Legal Impacts of Increased Automation

Brian G. Soublet
California Department of Motor Vehicle
• Annually over 32,000 fatalities

• Human error the cause of over 90% of the collisions

• 35% the brakes were never applied

• 20% involve a distracted driver
• “In cities facing the most arduous evening commutes, roads tend to be 66% more crammed with cars compared to times when traffic is flowing freely”

Forbes, “Cities with the Worst Commutes” March 31, 2015
In Los Angeles an average commuter will spend 207 hours per year stuck in commute traffic. (8.6 full days, or 5 work weeks!)
“It’s also about consumers who spend a lot of time in congested situations, not being able to use the time in the vehicle. We want to offer that time for people to use, instead of just letting it go, just being stuck in some uncomfortable situation.”

Anders Eugensson, Director Government Affairs Volvo Cars, January 28, 2016 (Public Workshop on Autonomous Vehicles)
Free time behind the wheel

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“A ‘driver’ is a person who drives or is in actual physical control of a vehicle.” (Cal. Veh. Code sec. 305)

“An ‘operator’ of an autonomous vehicle is the person who is seated in the driver’s seat, or if there is no person in the driver’s seat, causes the autonomous technology to engage.” (Cal. Veh. Code sec. 38750 (a)(4))

"Driver means the occupant of a motor vehicle seated immediately behind the steering control system.” (49 CFR 571.3)
February 4, 2016 letter to Chris Urmson of Google:

“If no human occupant of the vehicle can actually drive the vehicle, it is more reasonable to identify the ‘driver’ as whatever (as opposed to whoever) is doing the driving. In this instance, an item of motor vehicle equipment, the SDS, is actually driving the vehicle.”
OFFICER DROID, WHY ARE YOU GIVING ME A TICKET?

PERFORMING SUPERFLUOUS PROCESSOR ACTIVITY, INCLUDING OPTIMIZING YOUR BOOT PARTITION, EXCESSIVE MODULO AND DIVIDE FUNCTIONS, REDUNDANT SYNCHRONIZATION OF GPS DATA, AND SENDING AND RECEIVING TEXTS DURING AUTONOMOUS DRIVING.
• Who is responsible when an AV commits a traffic violation?

✓ The owner of the vehicle?

✓ The manufacturer of the vehicle?

✓ The person that wrote the code?

• What happens to the revenue generated by traffic violations if AV’s don’t break the law?
What if it crashes?

I thought this car could pilot itself.

It could until it started texting.

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AV vs. Bus

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With AV’s sharing the road with cars driven by people:

- How does an AV react to the unpredictable nature of people?
  - Assuming the right of way.
  - AV’s operating conservatively – in ways people are not used to.
  - Making the ethical choice – choosing the lesser evil!
Knowing the safety and societal benefits versus the questions still unanswered about AV technology – have we addressed the legal and liability issues that arise as the technology arrives on our public roads?