



PERSONAL INJURY CONSIDERATIONS OF RIDE-SHARING APPS

👤 Peter J. Polos 🕒 May 22, 2019 📱 Mobile

Ride-sharing apps have changed the way people think about and use transportation around the world. Indeed, Uber now operates in 260 cities and 45 countries. Many fans of these apps tout the ease of use of ride-sharing services as well as some decreases in drunk driving accidents and increases in accessibility for certain populations.

But ride-sharing services do not come without risks to passengers and to the environment. Uber and Lyft, the two most popular ride-sharing apps, have been linked to a rise in traffic deaths. Moreover, the increases in traffic congestion and environmental pollution have some concerned. As a personal injury attorney, I have witnessed ride-sharing services pose the following problems for passengers:

1. Drivers who have not been screened or trained: Unlike taxicab drivers, the background checks of Uber and Lyft drivers seem to be minimal at best. In many cities, taxi drivers must undergo FBI background checks and complete specific taxicab training. While ride-share companies purport to conduct background checks, there have also been dozens, if not hundreds, of reported incidents of assault by ride-share drivers. In my firm alone, we have several cases involving sexual assault as well as simple assault. My children and their friends have reported their own experiences where ride-share drivers offer to sell them drugs and after the ride start texting underage girls.
2. If the driver of a ride-sharing service assaults a passenger, the driver and the ride-share company could be liable for civil, and possibly criminal, charges. Determining civil liability can be tricky. Ordinarily, an employer has a duty of care to hire employees in a non-negligent manner. An employer is generally held responsible for the actions of an employee during the course of their employment. But for ride-sharing services, drivers are currently considered independent contractors who bring their own equipment and set their own hours. This position is being challenged by lawsuits in California and Massachusetts. Independent contractors are not employees, so the ride-share companies could possibly escape liability for their failure to properly screen drivers.

3. Risk of accidents: Passengers risk being in accidents due to the fault of the ride-share service driver or another driver. Ride-share drivers may be distracted by other drivers, various legal and illegal substances, or their phones. For example, drivers may be arranging their next ride pick-up, or they are using the navigation on their phones without audio (which is illegal in many states), or they may talk on the phone with little regard for their passengers. Passengers put faith into the drivers of ride-share companies, who are essentially strangers, but due to the lax legal standards concerning drivers and their behaviors, accidents are no less likely to occur.
4. Complex liability: Accidents involving Uber and Lyft drivers will often concern the driver's insurance, the ride-sharing app's insurance, and the other driver(s) insurance. The driver will have their own insurance coverage and may have additional coverage regarding rideshare services or their personal policy may become invalid if they work for a rideshare service. A passenger has no way of knowing when they request a ride.

Uber and Lyft typically have different levels of coverage depending upon what the driver was doing when. These are typically called "periods" or "phases" and they reflect the time when:

1. The app is on.
 2. Before accepting a ride request.
 3. Traveling to pick-up a passenger or driving with a passenger.
 4. After completing a ride and dropping off a passenger.
- In Phase 1, if the app is off and the driver was just driving around when they got into an accident, the accident would be viewed like any regular automobile accident. The driver's personal insurance would be in effect.
 - In Phase 2 and 4, if the accident occurred while the driver was signed into the ride-sharing app but before or after they picked up a passenger, the rideshare company's insurance is highly variable under these circumstances but has many times been found to be responsible for \$50,000 for bodily injury per person, \$100,000 for bodily injury per accident, and \$25,000 for property damage.
 - In Phase 3, if the accident occurred while the driver was signed in and was en route to pick up a passenger, or had already picked up a passenger, the policy would typically provide up to \$1 million in liability coverage but it is believed by many that there is substantially more in insurance.
 - Most ride-share companies also carry UM or UIM insurance of \$1 million that will cover the driver and the passengers should an accident be caused by an uninsured or underinsured motorist.

Determining who is responsible for the accident presents another level of complexity. Besides human error from distracted driving, there can also be problems with vehicles. Most rideshare companies require drivers to drive vehicles from a certain model year or newer, and Lyft claims to require vehicle inspections before they can be used. A faulty vehicle could be to blame for an accident as well. If a driver's car is leased through a rideshare leasing service, this means another party would be involved in an action. Regardless of the cause of the accident and who is ultimately at fault, each insurance company may undervalue their involvement and offer low settlement amounts.

The convenience of these apps cannot be argued, but the legal risks they pose can be tricky.



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