

A BILL TO BE ENTITLED

AN ACT

relating to civil actions or arbitrations involving transportation network companies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150E to read as follows:

CHAPTER 150E. CIVIL ACTIONS OR ARBITRATIONS INVOLVING
TRANSPORTATION NETWORK COMPANIES

Sec. 150E.001. DEFINITIONS. In this chapter:

(1) "Digital network" and "transportation network company" have the meanings assigned by Section 2402.001, Occupations Code.

(2) "Network vehicle" means a land motor vehicle that:

(A) is available on a digital network;

(B) is of the following type:

(i) black car or other for hire; or

(ii) private passenger, pickup truck, or cargo van;

(C) is designed to operate primarily on a public road;

(D) has at least four wheels; and

(E) has seating for not more than eight passengers, including the driver.

Sec. 150E.002. APPLICABILITY OF CHAPTER. This chapter

1 applies only to an action or arbitration proceeding in which:

2 (1) a transportation network company is a defendant;

3 (2) the claimant seeks recovery of damages for loss of
4 property, bodily injury, or death;

5 (3) the claim for which the action or proceeding is
6 brought arises out of the ownership, use, operation, or possession
7 of a network vehicle while the vehicle's driver or passenger was
8 logged on to a transportation network company's digital network;
9 and

10 (4) the theory of recovery for which damages are
11 sought against the transportation network company is based on:

12 (A) the ownership, operation, design,
13 manufacture, or maintenance of a digital network accessed by a
14 driver or passenger; or

15 (B) the relationship, affiliation, or
16 interaction with a driver logged on to a transportation network
17 company's digital network.

18 Sec. 150E.003. REQUIRED AFFIDAVITS. (a) Except as
19 provided by Subsection (b), at the time a claimant initially names a
20 transportation network company as a party in an action or
21 proceeding to which this chapter applies, a claimant shall, as
22 applicable, file with the petition or provide to the arbitration
23 tribunal and each other party at the initiation of the arbitration:

24 (1) an affidavit by the claimant's counsel that sets
25 forth specifically for each theory of recovery for which damages
26 are sought:

27 (A) the negligence, if any, or other action,

1 error, or omission of the company; and

2 (B) the factual basis for each claim; and

3 (2) an affidavit attesting that the damages suffered
4 by the claimant exceed the applicable insurance coverage limit
5 required under Chapter 1954, Insurance Code, that is signed by a
6 third-party expert who:

7 (A) is competent to testify; and

8 (B) offers testimony based on the expert's:

9 (i) knowledge;

10 (ii) skill;

11 (iii) experience;

12 (iv) education;

13 (v) training; and

14 (vi) practice.

15 (b) The contemporaneous filing requirement of Subsection
16 (a) does not apply to any action or arbitration proceeding in which
17 the limitations period expires within 10 days of the date of filing
18 of the petition or initiation of arbitration and, because of the
19 time constraints, a claimant has alleged that the required
20 affidavits could not be prepared. A claimant shall supplement the
21 pleadings with the affidavits not later than the 30th day after the
22 date the petition is filed or the arbitration is initiated. The
23 trial court or arbitration tribunal may, on a motion by a party,
24 after hearing and for good cause, extend the deadline for
25 supplementing the pleadings as the court or tribunal determines
26 justice requires.

27 (c) A defendant in the action or arbitration proceeding is

1 not required to file an answer to the petition or arbitration
2 request until the 30th day after the date all affidavits required by
3 Subsection (a) are filed.

4 (d) This section may not be construed to extend any
5 applicable period of limitation or repose.

6 Sec. 150E.004. DISMISSAL FOR FAILURE TO PROVIDE AFFIDAVITS.

7 (a) A court or arbitration tribunal shall dismiss with prejudice a
8 complaint against a transportation network company with respect to
9 which the claimant failed to file the affidavits in accordance with
10 Section 150E.003.

11 (b) An order granting or denying a motion for dismissal
12 under this chapter is, as applicable:

13 (1) immediately appealable as an interlocutory order;

14 or

15 (2) grounds to file an application to a court under
16 Subchapter D, Chapter 171, for the court to review the order.

17 Sec. 150E.005. LIMITATION OF LIABILITY. A transportation
18 network company may not be held vicariously liable for damages in an
19 action or arbitration proceeding to which this chapter applies if
20 the company:

21 (1) did not commit a crime under the laws of this state
22 or federal law; and

23 (2) has fulfilled all of the company's obligations
24 with respect to the transportation network company driver under
25 Chapter 2402, Occupations Code, relating to the subject claim.

26 SECTION 2. The changes in law made by this Act apply only to
27 a cause of action that accrues on or after the effective date of

1 this Act.

2 SECTION 3. This Act takes effect September 1, 2023.