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This Month @ QuantivRisk

Has it been a month already? This month, we explore how increasingly automated vehicles are changing accident investigations—and why determining liability may soon require understanding not only what the driver did, but what the vehicle did too. Plus, check out our latest Data Point of the Month and Accident of the Month.

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Featured Perspective

When the Car Becomes the Driver, Who Becomes Responsible?

For more than a century, one assumption has been at the center of nearly every auto accident investigation: a human was driving the car.

Determining liability could be complicated, but the fundamental question was relatively straightforward: What did the driver do? That assumption is beginning to change.

A recent IEEE Spectrum **article** examining Rivian's push toward increasingly automated driving provides a glimpse of what's coming. Rivian's current Autonomy+ technology operates as a Level 2+ system, meaning the human remains responsible for driving and monitoring the vehicle. But the company is working toward Level 3 automation and, eventually, Level 4.

That progression represents much more than a technological milestone. It could fundamentally change the questions insurers need to answer after an accident.

At Level 2, the human is still the driver. At Level 3, under certain conditions, the automated system can perform the driving task without the driver's continuous attention, although the driver may be required to take over. As IEEE Spectrum points out, this transition could begin shifting liability for some accidents away from drivers and toward automakers, although exactly how those questions will be resolved remains unsettled.

For insurance and legal organizations, that creates an entirely new investigative challenge.

After an accident involving an automated vehicle, it may no longer be enough to ask:

What did the driver do?

Claims adjusters and attorneys may also need to know:

Was automation active? What did the system perceive? What did it command? What did the driver do? Was the driver expected to intervene? Did the system request intervention? And ultimately, what caused the collision?

These aren’t questions that can necessarily be answered by a driver’s statement, police report, photographs or even a traditional reconstruction.

They are data questions.

And the importance of those questions is growing quickly. According to Morgan Stanley research cited by IEEE Spectrum, the percentage of new vehicles in developed markets offering partial-to-full automation is projected to increase from 8% in 2024 to 28% by 2030.

This isn’t simply a story about robotaxis or some distant autonomous future. Increasingly sophisticated automation is making its way into vehicles consumers are buying today.

Did You Know?

When asked what autonomous vehicle companies need to do to establish public trust, MIT researcher Bryan Reimer offered a remarkably simple answer in the IEEE Spectrum article:

“Do it right, and share all your data.“

As driving responsibility increasingly shifts from humans to software, access to objective vehicle data becomes more than an investigative convenience. It may become essential to determining responsibility.

We've already seen why this matters.

In a significant percentage of the accidents QuantivRisk analyzed, a driver claimed the vehicle suddenly went out of control. It would be easy to dismiss that statement as an attempt to avoid responsibility.

Sometimes the vehicle data tells a different story, showing instead that the automated system commanding steering moved the vehicle out of its lane—with no corresponding steering input from the driver.

Suddenly, the investigative question changed.

It was no longer simply **"What did the driver do?"**

It became **"What did the vehicle do?"**

As vehicles take on more of the driving task, accidents will increasingly involve interactions between human decisions

and machine decisions. Determining liability will require understanding both.

That makes access to vehicle data increasingly important for insurers, attorneys, automakers, regulators and, ultimately, consumers. Without it, we risk trying to determine responsibility for increasingly complex accidents using evidence that reveals only part of the story.

The vehicle is no longer simply transportation. It is becoming an active participant in the driving task—and it is simultaneously creating a detailed record of what it and the driver were doing.

At QuantivRisk, we believe that record will become an increasingly important part of accident investigations. The goal isn't to assume the human was responsible or that the technology was responsible. **The goal is to have enough objective evidence to determine what actually happened.**

Last month, we explored the idea that the vehicle may be the best witness to an accident. As automation advances, the vehicle is increasingly becoming more than a witness—it is actively participating in the driving task.

That creates a new question for accident investigators:

When something goes wrong, was it the driver, the vehicle—or some combination of both?

Answering that question will require objective data showing not only what the driver was doing, but what the vehicle was doing as well.

— QuantivRisk

Data Point of the Month

28%

According to Morgan Stanley research cited by IEEE Spectrum, the percentage of new vehicles in developed markets offering partial-to-full automation is projected to increase from 8% in 2024 to 28% by 2030.

Accident of the Month

Scenario:

A police report cites the driver of Vehicle 1 for stopping in the middle of the roadway, causing a pileup as trailing vehicles crashed into it. The driver states that Full Self-Driving was active and the vehicle stopped on its own after beginning to slow as it approached a police car with its lights and siren activated.

The CRASHVIEW Solution:

Vehicle data confirms that Full Self-Driving was active and that the driver did not brake or otherwise intervene as the vehicle slowed and stopped.

Result:

Objective evidence shifts the investigation from “Why did the driver stop?” to “Why did the vehicle stop?” The findings raise new questions for the insurer and legal counsel: Was the vehicle designed to stop for an emergency vehicle? Was the driver expected to intervene? And could the automaker bear some responsibility for the loss?

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