ACC Association of Corporate Counsel
NATIONAL CAPITAL REGION

TECHNOLOGY AND IP FORUM:

Driverless Cars, Smart Machines, and Automated Equipment

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ROAD MAP

- Introductions

- Presentation Overview

- State of Technology and Innovations

- Legal and Policy Considerations

- Discussion

ar·ti·fi·cial in·tel·li·gence

/ˌärdəˈfiSHəl inˈteləjəns/

Noun

The capability of a machine to imitate intelligent human behavior

AKA: *Machine Learning, Machine Decision Making, Deep Learning, Automation, IoT*

APPLICATION OF AI

THE FUTURE OF DRIVERLESS VEHICLES?

DRIVERLESS VEHICLES MUST COMMUNICATE

Outgoing Information:

- Car Info
  (who is in it, where is it, where is it going)
- Car Data
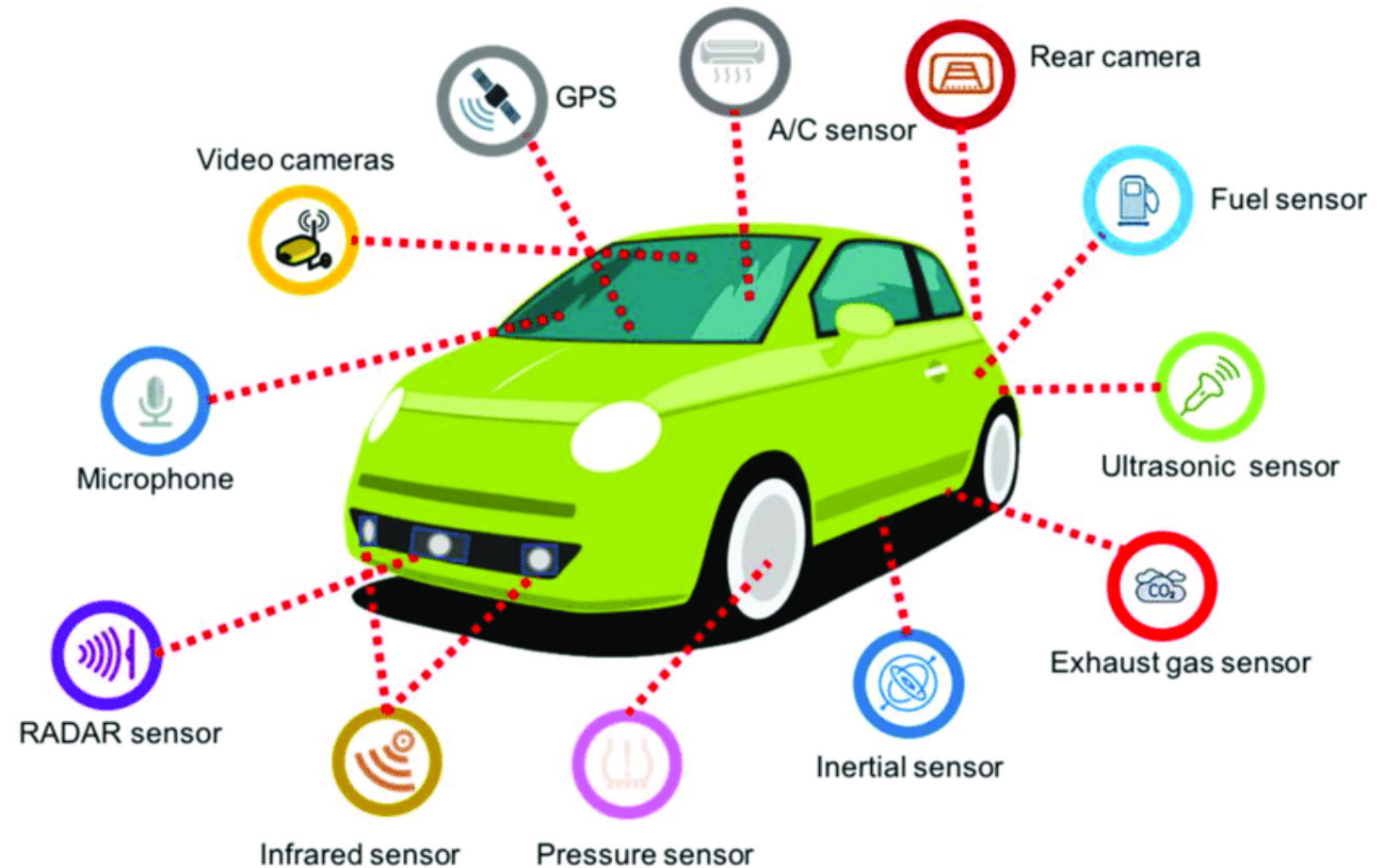 *(mechanical problems, fuel level, flat tire)*

Incoming Information:

- Road Conditions
  (accidents, closures, weather)
- Other Cars
  (where they are, where they're going, speed)
- Immediate Surroundings
  (where they are, where they are going, speed)
- Software Updates
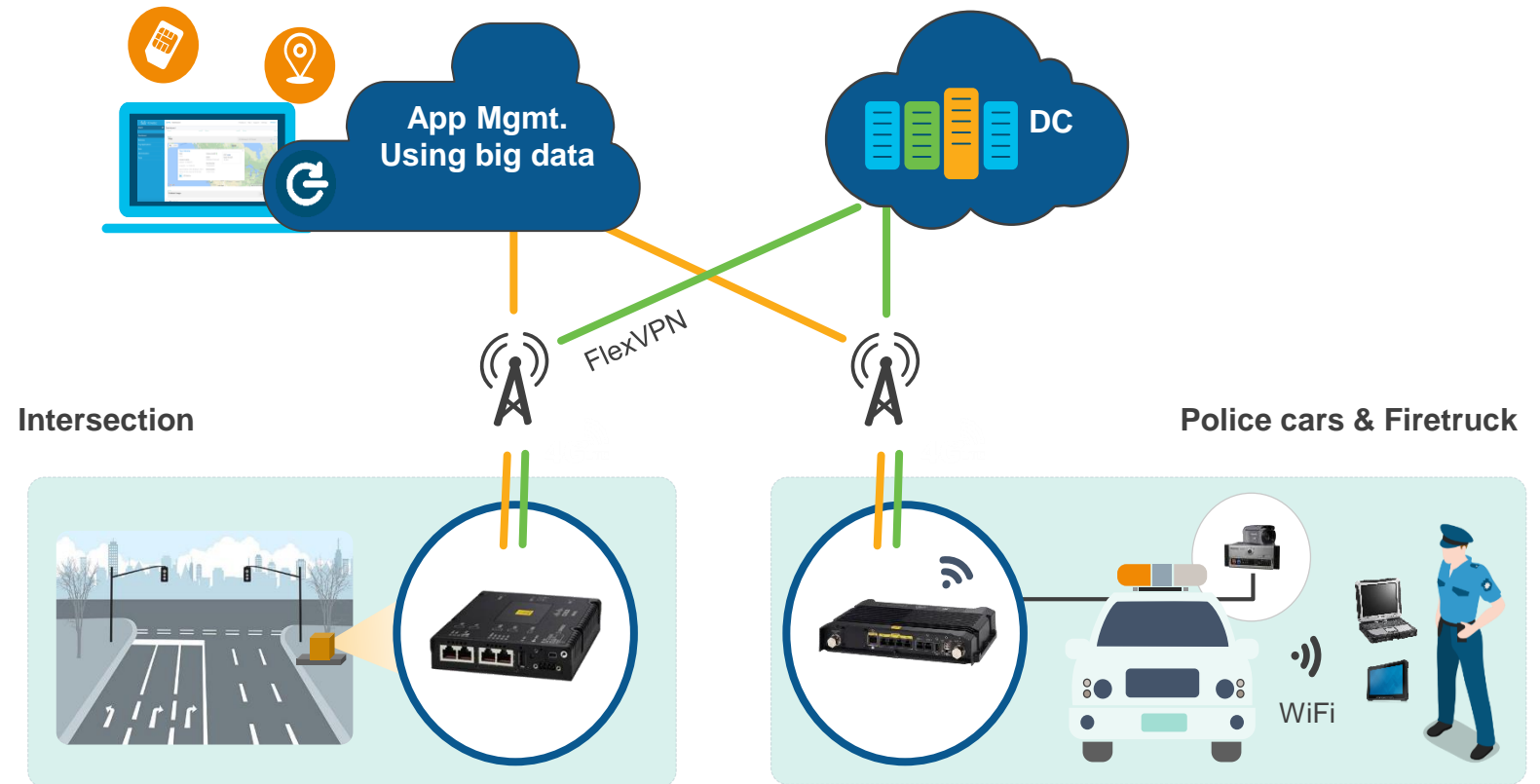 *(Tesla)*

NETWORKING
in Driverless Vehicles

- End point devices
- Wireless tracking
- Networking and Info Processing
- Security Products

GPS

A/C sensor

Rear camera

Fuel sensor

Video cameras

Microphone

Ultrasonic sensor

RADAR sensor

Infrared sensor

Pressure sensor

Inertial sensor

Exhaust gas sensor

NETWORKING
extends beyond the individual vehicle

Connected
Roadways
are here!

App Mgmt.
Using big data

DC

FlexVPN

Intersection

Police cars & Firetruck

WiFi

LAWYER IMPLEMENTATION OF AI

UNIVERSAL CHALLENGES
with AI Implementation
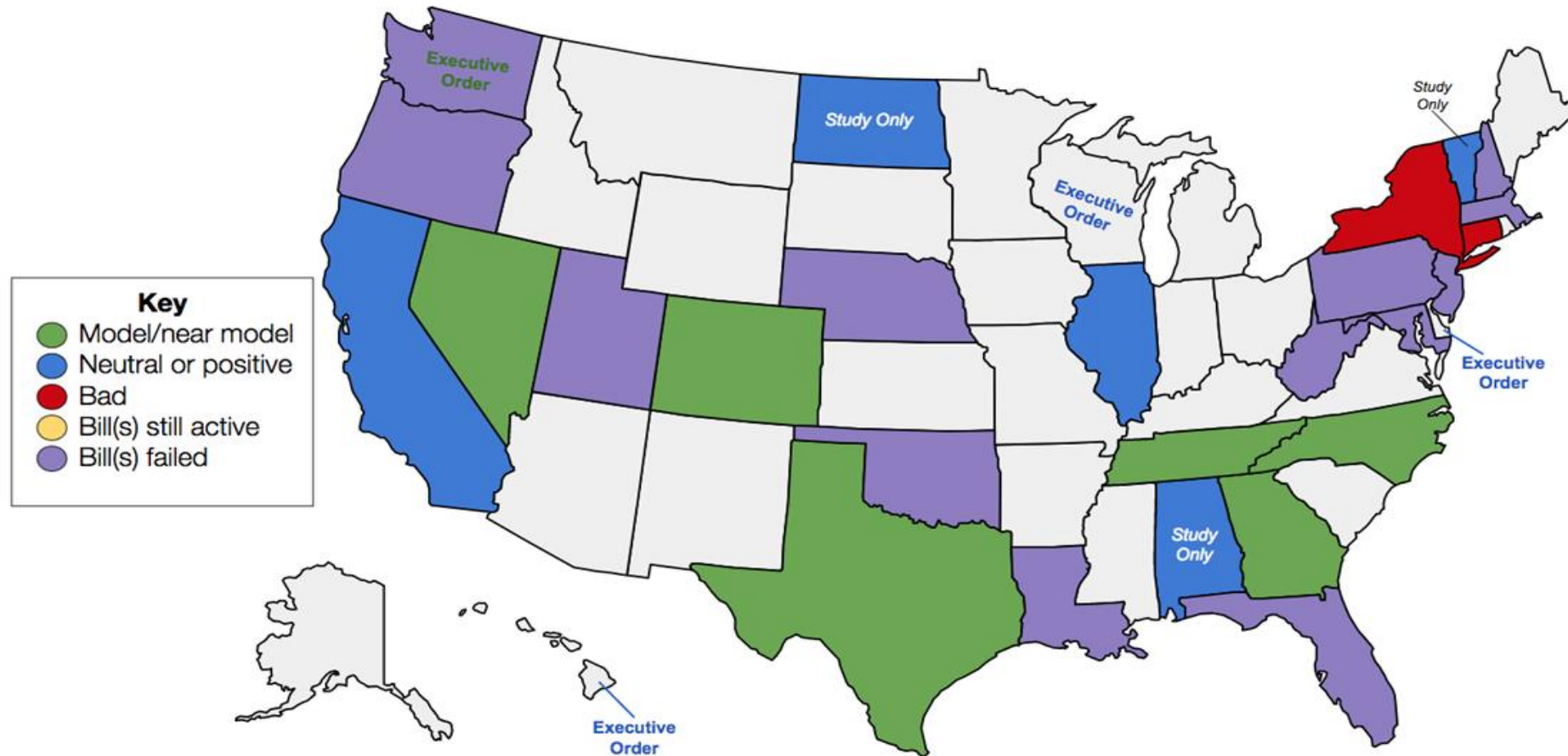
Compliance

Public Policy

Data Security and Privacy

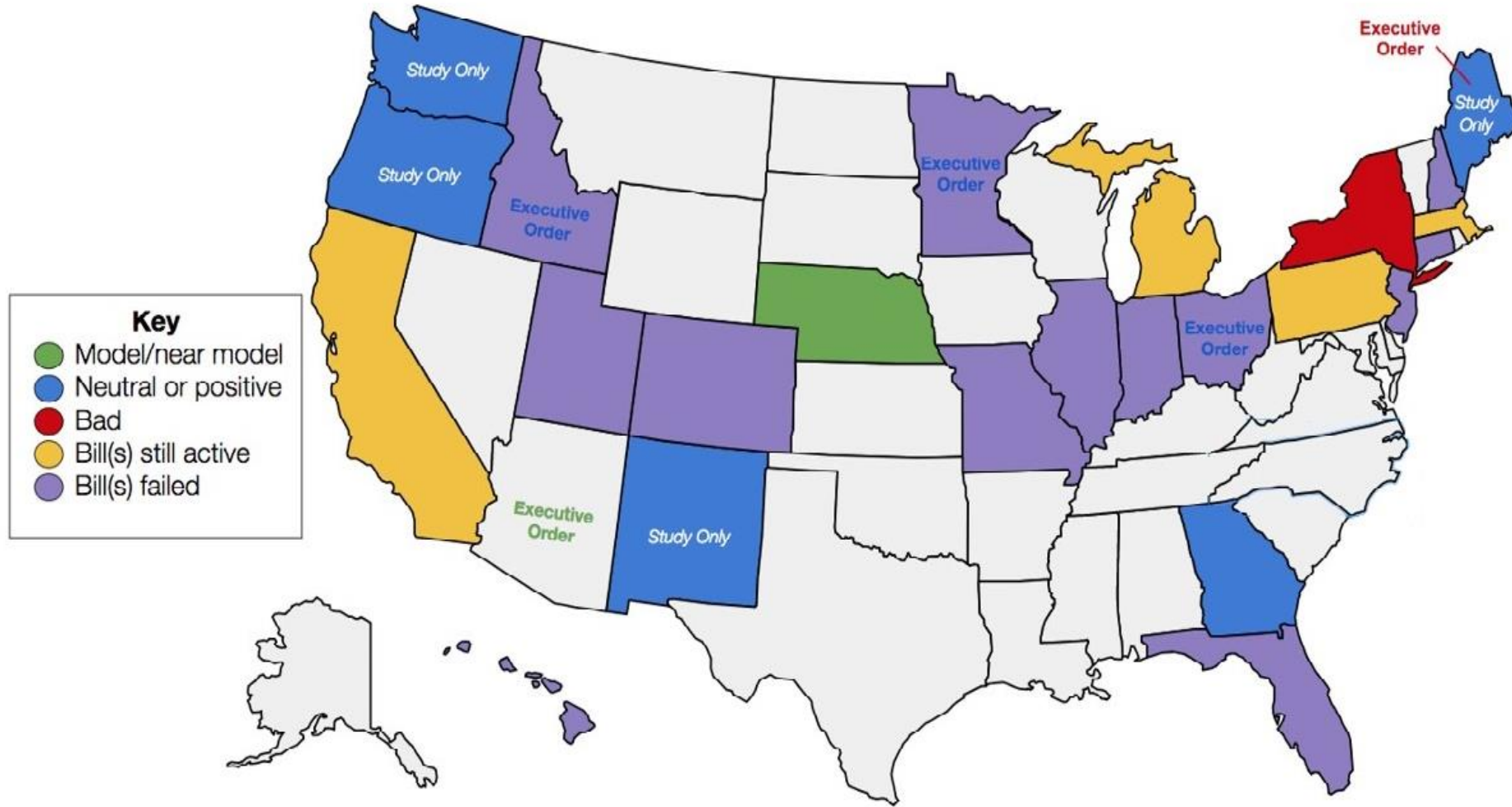Intellectual Property

Business Litigation

Tort and Products Liability

Class Action and Complex Litigation

2017 STATE AV LEGISLATIVE ACTIONS

Key
- Model/near model
- Neutral or positive
- Bad
- Bill(s) still active
- Bill(s) failed

2018 STATE AV LEGISLATIVE ACTIONS

The ethical challenges of artificial intelligence

As AI advances, systems will need to be trained and 'raised' in much the same way as humans

The Risks

The robots are coming... but are we ready for AI risk?

Goo...
'Ina...

...s cars
...the
...ys the

WEB   US & WO...

Intelligent Machines

When an AI finally kills someone, who will be responsible?

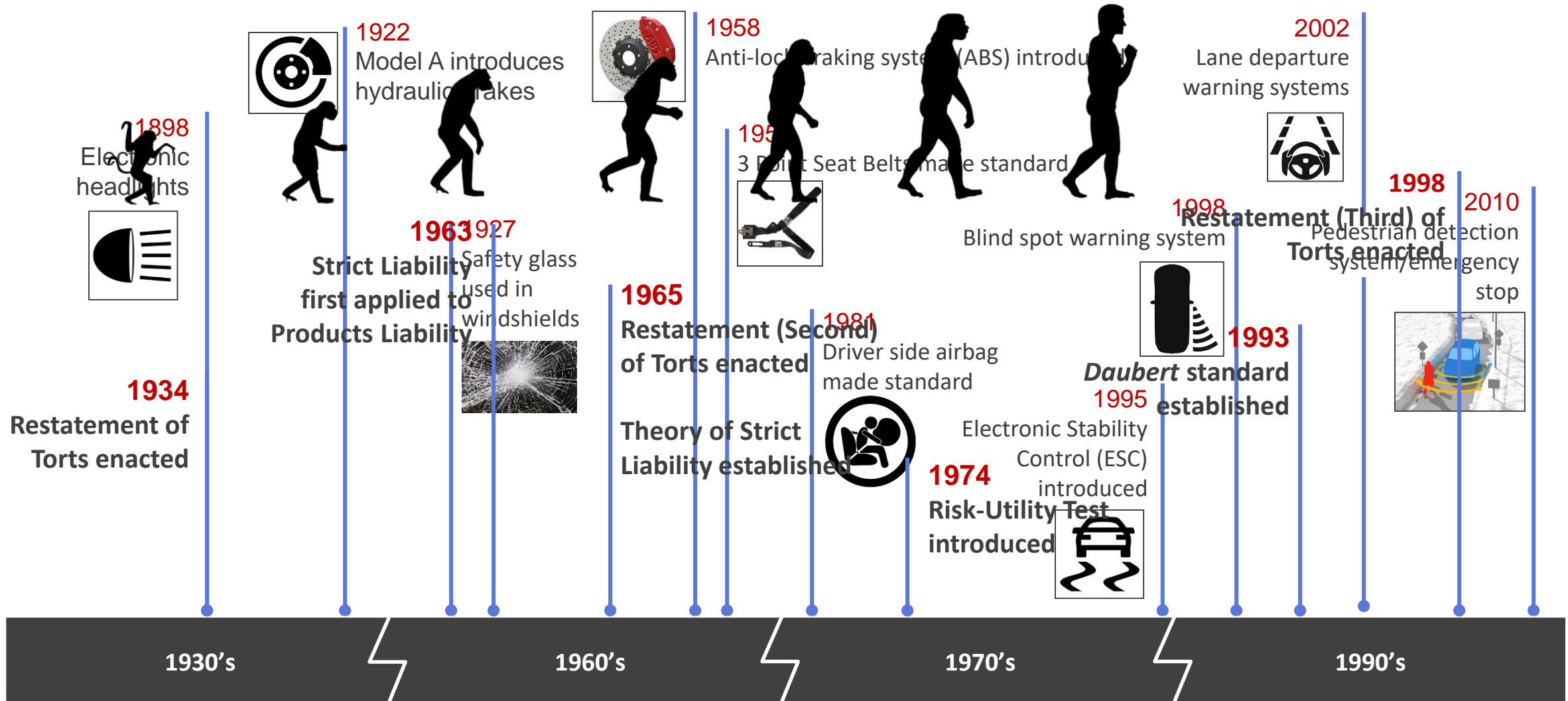Legal scholars are furiously debating which laws should apply to AI crime.

Face...
explo...
'cons...

Admiral In...
to see if th...

CROSSWORDS   WA...

...lunnit?

...lkswagen Plant

...ter Twitter

EVOLUTION OF COMMON LAW PRODUCT LIABILITY CONCEPTS

1898
Electronic headlights

1922
Model A introduces hydraulic brakes

1934
Restatement of Torts enacted

1963
Strict Liability first applied to Products Liability

1927
Safety glass used in windshields

1958
Anti-lock braking system (ABS) introduced

1958
3 Point Seat Belts made standard

1965
Restatement (Second) of Torts enacted

Theory of Strict Liability established

1981
Driver side airbag made standard

1974
Risk-Utility Test introduced

1995
Electronic Stability Control (ESC) introduced

Blind spot warning system

1998
Restatement (Third) of Torts enacted

1993
Daubert standard established

2002
Lane departure warning systems

1998
Restatement (Third) of Torts enacted

2010
Pedestrian detection system/emergency stop

1930's   1960's   1970's   1990's

COMMON LAW ADAPTS
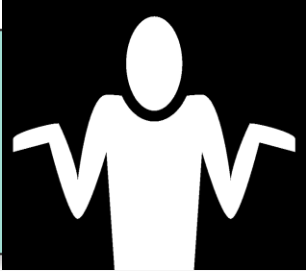*to improvements in Technology*

Auto-Pilot

Robotics
in Manufacturing
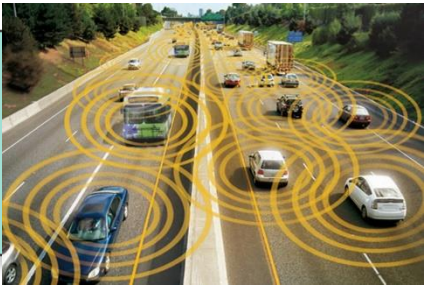
Artificial Intelligence
in Medical Devices

NOT FEASIBLE OR DESIREABLE TO HAVE LIABILITY STATUTES

Statutes Premature
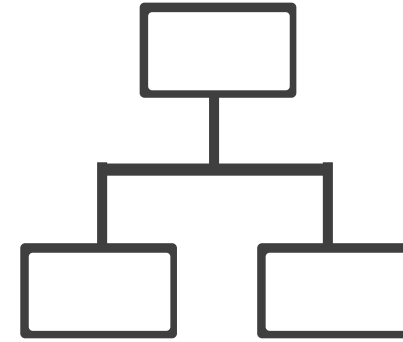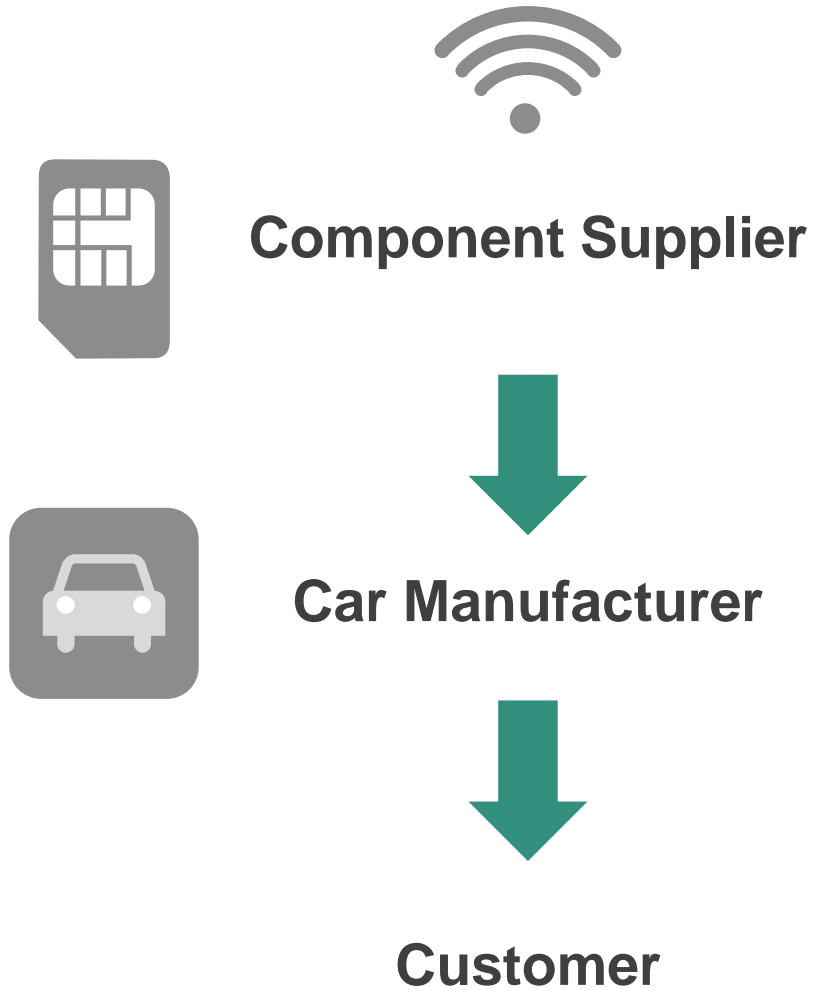
Statutes Quickly Obsolete

Liability For Delay
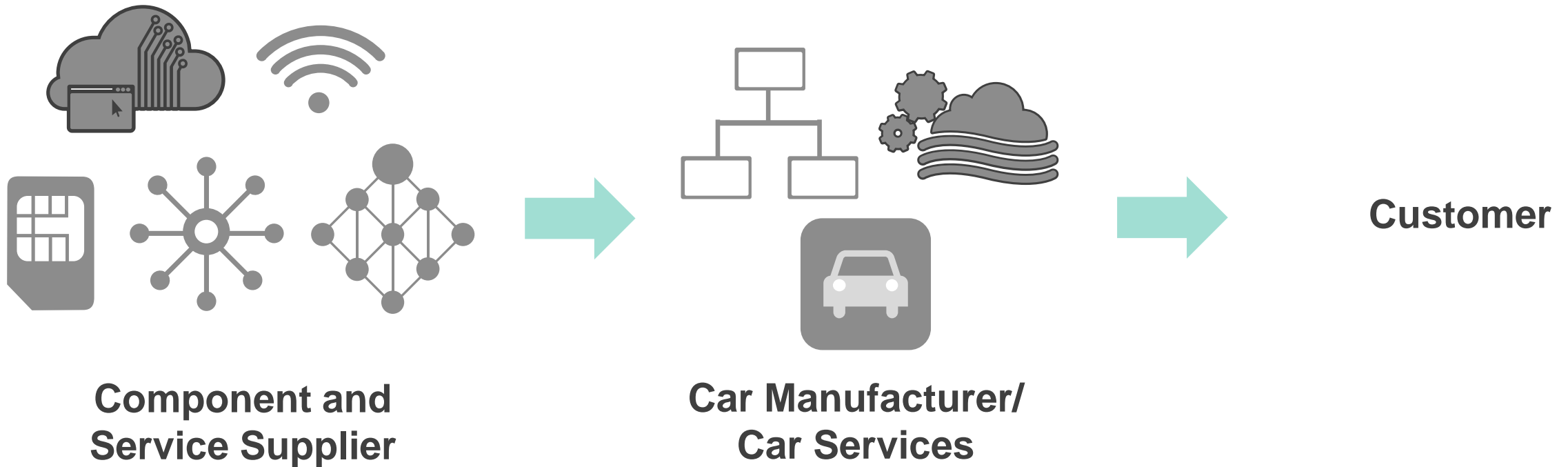
PRODUCT + SERVICE LIABILITY

- Liability of producers of equipment used in the stream of commerce

- Modifications of equipment

- Comparison of service liability vs. product liability

STREAM OF COMMERCE

Component Supplier

Car Manufacturer

Customer

- Did they disclaim their products?

- Is the scope of use beyond intended purpose?

- Is liability limited to product performing in limited capacity?

STREAM OF COMMERCE

**Component and
Service Supplier**

**Car Manufacturer/
Car Services**

Customer

Increased services pushes risk upstream to service provider

DATA PRIVACY

- What is considered personally identifiable info in a driverless vehicle?

  - Look at local laws

  - Location only, or tagged to an individual?

- How can personal data be used?

  - Is it shared with others? Is it aggregated in some instances and not in others?

- Can an individual opt out without impacting the functionality of the driverless vehicle?

DATA SECURITY

- Potential risks with a breach of data in driverless vehicles

- Stealing of personal data

- Control of vehicles

- Where does liability lie in the event of a data breach?