Bridging the Automated Vehicle Gap: Consumer Trust, Technology and Liability

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Integrating the Consumer into the Automated Driving System (ADS) Development Process

Consumer Expectations

Legal Practitioners
Trust or Experience
First?
Trust is Centric to ADS Success

**Trust drives interest in automation**
- Purchase intention

**Naming convention**
- Education / Training
- Industry / Media messaging

**False positives / False negatives**
- Humanistic behavior
- Consistency of performance
- Predictability

**Actual usage vs. Expected usage**
- Satisfaction

**Industry, Government, Insurance**
- Assurance
- Standardization

**Trust**
- Transparency
- Responsibility
- Just resolution

**SAFETY STANDARDS**
- Liability Framework

**UNDERSTANDABILITY**
- Transparency
- Responsibility
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**LIABILITY FRAMEWORK**
- Liability Framework

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**ADS TRUST ECOSYSTEM**
Willingness to Ride in ADS

How likely would you be to ride in a fully autonomous, self-driving vehicle without a human driver’s input?

- Definitely Would: 14%
- Probably Would: 33%
- Probably Would Not: 29%
- Definitely Would Not: 17%
- Don’t Know: 6%

Source: 2018 Miller Canfield/J.D. Power Automated Vehicles: Liability Crash Course
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Assuming the self-driving vehicle met ALL government safety standards, how likely would you be to ride in one?

- Definitely Would: 52%
- Probably Would: 26%
- Probably Would Not: 16%
- Definitely Would Not: 2%
- Don't Know: 5%

Source: 2018 Miller Canfield/J.D. Power Automated Vehicles: Liability Crash Course
Our Communication Influences Consumer Perception, Acceptance and Trust of ADS

Self-Driving Consideration Factors
Change Over Time

Largest Concern of Self-Driving Vehicle

January 2017

- I do not see any concerns: 80%
- Possible technology failures/errors: 60%
- Legal liabilities if an accident occurred: 40%
- Possibility of vehicles being hacked: 20%
- Learning how to operate an autonomous vehicle: 0%
- More driver stress from vehicle self-driving: 0%
- Ability for driver to do other things while vehicle is driving: 0%
- Giving up the fun of driving: 0%
- Accidents: 0%
- Safety: 0%
- All of the above: 0%

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- Safety: 0%
- All of the above: 0%


Self-Driving Consideration Factors Change Over Time

**Largest Benefit of Self-Driving Vehicle**

January 2017

- **I do not see any benefits**
  - 50%
- **Helpful for senior citizens or disabled**
  - 40%
- **Fewer accidents**
  - 30%
- **Lower insurance premiums**
  - 20%
- **Improved fuel economy**
  - 10%
- **Less driver stress**
- **Less traffic congestion**

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- **I do not see any benefits**
  - 50%
- **Helpful for senior citizens or disabled**
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**Self-Driving Consideration Factors Change Over Time**


Consumer ADS Intended Learning Process

How do you intend to learn about how to properly operate a self-driving vehicle?

- Dealer explanation or demonstration course for self-driving vehicles: 49%
- Driver’s education course for self-driving vehicles: 47%
- Training videos: 38%
- Owner’s manual: 31%
- Self-taught, learn by doing: 27%
- Do not plan to learn/Not interested*: 3%
- Other*: 1%
- Don’t know / None of the Above*: 1%

Willing to Take Additional Training for ADS Designation on Driver’s License?

- Definitely Would: 25%
- Probably Would: 37%
- Probably Would Not: 20%
- Definitely Would Not: 8%
- Don’t Know: 10%

Source: 2018 Miller Canfield/J.D. Power Automated Vehicles: Liability Crash Course
ADS Dispute Resolution Patterns
Voice of the Consumer

- Willingness to litigate
- Desire to seek dispute resolution options with a longer duration for resolution
- Expectation of no crashes, especially for Level 5
- Clarity of fault (i.e., consumer perception: fully automated self-driving vehicle (Level 5) inherently means the vehicle is at fault)
- Emotional state
- Desire to bring public awareness

A crash occurring at a higher automation level increased respondents’:

Source: 2018 Miller Canfield/J.D. Power Automated Vehicles: Liability Crash Course
Many Consumers Expect No ADS crashes

- Perception that crashes “should not occur” with ADS
- Consumers hold ADS to a higher safety standard
- Emotions increase as the level of automation increase mainly due to the driver becoming a “passenger”

Level 5, Full Automation Verbatim

“I’d expect the car to be safer and tested and would blame the company for any accident.”

“Should never happen.”

“B/c of car is supposed to be good shouldn’t be in an accident.”

“Because it is supposed to be a safe vehicle & there was a serious injury need to know why it happened & to prevent it from happening again.”

“I would be MAD and HORRIFIED and would want to make a spectacle of the case.”

Critical to align consumer expectations to the product’s capability

Source: 2018 Miller Canfield/J.D. Power Automated Vehicles: Liability Crash Course
Consumers are willing to share their ADS vehicle data after a crash.

The most common motivation: *to help the greater good*.

**Source:** 2018 Miller Canfield/J.D. Power Automated Vehicles: Liability Crash Course
Legal Practitioners’ Voice

▪ Both sides agree:
  ▪ **Costs** to litigate product liability for ADS will increase dramatically
  ▪ ADS provides an opportunity for legal claims to be **resolved out of court through Alternative Dispute Resolution (ADR)**
  ▪ Availability of **additional crash data** would accelerate resolution and support ADR

▪ Most focus is on Level 5 with little consideration given to the **complexities of “shared control”** (Level 3)

*Opportunity: Create a workable ADR framework to bridge the gap, creating stronger relationships between manufacturers and consumers by means of transparency and equity*
Severity of Injury is the Primary Factor

Alternative Dispute Resolution Preference

**Non-Life Threatening Injury**
- Would not pursue a legal claim
- Claim resolved quickly (1-3 months) in an out of court, private proceeding with lower financial recovery
- Claim resolved (4-12 months) in an out of court, private proceeding with one-time lump sum settlement
- Claim resolved slower (24 months or more) in a public hearing or trial with opportunity for larger financial recovery
- Don't know

**Death or Serious Injury**
- Would not pursue a legal claim
- Claim resolved quickly (1-3 months) in an out of court, private proceeding with lower financial recovery
- Claim resolved (4-12 months) in an out of court, private proceeding with one-time lump sum settlement
- Claim resolved slower (24 months or more) in a public hearing or trial with opportunity for larger financial recovery
- Don't know

Source: 2018 Miller Canfield/J.D. Power Automated Vehicles: Liability Crash Course
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ADS TRUST ECOSYSTEM
Thank You

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