Subcommittee on Insurance and Liability – Recommendations to be considered on August 2, 2018

The Subcommittee on Insurance and Liability will discuss adding the highlighted language to the recommendations that were approved by the Task Force on July 12, 2018:

- For automated vehicle testing, it is agreed that the manufacturer maintains the insurance and the insurer of the motor vehicle is the primary insurance applicable to liabilities imposed by law for bodily injury or property damage arising out of the operation of the motor vehicle.

- 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, nonproprietary 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.

- Include a note in the report to the Legislature that states when the automated technology for commercial vehicles is more developed, the subcommittee recommends setting insurance minimums specifically for commercial vehicles equipped with automated technology levels 3 and higher.

- Include a note in the report to the Legislature that encourages a testing environment in Oregon for automated vehicles which preserves the current legal and tort liability framework. The system must remain nimble to changes in the deployment environment.

- 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:
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;

o Addressing liability concerns for ride-hailing services, including the protection of passengers from liability;

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.