

# What you need to know before you volunteer

On Sept. 16, 1997, the Volunteer Protection Act of 1997 became effective. Concerned that volunteers have been deterred from offering their services to nonprofit organizations because of liability concerns, Congress went to work to enact a law that would limit volunteer liability. This federal law is good news for all those who volunteer, or have always wanted to volunteer, for nonprofit organizations.

## I'd like to volunteer for a nonprofit organization. Am I protected from liability?

Yes. The Volunteer Protection Act provides liability protection for harm a volunteer may cause as long as:

- 1) the volunteer was acting within the scope of his or her responsibilities;
- 2) the volunteer was properly licensed, certified or authorized to perform the activity which caused the harm; and
- 3) the harm was not caused by the volunteer's willful or negligent conduct, or by the volunteer's negligence in failing to follow the instructions of the person harmed;
- 4) the harm was not caused by the volunteer's operation of a motor vehicle, vessel, aircraft or other vehicle for which the state mandates the operator or owner to be licensed or to maintain insurance.

## Are there exceptions to volunteer immunity I should know?

The Volunteer Protection Act provides immunity if the volunteer was not engaged in misconduct which:

- 1) constitutes a felony or misdemeanor under an applicable state or federal law;
- 2) constitutes a crime involving moral turpitude;
- 3) involves a willful or negligent offense; or
- 4) violates federal or state civil rights laws.

## Do I qualify as a volunteer under the act?

A "volunteer" is defined under the act as an individual performing services for a nonprofit organization or a governmental entity who does not receive compensation (other than reasonable reimbursement or allowance for incurred expenses) or any other thing of value in lieu of compensation, in excess of \$500 per year. The term includes a director, officer, trustee or other direct service volunteer.

## I volunteer as a director of a nonprofit organization. Can my homeowners policy or umbrella policy extend coverage for harm I may cause as a volunteer?

No. A homeowners or umbrella policy shows little promise of providing a director or officer any protection in the event that a lawsuit arises.

The reason? The typical directors and officers lawsuit involves a wrongful act that inflicts financial injury to someone, whereas a homeowners policy covers an insured whose negligence causes an accident that produces bodily injury or property damage to a plaintiff. The homeowners policy, if so endorsed, also may provide coverage for personal injury offenses, such as libel or slander.

An umbrella policy will provide the same protection as the homeowners policy, but offers additional coverage limits. It also may provide you with additional coverage for personal injury protection; however, it is important to check with our agency to verify this.

The Volunteer Protection Act of 1997 is a big step in the right direction to providing volunteers with immunity; however, because there are still some limitations and qualifications on immunity, check with our agency to be sure you have the appropriate insurance coverage.



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