



SAFEGUARDING THE USE OF NON-OWNED PERSONAL VEHICLES

Nearly every health care organization utilizes vehicles in their daily operations. Some of these off-premise uses include transporting residents for medical appointments or outings, providing in-home health care services, or meal deliveries to the local community.

Many health care organizations furnish their own vehicles for these transportation needs including vans, buses and automobiles. However, it is not uncommon for staff and volunteers to drive their own personal vehicles for business-related transportation.

It is important to recognize that your organization can be held liable for damages by allowing the use of non-owned personal vehicles for business purposes. In an effort to keep clients, residents, staff and volunteers safe, and to protect the organization from claims arising from the use of personal vehicles, the following safety precautions should be followed:

- Restrict who is allowed to drive. Studies show that accident rates are higher for drivers under the age of 25 and over 70; therefore, drivers of personal vehicles should be between 25 and 70 years of age.
- Require proof of automobile liability insurance. This should be obtained annually and kept on file. The following minimum auto liability limits should be required:
 - **Bodily Injury Liability** – \$100,000 each person / \$300,000 per occurrence and;
 - **Property Damage Liability** – \$100,000 per occurrence.
- Inform drivers that their personal automobile insurance is the primary coverage for any and all accidents and injuries that occur during the transport. They should contact their insurance company and inform them that they will be using their personal vehicle for business purposes.
- Secure non-owned and hired automobile liability coverage. This is important to protect the organization from liability in the event the non-owned vehicle is not adequately insured.
- Verify all drivers have a valid driver's license that is appropriate for the type of vehicle operated. This should be done annually.

- Check the motor vehicle records (MVR) for all drivers of personal vehicles. An MVR details the past driving history of accidents and violations. These reports are typically ordered from third-party services or can be obtained directly from your state's Department of Motor Vehicles. At a minimum, the driving record of an eligible driver should:
 - Not have any alcohol or drug-related violations for the prior five years;
 - Have no more than one minor moving violation for the prior three years (for example, failure to yield, speeding 20 mph or less over the speed limit, or talking or texting on a cell phone);
 - Have no major moving violations for the prior three years (for example, driving under the influence, manslaughter or vehicular homicide, reckless driving, or speeding in excess of 20 mph over the speed limit); or
 - Have no more than one at-fault accident for the prior three years.
- Require that the driver and all occupants wear seat belts.
- Prohibit texting, the use of smart/cell phones and eating while driving.
- Inspect the vehicle prior to use. It should be in good condition and mechanically sound, and all safety features for the vehicle should be provided and in proper working condition.

The safety of your clients, staff and volunteers is the number one reason to be concerned about the use of non-owned personal vehicles in your business operations. By implementing these safety procedures, you can keep everyone safe, while also reducing the organization's liability exposure.

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You are encouraged to consult with your own attorney or other expert consultants for a professional opinion specific to your situation.



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