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

ADS TRUST ECOSYSTEM

SAFETY STANDARDS
- Industry, Government, Insurance
- Assurance
- Standardization

CONSUMER INTEREST
- Trust drives interest in automation
- Purchase intention

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

LIABILITY FRAMEWORK
- Transparency
- Responsibility
- Just resolution

CONSUMER EXPERIENCE
- Actual usage vs. Expected usage
- Satisfaction

PERFORMANCE EXPERIENCE
- False positives / False negatives
- Humanistic behavior
- Consistency of performance
- Predictability
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
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?

Assuming the self-driving vehicle met ALL government safety standards, how likely would you be to ride in one?

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: 20%
- More driver stress from vehicle self-driving: 20%
- Giving up the fun of driving: 20%
- Ability for driver to do other things while vehicle is driving: 20%
- Safety: 20%
- Accidents: 20%

September 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: 20%
- More driver stress from vehicle self-driving: 20%
- Giving up the fun of driving: 20%
- Ability for driver to do other things while vehicle is driving: 20%
- Safety: 20%
- Accidents: 20%


Self-Driving Consideration Factors Change Over Time

Largest Benefit of Self-Driving Vehicle

January 2017

- I do not see any benefits: 50%
- Fewer accidents: 40%
- Lower insurance premiums: 30%
- Less traffic congestion: 20%
- Improved fuel economy: 10%
- Ability for drivers to do other things while vehicle is driving: 0%
- Helpful for senior citizens or disabled: 0%

September 2017

- I do not see any benefits: 50%
- Fewer accidents: 40%
- Ability for drivers to do other things while vehicle is driving: 20%
- Improved fuel economy: 10%
- Less traffic congestion: 0%
- Lower insurance premiums: 0%
- Helpful for senior citizens or disabled: 0%


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

- 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

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”

Critical to align consumer expectations to the product’s capability

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.”

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 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 (ADR) Preference

### Non-Life Threatening Injury

- **Would not pursue a legal claim**: 50%
- **Claim resolved quickly (1-3 months)** in an out of court, private proceeding with lower financial recovery: 40%
- **Claim resolved (4-12 months)** in an out of court, private proceeding with one-time lump sum settlement: 10%
- **Claim resolved slower (24 months or more)** in a public hearing or trial with opportunity for larger financial recovery: 10%
- **Don't know**: 0%

### Death or Serious Injury

- **Would not pursue a legal claim**: 50%
- **Claim resolved quickly (1-3 months)** in an out of court, private proceeding with lower financial recovery: 40%
- **Claim resolved (4-12 months)** in an out of court, private proceeding with one-time lump sum settlement: 20%
- **Claim resolved slower (24 months or more)** in a public hearing or trial with opportunity for larger financial recovery: 10%
- **Don't know**: 0%

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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