

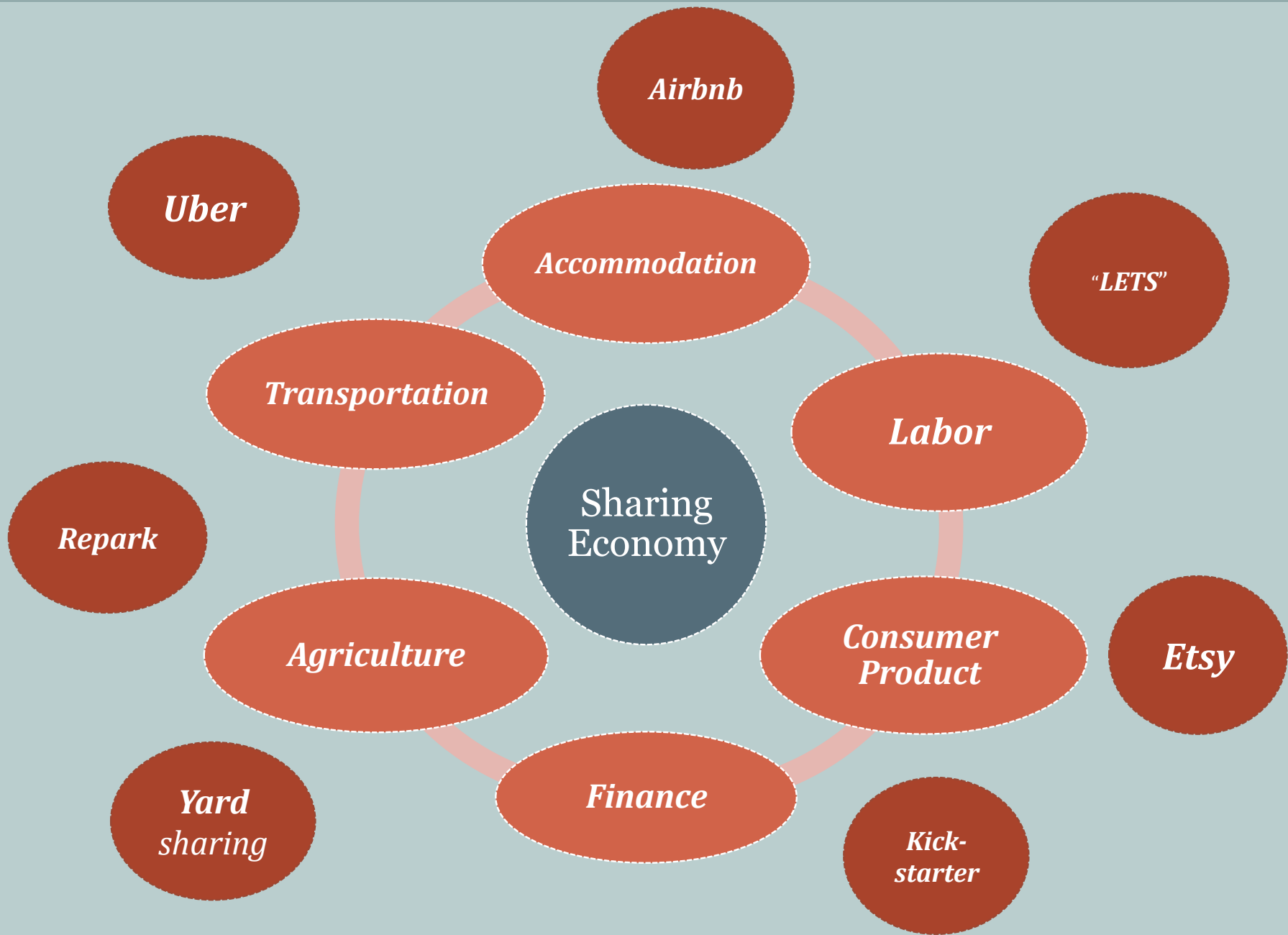
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Tadmor & Co. Yuval Levy & Co.

***Regulating the
“Sharing Economy”
Transportation as a case study***

Yaniv Aronowich, Adv.

26 November 2015



Transportation Sharing

3

- 1. *Ride-sharing*** *UBER, Lyft, Smartbus, RideWith*
- 2. *Park-sharing*** *Re-park, Hi-park, Haystack*
- 3. *Collaborative Navigation*** *WAZE, Trailze*
- 4. *Reporting Mechanisms*** *WAZE, Nexar, Nirsham*

Main Issues

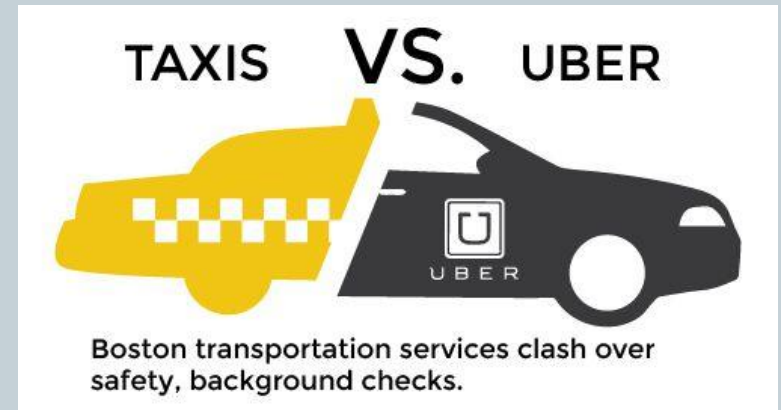
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- *Liability / insurance / externalities*
- *Licensing*
- *Nature of relationships involved*
- *Property rights*
- *Privacy*
- *Public safety*

Ride Sharing / Licensing

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- ***Purpose of licensing***
- ***Incumbents' position***
- ***NKOTB position***
- ***Possible solutions:***
 - *Transportation Network Companies (TNC)*
 - *Level playing ground for all players*



Ride Sharing / Relationship

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- **Employment**

California Labor Commission rules an Uber driver is an employee, which could clobber the \$50 billion company



Alyson Shontell

Jun. 17, 2015, 10:22 AM 152,084 169

FACEBOOK LINKEDIN TWITTER EMAIL PRINT

The California labor commission has ruled that an Uber driver is an employee, not a contractor, Reuters reports.



- **Consumer Protection**

News / GTA

Toronto Uber driver arrested for alleged sexual assault of passenger

York Regional Police charged Uber driver with alleged sexual assault of a female passenger in Vaughan.

Tweet 5 reddit this



BRITTA PEDERSEN / AFP/GETTY IMAGES

The court hearing regarding the city's injunction application to block all Uber operations in Toronto will begin June 1.

Ride Sharing / Liability

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The image is a screenshot of a news article from ABC 7 News. At the top left is the ABC 7 News logo with the text "SAN FRANCISCO • OAKLAND • SAN JOSE". Below the logo are navigation links: "SECTIONS", "TRAFFIC", "VIDEO", "San Francisco", "East Bay", "South Bay", "Peninsula", and "North Bay". A red banner across the top reads "WEATHER ALERT Winter Storm Watch". Below the banner is a promotional graphic for earthquake insurance with the text "YOUR EARTHQUAKE RISK IS REAL" and "SO IS THE BENEFIT OF EARTHQUAKE INSURANCE". The main headline of the article is "UBER SUED FOR WRONGFUL DEATH OF 6-YEAR-OLD GIRL IN SAN FRANCISCO". Below the headline is a sub-headline: "A wrongful death lawsuit has been filed against the on-demand car service Uber in connection with the death of a 6-year-old girl." The article is dated "January 27, 2014 6:17:05 PM PST" and is written by "Lyanne Melendez". The first paragraph of the article reads: "SAN FRANCISCO -- A wrongful death lawsuit has been filed against the on-demand car service Uber. The suit is the result of the death of a 6-year-old girl on New Year's Eve in San Francisco. Six-year-old Sofia Liu was in a crosswalk on Polk and Ellis Streets when, police say, 57-year-old Syed Muzzafar hit her. The driver worked out of his own car for the on-demand car service Uber. The question is whether Muzzafar was working for Uber when the accident".

abc 7 NEWS
SAN FRANCISCO • OAKLAND • SAN JOSE

SECTIONS TRAFFIC VIDEO San Francisco East Bay South Bay Peninsula North Bay

WEATHER ALERT Winter Storm Watch

YOUR EARTHQUAKE RISK IS REAL **SO IS THE BENEFIT OF EARTHQUAKE INSURANCE** **CEA CALIFORNIA EARTHQUAKE AUTHORITY** **GET MORE INFO**

UBER SUED FOR WRONGFUL DEATH OF 6-YEAR-OLD GIRL IN SAN FRANCISCO

A wrongful death lawsuit has been filed against the on-demand car service Uber in connection with the death of a 6-year-old girl.

January 27, 2014 6:17:05 PM PST

By Lyanne Melendez

SAN FRANCISCO -- A wrongful death lawsuit has been filed against the on-demand car service Uber. The suit is the result of the death of a 6-year-old girl on New Year's Eve in San Francisco. Six-year-old Sofia Liu was in a crosswalk on Polk and Ellis Streets when, police say, 57-year-old Syed Muzzafar hit her. The driver worked out of his own car for the on-demand car service Uber. The question is whether Muzzafar was working for Uber when the accident

Park Sharing / Property Rights

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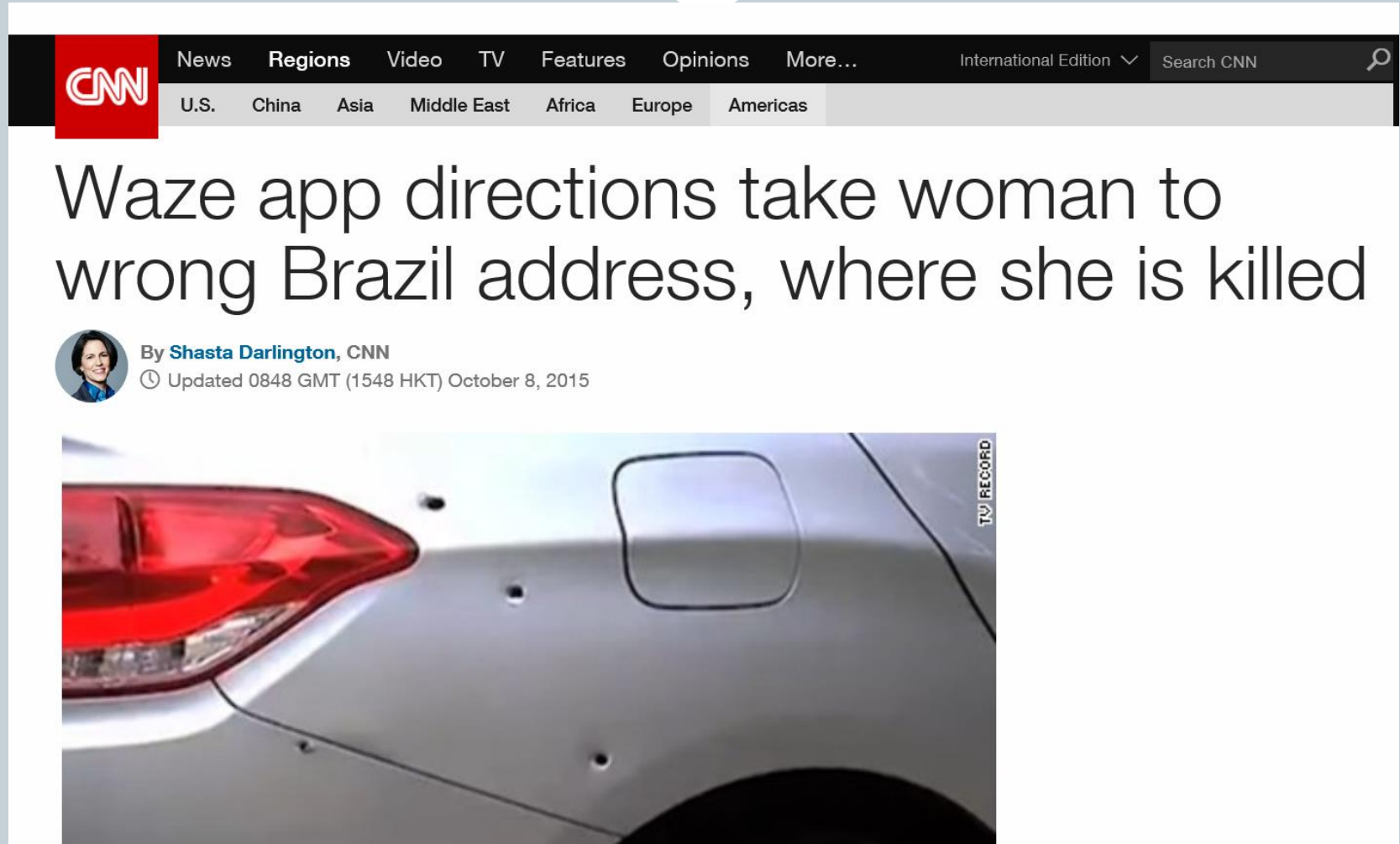
- **Public Parking (Haystack)**



- **Private Parking (Repark)**

סעיפי התקנון פוטרים את החברה מאחריות על נזק: "בקשר עם שימוש על ידי הנהג בחניה המושכרת בכל עת, הנהג ובעל החשבון המורחב יישאו, ביחד ולחוד, **באחריות הבלעדית**, כולל כלפי החברה וכלפי צד ג' כלשהו, לכל פגיעה ו/או נזק ו/או הפסד ו/או אובדן גוף או רכוש הקשורים במישרין או בעקיפין לחניית הרכב בחניה המושכרת שהועמדה לשימוש הנהג, לרבות בקשר ליציאת נוסעים מהחניה ו/או לחזרתם לחניה ו/או השימוש במתקנים העומדים לרשות הבאים אל החניה ו/או נסיעה באזור החניה. **הנהג ובעל החשבון המורחב פוטרים את החברה** ו/או מי מטעמה מכל אחריות שהיא בגין פגיעה ו/או נזק ו/או הפסד ו/או אובדן כאמור."

Collaborative Navigation / Liability

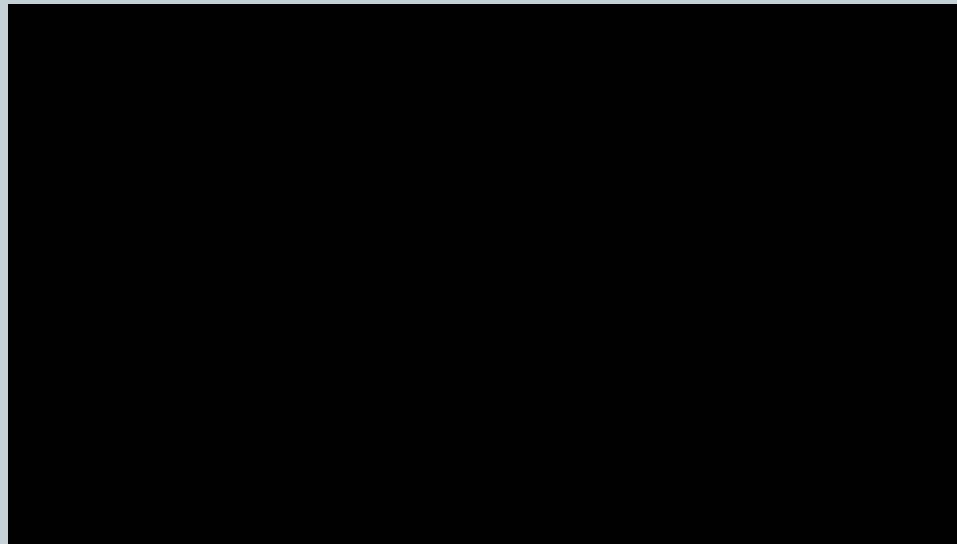


The image is a screenshot of a CNN news article. At the top, the CNN logo is on the left, and navigation links for News, Regions, Video, TV, Features, Opinions, and More... are in the center. On the right, there are links for International Edition and Search CNN. Below this, a secondary navigation bar lists regions: U.S., China, Asia, Middle East, Africa, Europe, and Americas. The main headline reads "Waze app directions take woman to wrong Brazil address, where she is killed". Below the headline is a byline: "By Shasta Darlington, CNN" and a timestamp: "Updated 0848 GMT (1548 HKT) October 8, 2015". The article's main image shows a close-up of a silver car's rear quarter panel, featuring a red taillight on the left and a square-shaped side marker light on the right. A vertical watermark "TV RECORD" is visible on the right side of the image.

Reporting / Privacy, Self Policing

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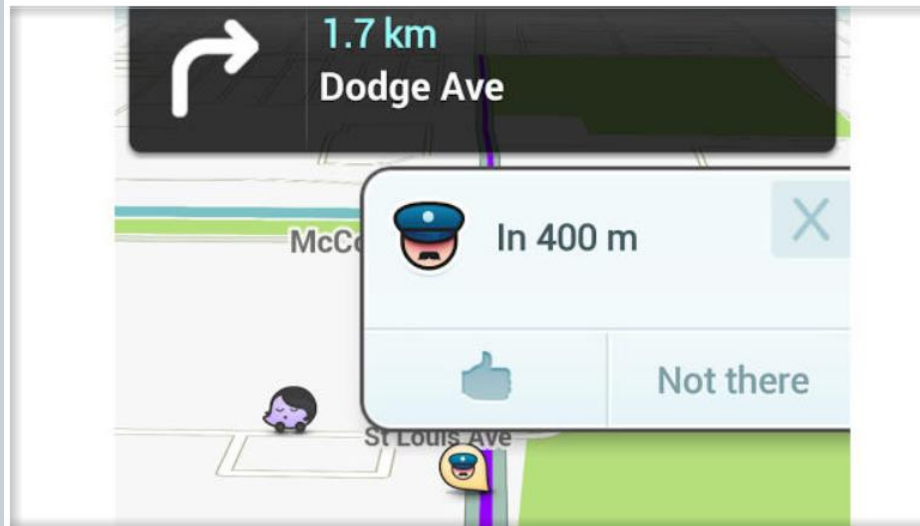
בראיון לאתר "גיקטיים", הסביר ערן שיר, מנכ"ל ומייסד Nexar: "הצילום של האפליקציה נעשה בכבישים שהם Public Domain (נחלת הכלל) ולכן אין כל בעיה חוקית לצלם שם. בנוסף, הוא טוען שהחברה לא תעביר מידע על נהגים סוררים והיא תשתמש בו רק כדי להתריע בפני נהגים אחרים על סכנה אפשרית."



Reporting / Public Safety

11

Police say Waze cop-tracker is threat to officers



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Sheriffs are campaigning to pressure Google Inc. to turn off a feature on its Waze traffic software that warns drivers when police are nearby. They say one of the technology industry's most popular mobile apps could put officers' lives in danger from would-be police killers who can find where their targets are parked.

Waze, which Google purchased for \$966 million in 2013, is a combination of GPS

Most F

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04

05

The Question

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Do we need a new set of rules or are the existing legal and regulatory systems sufficient?

The Answers

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- *“Sharing Economy” =*
 - *Emergence of platforms that cut out traditional middlemen*
 - *More efficient use of assets*
 - *Easier sharing and disseminating of information*
- *“Sharing Economy” ≠ new set of social norms*
- *Look at the essence and rationale of the norm*
- *Solutions:*
 - *If it ain't broken, don't fix it*
 - *Change to reflect social norms:*
 - *Deregulation*
 - *Self-regulation*

Thank you!

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