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To the members of the House Committee on Judiciary & Civil Jurisprudence.  
*Via hand delivery.*

March 9, 2021

**Re: HB 19, commercial vehicle liability shield, Opposition testimony by Public Citizen**

Dear Chairman Leach and members of the committee:

Public Citizen appreciates the opportunity to testify against HB 19. We read the bill as providing a shield to liability for commercial vehicle companies that engage in negligent conduct and creating legal barriers to victims receiving just compensation. For these reasons we must oppose the bill.

Texas roads are unsafe. Consider the following statistics:

- Texas had the most truck crashes of any state each year from 2016-2020.
- Truck crashes in Texas increased 27% from 2016 to 2019.
- Texas has the most truck fatalities of any state—685 deaths in 2019 alone.<sup>1</sup>
- In 2020 crashes involving commercial vehicle cost \$2.6 billion. Factor in loss of life and pain and suffering, and that amount rises to \$14.6 billion.<sup>2</sup>

The innocent victims of these accidents should not have to pay for their own medical bills, loss of earning potential, and pain and suffering. Similarly, taxpayers should not foot the bill when an identifiable party is at fault. The civil court system is designed to assign liability and provide victim compensation when appropriate.

We have not seen evidence that the existing legal system is unfair to commercial defendants. HB 19 introduces to the legal process new rules and procedures that seem designed to benefit commercial vehicle companies—even those engaged in wrongdoing—at the expense of victims.

We have the following specific concerns with the bill. It would:

- Make the definition of “commercial motor vehicle too broad, applying it even to rideshares, delivery drivers, and people driving too or from work. [p. 2, ln. 3].
- Bifurcate trial, creating additional procedural burdens on the defendant and effectively limiting evidence of the most egregious and systemic corporate wrongdoing in the first phase. [p. 3, ln. 1]
- Largely exclude evidence of a corporate defendant violating a safety regulation or standard. [p. 4, ln. 9]

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<sup>1</sup> U.S. Dept. of Transportation, Federal Motor Carrier Safety Administration. See <https://ai.fmcsa.dot.gov/CrashStatistics/rptSummary.aspx>.

<sup>2</sup> Texas Department of Transportation. See <https://www.txdot.gov/government/enforcement/crash-statistics.html>.



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- Define “regulation or standard” too broadly to include not just statutes, regulations, rules, and orders but also a defendant’s policies, procedures and statements. [p. 5, ln. 19]
- Limit evidence of past wrongdoing to just 2 years preceding the wreck [p. 4, ln. 25]
- Require a court order for any discovery into violations of regulations or standards, providing immediate appellate review, which will add delay to the legal dispute and create pressure on victims to settle for insufficient amounts [p. 5, ln. 1, 13]
- Shield corporations from liability, possibly limiting a victim's recovery. [p. 6, ln. 13]
- Dismiss direct corporate liability if the defendant stipulates to driver being in scope of employment, which may impact the victim's recovery. [p. 6, ln. 13]
- Force victims to accept periodic payment of future damages when awards are at least \$100,000. [p. 7, ln. 8]
- End most periodic payments on the death of the victim. [p. 8, ln. 9].

This last item is especially concerning to us, as it would create a financial incentive in the at fault party for the victim to die. This seems perverse and is certainly against public policy interests.

We believe that the dangerous nature of Texas roads is a serious problem that the legislature can and should address. HB 19 moves in the wrong direction—offering commercial vehicle companies no incentive to operate more safely.

Because HB 19 would impair the rights of victims in commercial vehicle crashes and potentially make Texas roads less safe, we oppose.

Thank you for the opportunity to provide this testimony, if you wish to discuss our position further, I can be reached by email at [ashelley@citizen.org](mailto:ashelley@citizen.org) or by phone at 512-477-1155.

Respectfully,

Adrian Shelley, Texas Office Director  
Public Citizen

CC: Rep. Yvonne Davis, Rep. Harold V. Dutton, Jr., Rep. Julie Johnson, Rep. Matt Krause, Rep. Mayes Middleton, Rep. Joe Moody, Rep. Mike Schofield, Rep. Reggie Smith