

# WE'RE NOT SELLING OUR 15 PASSENGER VAN

In April 2001, the NHTSA issued a 15 passenger van safety advisory. One year later, the advisory was reissued because churches' 15 passenger vans were involved in multiple accidents. When more than 9 people occupy a 15 passenger van, it is 3 times more likely to roll in an accident.

Churches utilizing 15 passenger vans after the issuance of two safety advisories are open to a finding of gross negligence if their van is involved in a personal injury accident. Gross negligence is willful or wanton misconduct or willful indifference to known risks. Two legal consequences to being found grossly negligent are: 1) assessment of punitive damages, which are prohibited from being covered by insurance; and 2) assessment of personal liability to board members.

A church may reduce its risk by complying with NHTSA safety standards. Adopt a written policy similar to the following AND

make sure the policy is ALWAYS enforced.

1. Limit occupants to 9 people including the driver.
2. Load occupants from the front.
3. Require all passengers to wear seat belts.
4. Never load on top or pull anything behind the van.
5. Ensure drivers are rested.
6. Require drivers to drive cautiously at all times.
7. Inspect tires monthly for wear and maintain proper inflation.
8. If tires leave pavement during operation, gradually reduce speed then ease van back onto roadway.
9. Educate and train drivers.
10. Always keep gas tank as full as possible.

Such a policy does not guarantee a waiver of liability for the church or its board members. It merely reduces the risk. The only way to be free of liability is to sell the van.

## CHURCH LAW