

Another failed Tesla Autopilot steered car under semitruck at 68 mph as Tesla defects show up around the globe

- Exploding batteries, hacked cars, failed door handles, overheated interiors, deadly glare, cars auto-driving into rivers and swamps, Tesla staff quitting.. how bad will it get?

 [Brooke Baitinger](#)

By [Brooke Baitinger](#)

South Florida Sun Sentinel |

| DELRAY BEACH

Electric carmaker Tesla is being sued by the family of Jeremy Banner who was killed in a crash with a semi-truck while using its Autopilot feature.

A South Florida family wouldn't be grieving the loss of their husband and father if it weren't for Tesla's Autopilot feature, according to a lawsuit filed Thursday in Palm Beach County.

Four months ago, 50-year-old Jeremy Banner was killed in west Delray when a tractor-trailer pulled out in front of his bright red Tesla Model 3.

About 10 seconds before the crash, Banner [engaged the Autopilot system](#), investigators found.

Less than eight seconds before the collision, his hands weren't detected on the steering wheel, which would have prompted warnings from the car's automated system, the National Transportation Safety Board said in a preliminary report.

The Autopilot system failed, according to the lawsuit.

Tesla representatives did not respond to the lawsuit and referred to the company's statement in May about the crash.

In it, Tesla said Banner used the Autopilot in the 10 seconds before the crash but not any other time. "Our data shows that, when used properly by an attentive driver who is prepared to


take control at all times, drivers supported by Autopilot are safer than those operating without assistance," it says.

[RELATED: Amid three South Florida crashes, revolutionary Tesla remains a work in progress »](#)

Banner's family filed a wrongful death lawsuit against Tesla, trucking company First Fleet and semitruck driver Richard Keith Wood. The family — Banner's wife, Kim, and three kids — seeks more than \$15,000 in damages for the death of their husband and father.

"We cannot have technology and sales take over safety," said Trey Lytal, the family's attorney. "Safety should be the first priority."

Lytal said at a news conference that the Autopilot system was defective, failing to brake or swerve to avoid the semitruck. The car traveled 1,600 feet after the collision — about the length of five football fields, he said.

 Trey Lytal, of the law firm of Lytal, Reiter, Smith, Ivey & Fronrath, speaks during a news conference regarding a wrongful death lawsuit filed on behalf of Jeremy Banner's family in West Palm Beach, Aug. 1, 2019. Trey Lytal, of the law firm of Lytal, Reiter, Smith, Ivey & Fronrath, speaks during a news conference regarding a wrongful death lawsuit filed on behalf of Jeremy Banner's family in West Palm Beach, Aug. 1, 2019. (John McCall / South Florida Sun Sentinel/South Florida Sun Sentinel)

“My family is devastated due to the untimely and tragic death of a loving husband and father,” the family’s statement reads. “It is difficult to discuss and relive what happened to Jeremy at this time. Our family has faith in the legal system that justice will be done and those responsible for his death will be held accountable.”

Lytal said Tesla falsely advertised the Autopilot system, marketing it as self-driving technology that would “eliminate the risk of harm or injury to the vehicle operator caused by other vehicles or obstacles” while in auto pilot mode.

Because of that, Banner “reasonably believed” the Model 3 was safer than a human-operated vehicle, the lawsuit said.

“I hope through this lawsuit that we correct this problem,” Lytal said. “Otherwise it won’t stop. The goal of all of this is to open people’s eyes.”

Banner, who lived in Lake Worth, was on his way to work in Boca Raton as a computer software programmer, Lytal said.

The crash occurred March 1 on State Road 7, near Pero Family Farms just north of Atlantic Avenue.

According to the preliminary report, Banner was driving south on State Road 7, where the speed limit is 55 mph, when the tractor-trailer pulled out in front of the Tesla, attempting to cross the southbound lanes and turn left to go north. Surveillance videos and forward-facing video from the Tesla show the truck slowed and blocked the Tesla’s path, the report said.

[RELATED: Tesla burns in crash, killing driver and 'keeps catching fire' at tow yard »](#)

The Tesla drove beneath the trailer at 68 mph, and the roof was sheared off, killing Banner.

The crash is eerily similar to another one involving a Tesla in 2016 near Gainesville. Joshua Brown, 40, of Canton, Ohio, was traveling in a Tesla Model S on a divided highway and using the Autopilot system when he was killed.

Neither Brown nor the car braked for a tractor-trailer, which had turned left in front of the Tesla and was crossing its path. Brown's Tesla also went beneath the trailer and its roof was torn off.

The NTSB, in a 2017 report, wrote that [design limitations of the Autopilot system](#) played a major role in the fatality, the first known one in which a vehicle operated on a highway under semi-autonomous control systems.

The agency said that [Tesla](#) told Model S owners that Autopilot should be used only on limited-access highways, primarily interstates. The report said that despite upgrades to the system, Tesla did not incorporate protections against use of the system on other types of roads.

[RELATED: Tesla's autopilot was engaged during fatal crash, NTSB says »](#)

The NTSB found that the Model S cameras and radar weren't capable of detecting a vehicle turning into its path. Rather, the

systems are designed to detect vehicles they are following to prevent rear-end collisions.

Tesla has said that Autopilot and automatic emergency braking are driver-assist systems and that drivers are told in the owner's manual that they must monitor the road and be ready to take control.

In January 2017, the National Highway Traffic Safety Administration, which is the second federal agency investigating the crash that killed Banner, ended an investigation into the Brown crash, finding that Tesla's Autopilot system had no safety defects.

But the agency warned automakers and drivers not to treat the semi-autonomous driving systems as if they could drive themselves. Semi-autonomous systems vary in capabilities, and Tesla's system can keep a car centered in its lane, brake to stop from hitting things and change lanes when activated by the driver.