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S.B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to civil liability of a commercial motor vehicle owner or operator.

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

SECTION 1. Sections 72.054(a), (b), and (f), Civil Practice and Remedies Code, are amended to read as follows:

(a) In ~~[Except as provided by Subsection (d), in]~~ a civil action under this subchapter, an employer defendant's liability for damages caused by the ordinary negligence of a person operating the defendant's commercial motor vehicle shall be based only on respondeat superior if the defendant stipulates, within the time provided by Section 72.052 for filing a motion to bifurcate, that, at the time of the collision, the person operating the vehicle was:

(1) the defendant's employee; and

(2) acting within the scope of employment.

(b) If ~~[Except as provided by Subsection (c), if]~~ an employer defendant stipulates in accordance with Subsection (a) and the trial is bifurcated under Section 72.052, a claimant may not, in the first phase of the trial, present evidence on an ordinary negligence claim against the employer defendant, such as negligent entrustment, that requires a finding by the trier of fact that the employer defendant's employee was negligent in operating a vehicle as a prerequisite to the employer defendant being found negligent in relation to the employee defendant's operation of the vehicle.

1 This subsection does not prevent a claimant from presenting
2 evidence allowed by Section 72.053(b).

3 (f) Nothing in this section prevents a claimant from
4 pursuing:

5 (1) an ordinary negligence claim against a ~~[an~~
6 ~~employer]~~ defendant ~~[for a claim]~~, such as negligent maintenance,
7 negligent repair, negligent loading, or another similar claim, that
8 is based on the defendant's independent act of negligence that does
9 not require a finding of negligence by the ~~[an]~~ employee who was
10 operating the defendant's commercial motor vehicle as a
11 prerequisite to the ~~[an employer]~~ defendant being found negligent
12 for its conduct or omission, or from presenting evidence on that
13 claim in the first phase of a bifurcated trial; or

14 (2) a claim for exemplary damages under Chapter 41 for
15 an employer defendant's conduct or omissions in relation to the
16 collision that is the subject of the action, or from presenting
17 evidence on that claim in the second phase of a bifurcated trial.

18 SECTION 2. Sections 72.054(c), (d), and (e), Civil Practice
19 and Remedies Code, are repealed.

20 SECTION 3. (a) The change in law made by this Act applies
21 only to an action:

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

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

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

6 SECTION 4. This Act takes effect September 1, 2025.