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Legal-Administrative Aspects of Using Autonomous Cars in Tourism

Aspekty prawno-administracyjne wykorzystania samochodów autonomicznych w turystyce

Introduction

Autonomous cars are increasingly gaining popularity, and this trend is also observed in tourism,[1] particularly among car rental services. Artificial intelligence (AI) is becoming more integrated into our daily lives. In addition to smart TVs,

[1] See more K. Podhorodecka, D. Borek, *Economic and Legal Significance of the Polish Tourist Voucher for the Tourism Economy in Poland: Comparison of European Solutions to Stimulate Tourist Demand*, "International Journal of Contemporary Management" 2024, vol. 60(1), pp. 267–279.

smartphones, or refrigerators, we now have the possibility of equipping almost the entire home with smart technology,[2] which can be used for purposes such as short-term rental.[3] However, AI is also entering areas that have traditionally been reserved exclusively for humans. This mainly concerns matters of safety, including safety in tourism, which may have specific consequences related to information technology and digitization.[4] So far, decisions regarding safety have been reserved for humans. According to W. Robaczyński, "autonomous vehicles will probably soon become our everyday reality".[5]

Even in air travel, the pilot independently decides whether to activate autopilot assistance, which only helps the pilot with safety-related tasks. A particularly interesting issue is autonomous cars, which use AI as a decision-making source in specific danger-related situations. This issue, in the context of legal and administrative regulations[6] and the tourism market, will be appropriately considered in this scientific article.

Legal-administrative perspective

These factual conditions urge us to analyze this issue from a legal perspective. When interpreting the provisions of commonly applicable law, the emphasis should be placed on properly defining the individual elements that create the described factual state. According to the Act of June 20, 1997, the Road Traffic Law, an autonomous vehicle is a motor vehicle equipped with systems that control its movement, allowing it to move without the intervention of the driver, although the driver can take control at any moment. As a general rule, such vehicles may be used for research purposes related to testing on public roads after obtaining

[2] See more S. Hady-Głowiak, D. Borek, *Legal and Practical Aspects of Sharing and Entrusting Personal Data, Taking into Account Tourism Regulations During the COVID-19 Pandemic*, "Internetowy Kwartalnik Antymonopolowy i Regulacyjny" 2024, vol. 13(2), pp. 126–138.

[3] D. Borek, *Commentary in Support of the Judgement of the Provincial Administrative Court (PAC) in Warsaw of 5 July 2023, file reference: I SA/Wa 2767/22 – Use of the Polish Tourist Voucher in Good Faith and Undue Receipt of Benefits*, "Internetowy Kwartalnik Antymonopolowy i Regulacyjny" 2024, vol. 13(2), pp. 139–147.

[4] See more P. Mierzwa, M. Bugajska, S. Raniszewski, D. Borek, M. Dróżdż, M. Tomanek, *Law and Management in Sport, in the Activities of Third Sector Organizations on the Example of the Association of the Scientific Law of Sports Law*, "Journal of Education, Health and Sport" 2023, vol. 41(1), pp. 108–116.

[5] W. Robaczyński, *Czy „ruch pojazdu" powinien być przesłanką odpowiedzialności za pojazd autonomiczny?*, "Przegląd Sądowy" 2022, no. 4, pp. 7–19.

[6] B. Sadowska, *Forest Protection Costs in Sustainable Forest Management: The Example of Poland*, "Theoretical Journal of Accounting" 2022, vol. 46(3), pp. 161–179.

the appropriate permit. However, vehicles with autopilot, which analyze the surroundings of the roadway and make decisions regarding driving, require supervision from the driver and are not fully autonomous. The analysis in this article refers to vehicles with autopilot, as autonomous vehicles are not yet widely allowed on the roads. The analyses undertaken can be applied to autonomous vehicles when a decision is made to allow them on the road.

First, we should begin by defining the person (physical entity) sitting in the driver's seat while driving a car, whether it is a vehicle with autopilot or a conventional car. In each case, this person should be referred to as the "driver", and below I present an overview of regulations that support this approach.

The 1968 Vienna Convention on Road Traffic defines the term "driver" as any person who drives a motor vehicle or other vehicle (including a bicycle) or who leads cattle either singly or in herds, or any draft, pack, or saddle animals.[7] The scope of this term has been detached from the issue of qualifications to drive a vehicle, which the driver may not formally possess. This is an important observation as it has significant implications for determining potential liability for accidents or collisions.

Polish regulations

The Polish Act of June 20, 1997, the Road Traffic Law, distinguishes between the driver and the person in charge of driving. The former is someone who drives a vehicle or a vehicle combination, or leads a group of pedestrians, rides horseback, or drives cattle either singly or in herds.[8] A "driver" is someone authorized to drive a motor vehicle or moped. According to the law, a motor vehicle can be driven by a driver, that is, a person with the appropriate qualifications, meaning that driving a car with autopilot requires holding a driver's license.

Furthermore, under Article 31 (1) (3) of the Road Traffic Law, one could interpret this to further confirm the thesis. A driver may tow a motor vehicle only if: the towed vehicle contains a driver who is authorized to drive it, unless the vehicle is towed in such a manner that eliminates the need for a driver. Applying basic legal interpretation methods, the *a fortiori* argument (from greater to lesser) should be applied, indicating that since a towed vehicle requires a driver with

[7] Road Traffic Convention, signed in Vienna on 8 November 1968.

[8] Act of June 20, 1997 – Road Traffic Law (consolidated text, Journal of Laws 2024, item 1251; consolidated text, Journal of Laws 2025, items 820, 1006).

appropriate qualifications, the same requirement applies, and is indisputable, in the case of a car with autopilot.[9]

In the context of the described factual state, it is worth considering the responsibility of the person sitting in the vehicle with autopilot in the event of a collision or traffic accident. According to Article 33 (3) (2) of the Road Traffic Law, a driver of a bicycle, electric scooter, or moped is prohibited from riding without holding at least one hand on the handlebars and keeping feet on the pedals or footrests. However, this provision applies only to the specifically listed modes of transportation and does not include cars. Therefore, driving a car without holding the steering wheel is not prohibited.

According to the Regulation of the Minister of the Interior and Administration of November 5, 2019, on road traffic control, in case of an order or signal from the controlling officer to stop the vehicle, the driver is required to first stop the vehicle and then keep their hands on the steering wheel. In this case, it would be difficult to apply the legal interpretation method of *a fortiori*,[10] since this regulation is an executive act, not a law.[11] The executive act serves to implement the provisions of the law, so an extended interpretation of its provisions is not appropriate. Therefore, under current legal conditions, the driver is not obligated to keep their hands on the steering wheel during driving. This means that cars with autopilot may be used in Poland, but the presence of a driver is mandatory. This person is also treated, under the Civil Code (April 23, 1964),[12] as the sole or dependent possessor of a mechanical means of communication. As such, they are responsible for damages caused by the use of the car, including a car with autopilot, on a risk basis. This responsibility applies to damages caused to persons or property by the movement of the vehicle, unless the damage occurred due to *force majeure* or solely due to the fault of the injured party or a third party for whom the possessor is not liable. According to Ł. Frącczak and M. Matusiak-Frącczak, "since the owner of an autonomous vehicle decided to purchase and use it, he should be liable for damage caused by the vehicle on the basis of risk".[13]

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[9] Supreme Court judgment of February 21, 2013, IV KK 372/12.

[10] See Letter of July 1, 2020 Director of the National Tax Information 0113-KDIPT2--3.4011.428.2020.1.KS Obligations of the PIT payer in connection with the payment of remuneration to shareholders from Ukraine for recurring non-cash benefits, https://sip.lex.pl/orzeczenia-i-pisma-urzedowe/pisma-urzedowe/0113-kdipt2-3-4011-428-2020-1-ks-obowiazki-platnika-pit-w-185096296 (access: 12.09.2025).

[11] Regulation of the Minister of Internal Affairs and Administration of November 5, 2019, on road traffic control (Journal of Laws 2019, item 2141).

[12] Act of April 23, 1964 – Civil Code (consolidated text, Journal of Laws 2025, items 1071, 1172).

[13] Ł. Frącczak, M. Matusiak-Frącczak, *Odpowiedzialność cywilna za wypadki komunikacyjne z udziałem pojazdów autonomicznych*, "Państwo i Prawo" 2019, no. 11, pp. 114–124.

In terms of criminal liability, the situation is quite different, as a person does not commit a criminal offense if they cannot be attributed fault at the time of the act.[14] Therefore, in the event of a traffic accident involving a car with autopilot, it would be necessary to determine fault, which could prove difficult to establish both for the manufacturer and the driver. On the other hand, civil liability, as shown in the analysis, is undeniable. A similar situation applies to the liability of those operating aircraft for damages caused by their movement. The user of the aircraft is obligated to ensure its safe operation. In the case of cars with autopilot, it can be concluded that the driver is responsible for its safe operation.[15]

De lege ferenda, to clarify this issue, it would be necessary to consider creating a legal regulation that would require the driver to familiarize themselves with the manual, particularly regarding the operation and ensuring safety. This would clearly indicate the responsibilities, which are currently inferred when discussing risk-based liability. Finally, it is worth referring again to the 1968 Vienna Convention on Road Traffic. According to Article 8 of this legal act, every vehicle in motion or a group of vehicles in motion should have a driver who is physically and mentally fit and capable of operating the vehicle. Additionally, every driver should always have control over their vehicle, which does not relieve them of responsibility when in a vehicle with autopilot.[16]

Perspectives from the point of view of tourism

It is also worth noting that according to the Act of November 24, 2017, on package travel and linked travel arrangements, three basic types of tourist services are outlined: a) passenger transport, b) accommodation[17] for purposes other than staying, which is not an integral part of passenger transport, c) car or other motor vehicle rental.[18]

Combining two of the above-mentioned different types of tourism services, lasting more than 24 hours or involving an overnight stay, typically forms a package in the form of a package travel. It is important to note that each of the in-

[14] A. Komadowska, *Zasada winy – uwagi na tle polskiego kodeksu karnego*, "Roczniki Wydziału Nauk Prawnych i Ekonomicznych KUL" 2009, vol. 5(1), pp. 57–67.

[15] Act of July 3, 2002 – Aviation Law (consolidated text, Journal of Laws 2025, item 1431).

[16] Convention on Road Traffic, drawn up in Vienna on November 8, 1968.

[17] D. Borek, *Regulacja najmu krótkoterminowego (short-time rental STR) na poziomie krajowym i unijnym jako determinanta zarządzania obiektami zakwaterowania*, "Europejski Przegląd Prawa i Stosunków Międzynarodowych" 2024, vol. 2, pp. 79–92.

[18] Act of November 24, 2017, on package travel and linked travel arrangements (consolidated text, Journal of Laws 2023, item 2211).

dicated types of tourism services somewhat involves the use of vehicles, clearly indicating that transport is a fundamental element of tourism. Therefore, the legal dilemmas concerning cars with autopilot are of significant importance from the perspective of this sector. It is important to remember that such vehicles may soon be used as: transportation for passengers; elements of long-distance travel, ensuring the possibility of overnight stays in vehicles with autopilot; or as rented motor vehicles by travelers.

Each of these situations will constitute a separate factual and legal state that will impact dynamic packaging in tourism. It seems appropriate that this issue was addressed in this article. It has been demonstrated that administrative regulations have an impact on the development of the autonomous vehicle market in Poland. Vehicles widely using AI technology could also be useful in experimental studies of tourist traffic. However, rental agreements for such vehicles will most often involve processing personal data of the user. Among the catalog of personal data processed for statistical purposes, as specified in Article 35b of the Public Statistics Act of June 29, 1995, there is mention of personal data, such as the correspondence address of a subscriber to a publicly available telephone service provided in a mobile public telecommunications network, but there is no mention of payment transaction data through payment cards.

Article 13 of the same Act specifies that the transfer or provision of data to public statistics services pertains, among others, to public administration bodies and other entities, including those running non-public information systems, which provide or make available data collected in a detailed manner, form, and timelines specified in the public statistics research program, free of charge, to the public statistics services. This data includes information from telecommunication systems, including measurement results, environmental[19] monitoring data, and, in the absence of telecommunication systems, data in other recorded forms. However, the Public Statistical Research Program does not mention data and sources derived from payment cards.[20] Although the Act of June 29, 1995, on public statistics does not contain provisions regarding the acquisition of data from payment cards, there are numerous references to the possibility of using data from publicly available telecommunication services subject to telecommunication confidentiality.[21]

[19] B. Sadowska, *Relevant Information from the Perspective of Sustainable Forest Management – Auditing Socio-Environmental Information and Data*, "Zeszyty Teoretyczne Rachunkowości" 2024, vol. 48(3), pp. 233–262.

[20] Established annually by regulation of the Council of Ministers.

[21] Act of June 29, 1995, on public statistics (consolidated text, Journal of Laws 2024, item 1799).

Conclusions

These can be combined with information obtained from autonomous vehicles in terms of connecting to telecommunication networks using GPS geolocation technology. Broadly understood technological progress, including digital transformation, as well as changes in the legal environment within the EU concerning statistical data, form the basis for further deliberations on the implementation of new technologies in tourism movement studies, including the use of experimental research methods.

The considerations presented in this article highlight the great potential of using autonomous vehicles in tourism. Beyond the mere possibility of renting and using such a vehicle, there is also the potential to utilize the data generated by the tourism movement created by these vehicles.

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Abstract: This article touches on the sphere of using autonomous cars in tourism and the administrative and legal analysis of this area of research interests. The analysis covered the legal and social conditions of using modern technologies in the automotive industry. In the administrative and legal layer, the place of autonomous cars in tourism was analyzed, including their place in building travel packages. The authors attempted an administrative and legal analysis using in this area adequate methods of researching this area of legal sciences, including the dogmatic-exegetical method and linguistic analysis. The considerations included *de lege lata* and *de lege ferenda* conclusions. The work takes into account the legal status as of February 15, 2025.

Keywords: tourism; trends; tourism law; tourism studies

Abstrakt: W artykule poruszono kwestię wykorzystania samochodów autonomicznych w turystyce oraz przeprowadzono analizę administracyjno-prawną tego zagadnienia. Przeanalizowano uwarunkowania prawne i społeczne wykorzystania nowoczesnych technologii w motoryzacji. W warstwie administracyjno-prawnej omówiono miejsce samochodów autonomicznych w turystyce, w tym ich miejsce w budowaniu pakietów turystycznych. Autorzy podjęli próbę analizy administracyjno-prawnej, wykorzystując w tym obszarze adekwatne metody badania tej dziedziny nauk prawnych, w tym metodę dogmatyczno-egzegetyczną i analizę lingwistyczną. W rozważaniach uwzględniono wnioski *de lege lata* i *de lege ferenda*. Praca uwzględnia stan prawny na dzień 15 lutego 2025 r.

Słowa kluczowe: turystyka; trendy; prawo turystyczne; badania turystyczne