

# **Potential benefits of active driver assistance systems and the legal context**

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# A Introduction

- 1. What are driver assistance systems?**
- 2. Driver assistance systems which are already in use**
- 3. The different legal implications of non-overridable systems and overridable systems**



# **B Legal implications**

- **1. Liability**
  - **1.1. Fault liability**
    - **1.1.1. Overridable systems**
    - **1.1.2. Non-overridable systems**
  - **1.2. No-fault liability of vehicle owners (strict liability)**
    - **1.2.1. Overridable systems**
    - **1.2.2. Non-overridable systems**



## **B Legal implications**

- **2. Implications under insurance law**
- **3. Possible types of damage**
- **4. Criminal responsibility**
- **5. User recourse in the event of faulty system operation**
  - **5.1. Against system manufacturers**
  - **5.2. Against vehicle manufacturers**



## **C Conclusions**

- **1. Driver assistance systems may help improve road safety**
- **2. In the event of an accident the owner/keeper of a vehicle is liable without fault for any damage caused and the driver is liable if at fault**



# D Propositions

1. FIA supports innovation and progress in the area of road safety through the development of driver assistance systems.



# D Propositions

2. Making any driver assistance systems mandatory for the private user should have a clear and verifiable positive impact on the number of accidents, road fatalities and the severity of injuries.

The cost/benefit calculation should include both the cost of such systems and the environmental impact of, for instance, higher energy consumption.

Vehicle owners must be able to decide whether or not to have their vehicles equipped with a system that will or may at least indirectly impact its use.



# D Propositions

3. The driver must have the option to decide how to react to a specific situation.

Drivers should be free to act in compliance with the information received from their systems.

The decision whether to brake or accelerate in order to avoid certain situations should be the drivers'.



# D Propositions

4. The system must only “override” the driver if the latter is unable to intervene (e.g. loss of consciousness) and this is evident from the driver’s failure to respond to certain information provided by the system.

Automatic instant emergency braking initiated by a braking assistant in a speeding situation could impact vehicle handling and lead to the wrong reactions.



# D Propositions

5. With a view to enhancing the acceptance of driver assistance systems, the settlement of claims based on a system defect should be facilitated.

Payments by vehicle owners to cover third parties losses should be compensated.

It would be helpful if the party suffering damage in an accident could take direct action against the vehicle maker.



# D Propositions

6. Electronic traffic management systems should be preferred over non-overridable driver assistance systems.

Field tests have shown that the electronic display of a traffic-related speed limit change helps to improve the traffic flow and prevent accidents.



Thank you



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