



## RIDESHARE ACCIDENTS

# A QUICK GUIDE FOR PASSENGERS



Rideshares are a fast, cheap, and convenient mode of travel for many passengers. However, the low cost and convenience can come with a high price. Over the past few years, the number of accidents involving rideshare drivers has skyrocketed. When an accident occurs and passengers are injured it's necessary to untangle who's at fault, and who's liable for compensating those who suffer personal injuries and property losses.

## THE RISKS OF RIDESHARES ON THE RISE

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In 2014, there were 534 accidents recorded involving rideshare programs. In 2016, that number tripled to 1,672. Cities that allow rideshare providers to operate have experienced a [2-3% rise](#) in the number of accident fatalities.

Globally, there are more than 3 million Uber drivers who provide services to an estimated 75 million passengers. The company boasts more than 15 million trips per day. [In 2018](#), it was estimated that rideshare operators completed more than 4.2 billion rides around the world. As rideshares grow in size and popularity, the data shows that the number of people injured in rideshare accidents is also growing at an exponential rate.

## PURSuing CLAIMS AGAINST UBER OR LYFT

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Rideshare companies have set a low bar for the people they hire. They have minimal standards individuals must meet in order to transport passengers via their apps. Many have a checkered driving history, criminal entanglements, physical impairments, mental impairments, or drug and alcohol addictions that would disqualify them from driving for an established taxi service.

It's crucial to remember that the background checks conducted by any rideshare provider in Kansas do not guarantee that a driver has not driven while intoxicated, been accused of assault, or has a history of dangerous driving behavior. The background checks show only whether a driver has been caught and convicted.

When a rideshare driver's actions cause an automobile accident, Uber, Lyft, etc. can be held liable for negligent hiring, negligent retention of the driver, and failure to properly train or supervise the driver. These companies have a duty of care to the public to ensure that the individuals offering rides via their apps won't harm their passengers. When they violate this duty of care, injured passengers can pursue claims for the personal injuries that result.

It is important to note that rideshare operators classify their drivers in Kansas as independent contractors. Because of this, if you are injured by an Uber/Lyft driver you can only pursue liability claims against the company for up to \$1 million. The amount of coverage available depends on the status of the driver at the time of the accident and whether the accident occurred during Period 1, 2, or 3.

## **PURSUING CLAIMS AGAINST THE DRIVER**

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Passengers who are injured, or the survivors of those who are killed in a motor vehicle accident can pursue claims against the rideshare driver. Kansas law allows passengers to pursue claims against the driver when their actions cause, or contribute to causing an accident.

Instances where an injured passenger or their survivors can pursue claims against a driver include:

- Driving while drowsy
- Driving while distracted
- Driving under the influence of drugs or alcohol
- Speeding
- Aggressive driving/road rage
- Reckless driving
- Failure to maintain the vehicle

## **PURSUING CLAIMS AGAINST THE OTHER DRIVER**

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Injured rideshare passengers can pursue claims against the other driver and their insurance company when that driver is at fault for causing the accident. When the other driver causes the accident, injured parties can pursue third-party liability claims against the insurance provider or file a personal injury lawsuit against the driver.

If the other driver does not carry insurance, or carries insufficient insurance to cover the claim, the injured passenger can file an uninsured/underinsured motorist claim with their own insurance provider. There is also the option of filing a claim against Uber's \$1 million uninsured/underinsured motorist policy.

## **PROTECTING YOURSELF IN AN ACCIDENT**

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Individuals who are injured in a rideshare accident must proactively protect themselves. They should not rely on the driver or the rideshare company to protect them. When an accident occurs, passengers must respond as if they were the driver in the accident.

This means that injured passengers must thoroughly document the incident with photographs and video, gather contact information of witnesses, and request copies of accident reports. Individuals should retain their own legal counsel and notify their own insurance provider. Further, individuals should keep thorough records of their medical expenses, lost wages, and any other economic and non-economic damages they have suffered as a result of the accident.



## **BRAD PISTOTNIK LAW**

If you were a passenger in a rideshare accident, it's important for you to guard your rights with the help of an experienced attorney.

Brad Pistotnik Law is a Wichita-based law firm that has been fighting on behalf of individuals in Kansas and surrounding states since 1981, and has extensive experience in rideshare accidents.

Call us toll free at **800-241-BRAD (2723)**,  
or locally at **316-684-4400**.

You can also visit us online at **[bradpistotniklaw.com](http://bradpistotniklaw.com)**.

