The Legal Framework for Automated Driving

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Introduction

• On the way to autonomous cars: air-bags, anti-blocking systems, parking assistance
• Autonomous systems: work independently of ongoing human input
• Great social impact
• Many legal problems
Constitutional Provisions

• Constitutions normally do not deal with new technological developments
• Freedom of Research
• Protection of Property
• State has to ensure safety and efficiency of road traffic
Road Traffic Law

• Vienna Convention on Road Traffic (1968)
• Spring 2014: proposals for amendments
• National vs. international law
Civil Liability

• Tort law
• Contractual liability
• Strict liability
Criminal Liability

• Causing bodily harm by negligence
• Definition of „negligence“
• Dilemma: Relieving the driver of driving tasks vs. controlling the autonomous system
Liability of Providers

- Cars are becoming increasingly interconnected
- Downloading of data in driving cars as a standard process
- Malware?!
- Liability of the programmer + liability of the provider
- European E-Commerce Directive provides a system of provider liability
Algorithms of Death

• Autonomous accident avoidance systems
• Problem: what is the lesser evil? And can that question be decided by cars?
• Human body vs. property
• Life vs. life
• One life vs. many lifes
Summary and Outlook

- Relevant problem areas:
  - road traffic law
  - civil liability
  - criminal liability
  - provider liability
  - data protection law

- Some problems can be solved by interpretation, some require new law

- All legal problems of automated driving can be solved
• Thank you for your attention!