

The Unified Voice of Texas Trucking

Presented By

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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

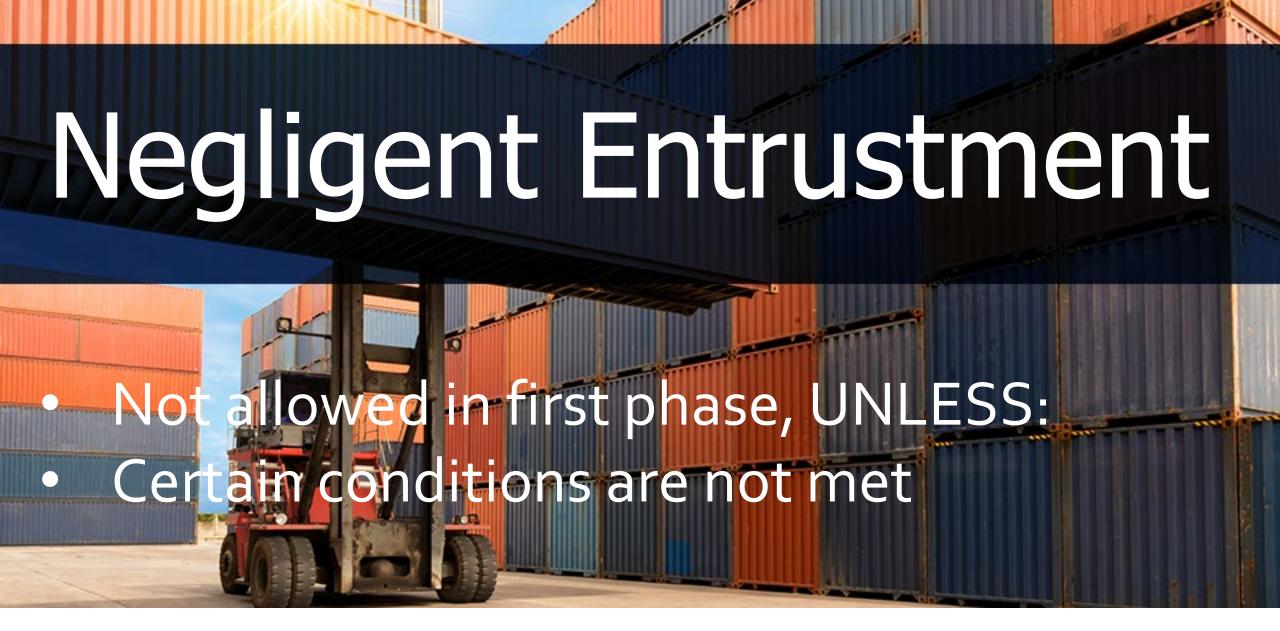
- Emplyeer must accept responsibility for
- drivers negligence
- Respondeat Superior



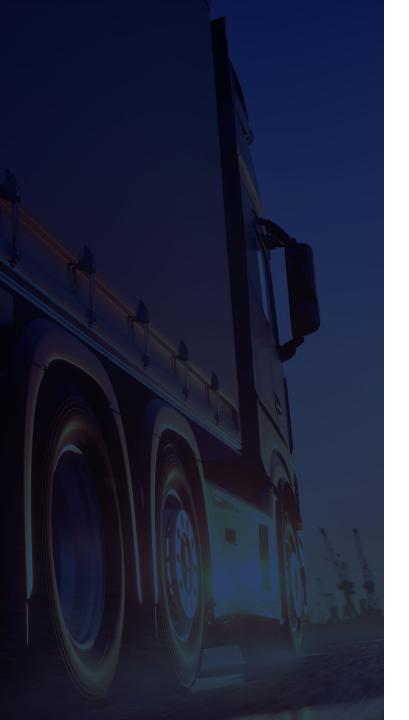
Evidence

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









Properly licensed

Includes proper class, endorsements, restrictions

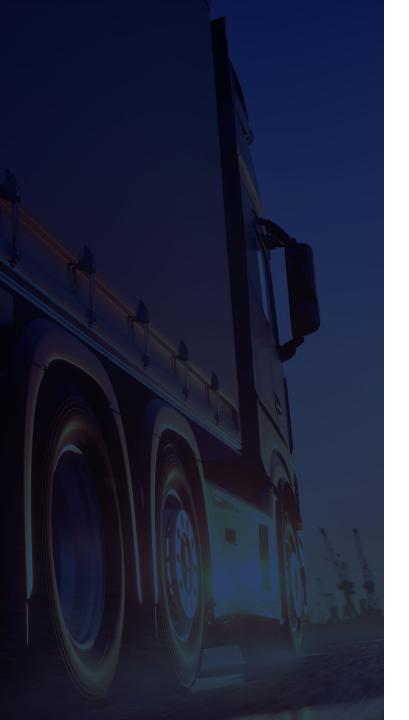
Part 383.95, TTC 522.043



Not disqualified from operating a CMV

Part 383.51, 383.52, 391.15

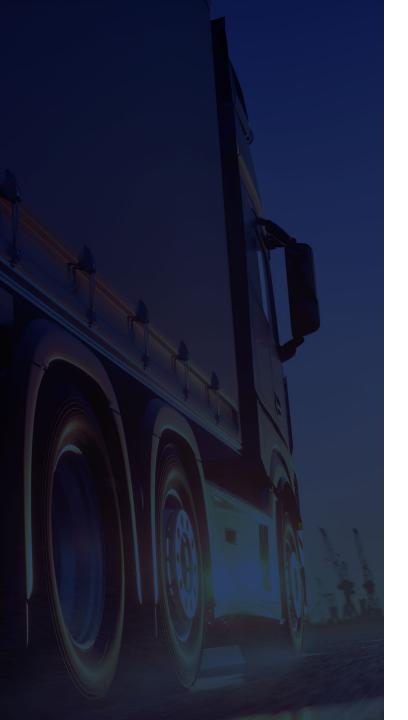




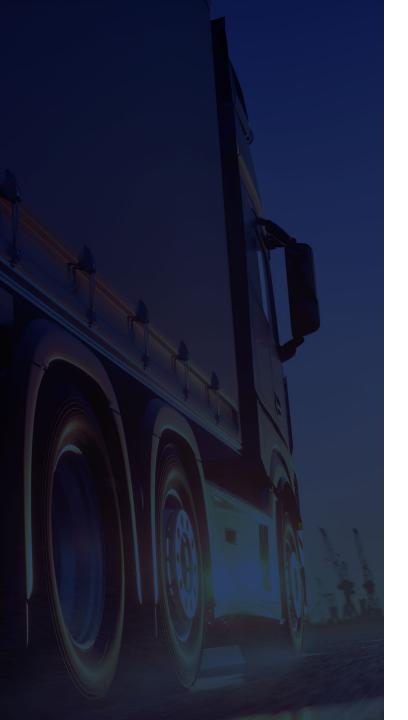
Has performed or provided carrier with a certificate of a road test (if required)

Part 391.31, 391.33





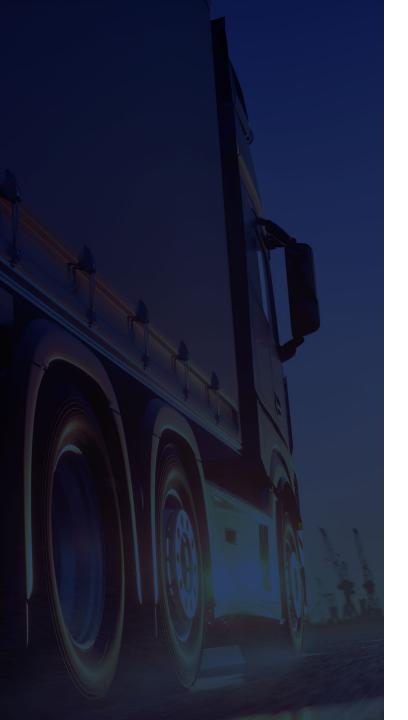
Is medically certified (if required)
Part 391.41



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

Part 382

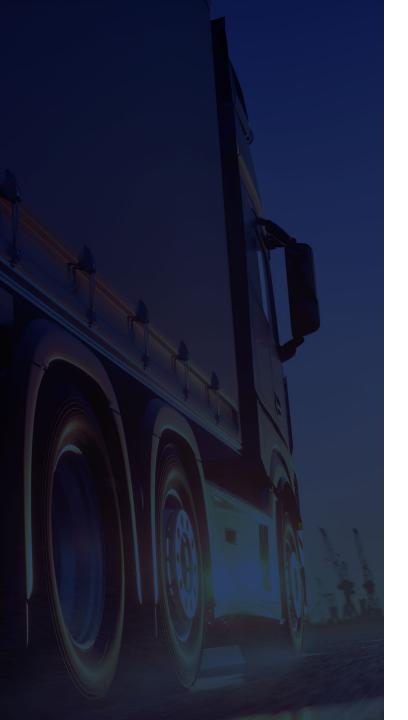




Not operating a handheld mobile phone or texting

Part 392.80 & 392.82

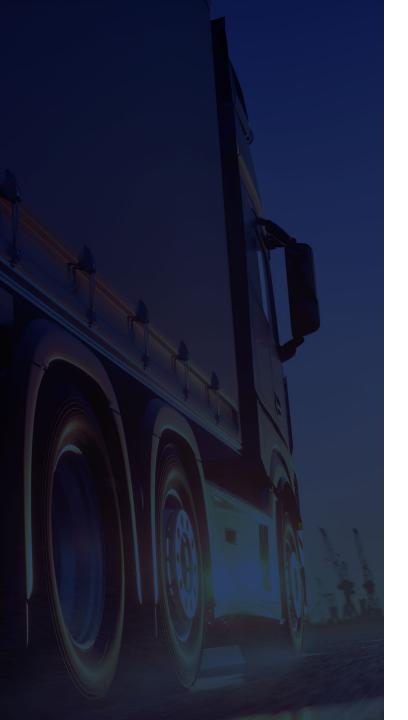




Not operating after refusing a drug or alcohol test

Part 382

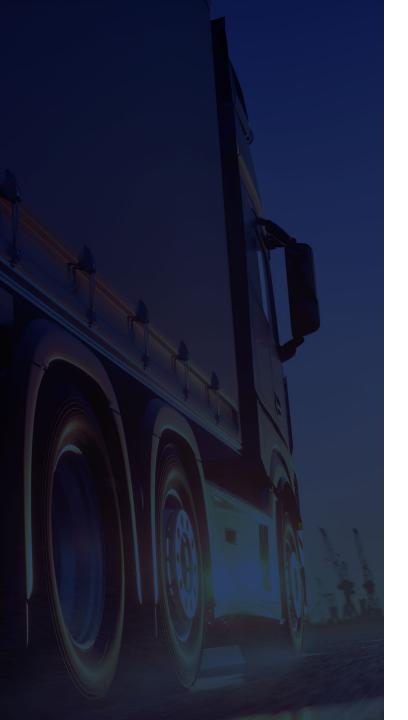




Not operating a CMV while under an out-of-service order

FMCSA or roadside inspection





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

Part 383.95 & TTC 522.043

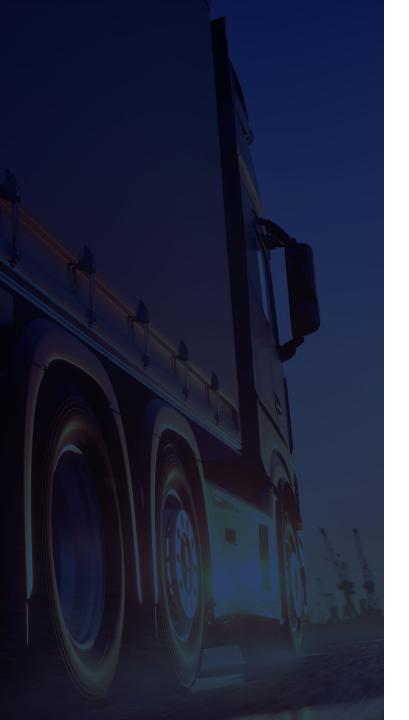




Your driver is not disqualified from operating a CMV

Part 382 (Drug & Alcohol Testing)





Your driver has completed at road test if required

Part 391.31 & 391.33





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

Part 391.41





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

Part 382 & 395





Your driver has an application for employment on file

Part 391.21(a)





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

FMCSA or roadside inspection









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