



The Unified Voice of Texas Trucking

Presented By

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House Bill 19



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CMV Lawsuit Abuse

- Passed by the 87th Legislature
- Effective September 1, 2021



Summary of the Bill

- Allows for the bifurcation of the trial
- Photographs are considered admissible



Summary of the Bill

- First phase determines negligence of driver
- Also determines negligence of employer in maintaining vehicle



Summary of the Bill

- Employee must accept responsibility for drivers negligence
- Respondeat Superior



Evidence

- First phase is about the crash
- Restricts evidence not related



Negligent Entrustment

- Not allowed in first phase, UNLESS:
- Certain conditions are not met





Drivers

Properly licensed

Includes proper class,
endorsements, restrictions

Part 383.95, TTC 522.043



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Drivers

Not disqualified from operating a
CMV

Part 383.51, 383.52, 391.15



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Drivers

Has performed or provided carrier with a certificate of a road test (if required)

Part 391.31, 391.33





Drivers

Is medically certified (if required)

Part 391.41



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Drivers

Not operating a CMV while
prohibited (drug & alcohol testing)

Part 382



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Drivers

Not operating a handheld mobile phone or texting

Part 392.80 & 392.82



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Drivers

Not operating after refusing a drug
or alcohol test

Part 382



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Drivers

Not operating a CMV while under an out-of-service order

FMCSA or roadside inspection



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Carriers

Your driver is properly licensed for proper class, endorsements, restrictions

Part 383.95 & TTC 522.043



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Carriers

Your driver is not disqualified from operating a CMV

Part 382 (Drug & Alcohol Testing)



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Carriers

Your driver has completed at road
test if required

Part 391.31 & 391.33



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Carriers

Your driver has a current Medical
Examiners Certificate (Medical Card)
if required

Part 391.41



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Carriers

Your driver is not prohibited from operating a CMV (Drug & Alcohol Testing or Hours of Service)

Part 382 &395



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Carriers

Your driver has an application for
employment on file

Part 391.21(a)



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Carriers

You company and or the driver is
not under an out-of-service order

FMCSA or roadside inspection



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Medical Billing

- Texas Supreme Court Ruling
- Allows introduction of comparable billing
- BCBS/Medicare/Medicaid/Other Insurance





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