

Take Me Home Tonight: Autonomous Vehicles and Drunk Driving

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Drunk driving is a major public health and economic problem in our society. Despite attempts to educate drivers on the dangers of drunk driving and deter such behavior through criminal punishment, there are still thousands of deaths due to drunk driving every year and billions of dollars spent on damage from auto accidents, loss of life, injuries, deterrence, and punishment. Perhaps the only way to get rid of drunk driving for good is to let someone, or something, else take the wheel.

Recent developments in autonomous vehicle technology could make this dream a reality within the next decade. However, while the autonomous vehicle systems that are projected to be available to the public within the foreseeable future have the potential to drive themselves in almost all circumstances, there may still be instances where the human must take control of the vehicle. If the chance of having to take over a vehicle is low, it is reasonable to guess that people may allow their cars to drive themselves home from the bar. This presents several important questions: What risks are associated with operating an autonomous vehicle while intoxicated? If a person is operating such a vehicle in autonomous mode, are they guilty of a DUI under current state statutes? Should harsh criminal penalties meant to deter driving under the influence be modified for autonomous vehicle operators?

This paper attempts to answer these questions by considering whether autonomous vehicle operation while intoxicated would result in a DUI conviction in Nevada and California, two states that currently allow autonomous vehicle testing. California's statute prohibits "driving" under the influence of alcohol while Nevada's state prohibits "driving or being in actual physical control" of a vehicle. The resulting analysis indicates that a DUI conviction is nearly certain under Nevada's more standard, but quite unlikely under California's narrow standard. This scenario illustrates the need for governments to address the issue of DUI and autonomous vehicles. Solutions include providing exceptions from DUI laws for autonomous operators, reducing penalties, and requiring autonomous vehicle manufacturers to institute safety features that would further reduce human involvement in the driving process.