

AGAINST AI EXCEPTIONALISM

Traditional Product Liability Law is Sufficient for AI Systems

THE PROBLEM

Industry Claims AI is "Different"

"AI is too complex and opaque for traditional tort law."

- OTA updates change behavior remotely
- Neural networks are "black boxes"
- Plaintiffs can't prove defects

LANDMARK CASE

Benavides v. Tesla

First Autopilot Defect Verdict

\$243M

August 2025

✓ Design Defect

Used outside intended domain

✓ Failure to Warn

Inadequate system alerts

✓ Foreseeable Misuse

Overstated marketing

✓ Risk-Utility

Risks outweighed benefits

WHY NEW LAWS FAIL

AI-Specific Frameworks

EU Product Liability Directive

2024

- Strict liability for AI
- 2-year delay = accountability gap

U.S. AI LEAD Act

Proposed 2025

- Overlapping regimes
- Enables forum shopping

Reinforces "AI is different" myth

Delays accountability

THE SOLUTION

Use Existing Law

✓ Design defects

✓ Warning failures

✓ Risk-utility analysis

✓ Fail-safe mechanisms

SAME FRAMEWORK USED FOR:

Pharmaceuticals

Medical Devices

Aircraft Systems