

Fine print says riders can't blame Uber for unsafe drivers

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When you catch a ride using Uber or Lyft, you do so at your own risk.

Under [terms](#) and conditions that riders agree to—but few read—at sign up, the app-based ride-hailing companies say they aren't legally liable for the safety of their drivers or the quality of their services. That's because the drivers are independent contractors, not employees.

The terms seem to be at odds with company statements that highlight their efforts to keep riders safe with driver background checks, a code of conduct and other measures.

Instead, if a rider is injured in a ride-hailing car, the driver appears to be liable. If a driver gets lost and makes a rider late for an appointment, or if a driver assaults someone, the company says it's not involved.

Uber "does not guarantee the quality, suitability, safety or ability of third-party providers (drivers)," its terms say. Riders also agree that the "entire risk arising out of your use of the services, and any service or good requested in connection therewith, remains solely with you."

"That's just a real eye opener," says Stephen Saltzburg, a law professor at George Washington University and frequent Uber user, who admits he didn't read the terms. "If Uber is so confident in the checks and all of this, why is it so anxious to try to shift liability to the user?"

Lyft's terms say it has "no control over the quality or safety of the

transportation that occurs as a result of the services." The company also tells drivers that they are responsible for all liability. "The language in the terms of service is a reflection of the reality that people using the platform are on the open road in moving vehicles, which presents a risk," spokeswoman Alexandra LaManna says.

Uber doesn't take on the liability risk of drivers because they are independent contractors, which is common in many industries, says spokeswoman Taylor Patterson. "It doesn't detract in any way from the fact that we take safety very seriously," she says.

Uber's app shows riders the driver's name, license plate number, photo and ratings from other riders. The app also lets friends track a route in real time, says Patterson.

Both Uber and Lyft carry \$1 million in liability insurance that covers each driver while en route to pick up a passenger or while carrying one. The policy becomes the primary insurance covering the driver.

Several apps that summon taxicabs have liability waivers in terms and conditions that are similar to Uber and Lyft. But many taxis are different. Riders in New York City who get cabs in conventional ways, for instance, do not have to agree to any terms, said Allan Fromberg, spokesman for the city taxi commission.

The liability waivers also are being tested in court.

Two women who say they were sexually assaulted by Uber drivers in Massachusetts and South Carolina sued last fall, saying Uber misled them about safety. The women say they didn't explicitly agree to terms and conditions, which they weren't required to read before getting accounts. They seek damages and changes to safety practices including driver fingerprint background checks.

Uber sought to dismiss the case, saying the plaintiffs couldn't prove drivers were employees. But a federal judge in San Francisco said there is a sufficient argument that the drivers were Uber employees and that Uber's background check should have revealed a previous assault charge against one of them. The judge also disputed Uber's argument that it's a transportation "broker" and not a common carrier. A 1956 case in which a Pullman Co. railroad employee raped a passenger established that transportation carriers have a duty to protect passengers, the judge said.

A trial is scheduled for March.

People can still be legally bound by the terms if they don't read them, says Saltzburg. The terms could hold up in court with Uber's argument that it merely offers a platform to link riders and [drivers](#), he says.

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