

the National Conference of State Legislatures, 29 states have enacted legislation related to AVs as of November 2018. Of the states that have enacted legislation, it appears that only Michigan, Nevada, Tennessee, and the District of Columbia have addressed some aspects of liability associated with AVs.¹³ And only Michigan and Tennessee appear to touch on apportioning responsibility for accidents caused by AVs.

In 2016, Michigan enacted Public Acts 332–335 (often collectively referred to as the SAVE Act) to put the state at the forefront of AV testing and development. These acts allow vehicle manufacturers meeting certain criteria to participate in SAVE projects and make available to the public “on-demand automated motor vehicle networks,”¹⁴ such as a network of autonomous taxis in defined geographic areas.¹⁵ Michigan Public Act 333 holds manufacturers of SAVE project vehicles liable “for each incident in which the automated driving system (ADS) is at fault.”¹⁶ Tennessee passed a similar provision in 2017, though it did not expressly hold manufacturers liable for accidents. It specifies that in vehicles with an ADS—technology capable of driving a vehicle without any human supervision—the ADS will be considered the driver when it controls the vehicle, and that liability for accidents will be “determined in accordance with product liability law, common law, or other applicable federal or a state law.”¹⁷

The laws in Michigan and Tennessee hold manufacturers liable for accidents caused by defects in the design or construction of AVs operated by the ADS at the time of an accident. Michigan appears to envision an AV future in which car manufacturers become mobility companies—not just designing and building vehicles, but providing taxi services with their AV fleets to consumers. However, the Michigan act does not appear to address privately owned and operated AVs; the liability language is limited to vehicles that are part of SAVE projects. Tennessee’s law includes a method to determine liability for privately owned AVs, but relies on the state’s existing legal framework to apportion liability, leaving open the question of whether that framework is sufficient to address liability in cases involving ADS technology.¹⁸

While liability regimes created in Michigan and Tennessee are untested, both have pros and cons for consumers and manufacturers. Michigan’s law protects consumers by holding manufacturers responsible for crashes when an ADS is operating; however, it creates a more rigid framework for making vehicles available to consumers. Tennessee’s legislation allows more flexibility for manufacturers to deliver vehicles to consumers, but provides less clarity regarding consumer liability if an AV is involved in an accident, which could slow introduction and adoption of societal safety benefits. Trends in federal or state legislation that apportions liability in AV accidents have major implications for the development and adoption of AVs and should be carefully monitored. ■

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ENDNOTES

1. Nat’l Hwy Traffic Safety Admin, *Automated Vehicles for Safety* <<https://www.nhtsa.gov/technology-innovation/automated-vehicles-safety#issue-road-self-driving>> [https://perma.cc/PQG3-JHG6]. All websites cited in this article were accessed February 3, 2019.
2. Society of Automotive Engineers, *Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles* (June 15, 2018) <https://saemobilus.sae.org/content/j3016_201806> [https://perma.cc/872R-SUC8].
3. Nat’l Hwy Traffic Safety Admin, *Automated Vehicles for Safety*.
4. *Id.*
5. Vincent, *Cars That Are Almost Self-Driving*, US News & World Report (October 23, 2018) <<https://cars.usnews.com/cars-trucks/cars-that-are-almost-self-driving>>.
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7. *Id.*
8. Anderson et al, *Autonomous Vehicle Technology: A Guide for Policymakers*, Rand Corporation (2016) <https://www.rand.org/pubs/research_reports/RR443-2.html> [https://perma.cc/2U88-A7NV].
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10. Walker, *The Self-Driving Car Timeline—Predictions from the Top 11 Global Automakers*, Emerj (January 30, 2019) <<https://emerj.com/ai-adoption-timelines/self-driving-car-timeline-themselves-top-11-automakers/>> [https://perma.cc/5ACV-38G8].
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13. Nat’l Conference of State Legislatures, *Autonomous Vehicles: Self-Driving Vehicles Enacted Legislation* (November 7, 2018) <<http://www.ncsl.org/research/transportation/autonomous-vehicles-self-driving-vehicles-enacted-legislation.aspx>> [https://perma.cc/R99K-VV45].
14. 2016 PA 332 and MCL 257.606b.
15. Korosec, *Michigan Just Passed the Most Permissive Self-Driving Car Laws in the Country*, Fortune (December 9, 2016) <<http://fortune.com/2016/12/09/michigan-self-driving-cars/>> [https://perma.cc/J3XY-LD9H].
16. 2016 PA 333 and MCL 257.665b(4).
17. 2017 Tenn Pub Acts 1695 and Tenn Code Ann 55-30-106.
18. *Id.*, 2016 PA 333 and MCL 257.665b(4).



MONEY JUDGMENT INTEREST RATE

MCL 600.6013 governs how to calculate the interest on a money judgment in a Michigan state court. Interest is calculated at six-month intervals in January and July of each year, from when the complaint was filed, and is compounded annually.

For a complaint filed after December 31, 1986, the rate as of January 1, 2019 is 3.848 percent. This rate includes the statutory 1 percent.

But a different rule applies for a complaint filed after June 30, 2002 that is based on a written instrument with its own specified interest rate. The rate is the lesser of:

- (1) 13 percent a year, compounded annually; or
- (2) the specified rate, if it is fixed—or if it is variable, the variable rate when the complaint was filed if that rate was legal.

For past rates, see <http://courts.mi.gov/Administration/SCAO/Resources/Documents/other/interest.pdf>.

As the application of MCL 600.6013 varies depending on the circumstances, you should review the statute carefully.