



Texas Master Naturalist Program 101

Insurance & Liability Protection

This informational page will discuss the types of insurance policies and other liability protection offerings currently available for the statewide Texas Master Naturalist Program, the suggested insurance policies each chapter should research and those that individual Texas Master Naturalist volunteers may wish to research further on their own. This information is not intended to be legal advice, and chapters should consult with their own attorney if they have questions about specific laws or legal requirements.

Personal Insurance & Liability

First and foremost, each Texas Master Naturalist volunteer is encouraged to contact their personal insurance agent to verify their coverage under their personally held homeowners and personal liability insurance. That would be the primary policy to ensure that a volunteer is covered for any accidents or incidents.

Sponsoring Agencies' Policies and Protections

Texas Parks & Wildlife Department

Sponsoring organization Texas Parks & Wildlife Department provides "excess" policy coverage for the Texas Master Naturalist Program. Volunteers who are registered in the Volunteer Management System and who are engaged in approved volunteer activities are covered under the Excess Liability policy for certain damages they may cause to a third party. This coverage excludes accidents involving vehicles, golf carts, etc. Volunteers may also receive coverage under the Medical Accident policy for certain injuries and medical expenses they may suffer. These policies provide excess coverage for expenses not covered by the volunteer's own insurance.

- **Medical accident policy** - Excess coverage; Maximum benefit per accident is \$50,000
- **Volunteer excess liability policy** - Excess coverage; Maximum occurrence limit of \$1 million
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Texas Parks and Wildlife Code §11.0281 provides that Texas Parks & Wildlife Department is liable for property damages, personal injury, or death caused by volunteers operating Department motor-driven vehicles or motor-driven equipment in the scope of their volunteer activities. Volunteers are immune from liability, unless their conduct is intentional, willfully negligent, or done with conscious indifference or reckless disregard for the safety of others. Texas Parks & Wildlife Department may pay up to \$100,000 for each single occurrence for property damage, and up to \$250,000 for each person and \$500,000 for each single occurrence for bodily injury or death.

Insurance claims are handled by the State Office of Risk Management and the insurer, and therefore Texas Parks and Wildlife Department cannot guarantee that a volunteer will be eligible for coverage in a particular situation.

Texas A&M AgriLife Extension Service

The Texas A&M AgriLife Extension Service does not provide liability insurance coverage for groups such as the Texas Master Naturalists. However, under certain conditions, Texas state law may provide “immunity from liability for volunteers.” Texas Education Code 51.937 provides that direct service volunteers for an institution of higher education (including Extension) are immune from liability for any act that is within the scope of their positions as a volunteer **and** that involves the exercise of discretion or judgment. This does not include operation, use or maintenance of motor vehicles, and does not apply to intentional misconduct or gross negligence. The volunteer would need to hire his/her own attorney to assert this immunity. Some homeowner’s policies provide for legal defense.

The Texas Education Code 51.937 IMMUNITY FROM LIABILITY FOR VOLUNTEERS states the following:

- (a) A volunteer who is serving as a direct service volunteer for an institution of higher education is immune from civil liability for any act that:
 - (1) is incident to or within the scope of the duties of the volunteer’s position; and
 - (2) involves the exercise of judgment or discretion on the part of the volunteer.
- (b) This section does not apply to the operation, use, or maintenance of a motor vehicle.
- (c) This section does not limit the liability of a person for intentional misconduct or gross negligence.
- (d) In this section, “volunteer” means a person providing services for or on behalf of an institution of higher education, on the premises of the institution or at an activity related to or sponsored by the institution on or off of the property of the institution, who does not receive compensation in excess of reimbursement for expenses.

A link to the Texas Education Code Immunity Provision -

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.51.htm#51.937>

Frequently Asked Questions

What does “excess coverage” mean?

Answer: A volunteer may be reimbursed within the limits of the volunteer policies for covered expenses that exceed the volunteer’s own insurance coverage.

Should a Master Naturalist Chapter take out an insurance policy for an event being held on private property?

Answer: There is no requirement to hold an event insurance policy for an event held on private property. However, if the event includes activities that are inherently dangerous, the chapter may wish to consider purchasing insurance coverage. First, the property owners insurance should be verified and would be the primary coverage for an event. Chapters are encouraged not to sign a personal liability waiver if using another piece of property. However, if the chapter would like to carry an excess policy for an event, they can purchase one from the carrier of their choice.

Could I face liability if I allow my private property to be used for a Texas Master Naturalist program?

Answer: Under Chapter 75 of the Texas Civil Practice and Remedies Code, owners of agricultural lands who allow persons or groups to use their land for recreational purposes may

have protection from liability for injuries to participants, whether caused by a condition of the property or by the actions of others. If landowners do have liability, Chapter 75 limits such liability to \$500,000 per person and \$1 million per occurrence for bodily injury or death. However, certain conditions apply that relate to charging fees for use of the land and the landowner maintaining insurance. Also, there is no protection from liability in cases of willful or wanton acts or gross negligence.

Is a volunteer covered while operating a personal vehicle?

Answer: Yes and no. There is no insurance coverage or statutory protection for volunteers who cause damages to others while operating their personal vehicle. However, if the volunteer is injured while using their personal vehicle to carry out the scope of their pre-approved volunteer service project, they can submit a claim under the Medical Accident Policy.

Should a Texas Master Naturalist Chapter's Board or Board members hold Directors & Officers (D&O) Insurance?

Answer: It is recommended that each Chapter should consult an insurance agent to determine whether it is eligible to purchase such insurance and what coverage is provided. The Chapter should seek professional advice on the needs of D&O insurance for your chapter as it relates to your incorporation, nonprofit status, and potential holdings of finances, property and/or materials.

Summary

- Contact your personal insurance agent to check your personal liability insurance policy and homeowner's policy for coverage of potential activities.
- Chapters which are incorporated and/or have been designated as a non-profit organization may want to investigate Directors and Officers liability policies.
- Use caution when engaging in volunteer activities that raise questions of risk.
- If involved in an accident related to your volunteer activities, please contact both your personal insurance policy contact and the Texas Master Naturalist State Office.
- Report any issues or incidents to the Texas Master Naturalist State Office immediately.
- Keep volunteering!

Contact us

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