

Autonomous Vehicles and Liability Law: A Need to Re-visit the Existing Product Liability Framework?

PhD Seminar (4 hours)
University of Catania

Prof (Dr) Saloni Khanderia
Full Professor, Jindal Global Law School, Sonipat (India)

Across the globe, legal systems have steadily been warming up to the operation of autonomous cars in various forms on public roads. Around the world, innovations in the field of driverless cars have transformed how States have perceived and ascertained liability for harm that their use may cause. Such automobiles may reduce accidents typically attributable to human involvement – such as those that may occur due to fatigue or intoxication. Nonetheless, their use has, in turn, been predicted to amplify the frequency of damage that a malfunction in the technical systems of such vehicles could cause. Consequently, holding an owner or any other person, such as a driver, exclusively liable for damage caused may neither be feasible nor justifiable in technological advancements such as these where such a person is not in control of the car in the first place. Accordingly, recent developments have compelled States to attempt to strike the right balance in assigning the rights and responsibilities of the owners *vis-à-vis* manufacturers for harm that such innovations may cause.

In the European Union, Italy has recently permitted the testing autonomous cars on public roads in Turin as part of its pilot project. However, unlike several other E.U. states, such as Germany and France, there are no special rules to regulate disputes arising from using such vehicles. Consequently, in Italy, disputes arising from harm caused by the use of autonomous vehicles will be subject to the same rules applicable to other less complex projects such as hairdryers!

This PhD seminar will act as a forum to brainstorm potential challenges that litigants (including manufacturers of autonomous vehicles) are likely to encounter in the absence of special rules regulating the use of such cars on public roads. The plausible ways to navigate these problems will also be analysed – after exploring solutions adopted by other E.U. countries such as Germany and France – but also other Asian jurisdictions such as China and Japan.

Lecture 1 (2 hours): Introduction

- Global Developments in Autonomous Cars and its implications on the liability laws of various countries
- Understanding the Peculiarities in Autonomous Cars: How are they different from ‘regular’ vehicles?
- Recent developments in some countries: Germany, France, Italy, China, Japan and South Korea
- Recent non-developments in India

Lecture 2: (2 Hours): The role of ‘consumer acceptance’ in determining the success or failure of the operation of autonomous cars on public roads

- What is consumer acceptance, and how is it tested?
- Who are the potential parties in a typical dispute involving an autonomous car?

- How is the liability determined versus how should it be determined? Reflections from across the globe
- What role have product liability laws played in determining the ‘consumer acceptance’ of autonomous cars? Are these laws promoting the invention of autonomous cars or stifling it?
- What lessons can Italy learn? The role of lawyers in developing autonomous vehicle liability laws.