



NEW YORK STATE SENATOR

Luis R. Sepúlveda

SEPULVEDA & SEXUAL ASSAULT VICTIM: ONE DOWN! ONE TO GO, Call On Lyft to do as Uber Just Did and End Forced Arbitration In Cases of Sexual Assault

SENATOR LUIS SEPULVEDA May 15, 2018

| ISSUE: **LYFT & UBER, SEXUAL ASSAULT, CRIME PREVENTION**

ALBANY, NEW YORK (05/15/2018) – Today, less than a week after New York State Senator Luis Sepulveda introduced legislation ([S.8481/A.10632](#)) to ban Transportation Network Companies (TNCs) like Uber and Lyft from forcing victims of sexual assault to use arbitration instead of our court system, Uber has ended its policy in such cases earlier today.

“This is a huge win for victims of sexual assaults and consumers of ride-sharing services. If my legislation along with news reports on the prevalence of sexual assaults of Uber and Lyft customers led to this decision, then score a victory for strong and vigilant public policy,” **stated Senator Luis Sepulveda.**

According to Sepulveda, “Uber’s decision to no longer force into arbitration passengers who have alleged to have been sexually assaulted or harassed by drivers is a step in the right direction to protecting consumer’s rights and their Constitutionally guaranteed right to trial by jury and in court. Now Lyft must institute the same policy or face the wrath of consumers and lawmakers.”

Russ Haven, NYPIRG General Counsel, said:

"Uber has done the right thing and taken an important first step by eliminating forced arbitration for sexual assault and harassment claims from its user agreement. It clearly realized that it could not promote itself as a responsible and responsive 21st century business if it relies on a secretive, unfair process to resolve disputes with its employees and customers. The bill introduced by Senators Sepulveda and Assemblymember Williams clearly helped push Uber in the right direction. The bill now needs to be passed so all ride hail app services are covered and they can't change their minds when they think no one's paying attention."

The new policy announced by Uber will allow victims of sexual violence, including riders, drivers and employees, to choose the venue in which they want to pursue their claims of sexual harassment or assault claims. Consumers will now have an option of arbitration, mediation or our court system.

Physically assaulted Lyft user Josephine Cruz, of Ozone Park Queens, stated, "I applaud Senator Sepulveda and Assemblymember Williams for pushing Uber to finally act fair and just with victims of physical assault and harassment caused by Uber drivers against innocent riders. This is a huge first step. However, I must point out that abuse comes in many forms, including physical abuse."

She added, "Unfortunately, I know this all too well. I was a victim of extreme physical abuse while riding in a Lyft vehicle one month ago and I am still severely suffering, emotionally as well as physically. While being attacked from a fellow Lyft passenger during my "Lyft pool" ride, the driver did absolutely nothing to assist in protecting me, and furthermore, Lyft did not provide basic information about who the perpetrators were when asked by me or the NYPD. To make matters worse, I too will be denied my day in court due to Lyft's mandatory arbitration agreement that I unknowingly agreed to."

Despite concerns from the NYC riding public, Uber and Lyft disturbingly still do not provide information to the police when a crime was committed by one of their drivers, or when a crime was committed by a passenger in the car. This is a glaring loophole Uber and Lyft have also utilized to obstruct justice. Ride sharing apps hide this information and obstruct justice by preventing the NYPD in its efforts to conduct expeditious investigations following an attack.

Cruz asserted, "It is absolutely essential that the Sepulveda/Williams legislation be passed immediately so all ride hail app services, like Lyft, are covered."

An explosive investigation by CNN found that there is no publicly available data for the number of sexual assaults by Uber drivers or drivers of other ride-share companies. CNN's analysis came from a review of police reports, federal court records and county court databases for 20 major US cities and found that at least 31 drivers have been convicted for crimes ranging from forcible touching and false imprisonment to rape, and dozens of criminal and civil cases are pending.

This is a huge problem that will not solve itself, asserted Senator Sepulveda. "This is the tip of a huge problem facing our society today as corporations try to hide their dirty deeds under forced arbitration clauses tucked away in "User Agreements" which consumers must acknowledge and which employees are forced to sign as a term of employment." He added, "These are complex legal clauses that consumers are ill-equipped to understand."

According to Haven, "When you step into an Uber, Lyft or other app-hail car, you shouldn't leave your right to trial by jury behind at the curb. Forced arbitration clauses in ride-hail

contracts surrender rights to go to court and allow companies to choose the decision maker and set the terms of the process.” He added, “Without accountability, corporations not only skate free for their negligence or even criminal-level conduct, their incentives for safety and consumer protections are greatly reduced. This legislation takes an important stand on behalf of everyone who steps into an app-summoned car and more broadly against the efforts to strip all consumers’ rights to their day in court.”

“This is a huge win for victims of sexual assaults and consumers of ride-sharing services. If my legislation along with news reports on the prevalence of sexual assaults of Uber and Lyft customers led to this decision, then score a victory for strong and vigilant public policy,” stated Senator Sepulveda.

According to Sepulveda, “Uber’s decision to no longer force into arbitration passengers who have alleged to have been sexually assaulted or harassed by drivers is a step in the right direction to protecting consumer’s rights and their Constitutionally guaranteed right to trial by jury and in court. Now Lyft must institute the same policy or face the wrath of consumers and lawmakers.”

Russ Haven, NYPIRG General Counsel, said: “Uber has done the right thing and taken an important first step by eliminating forced arbitration for sexual assault and harassment claims from its user agreement. It clearly realized that it could not promote itself as a responsible and responsive 21st century business if it relies on a secretive, unfair process to resolve disputes with its employees and customers. The bill introduced by Senators Sepulveda and Assemblymember Williams clearly helped push Uber in the right direction. The bill now needs to be passed so all ride hail app services are covered and they can't change their minds when they think no one's paying attention.”

The new policy announced by Uber will allow victims of sexual violence, including riders, drivers and employees, to choose the venue in which they want to pursue their claims of sexual harassment or assault claims. Consumers will now have an option of arbitration, mediation or our court system.

An explosive investigation by CNN found that there is no publicly available data for the number of sexual assaults by Uber drivers or drivers of other ride-share companies. CNN's analysis came from a review of police reports, federal court records and county court databases for 20 major US cities and found that at least 31 drivers have been convicted for crimes ranging from forcible touching and false imprisonment to rape, and dozens of criminal and civil cases are pending.

This is a huge problem that will not solve itself, asserted Senator Sepulveda. "This is the tip of a huge problem facing our society today as corporations try to hide their dirty deeds under forced arbitration clauses tucked away in "User Agreements" which consumers must acknowledge and which employees are forced to sign as a term of employment." He added, "These are complex legal clauses that consumers are ill-equipped to understand."

According to Haven, "When you step into an Uber, Lyft or other app-hail car, you shouldn't leave your right to trial by jury behind at the curb. Forced arbitration clauses in ride-hail contracts surrender rights to go to court and allow companies to choose the decision maker and set the terms of the process." He added, "Without accountability, corporations not only skate free for their negligence or even criminal-level conduct, their incentives for safety and consumer protections are greatly reduced. This legislation takes an important stand on behalf of everyone who steps into an app-summoned car and more broadly against the efforts to strip all consumers' rights to their day in court."

2017-S8481

Uber & Lyft, NYC Taxi and Livery Industry, Taxi and Livery Drivers, arbitration

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to prohibiting transportation network companies from including mandatory arbitration clauses in user agreements for certain offenses

May 08, 2018

In Senate Committee [Transportation](#)

Sponsored by [Luis R. Sepúlveda](#)

2017-A10632

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to prohibiting transportation network companies from including mandatory arbitration clauses in user agreements for certain offenses

May 09, 2018

In Assembly Committee

Do you support this bill?

2017-S8480

- Introduced
 - ◦ In Committee Assembly
 - In Committee Senate
 - ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate
 - ◦ Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

Relates to requiring TNC passengers to acknowledge certain legal notices

May 08, 2018

In Senate Committee [Transportation](#)

Sponsored by [Luis R. Sepúlveda](#)

Do you support this bill?

2017-S8698

[Lyft & Uber, Background Checks, NYC Taxi and Livery Industry, Taxi and Livery Drivers](#)

-
- Introduced
 - - In Committee Assembly
 - In Committee Senate
 - - On Floor Calendar Assembly
 - On Floor Calendar Senate
 - - Passed Assembly
 - Passed Senate
 - Delivered to Governor
 - Signed By Governor
 -

Relates to criminal background checks for TNC drivers

May 10, 2018

In Senate Committee [Transportation](#)

Sponsored by [Luis R. Sepúlveda](#)

Do you support this bill?