Governor's Office of Volunteer Services

SUGGESTED GUIDELINES FOR ESTABLISHING VOLUNTEER TRANSPORTATION PROGRAMS

May, 1980

Governor's Office of Volunteer Services 130 State Capitol St. Paul, Minnesota 55155 612/296-4731 (metro) 800/652-9747 (non-metro Minnesota) LIABILITY INSURANCE: Any form of coverage whereby the insured is protected against claims of other parties.

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- LIABILITY LIMITS: The sum or sums beyond which a liability insurance company does not protect the insured on a particular policy. The majority of policies covering liability for bodily injury have two (2) limits, a limit of liability to any one person, and, subject to this personal limit, another and usually higher limit for any single accident, where more than one person is involved. Coverage for property damage is written with a limit per accident, but in certain forms, such as malpractice, product and manufacturer's and contractor's liability, there is also an aggregate limit of liability, for the total amount of all claims during the policy period.
- MALPRACTICE: Alleged professional misconduct or lack of ordinary skill in the performance of a professional act. A practitioner is liable for injuries caused by malpractice. Such liability, for some professions, can be covered by insurance.
- MEDICAL PAYMENTS INSURANCE: An agreement by an insurer to pay, subject to a limit, medical, surgical, hospital and funeral expenses, regard-less of liability of the insured.
- PERSONAL PROPERTY: This is defined to mean the right or interest which a person may have in things personal, movable, or separable from the reality.
- WORKERS COMPENSATION LAWS: Statutes imposing liability on employers to pay beneifts and furnish care to injured employees, and to pay benefits to dependents of employees killed in the course of and because of their employment.
- VOLUNTARY WORKER'S COMPENSATION ENDORSEMENT: Under a voluntary compensation endorsement, an employee (volunteer) receives the same benefits as are provided by Worker's Compensation law, for on the job injuries.

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INTRODUCTION

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Citizens in many areas of our state have little or no access to public transportation. Even in areas where public transportation exits, there are people who still need the kind of service that is only and uniquely available from volunteer transportation programs.

As the number of volunteer transportation programs have grown and more communities have become interested in developing such programs, the Governor's Office of Volunteer Services (G.O.V.S.) and other resource organizations have experienced a rapid increase in the number of requests for information and materials on establishing volunteer transporation programs. Among these requests were many questions concerning insurance for individuals and programs. As a result of these inquiries, it became evident that there was a need to address the common problems in the development and maintenance of volunteer transportation programs.

As a result, G.O.V.S. established a Task Force on Volunteer Insurance to find resolutions to the liability problems affecting volunteer transportation programs. The membership of this Task Force included representatives from Minnesota state departments, the insurance industry and the volunteer community. (See Appendix A. for a listing of members).

The Task Force determined that it would be beneficial to develop a set of recommended standards and guidelines for volunteer transportation programs. In producing this set of guidelines, the G.O.V.S. Task Force on Volunteer Insurance attempted to address three problem areas:

 The need for communities developing new volunteer transportation programs to utilize the knowledge and resources of those who had had successful experiences in this area;

 The need for volunteer transportation programs to obtain adequate insurance for their programs and drivers;

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3. The need for some consistancy in the organization and operation of volunteer transportation programs, so that the insurance industry could provide coverage to meet the needs of the programs.

The following suggested "Guidelines for Establishing Volunteer Transportation Programs" was developed by the Task Force, in an effort to meet those needs.

The Task Force hopes that these "Suggested Guidelines" will provide a model that will be a useful tool for individuals and groups in a wide variety of situations.

For further information contact: Governor's Office of Volunteer Services 130 State Capitol St. Paul, Minnesota 55155 612/296-4731 800/652-9747 - Non-Metro Minnesota (Ask the operator for the office)

GOVERNOR'S OFFICE OF VOLUNTEER SERVICES

Suggested Guidelines for Establishing Volunteer Transportation Programs Developed by the Task Force on Volunteer Insurance

The following are "Suggested Guidelines for Establishing Volunteer Transportation Programs." They cover program planning, application process for volunteers, driver training, record keeping, volunteer recognition, insurance, and program evaluation.

These guidelines should be used together with the agency's or organization's definition of the kind of service it will provide and who is eligible to receive the service.

PROGRAM PLANNING

- 1. STANDARD: Advanced planning for Volunteer Transportation Programs (VTP) is a necessity and should involve representatives, from as many as possible, of the population segments to be effected. This might include staff, clients and prospective volunteers.
 - RATIONALE: This process will insure that the perceived needs of all are met and will promote support and cooperation among VTP staff, clients, volunteers, and service providers (i.e. destinations for clients, sources of passenger referrals). The time allocated for advance planning will benefit the VTP by establishing community support, establishing a framework for the programs, and reducing future problems.
 - PRACTICAL SUGGESTIONS:

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Information should be gathered as to the anticipated frequency of trips, estimated numbers of passengers to be served, scheduling needs, agreement on limitations of the program, availability of mileage reimbursement and conditions under which it is available. Development of volunteer job descriptions, instructions for passengers and referral sources, and planning for training for volunteer drivers should also be developed by this group.

- 2. STANDARD: Attempts should be made by the VTP to maximize the coordination of equipment, facilities, funding, and staff (i.e. dispatching, accounting, etc.) with other appropriate programs in the community.
 - RATIONALE: Duplication of services are expensive for the community, confusing to clients and competitive in nature. Frequently, where there are duplications there are also gaps in services.

PRACTICAL SUGGESTIONS:

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Inventory the current transportation resources in the community. Identify geographical areas and populations served, criteria for service, and special situations where needs are not being met.

- 3. STANDARD: Develop clear definitions of eligibility for VTP transportation services.
 - RATIONALE: The definitions form the basis for future decisions of when to use or not to use a volunteer driver. It gives the VTP an opportunity to define geographical coverage, populations to be served, scheduling needs, required advance notice, whether to respond to nonmedical emergencies, whether long distance trips are possible and under what circumstances, and other questions that will arise regarding VTP services.

PRACTICAL SUGGESTIONS:

Input from participating and cooperating organizations, regarding the kinds of clients that need to be transported and those already served, will help to form the definitions. Financial and other limitations should also be considered.

- 4. STANDARD: Develop clear instructions for passenger referral sources (social workers, medical facilities, social security office, clergymen) on how to help people utilize the service.
 - RATIONALE: Referral sources have the responsibility to make the proper use of the program by not referring inappropriate passengers and by explaining the program to the people being referred.
 - PRACTICAL SUGGESTIONS:

Print a sheet of instructions for the workers making referrals to keep them aware of the requirements for using the service. Another instruction sheet for passengers will help them to understand their responsibilities, and to convey instructions on how to cancel or to change their transportation arrangements.

- 5. STANDARD: Develop a Volunteer Driver Handbook or Manual.
 - RATIONALE: A handbook provides the basis for volunteer training, a reminder or refresher on details at a later time, and a ready resource; especially if helpful telephone numbers are included.

PRACTICAL SUGGESTIONS:

Make the handbook available to all volunteer drivers and to those who will be making referrals. It is helpful for referral sources to know what the volunteers have been instructed to do. The handbook should cover such topics as: emergency procedures, record-keeping and reimbursement procedures, insurance information, safe driving tips, objectives of the program, passenger priorities, responsibilities of drivers, responsibilities of riders, and responsibilities of referral sources.

- 6. STANDARD: Develop clear job descriptions for volunteer drivers; and include all job requirements.
 - RATIONALE: The job description is the "mutual agreement" between the volunteer and VTP. It will define exactly what the VTP expects of the volunteer and what the volunteer can expect from VTP. It will ensure that the volunteer drivers understand what services they are agreeing to perform and will avoid misunderstandings between the volunteers and VTP. The job description can also provide the basis for terminating an inappropriate volunteer.
 - PRACTICAL SUGGESTIONS:

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Try not to make the job description too awesome, but clearly spell out all of the expectations including experience needed, time commitment, supervisory plan, training, and record-keeping required. Especially note the areas which may be negotiable between the individual driver and the program (i.e. days of the week, being "on call," in-town trips vs. out of town trips, etc.). The job description might also include benefits available to the volunteer (i.e. reimbursement of expenses, evaluation of performance, letters of recommendation).

- 7. STANDARD: Develop a driver application form.
 - RATIONALE: This form will gather factual information about the driver and form the basis for the screening interview and for the driver's file. Also, it can provide the required registration for excess liability insurance policies. (See Standard #17.)

PRACTICAL SUGGESTIONS:

It is a good policy to require that a driver has an application form on file before receiving an assignment. Be sure the application requests all the necessary information. Eliminate unnecessary questions.

APPLICATION PROCESS FOR VOLUNTEERS

- 8. STANDARD: Require all applicants to complete the application form and participate in a screening interview.
 - RATIONALE: This interview gives the program coordinator an opportunity to give basic initial information and to inform the driver of reasons for requiring certain kinds of information, and to initiate discussion of the benefits/reimbursements/referrals process. The coordinator also gains information about the applicant's interests, willingness to serve, attitudes, and approaches to problems. It is also the time when the application form and job description are discussed with respect to the negotiable areas.

PRACTICAL SUGGESTIONS:

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Allow plenty of time, so that the interview will not be hurried. Hold the interview in a comfortable place. Plan in advance and have a schedule of topics to be covered and a listing of information to be gained.

- 9. STANDARD: Have the applicant sign a release giving permission to check on his/her driving record.
 - RATIONALE: This release form should be a routine part of the application process for every new driver. This will provide assurance to insurance carriers that efforts are being made to screen out unsafe or reckless drivers.

PRACTICAL SUGGESTIONS: The check can be conducted through local law enforcement officials.

- 10. STANDARD: Require information on the applicants insurance coverage, including the company and the amount of coverage.
 - RATIONALE: A minimum of \$25,000 no-fault auto liability is <u>required</u> by statute in the State of Minnesota. Excess liability policies, which are available, cover a driver beginning at the upper limit of the driver's own policy, as long as it meets the state's minimum requirement.
 - PRACTICAL SUGGESTIONS: This information may be requested on the application form or on a separate form.
- 11. STANDARD: Request information on the applicant's health.

RATIONALE: A driver subject to blackouts, strokes, seizures, and other conditions may endanger the well-being of passengers. Again, insurance companies will be interested that the VTP is doing its best to protect its passengers/clients.

PRACTICAL SUGGESTIONS: The coordinator should make every effort to assign qualified drivers who are physically able to perform the service and handle the situation.

DRIVER TRAINING

12. STANDARD: Every driver should be required to receive training before being assigned.

RATIONALE: Training increases the driver's feelings of participation on the team and prepares him/her for situations with client/passengers which, without training might prove difficult to handle, and lead to driver discouragement and resignation. Good training frequently conveys to the volunteer the program's willingness to invest in them.

PRACTICAL SUGGESTIONS:

In large programs, group training may be used. In smaller programs, parts of the training may be done during the interview process. Defensive driving or first aid courses may be available through a school system, law enforcement agency, the Red Cross, or some other local resource.

- 13. STANDARD: Each driver should be trained in how to help or assist passengers, particularly those with special needs.
 - RATIONALE: Knowing how to physically assist a passenger is important to both the driver's and passenger's welfare.
 - PRACTICAL SUGGESTIONS: Nursing home or hospital personnel, who train their own employees in this area, may be willing to participate in training the volunteer driver.
- 14. STANDARD: In-service training on a periodic basis should be a requirement of continued participation.
 - RATIONALE: Some on-going, direct contact is necessary to keep lines of communication open in order to help drivers feel a part of the total program, to give them an opportunity to share with others, and to become informed of any program changes.
 - PRACTICAL SUGGESTIONS: Writing this expectation into the job description gives the driver advance notice. Also providing good, informative training keeps the volunteer coming, because it is a worthwhile and growth experience.

RECORD KEEPING

- 15. STANDARD: Record-keeping and statistics are the responsibility of the VTP, although timely input from the volunteer driver should be a requirement of the job.
 - RATIONALE: Statistics are important to prove VTP accountability when seeking on-going funding or expansion funding. It also provides a means of measuring the effectiveness of the program.

PRACTICAL SUGGESTIONS:

Keep record-keeping as simple as possible, but be sure to gather all the kinds of information needed. If statistics are compiled on a monthly basis, they will be available when needed. Frequently, a volunteer who does not drive, but who enjoys figures and statistics can assist the VTP in this area.

VOLUNTEER RECOGNITION

- 16. STANDARD: The VTP should provide recognition on a regular basis for volunteer drivers.
 - RATIONALE: Recognition on a daily basis, as well as formalized recognition programs, keep volunteers confident that they are part of the team, needed and appreciated. Staff members need to know that their efforts, sometimes "beyond the call of duty," are appreciated.
 - PRACTICAL SUGGESTIONS.

A "thank you" or "you did a great job" is very simple but vital form of recognition. Inclusion in program planning and evaluation can be forms of recognition, as can the on-going training provided to volunteers. Formal recognition might include an annual event or program for the volunteers.

INSURANCE

- 17. STANDARD: The VTP should provide excess liability insurance for drivers who have been appropriately registered, are trained, and remain in good standing.
 - RATIONALE: Excess liability insurance may provide a measure of comfort for volunteer drivers. It does provide protection against claims greater than the upper limits of the driver's own insurance.
 - PRACTICAL SUGGESTIONS:

Check with a local insurance agent as to whether excess liability insurance for volunteers can be added under the agency's already existing policy, or whether he/she could find an underwriter willing to provide excess liability. If this is not possible, request information on excess liability for volunteer drivers from: Volunteers Insurance Services

Corporate Insurance Mangement 5513 Connecticut Ave. N.W. Washington, D.C. 20015 Phone: 202/244-5678

PROGRAM EVALUATION

- 18. STANDARD: A usable and understandable system of evaluation should be developed for the VTP to reflect the extent to which the program achieves its goals and objectives and identifies areas in need of change. The VTP should conduct an evaluation at least annually.
 - RATIONALE: Evaluation is an important step in the planning process. It enables changes to be made, based upon actual performance data, as well as assessed need.
 - **PRACTICAL SUGGESTIONS:**

Comparisons of the ridership from one month to another, one year to another, as well as a profile of the passengers will help to formulate plans for recruitment and training of additional volunteers. For example, if a trend is detected toward transporting more disabled people, more volunteers who are physically able to assist passengers should be recruited and trained in proper methods to transfer etc.

APPENDIX A.

TASK FORCE MEMBERSHIP

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Charles Wright, Manager Insurance Service Office of Minnesota 12 South 6th St. Plymouth Building Minneapolis, MN 55402 612/338-8200

APPENDIX B.

AUTO INSURANCE INFORMATION FOR VOLUNTEER DRIVERS

In response to frequently received questions regarding automobile insurance and volunteer drivers, the Minnesota Department of Commerce-Insurance Division; the Minnesota Insurance Information Center; and the Governor's Office of Volunteer Services have prepared this information sheet. The following are some of the most common questions asked and answers which, in general, hold true. Specific questions regarding automobile insurance for volunteer drivers should be directed to an insurance agent.

Do auto insurance companies refuse to pay claims because a vehicle is being used in a volunteer driver program?

No. They would not use this as a reason for not paying claims. Most policies have a provision which says that the coverage is not applicable if the car is used as a public or livery conveyance. Volunteer drivers are ordinarily not reimbursed a large enough amount to be considered public or livery. Under these circumstances no company would use that exclusion in the policy.

Do auto insurance companies increase premiums because you are using your car as a volunteer driver?

Ordinarily not. Some insurance companies consider annual mileage in setting rates and charge a lower premium if a car is driven less than a specific number of miles (i.e. 7,500) per year. If a car, insured by such a company is used more than this mileage limitation, the premium would increase to that charged for a higher annual mileage. This increase, however, would result from increased mileage, not because the car is used in a volunteer driver program. Under most circumstances, volunteer driving does not add enough miles to increase premiums.

One company does charge a somewhat higher premium if a car is regularly used more than 8 hours per week in a volunteer driver program. This increase is based on time. Most volunteer drivers would seldom average more than 8 hours per week and be charged the extra amount.

Do auto insurance companies attempt to cancel or not renew auto insurance policies because of use in a volunteer program?

No. The Insurance Division of the State of Minnesota receives hundreds of auto insurance cancellation and nonrenewal complaints a year, but has never received a complaint resulting from a company attempting to cancel or not renew a policy because of the driver or car being involved in a volunteer program. There have been, over the years, two or three instances where agents have said that the company would cancel or nonrenew a policy, but in each case investigated by the Insurance Division, it was found that the agent was making an incorrect assumption and in each instance the company did continue coverage. The Insurance Division (which has the authority under state law to compel companies to continue auto insurance if the company does not have sufficient cause for cancellation or nonrenewal) says that use of a car in a volunteer driver program would not be grounds to discontinue a policy. What would happen if a volunteer driver is in an accident and a passenger is injured?

Under the Minnesota No-Fault Insurance Law, if there is no automobile insurance in the household of the passenger, the auto insurance policy of the car in which the passenger is riding when injured would pay all medical costs resulting from the accident, up to \$20,000 per person.

For additional information contact:

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Minnesota Insurance Division 500 Metro Square Building 7th & Robert Streets St. Paul, MN 55101 612/296-2488 Minnesota Insurance Inforamtion Center Soo Line Building Minneapolis, MN 55402 612/339-9273 Governor's Office of Volunteer Services 130 State Capito1 St. Paul, MN 55155 612/296-4731 800/652-9747 (non-metro Minnesota)

* Additional copies of this information sheet are available from the Governor's Office of Volunteer Services.

APPENDIX C.

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INSURANCE INFORMATION FOR VOLUNTEER SPONSORING UNITS, ORGANIZATIONS AND THE INDIVIDUAL VOLUNTEER

Prepared by

Minnesota Insurance Information Center 1320 Soo Line Building Minneapolis, Minnesota 55402

> July 1976 Revised May 1980

FORWARD

Who should assume the responsibility for financial risk taking in the volunteer movement --- the individual or the sponsor? This information outline attempts to identify some specific risk problems, and how insurance of sponsoring units and individuals, can be used to transfer these risks.

Volunteer assistance, like charitable giving, is an essential ingredient in our free society. As volunteerism grows, normal and routine operational procedures, systems, laws, and responsibilities designed to safeguard rights and privileges may develop stress areas for both sponsor and individual. Accidental injury, while volunteering, for example, poses an interesting dilemma. In our ever-increasing tort (fault) consciousness, who assumes the economic risk responsibility, the sponsor or the individual?

From the sponsoring side of volunteerism, there is the legal responsibility imposed by local, state, and federal laws. One example is the employer's legal responsibility to the injured worker. States vary in their requirements, benefit provisions, legal interpretations, and actual cost of workers' compensation insurance.

From the individuals perspective, there are several basic risk problems. For example, when transporting self, or others, there is increased automobile exposure, with possible rate increase. The threat of injury or illness resulting from volunteer assignment is always present. Who should pay for these costs.

As the volunteer movement matures, new case law being established will be one central mechanism. Statutory changes to establish guidelines to keep the cost overhead under control will also emerge to protect the volunteer system.

INSURANCE SUMMARY

Insurance to cover various risks should be considered for:

- I. Volunteer Sponsors. Municipal, County or State Supervising Units, and Public, Private and Non-Profit Organizations.
- II. Individual Volunteers

INSURANCE FOR SPONSOR UNITS UNDER I ABOVE

- <u>CONTENTS</u>: In the event the unit maintains an office, a broad form of physical damage insurance should be carried on all personal property (contents consisting of furniture, fixtures, equipment, supplies, etc.). This coverage would include perils of fire and extended coverage, vandalism, malicious mischief, or other suitable broad-form coverage. Burglary and theft insurance is in order for this personal property. In the event money is handled in any sizable amounts, it would be well to consider "money" coverage and a Fidelity Bond to cover individuals who handle the money.
- AUTOMOBILES: Automobile coverage should be carried in the event the unit owns one (1) or more vehicles. Physical damage and liability insurance should be carried on all owned vehicles.

Hired cars and non-owned cars should be insured. This would include non-ownership coverage for all volunteer autos, vans, or buses for any group transportation and rented or leased units.

- INSURANCE AMOUNT: The amount of insurance for physical damage on personal property would be based on existing values and at least 80% to value.
- LIABILITY: Comprehensive General Liability, covering bodily injury and property damage should be carried on any office premises, and all off-premises operations. Automobile coverage previously stated may be included in this C.G.L. Policy.
- LIMITS: The auto and comprehensive liability insurance should be for reasonably high limits of \$100,000/300,000 bodily injury and \$25,000 property damage. Physical damage insurance on owned vehicles would be based on year, model and cost of each auto. Higher deductibles save money!
- EXCESS: Excess liability insurance in amount of \$1,000,000 should be considered to supplement primary insurance mentioned in previous paragraph.

WORKERS: Workers' compensation insurance must be carried on all paid employees. Premiums are based on payroll and class of occupation. (An endorsement to cover volunteers can be attached to this policy and should be, if volunteers are used.)

SPECIFIC INSURANCE FOR VOLUNTEERS UNDER II ABOVE

The coverages outlined below are generally available on a group basis, except auto insurance, which is individually purchased.

- ACCIDENT: Accident Insurance to cover personal injury costs arising from volunteer activities. This coverage provides Medical Indemnity up to a stated amount --- \$5,000 or \$10,000. Loss of life, sight, or limbs can be included in this type of policy on a "scheduled" basis.
- AUTOMOBILE: Comprehensive and collision coverages as deemed necessary for age, and value of the car, and liability (bodily injury and property damage) of sufficient high limits should be carried. No Fault benefit levels vary, state to state. In Minnesota, auto assured must carry these mandatory minimum coverages.
 - Bodily Injury Liability \$25,000 per person and \$50,000 per accident
 - 2. Property Damage Liability \$10,000 per accident
 - No Fault (P.I.P.) \$30,000 which is divided into \$20,000 Medical Rehabilitation expenses and \$10,000 in Non-Medical expenses. (Higher limits are available.)
 - Uninsured Motorist Coverage of \$25,000 per person and \$50,000 per accident.

INSURANCE DEFINITIONS

- ACCIDENT: An unforeseen, unintended event, something unexpected, something which could not be considered as a foreseeable occurrence.
- ACCIDENT INSURANCE: Insurance providing stated benefits payable in case of accidental injury, or accidental death.

Benefits may relate to income, if disabled; payment of medical expenses; and indemnity for death or loss of limbs or sight resulting from an accident.

- AUTOMOBILE ASSIGNED RISK PLAN: A program, operative in each state, under which automobile liability insurance is made available to persons who are unable to obtain such insurance in the voluntary market.
- BODILY INJURY: Injury to body of a person. The term is usually specifically defined in the policy and these individual definitions have variations.
- BODILY INJURY LIABILITY: The responsibility which may arise from injury to life, or health of another individual or individuals.
- BODILY INJURY LIABILITY INSURANCE: Protection against loss arising out of the liability imposed upon the insured by law for damages because of bodily injury, sickness, or disease sustained by any persons other than employees.
- COMPREHENSIVE PERSONAL LIABILITY INSURANCE: A type of insurance that reimburses the policy holder if he becomes liable to pay money for damage or injury he has caused to others. This does not include automobile liability, but does include almost every activity of the policyholder except his business operations.
- INDEMNIFY: (1) To restore the victim of a loss, in whole or in part, by payment, repair, or replacement; (2) to afford indemnity.
- INDEMNITY: Restoration to the victim of a loss, in whole or in part, by payment, repair, or replacement.

Comment: To the extent that the obligation of the insurer is to do other than make good losses, the insurance contract is not one of indemnity. The term indemnity or indemnify should not be used to apply to an obligation other than to make good a loss.

INSURANCE: The contractual relationship which exists when one (1) party, for a consideration, agrees to reimburse another for loss caused by designated contingencies. The first party is called the insurer; the second, the insured; the contract, the insurance policy; the consideration, the premium; the property in question, the risk; the contingency in questions, the hazard or peril. The term assurance common in England, is ordinarily considered identical to and synonymous with insurance. LIABILITY INSURANCE: Any form of coverage whereby the insured is protected against claims of other parties.

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- LIABILITY LIMITS: The sum or sums beyond which a liability insurance company does not protect the insured on a particular policy. The majority of policies covering liability for bodily injury have two (2) limits, a limit of liability to any one person, and, subject to this personal limit, another and usually higher limit for any single accident, where more than one person is involved. Coverage for property damage is written with a limit per accident, but in certain forms, such as malpractice, product and manufacturer's and contractor's liability, there is also an aggregate limit of liability, for the total amount of all claims during the policy period.
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