Subcommittee on Insurance and Liability – Meeting 5
August 2, 2018
Salem, OR and Conference Call

Members in attendance: Subcommittee Chair Richard Blackwell

Members on phone: Chris Hagerbaumer, Jeremiah Ross, Eliot Rose, Robert Nash, Lt. Tim Tannenbaum (task force chair, non-voting for this subcommittee)

Subcommittee members not in attendance: Neil Jackson

ODOT staff in attendance: Paul Duncan, Sarah Kelber, Andrew Dick

ODOT staff on phone: Jenna Adams-Kalloch

Public on phone: Nicole Stoenner

Proposed edits or additions from the July 25 meeting are highlighted.

Welcome
9:12 a.m. meeting start

Review and discuss proposed recommendation language

The subcommittee discussed the proposed edits to the second recommendation:

For automated vehicle testing, require $5 million umbrella insurance per event with a caveat to maintain existing coverages. Umbrella coverage should include accommodation for business auto policies to cover less-than-catastrophic events. Coverage should not, however, be designed to roll back consumer protections in the Insurance Code or the Vehicle Code (e.g., personal injury protection, underinsured/uninsured motorist coverage). After discussion and consideration, the Insurance and Liability Subcommittee does not recommend making available alternative financial instruments for proving financial responsibility.

All attending subcommittee members approved of this language.

The subcommittee discussed the proposed edits to the third recommendation:

For automated vehicle testing, preserve and store some form of standardized, non-proprietary recorded data from a crash or incident involving an automated vehicle for the duration of the applicable statute of limitations. Data should be capable of being shared with law enforcement, government entities, or parties involved in an
incident, subject to appropriate legal process. The Insurance and Liability Subcommittee would be concerned if this data was only made available after the holder of the data charged unreasonable fees for its disclosure.

Eliot Rose suggested omitting the words “this data was only made available after” for the sake of clarity and brevity.

The subcommittee agreed by vote to the amended statement:

For automated vehicle testing, preserve and store some form of standardized, non-proprietary recorded data from a crash or incident involving an automated vehicle for the duration of the applicable statute of limitations. Data should be capable of being shared with law enforcement, government entities, or parties involved in an incident, subject to appropriate legal process. The Insurance and Liability Subcommittee would be concerned if the holder of the data charged unreasonable fees for its disclosure.

The subcommittee discussed the note of questions for consideration:

For any discussions concerning long-term impacts highly autonomous vehicles may have in Oregon, the Insurance and Liability Subcommittee wishes to raise the following questions for consideration:

- Establishing minimum insurance requirements for commercial autonomous vehicles;
- Defining the operator of an automated vehicle/defining who is in control of the vehicle;
- Addressing liability concerns for ride-hailing services, including the protection of passengers from liability;
- Determining the extent of municipal/government entity liability in the event that the entity deploys autonomous vehicles in an official capacity;
- Determining to what extent automobile manufacturers are liable for repairs and software updates; and
- Sorting out who is assigned liability vs. who is required to maintain coverage.

Andrew Dick explained the discussion around operator definitions that took place in the subcommittee on licensing and registration and read the adopted statement of principle from that meeting.

The subcommittee discussed liability concerns around ride-hailing services.

Eliot Rose suggested omitting the third bullet point of the recommendation and adding “including in the case of automated ride-hailing services” to the first bullet point. All attending members approved of this change.

The subcommittee decided to add the term “future” and remove the words “long-term” to clarify the purpose of these policy statements.
The subcommittee agreed to the following statement:

For any future discussions concerning highly autonomous vehicles in Oregon, the Insurance and Liability Subcommittee wishes to raise the following questions for consideration:

- Establishing minimum insurance requirements for commercial autonomous vehicles;
- Defining the operator of an automated vehicle/defining who is in control of the vehicle, including automated ride-hailing services;
- Determining the extent of municipal/government entity liability in the event that the entity deploys autonomous vehicles in an official capacity;
- Determining to what extent automobile manufacturers are liable for repairs and software updates; and
- Sorting out who is assigned liability vs. who is required to maintain coverage.

Public comment

None.

Recap and next steps

Richard Blackwell to present subcommittee recommendations at the full task force meeting on August 15, 2018.

Recommendations

- For automated vehicle testing, require $5 million umbrella insurance per event with a caveat to maintain existing coverages. Umbrella coverage should include accommodation for business auto policies to cover less-than-catastrophic events. Coverage should not, however, be designed to roll back consumer protections in the Insurance Code or the Vehicle Code (e.g., personal injury protection, underinsured/uninsured motorist coverage). After discussion and consideration, the Insurance and Liability Subcommittee does not recommend making available alternative financial instruments for proving financial responsibility.

- For automated vehicle testing, preserve and store some form of standardized, non-proprietary recorded data from a crash or incident involving an automated vehicle for the duration of the applicable statute of limitations. Data should be capable of being shared with law enforcement, government entities, or parties involved in an incident, subject to appropriate legal process. The Insurance and Liability Subcommittee would be concerned if the holder of the data charged unreasonable fees for its disclosure.

- For any future discussions concerning highly autonomous vehicles in Oregon, the Insurance and Liability Subcommittee wishes to raise the following questions for consideration:
o Establishing minimum insurance requirements for commercial autonomous vehicles;

o Defining the operator of an automated vehicle/defining who is in control of the vehicle, including automated ride-hailing services;

o Determining the extent of municipal/government entity liability in the event that the entity deploys autonomous vehicles in an official capacity;

o Determining to what extent automobile manufacturers are liable for repairs and software updates; and

o Sorting out who is assigned liability vs. who is required to maintain coverage.