state law that would prevent companies from excluding volunteer driving from their policies, but policies would cover it unless they explicitly exclude volunteer driving. Although responses from these two states suggest that insurance companies would not likely deny volunteer drivers insurance or raise their rates, Anna Krylova, property and casualty chief actuary for the state of New Mexico, agreed that “there may not be a uniform treatment of this matter. The specific issue is not clearly addressed in rules or policy forms that we have seen in our review.”36

Historically the insurance industry has not opposed state legislation that prohibits insurance companies from raising rates, imposing surcharges, or canceling someone’s policy solely for being a volunteer driver, provided that the laws do not prohibit insurance companies from raising volunteers’ premiums if they drive many more miles than average, have been negligent, or have a history of willful or reckless conduct.37 Nonetheless, according to Robert Passmore of the American Property Casualty Insurance Association (APCIA), the recent proliferation of sharing platforms like those used by TNCs and the peer-to-peer

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32 Letter correspondence from Emily Doherty, Property and Casualty Attorney with the State of New Hampshire Insurance Department, May 26, 2020.
33 Email correspondence with Beth Vollucci, Chief of Consumer and Filing Services, Rhode Island Insurance Division, June 30, 2020.
35 Bergal, “Do Volunteer Drivers Deserve Protection from Lawsuits?”
36 Email correspondence with Anna Krylova, Chief Actuary, New Mexico Office of Superintendent of Insurance, July 24, 2020.
37 Bergal, “Do Volunteer Drivers Deserve Protection from Lawsuits?”
carsharing applications have raised concerns among insurers about accepting such limitations. No such limitations are found in TNC laws, and insurers opposed early efforts by TNCs to include similar language. The APCIA opposes similar provisions in bills proposing insurance rules for peer-to-peer car sharing. Only California, Oregon, Washington, and Maryland have passed legislation allowing individuals to share their cars without risk of losing their personal car insurance.

Four states (Georgia, Nebraska, Ohio, and Wisconsin) protect volunteers of state agencies. For example, Georgia allows a state agency to provide liability insurance coverage for volunteers, including excess automobile protection (O.C.G.A. § 49-6-63.) In Nebraska and Ohio, seniors who volunteer for state agencies are entitled to motor vehicle accident and liability coverage (R.R.S. Neb. § 81-2279, ORC Ann. 173.12). Wisconsin provides insurance for senior volunteers for specific organizations, modeled after the Senior Companion Program and the Retired Senior Volunteer Program (Wis. Stat. § 181.0670). The law is silent as to whether that insurance includes excess auto liability insurance for volunteer drivers.

VOLUNTEER DRIVERS AND LIVERY LAWS

Two states have statutes that specifically differentiate volunteer drivers from livery services.

For purposes of insurance coverage, Arizona (A.R.S. § 20-1631) and California (Cal Ins Code § 11580.2) exclude volunteer drivers from the categories of vehicles and services defined as a public or livery conveyance, common carrier, or for-hire service, commercial categories that are generally excluded from personal auto policies and may be more expensive. These two states prevent insurers from requiring volunteer drivers to purchase commercial policies because of their volunteer driving service. A search for statutes that explicitly address exemption from livery laws

38 With peer-to-peer carsharing, vehicle owners make their vehicles available to others to rent for short periods of time when they are not using them. Companies in this sector match owners and renters through a technology platform (website and mobile app), manage rental bookings, and collect payment in exchange for a fee.

39 Email correspondence with Robert Passmore (assistant vice president, personal lines policy, American Property Casualty Insurance Association, formerly Property Casualty Insurers Association of America), March 17, 2019.

40 Ibid.
of nonprofit volunteer driver programs that collect payment in the form of fares or membership fees did not yield any results.

**TNC Statutes and Volunteer Drivers**

AARP’s research indicated that ridehailing has led to insurance barriers for volunteers owing to inexplicit personal auto insurance policy language that requires interpretation by individual insurance agents. State TNC policies can also affect volunteer programs.

As of October 2017, nearly every state and Washington, DC, had statutes on some aspect of TNCs. Forty-nine states have TNC statutes that address insurance. Oregon is the only state without statewide legislation on TNCs, leaving cities and counties in the state to enact their own regulations. Illinois and Hawaii have TNC statutes with designated repeal dates (September 2020 and June 2021, respectively).

**TNC Definitions Create Legal Ambiguity for Volunteer Drivers**

Forty-nine states and Washington, DC, have statutes defining TNCs and related terms, but none explicitly exempts volunteer drivers, resulting in the potential for volunteer transportation programs and drivers to be inadvertently subsumed under the definitions.

The majority of state statutes on TNCs include these five terms: *digital network, personal vehicle, prearranged ride, transportation network company,* and *transportation network company driver;* 19 states use identical or nearly identical definitions. As the use of technology evolves, the legal distinction between for-profit and nonprofit services that use volunteers will become more difficult. For example, all five terms apply to ITNAmerica, even though it is a nonprofit organization.

Another issue with existing TNC laws is payment. The terms *for-hire* and *compensation* are commonly used in TNC laws and regulations to describe whether drivers are paid. Other terms, such as *charge* and *fare,* could also be relevant to whether the definition of TNC includes or excludes volunteer drivers. This is of particular concern in cases in which the law does not explicitly exclude driving for charitable purposes, drivers are reimbursed for expenses, or passengers pay a fare or fee that is used toward administrative expenses incurred by the nonprofit. Under some state statutes, fare charges might not even be necessary to be classified as a TNC, potentially lumping volunteer transportation programs that charge a fare and those that do not under TNC law.

For example, the District of Columbia’s law applicable to TNCs states, “A private vehicle-for-hire company may offer service at no charge, suggest a donation, or charge a fare; provided, that if a fare is charged the company shall comply with the fare transparency provisions pursuant to Section 50-301.31(b)(a)” (D.C. Code § 50-301.29f).

Under Connecticut’s TNC law, charging fares is optional: “A transportation network company may charge a fare to a transportation network company rider for a prearranged ride provided the company discloses such fare to the rider through its digital network: (A) The fare or fare calculation method; (B) the applicable rates being charged; and (C) an option to receive an estimated fare before a prearranged ride” (Conn. Gen. Stat. § 13b-118(b)).

Florida’s TNC law might provide some clarity with respect to reimbursement but could create an issue regarding its fare-optional language. The definition of *prearranged ride* “does not include ridesharing as defined in s. 341.031, carpool as defined in s. 450.28, or any other type of service in which the driver receives a fee that does not exceed the driver’s cost to provide the ride.” However, the law goes on to state, “If a fare is collected from a rider, the TNC must disclose to the rider the fare or fare calculation method on its website or within the online-enabled technology application service before the beginning of the prearranged ride” (§ 627.748, Fla. Stat. Ann.).

Some of the statutory definitions of TNCs exclude transportation programs that are similar to volunteer driver programs, such as nonemergency medical, nonprofit human service, or carpool/vanpool transportation.

**Vermont.** The state’s definition of *prearranged ride* specifically does not include rides furnished through a broker using a publicly funded network to connect riders to drivers through the Elders and Persons with Disabilities Program.

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41 Moran et al., *Policy Implications of Transportation Network Companies.*
Medicaid nonemergency medical transportation (NEMT) program, or other similar government transportation program, nor does it include shared-expense carpool or vanpool arrangements, or fixed-route public transportation.

**Florida, Georgia, Missouri, Nebraska, New Jersey, Oklahoma, South Carolina.** These state statutes all have language distinguishing the term TNC from NEMT or Medicaid transportation services.42

**Arizona and Washington.** These state statutes might exclude volunteer driver programs from the definitions. The Arizona statute says that a TNC does not include “this state or a county, city, town or political subdivision of this state and any related entity, a nonprofit agency or any other public body that coordinates, operates, promotes or sponsors public transportation or carpool or vanpool services” (A.R.S. § 28-9551). If Arizona volunteer driver programs are located in public transportation, carpool or vanpool services, they might not be considered TNCs.

The Washington statute (RCW § 48.177.005) says that a “commercial transportation services provider” is not a private, nonprofit transportation provider, likely distinguishing TNCs from any private nonprofit entity providing transportation services.43

From another perspective, TNCs are sometimes mentioned in statutes pertaining to other types of transportation as entities that do not apply to the definition at hand, and some of these clarifications might also help in differentiating volunteer driver programs from TNCs. For example, a Wisconsin statute defining the term human service vehicle describes it as a motor vehicle used for transporting individuals with disabilities or seniors but does not include a motor vehicle used to provide transportation network services. State statutes on taxicabs, limousines, and for-hire transportation sometimes state that TNCs are not included in their definitions.

**TNC Insurance Requirements**

Most states with statutes defining TNCs and related terms also have statutes about insurance requirements for the personal vehicles of TNC drivers. Such requirements lessen the exposure risk of personal auto insurers and, by doing so, would theoretically distinguish TNC drivers from volunteer drivers for whom no such requirements exist.

Forty-nine states have TNC statutes that address insurance.44 Typically, the statute requires that the TNC driver or the TNC on behalf of the driver maintain primary automobile insurance that recognizes that the vehicle is used to transport passengers and covers drivers while they are logged onto the digital network or engaged in a prearranged ride. Many statutes specify the amount of primary coverage the policy must provide. A typical minimum coverage amount is a total aggregate liability limit of $1 million for death, bodily injury, and property damage for each incident. Personal auto insurance does not provide coverage when the driver is logged into the app on standby, when he or she is en route to pick up a customer, or when a customer is in the vehicle.45

States such as California and New Mexico specifically define transportation network company insurance in their TNC statutes. New York defines transportation network company group policy to

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42 Although NEMT brokers might use volunteer drivers, they are not volunteer programs.
43 Washington state and Washington, DC, do not use the term transportation network company to describe commercial ridehailing services. Washington state uses the term commercial transportation service provider, and Washington, DC, uses the term private vehicle-for-hire.
44 Moran et al., Policy Implications of Transportation Network Companies.
45 Ibid.
mean certificates of insurance to the TNC and its group members providing motor vehicle insurance. The New York statute also says that “an insurer shall not cancel an existing motor vehicle insurance policy solely on the basis that the motor vehicle covered by the insurance has been made available pursuant to a transportation network company program” (N.Y. Ins. Law § 3456).

Recommendations for the Insurance Industry

The following recommendations seek to mitigate insurance policies and practices that could negatively affect the recruitment and retention of volunteer drivers.

1. **Define and consistently apply terminology associated with TNCs and volunteer drivers.**

   Insurance companies should use the model language recently proposed by the ISO for underwriting forms (see Appendix C). ISO recommends language that specifically carves out volunteer drivers and treats them differently than TNCs. The model ISO language explicitly clarifies that personal auto insurance covers a vehicle when it is being used for volunteer or charitable purposes.

   In addition to adopting the ISO language, insurance companies should make explicit to their agents and policy holders that their livery and for-hire exclusions do not apply to volunteer drivers, even when they receive mileage reimbursement for rides they provide or when their customers are charged fares or other fees to offset the cost of running the not-for-profit program. Livery status applies only to commercial for-profit service.

2. **Manage risk with increased education and awareness among insurers, brokers, companies, and individual agents.**

   Insurance agents and brokers, as well as nonprofits and volunteers, have a shared responsibility to know precisely what insurance policies cover. Policies for individuals and those for volunteer programs can vary widely, and specific livery exclusions might be handled on a case-by-case basis. Insurance agents should understand their company’s policy regarding coverage for volunteer drivers so they can explain it consistently to their customers.

Recommendations for Nonprofit Service Providers

Nonprofits can take a number of measures to minimize their liability and provide protection for their volunteer drivers. The following measures are recommended by the National Volunteer Transportation Center and Volunteers Insurance Service Association Inc.

1. **Purchase excess automobile liability for volunteer drivers.**

   Proper insurance is an important element of risk management; it transfers liability from the driver and the nonprofit to an insurance company. A volunteer’s personal auto insurance is the primary protection. Secondary insurance offered by the nonprofit provides coverage in areas where the individual’s insurance policy is insufficient and can prevent a serious out-of-pocket loss if a volunteer is at fault in a vehicle crash. Volunteers should be insured separately rather than including them on the policies designed to protect the organization.

2. **Establish routine safety protocols.**

   Safety protocols include always checking that the passenger is wearing a seatbelt and confirming that passengers know where they are before driving away. Drivers should know what to do if a passenger becomes ill or disoriented, including notifying the nonprofit immediately. Organizations might require that volunteers sign a pledge that they will abide by all traffic laws, including those related to distracted driving.

3. **Properly screen drivers and require them to complete a driver training course.**

   Proper screening of volunteer drivers includes not only conducting a criminal background check but also checking their motor vehicle record. Proof of insurance and a vehicle inspection (if required by the state) should be verified annually. A driver training course should provide a refresher on common driver errors and causes of accidents (e.g., improper turns, careless parking lot maneuvers, speeding, and right-of-way violations). The course should also cover routine safety protocols established by the organization and tips on how to safely help a passenger in and out of the vehicle. Program managers should not hesitate to reassess a volunteer’s driving at any time or to speak to a driver about lapsed attention to safety protocols.
Recommendations for State Legislators

To help clear up the confusion among insurance agents regarding how to treat volunteer drivers, state laws related to transportation network companies and other for-hire services should state clearly that volunteer drivers are not covered under these laws. Legislators can further encourage volunteerism by establishing explicit guardrails for volunteer driver insurance.

1. **Remove barriers by explicitly prohibiting insurance companies from denying or canceling insurance, imposing a surcharge, or increasing rates solely on the basis of serving as a volunteer driver.**

   Seven states have adopted legislation that addresses the needs of volunteers while protecting insurance companies from unreasonable risk. This research found that in at least three states, these laws do serve to protect volunteer drivers from unreasonable insurance increases or denials. They have been used by non-profit program managers to quickly educate misinformed agents. Explicit state policy can provide volunteers and their sponsoring organizations with the language necessary to efficiently address arbitrary decisions by individual insurance agents.

   It is particularly important to differentiate volunteer drivers and volunteer-provided transportation from TNCs and peer-to-peer carsharing in state statutes. Ideal policy language would include volunteers who drive for organizations that charge a fare or a membership fee to offset program expenses. Legislation can also protect the interests of insurance companies by allowing for rate increases based on substantially increased mileage or for negligence or willful or reckless conduct.

2. **Ensure that TNC laws and other sections of state code clearly define and distinguish among volunteer drivers, TNCs, and other for-hire service providers.**

   Currently, digital platforms that match riders with drivers appear to be a key feature that differentiates a TNC from a volunteer driver program in state code. However, as more volunteer driver programs begin using digital platforms to support their services, this legal distinction will continue to blur. State laws can make clear that TNC laws do not apply to volunteer driver programs.

3. **Ensure that volunteer-provided transportation programs, including those that charge passenger fares, are excluded from for-hire transportation and livery laws.**

   Some not-for-profit organizations charge a fare or a membership fee in exchange for volunteer-provided rides. This practice allows them to serve more people. Laws should explicitly state that nonprofit programs that charge passenger fares or membership fees to offset program expenses are not considered to be for-hire transportation providers or TNCs.

**Conclusion**

More than 8 million Americans ages 65 and older do not drive, and the number of nondrivers is increasing as the population ages. Volunteer-provided transportation is an effective part of the solution, but it is often challenging to recruit and retain volunteer drivers.46

That challenge has increased significantly in recent years. Ambiguities surrounding volunteer driver insurance have existed for years, particularly with respect to programs that charge a passenger fare or membership fee, but ridehailing services such as Uber and Lyft have further complicated the issue. Companies that offer personal auto insurance have been learning how to address the increased exposure and risk posed by TNC drivers. Recent efforts by the insurance industry and at least one state (Washington) offer some clarity, but additional work is needed in this area.

People who do not drive and have mobility limitations need greater access to affordable, timely, convenient transportation. Volunteer drivers are an important part of a low-cost solution. State legislators and insurers can do more to protect volunteer drivers and remove barriers to this type of volunteerism.

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46 Kerschner and Silverstein, *Introduction to Senior Transportation*. 
## Appendix A. Insurance Coverage for Volunteer Drivers by Company

The following table provides verbatim responses from auto insurance companies that AARP surveyed in June 2020.*

<table>
<thead>
<tr>
<th>Company</th>
<th>Does your personal auto insurance provide coverage for volunteer drivers if driving is an incidental use of the vehicle?</th>
<th>If so, is there coverage if the volunteer driver receives reimbursement from the nonprofit for expenses, such as for gas or mileage?</th>
<th>Does the coverage still apply if the nonprofit organization charges a fare or fee to the recipient of service to offset the cost of administering the program? Such a fee is only paid to the nonprofit, not to the volunteer driver.</th>
<th>Does incidental use as a volunteer driver affect the underwriting or rating of a policyholder in any way?</th>
<th>Does coverage vary by state, and if so, how?</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allstate</strong></td>
<td>Allstate auto insurance policies generally cover driving activity by volunteers, as long as they do not receive compensation. Our policies generally exclude the transportation of persons or goods for a fee, and the receipt of compensation would make the driving excluded commercial activity.</td>
<td>As long as payment is limited to reimbursement for expenses related to the volunteer driving, volunteer driving activity would be covered under the policy.</td>
<td>Payment to the nonprofit organization does not impact the coverage so long as the volunteer driver does not receive a portion of the fare or fee.</td>
<td>No, volunteer driving activity itself does not affect Allstate's underwriting or rating. The miles driven by a customer and things that occur while driving (e.g. violations, accidents) may impact rating and underwriting.</td>
<td>Coverage terms and conditions, including the language of the exclusion for commercial activity may vary by state and based upon when a customer first purchased their policy. However, the above answers do not vary by state.</td>
</tr>
<tr>
<td><strong>American Family</strong></td>
<td>Yes. American Family private passenger auto contracts exclude coverage when carrying passengers for a charge, but the exclusion does not apply to &quot;the charitable carrying of persons.&quot; Close attention is given to the word incidental. We take this to mean infrequently. We believe coverage would apply either way, but the agent should be made aware if there is a permanent, long term, or scheduled caretaker frequently doing the driving.</td>
<td>Yes. We would still provide coverage for a volunteer driver, even if they are reimbursed for gas or mileage.</td>
<td>Yes. Such a fee is only paid to the nonprofit, not to the volunteer driver. As long as the fee is clearly charged by, and paid to, the nonprofit organization rather than the driver, our intent would be to provide coverage.</td>
<td>The original email described “incidental use” as once or twice per week, for a couple of hours at a time. This should not impact underwriting or rating. If the customer's volunteer driving is significant enough to impact his/her annual mileage, it may impact the rating of the policy. The driver's losses and violations would impact underwriting of the policy, but this is true regardless of whether the losses or violations occur during volunteer driving or at other times.</td>
<td>Yes. Auto insurance is highly regulated by state law, so coverage obviously varies among the states. Policy state venue, loss state venue, and the policy itself will determine coverage and all should be considered in a coverage investigation. The variations are as numerous as there are different claim situations. However, American Family does not have state differences in its coverage of volunteer drivers.</td>
</tr>
</tbody>
</table>

*These companies represent the 10 largest auto insurance companies in the United States by market share, plus The Hartford, who offers AARP members AARP-endorsed home and auto insurance.

**The responses we are providing only address the limited questions relating to volunteer activity. Even when volunteer activity itself is not excluded by the policy, all other policy terms and conditions will apply.
<table>
<thead>
<tr>
<th>Company</th>
<th>Does your personal auto insurance provide coverage for volunteer drivers if driving is an incidental use of the vehicle?</th>
<th>If so, is there coverage if the volunteer driver receives reimbursement from the nonprofit for expenses, such as for gas or mileage?</th>
<th>Does the coverage still apply if the nonprofit organization charges a fare or fee to the recipient of service to offset the cost of administering the program? Such a fee is only paid to the nonprofit, not to the volunteer driver.</th>
<th>Does incidental use as a volunteer driver affect the underwriting or rating of a policy-holder in any way?</th>
<th>Does coverage vary by state, and if so, how?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmers</td>
<td>No response</td>
<td></td>
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<tr>
<td>Geico</td>
<td>No response</td>
<td></td>
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</tr>
<tr>
<td>The Hartford***</td>
<td>Yes, in most circumstances and based on the individual fact pattern presented, there is coverage for volunteer drivers. Although our current personal auto policy includes a “public and livery conveyance” exclusion that excludes coverage for vehicles that drive people or goods for a fee, our position is that this exclusion does not apply when a vehicle is used for volunteer purposes. This exclusion does apply to various other situations, including ride and vehicle sharing through a transportation network company.</td>
<td>Yes. If the driver receives reimbursement for gas or mileage it does not change our position that the livery exclusion does not apply when a vehicle is used for volunteer purposes.</td>
<td>Yes. If a fee is paid to the nonprofit, it does not change our position that the livery exclusion does not apply when a vehicle is used for volunteer purposes.</td>
<td>No, currently there is no specific impact to the underwriting or rating.</td>
<td>There is always the possibility that coverage may differ from state to state, however we are not currently aware of anything that impacts the above responses.</td>
</tr>
<tr>
<td>Liberty Mutual</td>
<td>No response</td>
<td></td>
<td></td>
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</table>

*** The responses are meant to provide general direction and do not replace any coverage determination of a specific claim and may not be used to alter the terms, conditions and exclusions of a particular policy. Coverage ultimately depends upon multiple factors, including the specific facts of a claim, the law of the applicable jurisdiction, and the terms, conditions and exclusions of the policy.
<table>
<thead>
<tr>
<th>Company</th>
<th>Does your personal auto insurance provide coverage for volunteer drivers if driving is an incidental use of the vehicle?</th>
<th>If so, is there coverage if the volunteer driver receives reimbursement from the nonprofit for expenses, such as for gas or mileage?</th>
<th>Does the coverage still apply if the nonprofit organization charges a fare or fee to the recipient of service to offset the cost of administering the program? Such a fee is only paid to the nonprofit, not to the volunteer driver.</th>
<th>Does incidental use as a volunteer driver affect the underwriting or rating of a policy-holder in any way?</th>
<th>Does coverage vary by state, and if so, how?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nationwide</td>
<td>Nationwide is in the business of protecting our members with extraordinary care and we are committed to doing all we can under the coverage our members have purchased. Individual policy provisions, state laws and regulations vary. Nationwide evaluates each claim on its own individual facts and circumstances, pursuant to applicable policy language and in compliance with all laws and regulations to determine if coverage applies. While individual situations vary, generally, a claim would not be excluded based solely upon the policyholder’s use of their vehicle as part of their volunteer work with a tax-exempt organization.</td>
<td>No clarification provided.</td>
<td>No clarification provided.</td>
<td>No clarification provided.</td>
<td>No clarification provided.</td>
</tr>
<tr>
<td>Progressive</td>
<td>In general, Progressive’s personal auto policies do provide coverage for occasional volunteer driving.</td>
<td>This can include situations where the driver receives reimbursement for gas or mileage; however, compensation beyond this type of reimbursement may cause coverage to be excluded under most policies.</td>
<td>Coverage is typically still afforded in this situation provided that the vehicle is used for only occasional volunteer driving.</td>
<td>Occasional volunteer driving does not usually affect underwriting or rating; however, they could be impacted if a vehicle’s primary use is for this activity.</td>
<td>Coverage can vary by state, so we encourage customers to contact their local independent agent or call us at 1-800-PROGRESSIVE to discuss any policy questions and to learn more about the coverages and exclusions specific to their state.</td>
</tr>
<tr>
<td>Company</td>
<td>Does your personal auto insurance provide coverage for volunteer drivers if driving is an incidental use of the vehicle?</td>
<td>If so, is there coverage if the volunteer driver receives reimbursement from the nonprofit for expenses, such as for gas or mileage?</td>
<td>Does the coverage still apply if the nonprofit organization charges a fare or fee to the recipient of service to offset the cost of administering the program? Such a fee is only paid to the nonprofit, not to the volunteer driver.</td>
<td>Does incidental use as a volunteer driver affect the underwriting or rating of a policy-holder in any way?</td>
<td>Does coverage vary by state, and if so, how?</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>State Farm</td>
<td>Yes, the standard State Farm Auto Policy does provide coverage for a volunteer driver who uses their own private passenger vehicle for incidental, occasional use for volunteer purposes. Customers should speak to their State Farm agent to review their policies and coverages, including important exclusions that may apply.</td>
<td>A State Farm insured engaged in volunteer driving who receives reimbursement for gas or mileage would be covered under the State Farm Auto Policy. As long as the driver or volunteer association is not transporting passengers for a fee, the reimbursement for time, gas, and mileage would not bar coverage under the driver's personal auto policy (PAP). If the volunteer organization is designed to provide rides for a certain group of people to and from wellness appointments, religious services, or shopping, there are additional precautions and coverages that the volunteer organization may pursue to add supplementary coverages to a driver's PAP. Depending on the scale of the organization's transportation needs, a business car policy may also be worth considering.</td>
<td>Similar to the previous question, so long as the insured is not receiving a profit, coverage under the driver's personal auto policy would still apply.</td>
<td>Currently State Farm does not request information about volunteer driver status on its applications and does not consider that status for purposes of setting a premium or determining eligibility. Generally speaking, for State Farm a person who conducts volunteer activities would not see any impact on their premium or eligibility as a result of those activities. From an underwriting and rating standpoint, claims or moving violations that occur while conducting volunteer driving activities would be treated the same as any other claims or moving violations.</td>
<td>This is one of the very few coverage issues that does not vary by state. Volunteer driving, in and of itself, would not cause a variance in the coverage available. The only difference in the coverage by state would be that particular state's legal requirements and minimum coverage limits.</td>
</tr>
<tr>
<td>Travelers</td>
<td>Yes. Assuming no other exclusions or limitations apply, our auto policy typically provides coverage to those who drive occasionally for charitable and/or volunteer use.</td>
<td>Yes, assuming no other exclusions or limitations apply.</td>
<td>Yes, assuming no other exclusions or limitations apply.</td>
<td>It may, if the policyholder substantially increases the number of miles they drive as a result of the volunteer work.</td>
<td>No.</td>
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<tr>
<td>USAA</td>
<td>No response</td>
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Appendix B1. Search Terms and Research Questions

The table below provides a summary of the search terms that researchers used, as well as the research questions on which the search terms intended to provide guidance.

**STATUTORY SEARCHES**

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<thead>
<tr>
<th>Research Questions</th>
<th>Laws Searched</th>
<th>Search Terms</th>
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<tbody>
<tr>
<td>Does the state have civil liability statutes that explicitly address the liability of individual volunteers?</td>
<td>State statutes/codes</td>
<td>Liability and volunteer</td>
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<tr>
<td>Does the state have civil liability statutes that explicitly address the liability of the agency, organization, charity, or company that engages a volunteer’s services?</td>
<td>State statutes/codes</td>
<td>Liability and volunteer</td>
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<td>Does the state have statutes that explicitly exempt nonprofit volunteer driver programs that collect payment from livery laws?</td>
<td>State statutes/codes</td>
<td>Volunteer and driver Livery and volunteer</td>
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<td>Does the state have statutes that explicitly support or incentivize organizations that use volunteer drivers?</td>
<td>State statutes/codes</td>
<td>Volunteer and driver and support Volunteer and driver and incentive</td>
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<td>Does the state have TNC statutes that explicitly address volunteer drivers?</td>
<td>State statutes/codes</td>
<td>Transportation network company and TNC and volunteer Transportation network company and driver and definition Transportation network company and definition</td>
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<td>Does the state have statutes that explicitly address volunteer insurance?</td>
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## Appendix B2. State Statutes that Pertain to Volunteer Drivers or Programs

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<tr>
<th>State</th>
<th>Civil Liability: Volunteers</th>
<th>Civil Liability: Organizations</th>
<th>Volunteer Insurance</th>
<th>Livery: Volunteers</th>
<th>TNC: Volunteers and Organizations</th>
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</table>

Citations in this table are based on the search terms applied (see appendix A1). For example, citations for livery are given only if the law also contains the term volunteer. Thus, this column should not be construed as a comprehensive inventory of livery laws in all states.

The Transportation Network Company (TNC) law for Washington state is the one exception to this rule. Appendix A1 search terms did not return any TNC laws that referenced volunteers; however, Washington’s term commercial transportation services provider is consistent with the definition of a TNC and is included in this table because it explicitly excludes private nonprofit transportation providers.
Appendix C. Model Liability Insurance Coverage Exclusions for TNC Drivers (Source: Insurance Services Office, 2018)

PART A – LIABILITY COVERAGE
EXCLUSIONS

A. We do not provide Liability Coverage for any “insured”:

  5. For that “insured’s” liability arising out of the ownership or operation of a vehicle while it is being used as a public or livery conveyance. This includes but is not limited to any period of time a vehicle is being used by any “insured” who is logged into a “transportation network platform” as a driver, whether or not a passenger is “occupying” the vehicle.

This exclusion (A.5.) does not apply to:

  a. A share-the-expense car pool; or
  b. The ownership or operation of a vehicle while it is being used for volunteer or charitable purposes.

PART B – MEDICAL PAYMENTS COVERAGE
EXCLUSIONS

We do not provide Medical Payments Coverage for any “insured” for “bodily injury”:

  2. Sustained while “occupying” “your covered auto” when it is being used as a public or livery conveyance. This includes but is not limited to any period of time “your covered auto” is being used by any “insured” who is logged into a “transportation network platform” as a driver, whether or not a passenger is “occupying” the vehicle.

This exclusion (B.2.) does not apply:

  a. To a share-the-expense car pool; or
  b. While “your covered auto” is being used for volunteer or charitable purposes.

PART C – UNINSURED MOTORISTS COVERAGE
EXCLUSIONS

A. We do not provide Uninsured Motorists Coverage for “bodily injury” sustained:

  2. While “occupying” “your covered auto” when it is being used as a public or livery conveyance. This includes but is not limited to any period of time “your covered auto” is being used by any “insured” who is logged into a “transportation network platform” as a driver, whether or not a passenger is “occupying” the vehicle.

This exclusion (B.2.) does not apply:

  a. To a share-the-expense car pool; or
  b. While “your covered auto” is being used for volunteer or charitable purposes.

PART D – COVERAGE FOR DAMAGE TO YOUR AUTO
EXCLUSIONS

We will not pay for:

  1. Loss to “your covered auto” or any “non-owned auto” which occurs while it is being used as a public or livery conveyance. This includes but is not limited to any period of time “your covered auto” or any “non-owned auto” is being used by any person who is logged into a “transportation network platform” as a driver, whether or not a passenger is “occupying” the vehicle.

This exclusion (1.) does not apply:

  a. To a share-the-expense car pool; or
  b. While “your covered auto” or any “non-owned auto” is being used for volunteer or charitable purposes.
Appendix D. Civil Liability

As part of the policy survey conducted by the Texas Transportation Institute (TTI), the AARP Public Policy Institute (AARP) requested that TTI include a scan of laws relating to civil liability for transportation volunteers and the organizations they serve and examine whether states have clarified their laws since the National Conference of State Legislatures (NCSL) inventory of state policy in 2006.

Many volunteer-provided transportation program managers may find the information presented in this appendix informative. However, it should be noted that AARP policy does not support civil liability immunity protections for volunteer drivers, as such immunity would undermine the ability of those injured in a crash to draw on insurance policies designed to protect all road users. However, because immunity is often discussed in the context of volunteer transportation, PPI thought it important to provide this clarifying information.

CIVIL LIABILITY FOR INDIVIDUAL VOLUNTEERS

In the 2006 study, NCSL concluded that “although volunteer drivers are an important asset, there are significant legal ambiguities . . . around liability . . . that have made it difficult for service providers to determine the most appropriate insurance coverage . . . [and] uncertain risks can make it more difficult to recruit and retain volunteers.” NCSL found that two states provided explicit protections from civil liability for volunteer drivers.

Approximately half of the states specifically excluded acts committed in motor vehicles from immunity protections, meaning that volunteer drivers are liable as other drivers would be if they were at fault in a crash. The law regarding volunteer driver liability was unsettled in the balance of states.

Some volunteer-provided transportation program managers have argued that Good Samaritan laws should extend immunity to volunteer drivers. AARP disagrees. These laws, upon which volunteer immunity is typically embedded, were designed to protect individuals who offer help to a person in need in an emergency situation. Protecting Good Samaritans from liability claims or legal actions is important to ensure that people are not afraid to render assistance to strangers. Volunteer drivers, however, offer a consistent service for which there is time and ability to assess qualifications and do some kind of screening. The Volunteer Protection Act, passed by Congress in 1997 in response to its finding that “the willingness of volunteers to offer their services is deterred by the potential for liability actions against them,” explicitly excludes volunteers operating a motor vehicle from the protection. A better mechanism to addressing the challenges of volunteer driver recruitment is to eliminate the ambiguity surrounding insurance coverage for volunteer drivers.

Volunteer driver immunity is in conflict with AARP’s policy principle regarding the right to redress. Consumers have the right to accessible, appropriate, and adequate redress, including the full range of legal remedies.

TTI Research Findings

A majority of states with statutes explicitly addressing civil liability provide immunity to individual volunteers.

Twenty-seven of the 38 states that explicitly address volunteers in civil liability statutes extend immunity to volunteers regardless of their role with the volunteer organization: Alabama; Alaska; Arizona; Florida; Georgia; Hawaii; Indiana; Kansas; Kentucky; Louisiana; Maryland; Mississippi; Missouri; Montana; Nevada; New Hampshire; New Jersey; New York; Ohio; Oregon; Pennsylvania; Rhode Island; South Dakota; Tennessee; Texas; Washington, DC; and Wisconsin.

Most of these states provide immunity from liability for volunteers or limit liability for acts or omissions that occur during the scope of the volunteer activity, so long as the acts were not the result of willful or criminal misconduct. However, the statutes vary in several ways. One key difference is the type of organizations for which volunteers may work. For example, in Arizona, the statute protects a volunteer who works for a “nonprofit corporation or nonprofit organization, hospital or governmental entity,” while Kentucky’s statute names only nonprofit organizations, and Mississippi protects a volunteer for a “society.” A few states also limit immunity according to the type of activity the volunteer driver is supporting. In Oregon, liability is limited for volunteer drivers depending on the age of a rider, whether the rider is disabled or not, and the number of riders in the vehicle (ORS § 30.811). In Kansas, for a volunteer driver to be granted immunity, the organization for which the volunteer serves must carry secondary insurance.

One of the most narrowly tailored of these statutes, Tennessee’s Protection of Volunteer-Insured Drivers of the Elderly Act, (Tenn. Code Ann. § 29-34-210), specifies that the volunteer driver is immune from liability only above the policy limits of the volunteer’s or organization’s insurance policy, and then only if the following apply:

1. The harm was suffered by a senior citizen who benefited from the transportation service being offered.

2. The volunteer was serving a charitable organization.

3. The organization maintains a statutorily specified level of insurance coverage.

This level of specificity in the language of the statute makes it clear that the only plaintiffs who may not bring suit against the driver for damages that exceed the driver’s insurance coverage are recipients of the charitable organization’s volunteer transportation program (i.e., the older adults receiving rides from volunteers). It does not bar other drivers or road users from bringing an action against the driver for damages beyond the value of the driver’s insurance for harms that occurred in the course of providing the volunteer service.

Fourteen states do not extend volunteer immunity to volunteer drivers: Arkansas, Colorado, Delaware, Idaho, Maine, Mississippi, New Jersey, North Carolina, North Dakota, Oklahoma, Texas, Utah, Washington State, and Wyoming. These states specify that negligent drivers will not receive immunity from liability, but that the liability will be limited to the recoverable amount under the volunteer’s insurance policy.
Because Mississippi, New Jersey, and Texas grant immunity to some volunteers but not to drivers, they appear on both lists, and their statutes might be in conflict with one another. In Mississippi, for example, a 2001 insurance statute (Miss. Code Ann. § 83-30-15) grants immunity to volunteers, while a 2013 tort statute (Miss. Code Ann. § 95-9-1) excludes drivers from that immunity. It is likely that the more recent statute would govern volunteer drivers, but this potential conflict requires clarification. Similarly, one Texas law (Tex. Civ. Prac. & Rem. Code § 84.004) excludes volunteer drivers from immunity, while another grants immunity to volunteers providing election services for area aging agencies (Tex. Hum. Res. Code § 161.075.) The latter law does not expressly exclude volunteer drivers from the election-related activities. This means that there could be a conflict regarding the immunity of a volunteer who drives older citizens to and from elections conducted by area agencies on aging on behalf of a Texas nonprofit organization. And in New Jersey, one law provides immunity for members of a “fraternal society” (N.J. Stat. § 17:44B-8), while another expressly excludes drivers for nonprofit organizations from immunity (N.J. Stat. § 2A:53A-7). Fraternal organizations that are also nonprofits and that engage volunteer drivers could encounter a conflict as to immunity for those drivers.

CIVIL LIABILITY FOR ORGANIZATIONS THAT ENGAGE VOLUNTEER SERVICES

A third of states (16) have statutes that explicitly address liability of an organization for the acts of its volunteers; all but 1 of these hold the organization liable.

For the most part, these provisions state that the organization will be liable when the volunteer is immune. These states are Alabama, Arizona, Colorado, Delaware, Florida, Georgia, Hawaii, Kansas, New Hampshire, New Jersey, North Carolina, Oklahoma, Tennessee, Utah, and Wyoming. Texas, however, grants immunity to the organization for the acts of its volunteers.

In some cases, the statutes are narrowly tailored to certain types of agencies or organizations. For example, in Colorado, the “nonprofit organization, nonprofit corporation, governmental entity, or hospital” is liable for the acts of its immune volunteers unless the sole purpose of the organization is to provide health care (C.R.S. 13-21-115.5). In this case, volunteer drivers are not immune. In Georgia (O.C.G.A. § 49-6-63), the state agency tasked with overseeing the community care service system, which serves the functionally impaired older population, is liable for its volunteers’ acts or omissions.

Several statutes address aspects of an organization’s liability as it relates to insurance requirements or limits. In Hawaii, organizations are liable for the acts of their immune volunteers, and the state sets minimum insurance requirements to support that liability (HRS § 662D-2). In New Hampshire, the organization is liable for its volunteers’ damages at a value or $250,000 for harm to one plaintiff. If more than one person is harmed by the volunteer, the organization’s liability is capped at $1,000,000 (RSA 508:17.) Arizona’s statute uniquely provides protections for organizations via a statewide insurance policy requirement for insured volunteer drivers; the policy of the insured vehicle owner or operator be extended to cover a nonprofit corporation or nonprofit organization for the acts of its volunteer drivers (A.R.S. § 12-982). This requirement could incentivize insurers to raise an individual’s coverage rate in anticipation of more complex and expensive litigation over a driver’s negligent act or omission. Texas is the only state whose statute stipulate that an organization is not liable for the acts or omissions of its volunteers. The statute provides organizational immunity to Area Agencies on Aging for election-related activities conducted on behalf of a Texas nonprofit organization (Tex. Hum. Res. Code § 161.075).