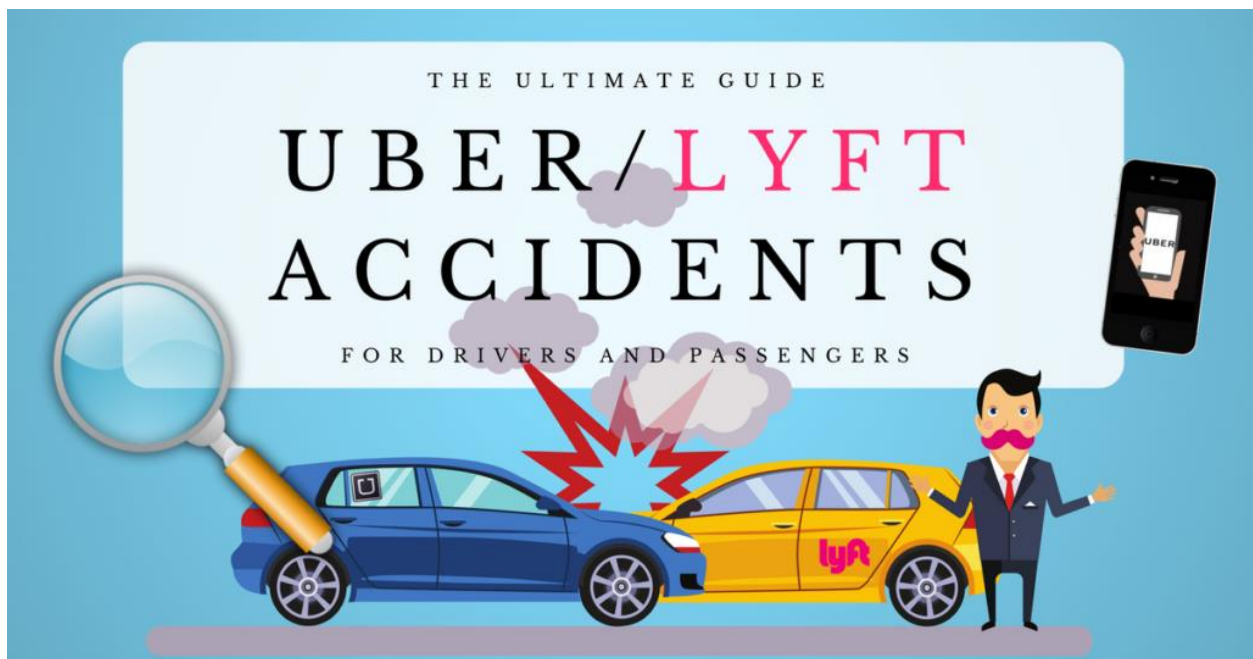


TORKLAW

Ultimate Guide to Uber & Lyft Accidents

Accidents involving Transportation Network Companies have distinct challenges



The Torkzadeh Law Firm

California | Arizona | District of Columbia | Maine | New York | Illinois | Texas | Washington

888.845.9696

Table of Contents

Transportation Network Companies	3
TNC Business Model	3
Other TNC Issues	3
Drivers/ Independent Contractors.....	4
Different Coverage for Different Situations	4
Who Pays for Your Own Injuries or Property Damage as an Uber or Lyft Driver?	5
What to Do if You Have an Accident	6
Passengers	7
If You Are in an Accident.....	7
What to Do.....	7
Driver Assault or Misconduct	8
Third-Party Drivers, Passengers or Pedestrians.....	9
What to Do if You Are Hit by a Rideshare Vehicle	9

Transportation Network Companies (TNC)

A **Transportation Network Company, or TNC**, is a company that connects people who need transportation with drivers who can offer it in their own personal vehicles; this connection is made via an online, technology-enabled platform.

The most famous TNC is Uber, which launched its mobile application in 2011 in San Francisco. Today, Uber operates worldwide in 785 metropolitan areas, with assets around \$24 billion, and hundreds of thousands of drivers in dozens of countries.

There are dozens of other TNCs all over the world. **In the United States, Lyft is probably the second most popular TNC.** Many people refer to these companies as “ridesharing” services, which may not be 100% accurate, since not all such rides are shared. The TNC model also differs from taxicabs in that TNC drivers don’t pick up passengers who hail them on the street.

TNCs have many benefits. In many areas, such as metropolitan suburbs, an Uber or Lyft is far easier and more convenient than trying to find a taxicab, and far less expensive than renting a car or hiring a private driver. TNCs have created thousands of jobs for eligible drivers. They have also reduced rates of driving under the influence – it’s easy and inexpensive, so it’s a no-brainer for anyone not wanting to risk driving home after a having a few drinks.

The TNC model also has many drawbacks, especially when it comes to accidents and injuries involving its drivers and their vehicles.

TNC Business Model

Even though their purpose is to provide transportation, TNCs don’t operate under the same rules as a taxicab operation. That’s because, according to Uber, they’re NOT a transportation company. They’re a technology company, simply offering a better way to connect passengers to drivers.

They’re not responsible for maintaining vehicles. Their drivers are not Uber employees, but “independent contractors.” As such, they don’t need to offer them benefits, paid time off, or any of the standard protections an employee would receive. In terms of the law, they are also less responsible for the actions of an independent contractor than for those of an employee. This is why Uber has frequently been able to get away with denying liability for their drivers’ actions.

Other Issues

Uber has also been plagued with problems over their “independent contractors.” In theory, they run background checks on people they hire to drive for them. In practice, many drivers with criminal backgrounds have slithered right through the cracks in that system.

A [2018 CNN investigation](#) uncovered 103 active Uber drivers who have been accused of sexual assault or abuse. Some of those drivers had previous convictions on record, but were allowed to drive for Uber anyway.

Drivers/ Independent Contractors

Different Coverage for Different Situations

If you drive anywhere in the United States, you must have a minimum level of insurance coverage or proof of the ability to cover damages you cause if you are at fault in an accident. TNC drivers are no exception.

However, as a TNC driver, your personal insurance may not cover you if you have an accident in the course of your work for them. Most auto insurance policies have a list of exceptions, and most include “driving for hire,” or “commercial driving.”

Uber and Lyft do provide insurance to their drivers, but the level of eligible coverage is different depending on the situation:

When the TNC app is not on, and you have an accident on your own private time, the company rightly bears no responsibility, and your own personal automobile insurance would apply.



When the TNC app is on and the driver is waiting for a request: In this situation, Uber and Lyft insures you for liability coverage only, and only if your own insurance policy does not cover you in this situation. The coverage for both companies is \$50,000 in bodily injury per person/ \$100,000 in bodily injury per accident/ \$25,000 in property damage per accident.

You may be able to fill the gap by purchasing supplemental rideshare insurance. Otherwise, if you are at fault in an accident in which there is a higher amount of damage or injury, you may be hit with a lawsuit.

Drivers/ Independent Contractors

When the driver is en route to a passenger or when a passenger is in the vehicle: Both Uber and Lyft provide up to \$1 million third-party liability coverage, uninsured/underinsured motorist coverage, and contingent comprehensive and collision coverage, up to the value of your vehicle, with a deductible (Uber's deductible is \$1000 and Lyft's is \$2500).

If the accident occurs en route, because the driver is unable to pick up a passenger, it results in a **cancellation**. However, it may be difficult to prove that the passenger didn't cancel before the accident. This could be the difference between receiving \$50,000 and \$1 million.

If you are involved in an accident while en route to a passenger, take a screenshot that shows the date and time, along with the active ride, **before** you cancel. Keep this information, and provide it to your attorney.

Who Pays for Your Own Injuries or Property Damage as an Uber or Lyft Driver?

If you are injured in an accident while driving for Uber or Lyft, whether you are eligible for compensation depends on who is found to be at fault.

If the other driver is at fault, regardless of the situation, you would need to collect from their insurance for all injury and property damage.

If the other driver is uninsured, or is a hit and run, Uber or Lyft would cover your bodily injuries. In terms of property damage, if you maintain comprehensive and collision coverage on your vehicle, Uber or Lyft will kick in to cover the cash value of the property damage, after the required deductible, regardless of who is at fault.

If you are at fault in an accident while driving for Uber or Lyft, and you receive bodily injuries, neither their insurance nor your own auto insurance will provide any coverage. You will need to rely on your own healthcare insurance to cover all costs. This is another reason supplemental Rideshare Insurance is advisable for all TNC drivers.



Drivers/ Independent Contractors

What to Do if You Have an Accident

1. **Safety first:**

- Move your car out of traffic.
- Check yourself for injuries.
- Check any other people in your car first, and then check on the other parties involved. If anyone has suffered an injury, it is best to call 911 immediately and don't move the injured person until help arrives.
- If you're able, set up flares, cones, or reflective triangles to warn other drivers of your stalled vehicle and the potential danger it poses.

2. **Document the accident:**

- Take a screenshot on your phone showing the phase of the ride you are in. This will help prove the accident occurred while you were in the scope of driving for the company before the ride was cancelled.
- Exchange contact and insurance information with the other driver (the law requires you to do this).
- Talk to any witnesses of the car accident, and get their contact information as well.
- Take photos or video of the accident scene and damages.
- If there is considerable damage, call the police. Once they arrive, collect the officer's contact information and be sure to give the officer your version of events.

3. **Report the accident** to Uber, either by phone or on the app, and/or to your insurance company, if applicable.

4. **Seek medical assistance.**

- If you have suffered any injuries in the accident, seek immediate medical evaluation and assistance. Obtaining the right medical treatment is not only necessary for long-term health outcomes, but your medical treatment serves as proof of injury. A gap in treatment might jeopardize any injury claim you make.
- Request copies of all your medical bills, and keep them in a safe place, so you can recover damages later.

5. **Speak to an attorney.**

- Provide all information relevant to the accident, including your driver's license, health insurance card, and automobile declaration page, your insurance information and that of the other driver, along with policy and claim numbers if available, photographs of damage and injuries sustained, any medical reports or bills collected, and the accident location and the traffic collision report (TCR) or the responding officer's badge number.
- Send any information you have received from your insurance provider or from the other driver's insurance provider.
- **Don't talk to the other driver's insurance company without having first sought legal counsel.**

Passengers

If You Are in an Accident

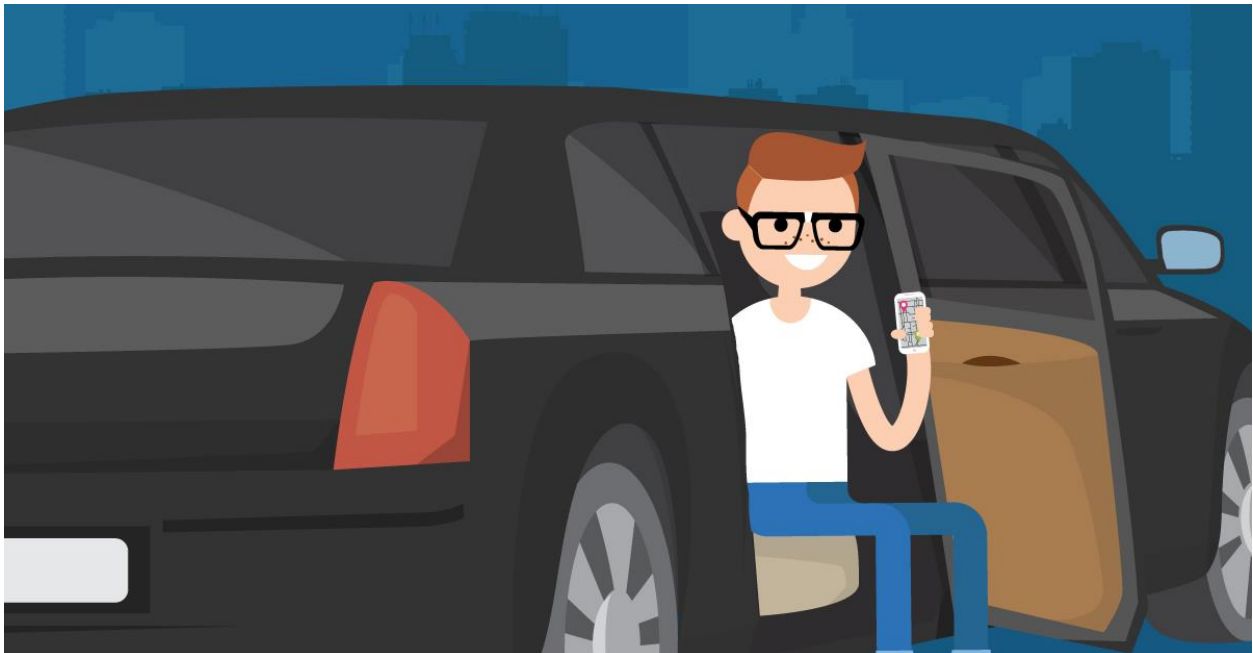
As a passenger in an Uber or Lyft, if the vehicle you're in has an accident, the amount of compensation you're eligible to receive depends on who was at fault.

- If your driver is found to be at fault, the company's policy should cover your injuries, up to \$1 million.
- If the at fault driver is uninsured or underinsured, or it is a hit and run, Uber or Lyft should cover your injuries.
- If the other driver is at fault, you will need to file a claim with their insurance company.

In situations where fault is shared, it may become complex. Also, just because you should be covered by Uber or Lyft's policies doesn't mean collecting will be easy.

What to Do

- If you are in an accident as an Uber or Lyft passenger, **follow the same safety instructions** listed above: Check yourself for injuries first. If you are injured, call 911. Otherwise, check on your driver. If your driver is injured, you may need to move the car to safety.
- Be sure to **collect insurance information from the other driver**. If the other driver was at fault, you may need to that information to be compensated for any damages.
- Regardless of who was at fault, **collect as much evidence as you can**.
- **Contact Uber** to inform them of the accident and any injury or damage you sustained.
- If you were seriously injured, or are experiencing any challenges receiving the compensation you are fully owed, **contact an attorney right away**. You are an innocent victim, and should not need to deal with any compensation issues.



Passengers

Driver Assault or Misconduct

Another issue that may occur as an Uber or Lyft passenger is driver assault.

If you are the victim of any form of physical assault by an Uber or Lyft driver, call 911 immediately to report the incident.



If the assault resulted in injury, you may be entitled to compensation, either from the offending driver, or from the company for which he/she was driving, if the offender had a previous criminal record. Both Uber and Lyft have a responsibility to ensure their drivers are not criminal offenders; if they breached that duty, and you received a serious physical or psychological injury as a result, they should be held accountable.

Third-Party Drivers, Passengers or Pedestrians

Accidents involving TNC drivers and third parties also find themselves in murky legal territory. The question of whether Uber is responsible for the actions of its drivers was [put to the test in 2013](#). San Francisco Uber driver Syed Muzzafar struck and killed a 6-year-old girl, Sofia Liu, who was crossing the street.

At the time of the accident Muzzafar had the Uber app on, but he did not have a passenger in his vehicle. Because of this, Uber tried to argue that it was not liable for damages stemming from the accident – once again invoking the defense that its drivers were "independent contractors" rather than "employees."

In the face of intense public pressure, Uber reached a settlement with the family of the girl. Since that time, however, Uber has continued to try to avoid legal liability for the actions of its drivers.

What to Do if You Are Hit by an Uber or Lyft Vehicle

If you are struck by an Uber or Lyft vehicle, as a driver, passenger, or pedestrian, who is liable to compensate you depends on the driver's status at the time.

If you are struck by an Uber or Lyft vehicle when the driver is not on the app, the driver is 100% responsible, and you will need to file a claim with the driver's personal insurance.

If you are struck by an Uber or Lyft vehicle while the driver is waiting for a request, you may collect from a combination of the Uber or Lyft liability policy (50/100/25), or any supplemental rideshare insurance held by the driver.

If you are struck by an Uber or Lyft vehicle en route to pick up a passenger, or while a passenger is in their car, you are fully covered by Uber or Lyft's \$1 million third-party liability coverage.

Again, just because you are covered doesn't mean you'll be able to collect without issue. If you have been injured in an accident in which an Uber or Lyft driver is at fault, and have any trouble receiving your compensation, contact [torklocal] right away.

If you've been injured in an accident with Uber, Lyft, or any Transportation Network Company (TNC), legal issues regarding compensation are extraordinarily complex and can be challenging. To ensure you receive fair and adequate compensation, contact an Uber accident attorney like those at [torklocal].

Our lawyers have experience dealing with rideshare accident cases. Consulting with us is free, even if you don't choose to hire us. And we won't charge you unless we win your case. Call us today at 888.845.9696.