



## Use of Volunteer Vehicles

This article identifies the legal requirements when a volunteer uses their vehicle in a volunteer capacity, or drives passengers in their own car or another vehicle.

### THE TRANSPORT SERVICES LICENSING ACT 1989

The Transport Services Licensing Act 1989 covers two aspects: The owner of the vehicle and the person who drives it. The legal requirements depend partly on the size of the vehicle: If the vehicle seats twelve or fewer persons (including the driver) then a Passenger Service Licence is required only if the driver receives a reimbursement for their expenses. This could matter if you have an accident as it may impact your insurance claim. You could also be held criminally liable if you didn't have the required Passenger Service Licence or endorsement.

However, for volunteers who drive the vehicle to assist an incorporated charitable organisation or a hospital there may be an exemption from their having to hold the Passenger endorsement.

If you use your own vehicle for volunteer work (whether you carry passengers or not) it would be wise to check your insurance policy carefully, especially the "description of use" clause.

### ORGANISATION'S CONSIDERATIONS

Voluntary agencies need to remember that the requirement for drivers to have a Passenger Endorsement provides an important safeguard. If volunteer drivers involved with your organisation do not require this endorsement it is your responsibility to check their driving ability as well as their record of traffic and criminal offences and their medical fitness. If they use their own cars these should be checked for current Warrant of Fitness and Registration.

### NEW ZEALAND TRANSPORT AGENCY

New Zealand Transport Agency is happy to answer

any specific queries about transport (freephone 0800 699 000). They will also visit any voluntary organisation and assist them in developing safe transport/driving policies. There is no charge for this service.

### DRIVING POLICY

If your organisation requests volunteers to use their own vehicles to drive themselves or anyone else as part of their volunteer role, then it is wise to put in place a Driving Policy. Such a policy should cover the following conditions:

- Volunteers using their own vehicles are required to have:
  - \* a current drivers licence
  - \* a current Warrant of Fitness
  - \* a registered vehicle
  - \* a minimum of Third Party Insurance
- Drivers are to undergo regular Driving Competency Assessments (e.g. every five years) at the organisation's expense
- Insurance and payment of any fines (traffic offences, parking tickets) are the responsibility of the volunteer
- Drivers take responsibility to inform the Manager of volunteers should they experience a change in their health, which may compromise their own, and/or a patient's comfort and safety
- The close confinement of a car trip can provide an environment conducive to the sharing of confidences. Confidentiality must be respected at all times
- When a child (under 16 years) is being transported there must be another independent adult present, preferably a family member.