



Volunteering Canterbury

Volunteers Transporting Passengers

This article clarifies the legal requirements when a volunteer is involved in driving passengers in their own car or another vehicle.

The relevant legislation, the Transport Services Licensing Act 1989, covers two aspects: The owner or 'operator' of the vehicle and the person who drives it.

The legal requirements depend partly on the size of the vehicle. If the vehicle seats more than twelve people (including the driver) the operator is required to hold a Passenger Service Licence (Operator's Licence). If the vehicle seats twelve or fewer persons (including the driver) then a Passenger Service Licence is required only if passengers are carried "for hire or reward".

There is no definition of "hire or reward" in the legislation, but the term has been defined through case law and applies in the following circumstances:

- Where a specific charge is made to passengers, e.g. a gold coin donation is requested, whether the recipient is the driver or the operating organisation. The charge made need not be sufficient to cover costs.
- Where the organisation has received funding specifically to provide transport, e.g. a Ministry of Health grant to take older citizens for outings.

Exemptions from having to hold a Passenger Service Licence (Operator's licence)-

The Transport Services Licensing Act includes these exemptions:

1. Passenger services operated by or under the control of any area health board or *incorporated charitable organisation* where-
 - a) the vehicles used are private motorcars driven by volunteers
 - and**
 - b) the only payments made in respect of provision of the service are for reimbursement of operating costs.
2. Passenger services operated by or under the control of any area health board, local authority or incorporated charitable organisation where-
Transport provided in motor vehicles that are designed to carry 12 or fewer persons (including the driver) by persons providing home or community support services where-

- a) the transport is provided to clients as an incidental part of the service
and
- b) a fee or fare is not required of the client for the provision of transport.

Should you have concerns as to whether your service / volunteers are eligible for either of the above exemptions please contact Sally Blondell at Land Transport NZ on 03 964 2860 or email her at sally.blondell@landtransport.govt.nz

If your service does not fit under either of the above exemptions it is likely the organisation requires a Passenger Service Licence, information regarding such a licence may be obtained by contacting Land Transport NZ on 964 2860.

Any person driving a vehicle operating under a Passenger Service Licence is required to have a passenger endorsement attached to the driver licence issued in their name.

For **volunteers** who drive the vehicle to assist an incorporated charitable organisation or a hospital there is an exemption from their having to hold the Passenger endorsement.

Volunteers

If you:

- Carry passengers in your own car, **and**
- You're reimbursed for your expenses, **and**
- You're not doing so for an area health board, local authority or incorporated charitable organisation

Then under the strict letter of the law, you must have a Passenger Service Licence and a passenger endorsement on your driver licence. It could matter if you have a crash – the insurance company might decline your claim. You could also be held criminally liable if you didn't have the required Passenger Service Licence or 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.

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.

Land Transport NZ is happy to answer any specific queries you have 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. The person to contact is Bob Clements, phone 03 964 5677 or Sally Blondell, phone 03 964 2860, e-mail Sally.Blondell@landtransport.govt.nz

Corporate Mobility Permits

It is possible to obtain a Corporate Mobility Parking Permit for a volunteer driver to use to park in a mobility parking space when transporting a client who has limited mobility. The card costs \$100 for five years, and can be obtained from CCS Disability Action. The organisation for whom the volunteer works needs to apply for the permit, and give the registration number of the volunteer's car (which is printed on the permit).

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