

ARE YOU PROTECTED WHEN YOU UBER?

With one tap of a smartphone app, Uber is upending the taxi business and changing the way people around the world commute. The meteoric rise of Uber, and other ridesharing services like Lyft and Sidecar, offer convenience and savings for riders while creating new work opportunities for drivers. But, concerns about oversight, safety, pricing and worker rights have made 2014 a bumpy ride for Uber. You should know the risks of ridesharing and your rights (or lack thereof) as a passenger.

Uber and other ridesharing companies make it clear that they aren't in the transportation business but instead are technology services that simply connect riders and drivers. The drivers are independent third parties, therefore the rider accepts ALL risk, as clearly stated in the Uber terms and conditions:

“By using the services, you acknowledge that you may be exposed to situations involving third party providers that are potentially unsafe, offensive, harmful to minors, or otherwise objectionable,” Uber states, and “that using the services is at your own risk and judgment. Uber shall not have any liability....” The Uber contract also includes a forced arbitration clause, which greatly limits an individual's right to take the company to court.

“People don't know what they're getting into when they get into one of these cars, they don't know what they're getting into when they download the app,” said the lawyer representing a 6-year-old girl struck and killed by an Uber driver earlier this year. “They're giving Uber a free pass – up to death.”

According to the company's safety page, Uber drivers are required to undergo rigorous background checks. The company also provides insurance for its drivers, although gray areas exist that raise serious concerns about whether or not Uber's insurance would apply in certain situations. Uber provides \$1 million in liability insurance and \$1 million in uninsured/underinsured coverage per incident once a rider is in the car. When a driver is between trips, however, Uber switches to contingent insurance that pays only if a driver's personal insurance company refuses coverage, which often happens when it is discovered that a driver is using his or her automobile for *commercial* activities. When a driver's Uber app is off, he or she must rely on personal insurance alone.

Like many new and groundbreaking business models, Uber has clearly created great opportunities and challenges that previously did not exist. Like any company, however, Uber and its ridesharing competitors must play by the rules and take full responsibility for the safety and welfare of their customers. Time will tell if they live up to those obligations.

Nothing in this article should be construed as legal advice. You must consult with an attorney

for the application of the law to your specific circumstances.

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