

By: Leach

H.B. No. 4218

A BILL TO BE ENTITLED

AN ACT

relating to civil actions involving commercial motor vehicles.

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

SECTION 1. Sections 72.051(2) and (4), Civil Practice and Remedies Code, are amended to read as follows:

(2) "Civil action" means an action in which:

(A) a claimant seeks recovery of damages for bodily injury or death caused in an accident; and

(B) a defendant:

(i) operated a commercial motor vehicle involved in the accident; or

(ii) owned, leased, rented, or ~~otherwise~~ held or exercised legal control over a commercial motor vehicle or operator of a commercial motor vehicle involved in the accident.

(4) "Commercial motor vehicle" means a motor vehicle being used for commercial purposes in interstate or intrastate commerce to transport property or passengers, deliver or transport goods, or provide services. ~~[The term does not include a motor vehicle being used at the time of the accident for personal, family, or household purposes.]~~

SECTION 2. Subchapter B, Chapter 72, Civil Practice and Remedies Code, is amended by adding Section 72.0512 to read as follows:

Sec. 72.0512. APPLICABILITY OF SUBCHAPTER.

1 Notwithstanding Section 72.051, a motor vehicle being used at the
2 time of an accident for personal, family, or household purposes is
3 not considered a commercial motor vehicle for purposes of this
4 subchapter unless:

5 (1) the motor vehicle had a gross vehicle weight
6 rating or gross vehicle weight of at least 6,000 pounds; and

7 (2) the owner's liability for the accident is governed
8 by 49 U.S.C. Section 30106.

9 SECTION 3. Section 72.053, Civil Practice and Remedies
10 Code, is amended by adding Subsection (d) to read as follows:

11 (d) In a civil action under this subchapter, the duty of
12 care applicable to an owner, lessor, or operator of a commercial
13 motor vehicle involved in an accident or a person renting the
14 vehicle to another person does not include an obligation or duty to
15 retrofit the vehicle with component parts or equipment, or to have
16 selected component parts or equipment to be included on the
17 vehicle, that were not required by applicable federal motor vehicle
18 safety standards at the time the vehicle was manufactured or sold.
19 Evidence related to such an alleged duty is not admissible in any
20 phase of trial.

21 SECTION 4. (a) The change in law made by this Act applies
22 only to an action:

23 (1) commenced on or after the effective date of this
24 Act; or

25 (2) pending on the effective date of this Act and in
26 which the trial, or any new trial or retrial following motion,
27 appeal, or otherwise, begins on or after the effective date of this

1 Act.

2 (b) In an action commenced before the effective date of this
3 Act, a trial, new trial, or retrial that is in progress on the
4 effective date of this Act is governed by the law applicable to the
5 trial, new trial, or retrial immediately before the effective date
6 of this Act, and that law is continued in effect for that purpose.

7 SECTION 5. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2023.