REGULATING AUTONOMOUS CARS: A TECHNOLOGY ORIENTED LEGAL APPROACH

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WHAT ARE AUTONOMOUS CARS?

• Not “Knight Rider”, Not even Herby.

• An aggregation of technologies:
  • Sophisticated sensors.
  • AI Based - Picture recognition and Decision Tree algorithms.
  • Connectivity.
AUTONOMOUS CARS BECOME A “CURRENT” ISSUE

• 18 March Tempe Arizona accident reveals gaps in current regulatory regime:
  • Liability is unclear (Identity, Standards, applicable rules).
  • Privacy is unclear

CURRENT REGULATION IS INSUFFICIENT

• No Federal regulation - NHTSA recommendations are vague.

• State regulation is a 3 page executive order (2018-04):
  • The vehicle must achieve a reasonably safe state…
  • Complying with all Arizona traffic and safety laws.
  • Meeting all applicable certificate… and insurance requirements.
  • Instructs the Departments of Public Safety to work with other relevant law enforcement agencies to develop protocols on how first responders shall interact with a fully autonomous vehicle in emergency and traffic enforcement situations.
  • In addition, the vehicle must meet all applicable certificate, title registration, and licensing and insurance requirements.
CURRENT REGULATION IS INSUFFICIENT

- **No** clear rules of liability - no legal precedent, no directly applicable laws.
- Privacy laws are not clearly applicable.

ACADEMIC DISCOURSE

- Various articles about different topics - privacy, cybersecurity, liability, ethics etc.
- No complete regulation scheme.
- Do not provide a holistic solution.
- Applicable to current technologies.
- Theories do not necessarily coexist.
REGULATION BRINGS TRUST

• The societal value of Autonomous Vehicles is clear (lives, infrastructure, resources, medicine, equality).

• Public acceptance is dependent on trust.

• Regulation is required for trust.

REGULATING THE TECHNOLOGIES

• Dividing the end product into the constructing technologies.

• Defining each technology up to the level required for regulation.

• Identifying the legal issues relevant for each technology.

• Addressing the legal issues for each technology separately.
DEFINING THE “SELF DRIVING VEHICLE”

IDENTIFYING THE LEGAL ISSUES

- Sensors:
  - Privacy.
  - Cybersecurity.
- Algorithms:
  - Liability.
  - Ethics.
  - Risk Management.
- Connectivity:
  - Cybersecurity.
  - Collective action.
  - Antitrust.
REGULATING SENSORS

• A legal problem with precedents:
  • CCTV in the UK.
  • Google Street View (legislation + rulings).
  • GPS Tracking - US Supreme Court.

REGULATING SENSORS

• Identifiable Issues:
  • Location of Cameras.
  • Types of cameras and amount of usage.
  • Data retention.
  • Security and Cybersecurity.
Thank You