

Illinois Executive Order Allows Testing of Autonomous Vehicles

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On October 25, 2018, Governor Bruce Rauner signed an executive order allowing for the testing of autonomous vehicles in Illinois. Illinois joins Arizona, California and Pennsylvania, which are currently testing autonomous vehicles. Twenty-nine states—Alabama, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Nebraska, New York, Nevada, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Vermont, Washington and Wisconsin—and Washington D.C. have enacted legislation related to autonomous vehicles. Governors in Arizona, Delaware, Hawaii, Idaho, Maine, Massachusetts, Minnesota, Ohio, Washington and Wisconsin have issued executive orders related to autonomous vehicles. This order followed an August 25, 2017 Illinois law that prohibited local measures banning self-driving cars in Illinois, another sign that the state embraces the development of future technologies.

The test phase may begin this winter and requires drivers to be behind the wheel. Remaining unanswered in Illinois, like other states, is who is responsible for the accident – the person behind the wheel, the technology designer or supplier, and/or another entity? Further, the type of financial responsibility required remains open.

Autonomous vehicles are certainly coming and remain uncharted territory in Illinois. While the technology advances and its presence on the roads increases, the risk, financial responsibility and public acceptance lag behind. The question of liability still needs to be addressed by lawmakers. A few states, like Arizona, have proactively set rules governing some of these issues. In the meantime, the transportation industry needs to take notice that technology is advancing and prepare accordingly. When it comes to mitigating and managing risks – for both driver and driverless vehicles – we counsel clients on all aspects of the transportation industry.

UPDATE: Since Governor Rauner lost his bid for re-election to JB Pritzker, the future of autonomous vehicles in Illinois is harder to predict. For now, Pritzker has remained silent on his plans for autonomous vehicles in Illinois.

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