



Autonomous Vehicle Work Group

Liability Subcommittee Update

December 3, 2020



OFFICE of the
**INSURANCE
COMMISSIONER**
WASHINGTON STATE

AV Liability Subcommittee

Co-chairs:

- Harris Clarke – PEMCO Mutual Insurance Company
- David Forte – Office of the Insurance Commissioner

22 Subcommittee Members representing diverse interests

The Liability subcommittee is exploring AV issues related to insurance, tort liability, judiciary and criminal law.

2020 discussions

Matt Moore, SVP of the Highway Data Loss Institute

Issues discussed were current advanced driver assistance systems (ADAS)

- Experiences with driving automation
- Shortcomings of VINs
- Event Data Recorders
- On-board diagnostics
- Collision Avoidance Systems (front autobrake systems)

2020 discussions

Michele Radosevich regarding the Uniform Law Commission drafting discussions relating to the Automated Operation of Vehicles Act.

Issues discussed included if product liability overtakes auto liability as the coverage for fully autonomous vehicles, there may be issues for the injured party to have timely recovery.

2020 discussions

Washington state tort liability practitioners:

- Judge John Erlick (retired)
- Roy Umlauf, defense focused
- James Rodgers, plaintiff focused
- Michael Wampold, plaintiff focused

Issues discussed were data collection, data retention, cost of gathering the data, and determining who is the “driver”

Next steps

Continued Discovery

- Tracking other jurisdictions determine liability for AV
- Other implications relative to liability

Explore insurance liability issues (hear from adjusters, claims managers)

Explore criminal liability (hear from prosecutors)

Work toward development of recommendations around:

- Data requirements for liability determination
- Definition of driver

Questions?

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