

Re. Legal interpretation of civil liability for  
accidents in self-driving mode of level 3  
Autonomous car by Prof. Semin PARK

Teramoto, Shinto  
Faculty of Law, Kyushu University : Professor

<https://hdl.handle.net/2324/2231565>

---

出版情報 : 2019-03-28  
バージョン :  
権利関係 :





# Re. Legal interpretation of civil liability for accidents in self-driving mode of level 3 Autonomous car by Prof. Semin PARK

March 28, 2019

Kyushu University, Joint Seminar with Korea University



Shinto Teramoto  
Professor of Law, Kyushu University, Japan  
[teramoto.shinto.717@m.kyushu-u.ac.jp](mailto:teramoto.shinto.717@m.kyushu-u.ac.jp)  
[shin.teramoto@terrara.net](mailto:shin.teramoto@terrara.net)

## Mission of the concept of “liability” from economic perspective.

- A tool to share social costs among those that have suffered damage and other participants of the society. Liability insurance enables us to share costs by wider scope of industries and citizens.
- Social sharing of costs incurred by a new technology is hardly justified until CAT (Consumer Acceptance of Technology) reaches a considerably high degree.
- A tool to nudge industries and citizens to invest funds, labor, etc, to prevent social and/or human damages. Development of safety technologies by industries, safety training of operators and drivers, and nudging consumers to buy safer vehicles fall within the examples of such investment.
- Such nudge makes sense only when such investment is practicable.

## The perspective from human capability.

- Autonomous driving level 3, as defined by the Society of Automotive Engineers (SAE) provides that a human driver assumes “safety-critical functions” to the vehicle. In other words, level 3 expects that a human driver can override the autonomous driving system under certain traffic or environmental conditions, including in the case of emergency (SAE On-Road Automated Vehicle Standards Comm., Technical Report J3016-201806 Taxonomy and Definitions for Terms Related to On-road Motor Vehicle Automated Driving Systems (2018)).

## The perspective from human capability.

- It is well known that pilots of airliners, which employ automatic pilot, are receiving full and regular training using simulators to become able to deal with emergency (Annexes I and 6 to the Convention on International Civil Aviation of ICAO (Inter Civil Aviation Organization)).
- Most of citizens are not trained to cope with emergency situations.
- Also, regular dependence on autonomous driving is likely to deteriorate our driving skills.