

# **OREGON TRIAL LAWYERS ASSOCIATION**

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**Testimony of Arthur Towers  
In Opposition to House Bill 3119  
House Committee on Transportation Policy  
March 29, 2017**

**We oppose HB 3119 because it does little to ensure the safety of Oregon consumers or to hold low-road manufacturers accountable if they put shoddy products on the highway.**

Our members fight for Oregonians who suffer severe injuries or property damage from car crashes. We see the human impact of the carnage on the roads every day, and we want it to stop.

Robotic cars may become a breakthrough solution for highway safety. We are enthusiastic about the technology, but the transition to widespread use may be difficult. Prevention of crashes is the best way to keep families safe.

Crashes will happen and we want to make sure those who cause the crash are held accountable. Families are devastated by serious injuries and deaths of loved ones. Too often, they cannot be fully compensated for their loss. HB 3119 as written will make matters worse.

We want to help minimize the phenomenon associated with advances in airbags, seat belts, gas tanks, and accelerators. As those improvements came to market, too many people got hurt or killed; litigation was needed to hold wrongdoers accountable. Only then were safer products introduced. **Oregon stakeholders and policymakers are in the position to help save lives and make things safer faster. We want to be a solution-oriented partner in that process.**

## **HB 3119 has many problem areas.**

- 1. The model of “certificate of compliance” needs to be eliminated and re-thought (Sec. 3).** The certification process should include a process for a denial of a certificate, a process for revocation of a certificate, periodic reviews of certificates, penalties, enforcement provisions including a private right of action, and testing requirements.
- 2. The language in Section 3(d) requiring a surety bond or self-insurance of \$10,000,000 is inconsistent with motor vehicle insurance law in Oregon.**
- 3. Self-certification by the manufacturer is a cause of concern (Sec 3 (e)).** There should be a demonstration of the ability to comply with the rules of the road, and particularly Oregon-specific rules of the road.
- 4. There should be maximum transparency of safety and crash data (Section 6).** The financial incentive to rush to market is extraordinary. We are quite worried that, as with other improvements in auto design, corners might be cut to be first to market. There should be a uniform set of data collected from all manufacturers on all crashes. The data should be discoverable and admissible in a court to prove liability. This should include video as well as other types of data. It might be logical to leave safety to the federal government, but in this era of deregulation, Oregonians deserve to have the state watchdog these robotic vehicles carefully.
- 5. The manufacturer should be liable if their product is easily modified or hacked (Section 9).** This section removes any responsibility from the manufacturer if there are after-market modifications. If there are such modifications, who is liable? The duty should not be on the injured person to ascertain who should be liable in such situations. Further, a manufacturer should be liable if it is easy to make their product unsafe. If an automated vehicle is easily hacked, shouldn't the manufacturer with lax security have some responsibility? What if a \$9.95 kit is readily available to override speed controls?
- 6. Should a fleet of robotic cars be treated like taxicabs or a Transportation Network Company?** Sec. 14-16 preclude that.
- 7. Should local governments have any say in the operation of these vehicles?** Section 15 would preclude local governments from regulating the use of robotic cars or trucks near construction sites, schools, traffic safety corridors, or other sensitive areas.