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Lift-share firm Uber faces lawsuit over child death

Lift-sharing company Uber is facing a lawsuit over the death of a child, killed by one of its drivers.

It is the first case of its kind and will raise questions about how such firms are regulated.

Six-year-old Sofia Lui was knocked down in San Francisco on New Year's Eve while crossing the road with her family.

The family holds Uber responsible because the driver was using the firm's app at the time of the accident.

Hands-free

They say the phone-based app, which drivers use to find passengers, contributed to the death of their daughter.

Drivers "must respond quickly to a user request for service by physically interfacing with the app, thereby leading to distraction", the lawsuit states.

The fact an Uber driver must tap a screen at least once to accept a fare meant it violated state laws that specified only hands-free telephone communication could be used when driving, it added.

Uber says it cannot be held responsible for the accident because the driver, Syed Muzzafar, did not have a passenger at the time.

It adds its function is simply to connect a buyer and seller and therefore it is not responsible for what happens between them.

It describes its drivers as freelancers.

Legal precedent?

Writing in Forbes magazine, lawyer Robert Wood, from law firm WoodLLP, said: "The entire business model of Uber, Lyft and Sidecar is in its infancy.

"The courts may say they are simply not responsible."

He said parallels with other cases involving delivery vehicles were likely to be taken into account.

"One might argue that an Uber passenger assumes the risk of ride sharing by signing on," he said.

"But what about a pedestrian hit in a crosswalk?"

"The pedestrian hasn't agreed to any kind of arrangement with Uber."

Because the driver did not have a passenger at the time of the accident, it is not covered by the firm's insurance.

While Uber has not commented on the lawsuit directly, it did issue a statement following the girl's death.

"Our hearts go out to the family and victims of the tragic accident that occurred in downtown San Francisco on New Year's Eve," the firm said.

It added that the driver's account was "immediately deactivated".

New taxis

Uber was set up five years ago and now operates in more than 50 cities. It has a valuation of \$4bn (£2.4bn).

It is not the first time the firm has come under scrutiny.

Last year its safety was questioned when a driver and passenger got into a fight.

It emerged that the driver had had a history of clashes with the law.

The publicity led the firm to review the background checks it does on its drivers.

Earlier this year the San Francisco Cab Driver Association said that nearly one third of the city's licensed taxi drivers have stopped driving taxis to drive for ridesharing services.