CARLTON FIELDS

Considering the Impact of Driverless Cars

December 22, 2014

Driverless cars, also called autonomous cars, auto-pilot cars, robo-cars, automated cars, connected cars, self-driving cars, or driver-free cars, can navigate and sense the surrounding environment without human input during travel. According to Wikipedia, as of 2013, laws in California, Florida, Michigan, and Nevada permit driverless cars; cities in Belgium, France, Italy, and the UK have plans to operate driverless car transport systems; and Germany, the Netherlands, and Spain have permitted driverless car testing in traffic. Testing thus far indicates driverless cars have far fewer accidents than their humandriven counterparts because most accidents result from driver error. Testing does not, however, take into consideration such conditions as portable traffic lights, or heavy rain or snow. While many carmakers doubt a fully driverless car will be available anytime in the next 40 years, the auto industry as a whole appears optimistic. **Only last month, the Alliance of Automobile Manufacturers and the Association of Global Automakers published the Privacy Principles for Vehicle Technologies and Services.** Should the driverless car become integrated into U.S. society, the United States will undergo big changes. The transition would likely occur gradually, and many people would probably never make the switch (just as many still do not use the Internet or mobile phones). Driverless cars could result in societal changes related to: **Freedom**

- Mobility for individuals who cannot obtain driver's licenses (e.g., the blind, physically challenged, and elderly).
- Driverless car owners could provide transportation for family members and others (regardless of whether such individuals are licensed).
- Riders could perform tasks that are now illegal while driving (e.g., reading, eating, texting).
- Because some human input is required to operate a driverless car, drinking alcohol and consuming other controlled substances would likely remain illegal.

Licensure

- Skills to obtain a license would be primarily technological, not manual.
- Relaxed age and physical requirements.
- Curfews and other rules applicable to newly-licensed persons would be eliminated or eased.

Liability

- Liability—and auto insurance policy requirements—would shift from driver (human error) to manufacturer (manufacturer error). Auto manufacturers may resist this change by contract, if doing so is not contrary to public policy.
- Driverless cars could be programmed to protect the car in all circumstances, potentially saving one life while harming another. For example, the driverless car could swerve to avoid a pedestrian but crash into another car and kill passengers in both cars.
- Driverless cars could be preprogrammed to match the owner's beliefs regarding, for example, how he or she would react when obstacles suddenly appear in the car's path.
- Override options could permit: (a) manual driving (with a computer, not necessarily a steering wheel); and/or (b) programming changes (e.g., to choose a different detour route than the one selected by the driverless car).

Economy

- Decreased demand for bus drivers, taxi drivers, chauffeurs, and airline and railroad workers, if people choose the privacy of a driverless car over these forms of transportation.
- While riding in their vehicles, postal workers, truck drivers and other delivery workers could perform tasks that would have otherwise been performed by stationary co-workers.

Data Privacy, Criminal Activities, and Cybersecurity Insurance

- Issues regarding ownership and licensing of the right to use or access data generated and stored in connection with driverless cars (e.g., traveled routes, programmed routes, speed traveled, number of stops, dates and time of travel).
- Laws to govern protection of driverless car data that is deemed personally identifiable information.

- Hacking into driverless cars to: obtain private data about an individual's transportation history or plans; cause accidents; kidnap passengers; turn driverless cars into lethal weapons. Such hacking activities would present new challenges for law enforcement, and new markets for cybersecurity and other insurance coverages.
- With a search warrant, law enforcement could identify the precise date, time, and location of an individual's vehicle. While control freaks will likely keep a tight grip on their steering wheels for as long as possible, early adopters will no doubt flock to the driverless car once it becomes commercially available. Expressions like "keep your eyes on the road" and "keep both hands on the steering wheel" may one day become as archaic as "roll down the window," "dial the telephone," and "she sounds like a broken record."

Related Practices

Technology
Intellectual Property
Cybersecurity and Privacy

Related Industries

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