

What Automated Driving Can Teach Us About Generative AI

Bryant Walker Smith

Associate Professor, University of South Carolina

Affiliate Scholar, Stanford Center for Internet and Society

law of the
newly
Possible
newlypossible.org

Automated driving has been my primary case study for the relationship between law and technology since 2011



The status quo is not perfect

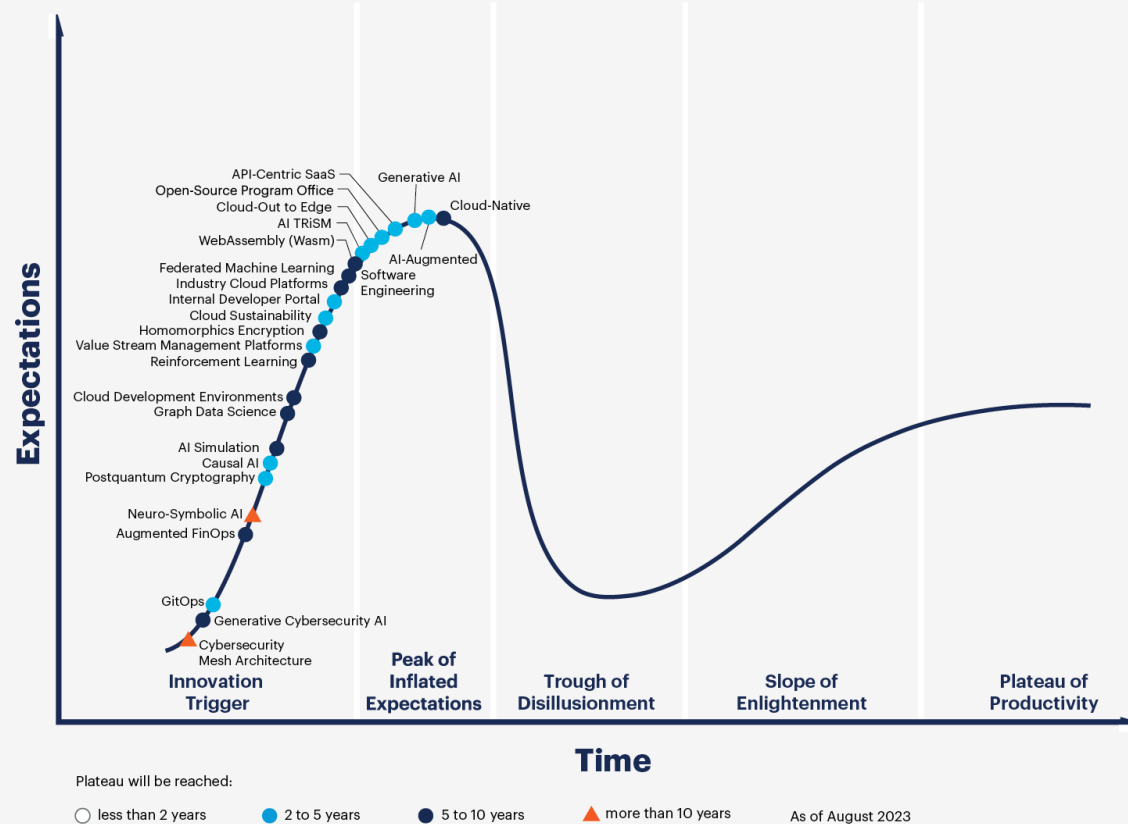


Progress is about replacing
old problems with new problems



Hype obscures performance and distorts expectations

Hype Cycle for Emerging Technologies, 2023



gartner.com

Source: Gartner
© 2023 Gartner, Inc. and/or its affiliates. All rights reserved. 2079700

Gartner

law of the
newly
Possible
newlypossible.org

Automation depends on humans



Automatica

Volume 19, Issue 6, November 1983, Pages 775-779

Brief paper

Ironies of automation ☆

Lisanne Bainbridge[†]



Existing law is still relevant



SCHOOL OF LAW
TEXAS A&M UNIVERSITY

Texas A&M Law Review

Volume 1 | Issue 3

2014

Automated Vehicles Are Probably Legal in the United States

Bryant Walker Smith

This involves soft law, legal fictions, and legal creativity

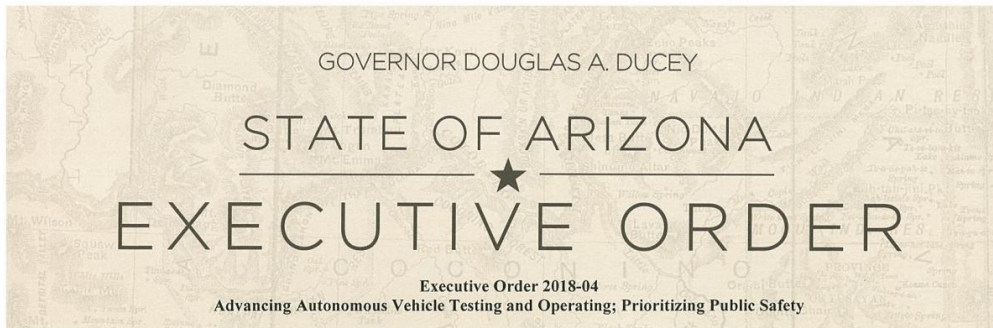


UNECE

Global Forum for Road Traffic Safety (WP.1)

Resolution on the Deployment of Highly and Fully
Automated Vehicles in Road Traffic

**Standing General Order 2021-01 |
Incident Reporting for Automated
Driving Systems and Level 2
Advanced Driver Assistance
Systems**



Q1: Presumptions and burdens of proof

- Developer must prove safety?
- Regulator must prove danger?
- What is the effect of uncertainty?

Q2: How automation is conceptualized

- Are humans designers, users, subjects, or elements?
- Are applications products, services, agents, instruments, or persons?
- Do we focus on the technology or the company?
- How do we navigate boundary problems?

Q3: Defaults and deviances

“Companies drive vehicles.”

- From designer to user
- Is the goal appropriate? Are the means appropriate?
- Authorities, restrictions, obligations, liabilities
- “Right to repair” or “right of contract”?

Centralization may be more significant than automation



Power is the key question

- Companies
- Governments
- Individuals
- Animals
- Other collectives?

What Automated Driving Can Teach Us About Generative AI

Bryant Walker Smith

Associate Professor, University of South Carolina

Affiliate Scholar, Stanford Center for Internet and Society

law of the
newly
Possible
newlypossible.org