

Legal and Liability Aspects of Autonomous Vehicles in Wisconsin

Summary Brief

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Overview

Driverless, automated, or autonomous vehicles (AVs) are rapidly pushing technical, safety, acceptability, legal, regulatory, and liability boundaries. According to the National Conference of State Legislatures, some states' statutes prohibit AVs while a growing number of states have authorized AV operation to varying extents. However, many states neither prohibit nor explicitly address AVs, Wisconsin included. Liability also gets a spotlight with any news of AV crashes or operators suddenly having to take control. Nonetheless, Wisconsin can lead the nation in developing an understanding of this transformative technology and how it can be harnessed for the greater good of the society.

Motivation

AVs have significant potential to improve safety and quality of life while meeting the goals of shared prosperity and providing ladders of opportunity to all, including previously underserved communities. Furthermore, with the federal designation of the Wisconsin AV Proving Grounds, AVs can bring significant new research opportunities to the University of Wisconsin and new businesses, including startups and tech companies, to Wisconsin.

AVs, including electric drive and alternative fuel-based vehicles, will continue to proliferate, with far reaching ramifications on all facets of transportation. AVs could drastically increase roadway capacity, reduce crashes, mitigate traffic congestion, and reduce fuel consumption and vehicular emissions. Collaboration between UW-Madison, the Wisconsin DOT, the City of Madison, and private partners continues toward bringing low-speed AV microtransit to Madison for testing.



Legal Elements

Prior to operating AVs in the Madison area, the Wisconsin State Attorney General's Office and the City Attorney's Office need to provide clarification on types of AVs permissible for testing and on which roads.

Passing state legislation is not necessarily favorable to AV development. In 2013, Senate Bill 80 was an attempt to both clarify and restrict AVs. It reached a public hearing but did not advance due to opposition from commercial AV proponents. The biggest players in the autonomous vehicle industry – including Google, Ford, Volvo, Lyft, and Uber – want to avoid a patchwork of restrictions and inconsistent state laws and regulations.

Meanwhile, federal policy continues to actively evolve. In January 2016, the National Highway Traffic Safety Administration (NHTSA) updated a preliminary statement of policy on AVs, and in September 2016 issued an initial Federal Automated Vehicles Policy that includes guidance on vehicle performance and model state policy.

Next Steps

Secure confirmation that partial and/or highly automated vehicles are permitted in Wisconsin, including clarification of regulatory issues such as licensing and registration, and the determination of liability and insurance requirements. If legislation is pursued, emphasize statute clarification and streamlining, and adopt model legislation and successful enabling language from other states.

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