

Abstract

Liability for traffic offences in vehicles with automated driving systems

The purpose of this thesis is to provide a comprehensive assessment of the phenomenon of automated driving systems on liability for traffic offences. The aim of the thesis is to investigate how the operation of these in-vehicle systems affects the allocation of liability for different actors. The thesis is divided into seven chapters. It focuses on theoretical, secondary research and uses analytical, descriptive and synthetic methods.

The thesis discusses the theoretical definition of automated driving systems and their taxonomy according to SAE International. It analyses relevant international and European legislation focused on road safety and regulation of requirements for newly approved automated driving systems, current legislation on traffic offences in the Czech Republic and the Federal Republic of Germany, and also analyses the current form of the bill that should allow operation of automated vehicles on Czech motorways.

In light of the findings above, I conclude that the liability for automated vehicles is likely to be extended from the driver and operator to the manufacturer as well. As regards fully automated vehicles, which can hypothetically operate without anyone being physically present inside, the liability of new entities can be considered, following the example of foreign legislation: technical supervision, teleoperators and data providers. Attention is also paid to new offences, considering both the offences envisaged in the forthcoming legislation and hypothetical offences related to the regulation of fully automated vehicles.

This analysis is supplemented by a brief commentary on related issues. The tramway dilemma is mentioned, and considerations over the legality of presetting automated driving systems for situations of necessity are also discussed. Considerations about the responsibility of artificial intelligence itself are discarded.

Czech legislation does not yet regulate automated driving systems. It can be expected, however, that the introduction of automated and fully automated vehicles will lead to a more difficult procedure for the allocation of liability than it is the case to date. At the same time, however, an overall reduction in the number of traffic offences can be expected.

Key words: Automated vehicles, traffic offences, liability for traffic offences