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Cars of the Future: Product Liability Implications and Solutions

In 2015, the world watched as two researchers wirelessly hacked into a Jeep Cherokee through its dashboard connectivity system and remotely controlled the car.¹ Observers were shocked that these researchers “managed to gain control of not just features like the radio and air-conditioning, but the actual functions of the car: the engine, the brakes and the steering.”² In fact, the researchers were able to turn off the engine of the Jeep as it drove.³

The National Highway Transportation Safety Administration (NHTSA) has long been concerned about the possibility of hacking but had never issued a recall for this threat until this year.⁴ After researchers were able to hack into the Jeep Cherokee successfully, NHTSA and Chrysler Fiat issued a recall that affected nearly 1.4 million vehicles.⁵ Another 7800 SUVs were recalled a little more than a month later so that they, too, could receive the necessary radio software upgrades to prevent future hacking.⁶

In addition, just this summer, Google began road testing its custom-built, self-driving car prototypes in Mountain View, California, and later in Austin, Texas.⁷ Google’s cars are designed to be fully self-driving and eventually may be manufactured without steering wheels and pedals.⁸ Although fully autonomous cars are still inaccessible to the general public, many companies— such as Mercedes, BMW, and Tesla—already have integrated or soon will introduce self-driving features into their vehicles.⁹ Thus, self-driving cars (“any car with features that allow it to accelerate, brake, and steer a car’s course with limited or no driver interaction”) are no longer a futuristic imagining.¹⁰ Fully autonomous cars (vehicles that “can drive from point A to point B and encounter the entire range of on-road scenarios without needing any interaction from the driver”) may not be far off either.¹¹ They are expected to debut in 2019.¹²

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