

Motor Vehicle Liability: Pre-Highly Automated Vehicle Age

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MOTOR VEHICLE CRASH STATISTICS:

- 1,188 fatal MVCs in PA in 2016
- 85-90% of all MVCs involve
- driver error¹



Contributing Factor	Crashes	Fatal Crashes
Speed-Related	31,083	458
Drinking Driver	9,221	150
Distracted Driver	16,036	61
Improper Turning-Related	14,123	61
Proceeded Without Clearance	9,004	60
Careless/Illegal Passing	4,665	41
Drowsy Drivers	2,625	25
Tailgating	6,879	7

¹ PennDoT 2016 Pennsylvania Crash Facts & Statistics

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LIABILITY THEORY:

- **Negligence:**
- **Duty of Care:**
 - To others on the road
- **Breach of the Duty of Care:**
 - Carelessness
 - By an act or failure to act
- **Causation:**
 - The breach was the factual cause of the injury/harm
- **Damages:**
 - Economic
 - Non-economic (i.e., pain, suffering, disfigurement, etc.)

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WHO CAN BE HELD LIABLE?

- Typically: A **PERSON** OPERATING A VEHICLE:
 - Car
 - Truck/Tractor Trailer
 - Bus
 - Motorcycle

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OTHERS OFTEN LIABLE:

- COMMONWEALTH of PA:
 - PennDOT
 - PSP
- MUNICIPALITY
- CONSTRUCTION COMPANY
- HOME OWNER
- PASSENGER
- REMOTE TEXTER
- ALCOHOL-SERVING ESTABLISHMENT
 - DRAM SHOP

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UNDER CURRENT LAW:

WE are looking for the **HUMAN** error!

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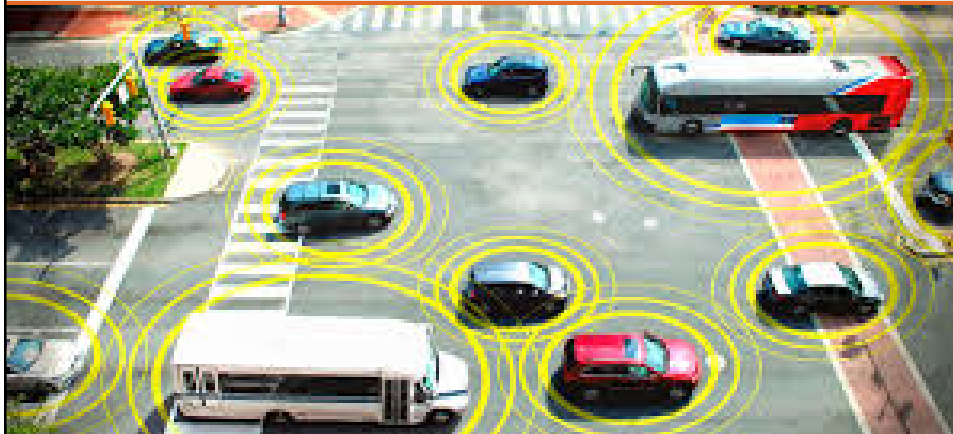


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PROPOSED PA LAW:

- **WHO IS LIABLE WHEN A HIGHLY AUTOMATED VEHICLE (HAV) CAUSES A CRASH CAUSING INJURY OR FATALITY?**
- **SENATE BILL 427:**
- **WHO IS THE DRIVER?:**
 - Level 3: Test Operator = the “driver”
 - A **Person**
 - Level 4-5: AV Tester = the “driver”
 - A **Person** and/or the **Mfgr, corporation/other entity**



IN THE FUTURE:

"When machine and man combine to cause harm, each must be held accountable."

-Larry Coben, Esquire

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Thank you.

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