

Excerpts from a study, "The disruptive Transportation Technology Movement – A litigation Primer & Roadmap".

Prepared by Windels Marx Lane & Mittendorf, LLP July 16, 2014 www.windelsmarx.com

Executive Summary

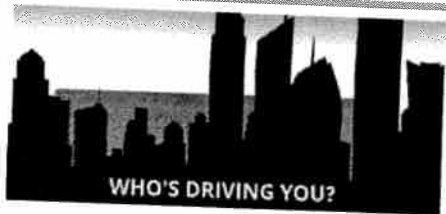
The introduction of new "Transportation Network Companies" or TNC's has had a severe impact on the transportation industry. TNC's offer smart phone applications, (APPS) which provide free online booking for for-hire transportation and/or ridesharing services. Passengers request rides through an APP from a private passenger vehicle driven by a non-commercially licensed driver, a commercially licensed vehicle and a commercially licensed driver, or some configuration of licensed / unlicensed vehicles and/or drivers. Passengers generally pay for such services through a credit card, the information for which is saved electronically in the passenger's online profile for the APP. The fact that anyone may pick-up a passenger, in any type of vehicle, when the APP communicates the passengers location to a driver, **has resulted in an onslaught of potential legal violations of local, state, and federal law.**

The advent of TNC's has raised several public safety issues that are currently being litigated in lawsuits across the nation, such as:

- Personal Injury and Litigation and Insurance Coverage Issues
 - Labor Law Violations and Worker Misclassifications
 - Contractual Claims
 - False Advertising, Unfair Trade Protection, and Consumer Protection Claims
 - Antitrust Violations
 - Racketeering – Corrupt Business Practices & Scheme to Defraud
 - Tortious Interference with Business
 - Government Actions – To Stop Unlicensed For-Hire Drivers
 - Constitutional Challenges – Equal Protection & Regulatory Takings
 - Environmental Law Violations
 - Disability Discrimination
1. Failing to provide wheelchair accessible transportation vehicles for their transportation needs and other accommodating services such as storage of a wheelchair.
 2. Allowing their vehicles for-hire to deny services to the disabled
 3. Not offering any training or guidance to vehicles for-hire that use the service so that they will lawfully meet the needs of the disabled.

These lawsuits all relate to at least one of the three largest and most disruptive TNC's operating across the nation. UBER Technologies, Lyft, and Sidecar. Most of these lawsuits are still pending and only time will tell whether court rulings will change the course of the TNC movement which has thus far, moved swiftly and aggressively, with total disregard for policies and rules, across the country, disrupting traditional for-hire transportation markets.

While the TNC's are working overtime to try to convince everyone it is safe' its army of lawyers has been working overtime to make sure the multi-billion dollar company and its executives don't take the fall for anything bad that happens at the hands of one of their drivers!



The Frightening Fine Print in Uber's Terms and Conditions

August 1, 2014

Question: What do **bungee jumping**, **skydiving** and using **Uber** all have in common?

Answer: They **all require signing a waiver** in which you accept all risk.

Yes, it's true. Uber—the company that loves to talk about how focused it is on safety for its passengers—has made sure that it is fully protected from lawsuits by injured passengers. In its “terms and conditions” (that’s the legal contract that no one reads but which everyone must agree to before they ride) Uber has some eye-popping phrases that amount to you, their cherished customer, giving away all of your rights when things go wrong. Here’s a sampling:

- **“The company...does not intend to provide transportation services or act in any way as a transportation carrier, and has no responsibility or liability for any transportation services provided to you...”**
- **“...you agree that you shall defend, indemnify and hold the Company, its licensors and each such party’s parent organizations, subsidiaries, affiliates, officers, directors, Users, employees, attorneys and agents harmless from and against any and all claims, costs, damages, losses, liabilities and expenses”**
- **“You acknowledge and agree that you and Company are each waiving the right to a trial by jury or to participate as a plaintiff...in any purported class action or representative proceeding.”**

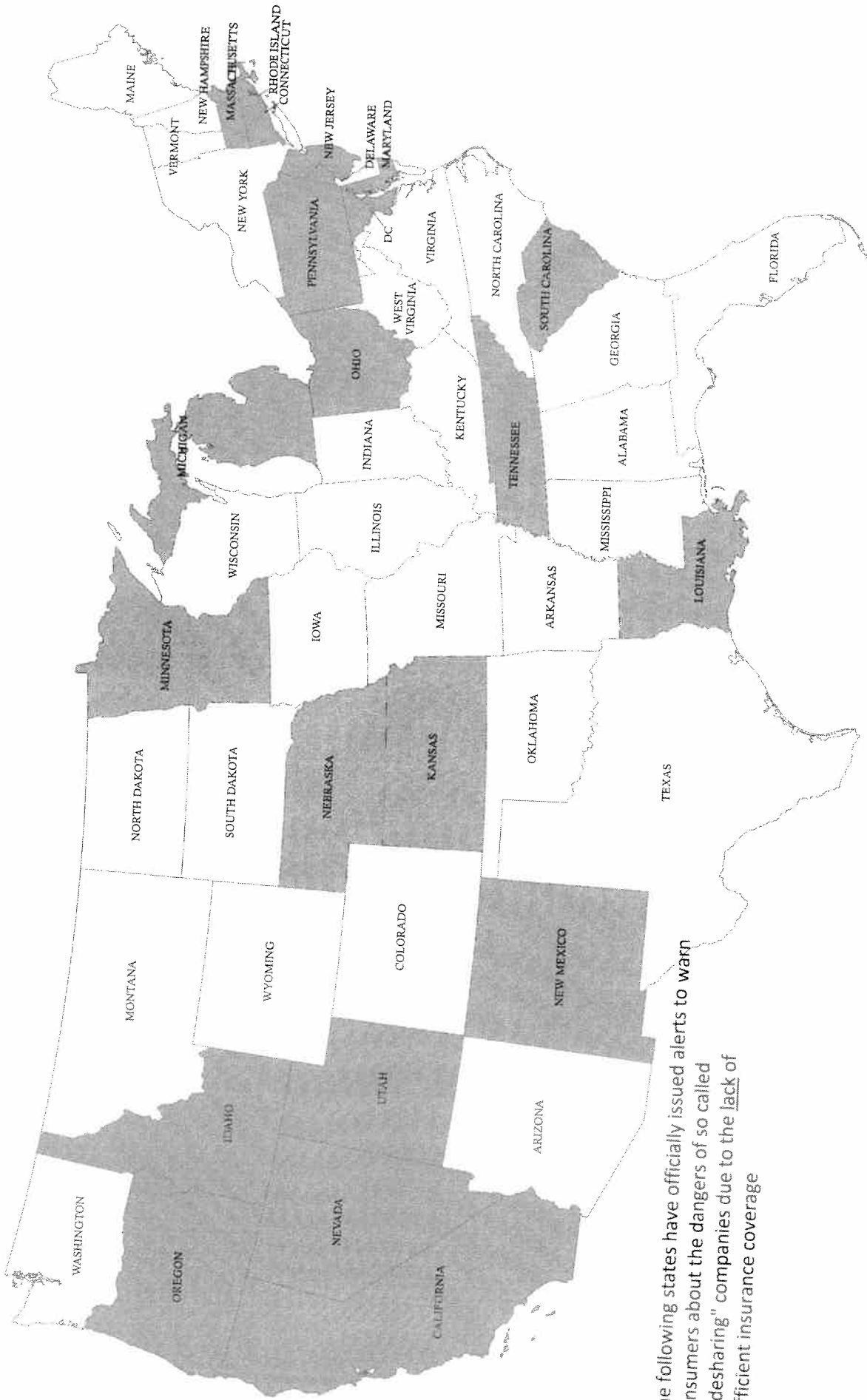
And of course, our personal favorite:

- **“You may be exposed to transportation that is potentially dangerous, offensive, harmful to minors, unsafe or otherwise objectionable, and...you use the application and the service at your own risk.”**

Not very reassuring, is it? While Uber works overtime to try to convince everyone it is safe, its army of lawyers has been working overtime to make sure the multi-billion dollar company and its executives don't take the fall for anything bad that happens at the hands of one of their drivers.

To read the full text of the frightening fine print, go to <https://www.uber.com/legal/usa/terms>

“Who's Driving You?” is a public safety initiative designed to educate the public about the dangers of unlicensed transportation services. It was launched by the Taxicab, Limousine & Paratransit Association, an international non-profit trade association whose membership consists of 1,100 licensed transportation companies. For more information, visit www.WhosDrivingYou.org, follow us on Twitter (@WhosDrivingYou) and follow us on Facebook (facebook.com/WhosDrivingYou)



The following states have officially issued alerts to warn consumers about the dangers of so called "ridesharing" companies due to the lack of sufficient insurance coverage