

# Law Reform Report – Quick Guide

## Civil Liability for Accidents Involving Autonomous Cars

SAL Law Reform Committee

### What's the issue?

As society prepares for autonomous – or “self-driving” – cars to be introduced onto our roads, there are many questions that need to be answered, not least:

*“When self-driving cars get involved in accidents, who's to blame? Should it be the car manufacturer or importer, the manufacturer of the faulty part or software, the user of the car, or its owner?”*

*“Should the party liable be able to rely on defences such as contributory negligence, or that the defect was unknown at the time the product was released?”*

*“How will victims be able to prove their claims for compensation, given that self-driving cars use complex artificial intelligence systems and need constant software updates?”*

### What should be done?

Countries around the world have grappled with these issues and have given some indication as to how they will address them. Broadly, the primary possible frameworks are:

**Negligence:** under this framework, victims will have to prove that the defendant owed them a duty of care, and that the defendant breached the duty of care. Although familiar, one challenge with this framework is that victims may face difficulties proving that the defendant (a car manufacturer or software developer, for example) breached their duty of care, given the complex technology surrounding self-driving cars.

**Product liability:** under this framework, victims will have to prove that the self-driving car was defective. Similar to the negligence framework, however, victims may face difficulties proving – based on current product liability principles – that the self-driving car was defective, given the complex software systems and other technology at issue.

**No-fault liability:** under this framework, victims will be compensated from a fund as long as they show that they suffered harm due to the accident – they do not need to establish who was responsible for that accident (although this can be established later, and recovery can be sought from the responsible party). No-fault frameworks have the advantage of being simple and enhancing public confidence in self-driving cars. But they also raise challenging questions, including who should contribute to the compensation fund and how to ensure that manufacturers are still incentivised to enter the market and adopt high safety standards.

To find out more and what Singapore's approach might be, click [here](#).