



Ridesharing Industry Baffles The Legal System With Its New Range of Exposure

April 3, 2019

In 2016, Uber driver Jason Dalton allegedly went on a shooting rampage in Kalamazoo, Michigan, killing six people before he was apprehended by police. In between shootings, Dalton apparently picked up and dropped off Uber clients. These incidents seem far away, but accidents are happening right here in Chicago as well. Agruss Law Firm, a personal injury law firm based in Chicago, has represented cases where pedestrians or bicyclists were injured by someone exiting a ridesharing service who injured someone when opening the vehicle door. This creates a difficult situation when someone is injured. Who is responsible for the injury, the rideshare service, the driver's insurance, or the passenger?

These incidents shed light on a new issue: ridesharing safety. The rise of ridesharing apps over the last decade has led to a revolution in the way we travel. It is the ultimate in convenience—just use a smartphone app to hail a car and get where you want to go. At the same time, there are reports from trade organizations and in the media that suggest ridesharing is unsafe and may place riders in danger. Supposedly lax background checks and decreased regulation are responsible for this phenomenon.

What are the risks of using rideshare applications? Are they really less safe than taxis? The answer to that question lies in the risks and protections offered by both services.

Both taxi and rideshare drivers have to undergo background checks before they are allowed to take fares. For taxi drivers, the nature of these checks varies between cities. In Philadelphia, for example, taxi drivers can have no felony conviction within the last five years, nor can they have had a DUI in the last three. In New York City, drivers must meet certain health standards, complete a defensive driving course, and learn about sex trafficking.

Royale Simms, a business agent with Teamsters Local 922 which represents over 2,000 taxi drivers in the D.C. area, believes taxi drivers are more rigorously vetted than their rideshare counterparts. "People with criminal histories have been approved as [rideshare] drivers for these companies," he said. "You can't do that as a taxi in the city."

According to a report published by the Cato Institute, however, rideshare drivers are screened by SterlingBackcheck or Hirease. Checkr is another company that provides background checks for the ridesharing industry. These background check companies offer full background checks, including a report on felony convictions. "It cannot be reasonably claimed," concludes the report, "that an Uber or Lyft driver who has been cleared through a thorough background check is more of a danger to passengers than a taxi driver in most of America's most populous cities."

Despite these precautions, there are still incidents involving drivers. Since 2014, the Taxicab, Limousine, and Paratransit Association (TLPA) have recorded 22 assaults allegedly carried out by rideshare drivers and six deaths that the TLPA claims are the result of rideshare accidents.

Similar incidents have been recorded among taxi drivers. For example, the Washington, D.C. Taxicab Commission issued passengers a warning in 2012 about attacks against women by taxi drivers in the capital. “What we're seeing is an increase in physically manhandling their fares,” said Taxicab Commission Chairman Ron Linton. “One woman was pulled out by her ankles.”

Matthew Feeney, author of the Cato Institute report, believes there are precautions in place to make ridesharing safer than trips in taxis. Rideshare drivers, for example, have access to passengers’ contact information, allowing them to call directly to report forgotten items. Additionally, drivers and passengers can both rate each other in the app, providing feedback to other riders.

“Unlike traditional taxi companies that often enjoy a legally protected monopoly, rideshare companies face plenty of competition,” concludes Feeney. “Accordingly, if they don’t meet their customers’ reasonable expectations of privacy, they will pay for their failure in the marketplace.”