ISAACS & ISAACS
PERSONAL INJURY ATTORNEYS

Assigning Responsibility, Self-driving Vehicle Collisions – By Zane Snider

Countries across the world are preparing for giants in the automotive industry to unveil their next revolutionary technological advancement: self-driving vehicles. Already, personal vehicles have been fitted with autonomous driving features that allow a user to lessen a little, or all, of their control of operating the vehicle. With fatal crash rates on the rise and approximately 5.5 million road crashes occurring on an annual basis in the United States alone (Beltz), consumers are preparing to embrace the newfound safety and freedom. However, legal analysts have warned of caution concerning the legal implications of a roadway accident caused by fully self-capable driving vehicles. The issue is especially prevalent in sub-industries intended for commercial use where the owners' profitability-driven focuses can result in negligible circumstances and where manufacturers are protected from lawsuits resulting from accidents involving their products. While computer systems can react at a fractional time rate to humans, there have already been failures resulting in collisions in partially autonomous vehicles. Therefore, our judicial system is inevitably going to face controversy for the assigned liability in such circumstances. The most influential case will likely involve interstate travel. Thus, implied under the Interstate Commerce Clause of the United States Constitution, a civil tort will preside in a federal court subject to federal law and regulations and the precedent will affirm, revise, or nullify any lower court's decision as implied by the Supremacy Clause. This article reviews the prediction of how an automobile manufacturer or a logistics client should be held responsible and be assigned liability in a future case.

When a roadway incident occurs involving two or more vehicles, the most frequent parties at risk of being held liable are the operators of the two vehicles or the company that employs them (Beltz). However, with the assumption that an advertised self-driving feature was engaged and is the cause of a collision with injuries, the calamity has originated from one of two possible core issues: the advanced technology which may include, but is not limited to, sensory units, core processing unit(s), or wiring either (1) had not been properly designed by the manufacturer to avoid a collision under the specific circumstances, or (2) was not properly maintained by the commercial owner of the vehicle. Accordingly, further investigation would likely narrow down sole liability due negligence to a truck manufacturer or logistics firm. These issues include all required evidence to prove negligence: duty, breach, causation, and damages. They owed the legal duty to abide by traffic laws, breached their duty by failing to design or maintain technology capable of doing so, and the lack of action caused an event resulting in damages.

Under the current legal system, some are skeptical of the plaintiff bar's ability to sue a manufacturer because current liability laws do not allow victims to sue the freight company that made the equipment (Premack). While some may argue the legislative or administrative bodies should adjust policies to include the manufacturer, it is not a secure prediction to assume their campaigns will be successful. They will be met with contesting politicians who sympathize with producers, or who are influenced by an iron triangle of conflicting views. Furthermore, self-driving car and truck producers will challenge the efforts in an attempt to conceal their liability while simultaneously pushing to capture the full economic opportunity of their technology by releasing it as quickly as possible. However, their protected defense status is not just limited to objection from the legislative bodies. The judicial body reserves the power to analyze law from the perspective of legislative intent and has extended policies in the past to include omitted parties to receive aide, recognition, and appoint liability (Justia Law). It has been used in small, individual cases that include a mistake in the law, or even landmark cases that revolutionize statutory law as proposed in Moritz v. Commissioner of Internal Revenue by now-Supreme Court Justice Ruth Bader Ginsburg. Manufacturers may hold the defense that the self-driving vehicles are under the control and responsibility of its owners, but the connotation of self-driving implies the vehicle is directed by an alternative to a human decision making process. The current liability law allows truck drivers to be held liable because they are positioned where they controlled the fate of the incident (Premack), but may fail to do so in an unreasonable manner: they are at risk of being held responsible for negligence.

Therefore legislative intent includes self-driving technology because the substitution of human operation implies the technology has control of the vehicle. If a manufacturer fails to design their technology in a negligent manner, they too are at risk of being held responsible. Reasonably, manufacturers must prepare for extreme weather conditions, human error, and the aging of their technology.

In prediction of the event of this tort civil case, victims should, and will be awarded the full monetary compensation they seek to remedy sustained injuries and property damage. The wave of self-driving technology is defining the future for generations to come, but should it come too soon, overpromising truck manufacturers and underprepared owners of their products could initiate a wave of vicissitude across the nation. Before these large companies willingly accept the possibility of injury caused by self-driving vehicular collisions in the interest of profitability, our legal system should whistle to the tune of an unwavering top priority: safety. Beware truck manufacturers and logistics companies - victims will get justice.

Works Cited

Beltz, Brian. "100+ Car Accident Statistics for 2019." Safer America , 29 Oct. 2018, www.safer-america.com/car-accident-statistics/#Global .

"Charles E. Moritz, Petitioner-Appellant, v. Commissioner of Internal Revenue, Respondent-Appellee, 469 F.2d 466 (10th Cir. 1972)." Justia Law , 22 Nov. 1972, www.law.justia.com/cases/federal/appellate-courts/F2/469/466/79852/ .

Premack, Rachel. "One of the Biggest Problems Facing Self-Driving Trucks Has Little to Do with the Technology." Business Insider , Business Insider, 12 July 2018, www.businessinsider.com/autonomous-trucks-self-driving-trucks-laws-2018-7 .