86R9131 JRR/SCL-D

By:  Craddick H.B. No. 2679

A BILL TO BE ENTITLED

AN ACT

relating to damage to certain state transportation infrastructure resulting from certain motor vehicle accidents; creating a criminal offense.

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

SECTION 1.  Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.428 to read as follows:

Sec. 545.428.  RECKLESS DAMAGE TO CERTAIN STATE TRANSPORTATION INFRASTRUCTURE BY OPERATOR OF COMMERCIAL MOTOR VEHICLE; OFFENSE. (a) A person commits an offense if:

(1)  the person recklessly operates a commercial motor vehicle, as that term is defined by Section 644.001; and

(2)  as a result of the conduct described by Subdivision (1), the person is involved in an accident that causes damage to a highway or other transportation infrastructure, including a bridge, tunnel, overpass, or other structure, that is part of the state highway system.

(b)  An offense under this section is a Class C misdemeanor.

SECTION 2.  Chapter 601, Transportation Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. DEPARTMENT CLAIMS FOR DAMAGE TO STATE TRANSPORTATION INFRASTRUCTURE

Sec. 601.501.  DEFINITIONS. Notwithstanding Section 601.002, in this subchapter:

(1)  "Commission" means the Texas Transportation Commission.

(2)  "Department" means the Texas Department of Transportation.

Sec. 601.502.  SUBMISSION OF CLAIM. If an operator of a motor vehicle is responsible for an accident that causes damage to transportation infrastructure that is part of the state highway system, including a highway, bridge, tunnel, overpass, highway sign, or other highway structure, the department may file a claim against the owner of the motor vehicle by:

(1)  submitting the claim to the owner's insurer if the owner maintains motor vehicle liability insurance for the motor vehicle; or

(2)  submitting the claim to the owner if the owner establishes financial responsibility under Subchapter E.

Sec. 601.503.  PROMPT PAYMENT OF CLAIMS. (a) If the department files a claim with an owner's insurer under Section 601.502(1), the insurer shall process the claim in the form and manner provided by Subchapter B, Chapter 542, Insurance Code, as if the department's claim is a claim as defined by Section 542.051, Insurance Code.

(b)  If the department files a claim with the owner under Section 601.502(2), the owner shall process the claim in the form and manner provided by Subchapter B, Chapter 542, Insurance Code, as if:

(1)  the department's claim is a claim as defined by Section 542.051, Insurance Code; and

(2)  the owner is an authorized insurer.

Sec. 601.504.  REMEDIES. In a claim filed under this subchapter, the department may recover the estimated cost to repair or replace the damaged infrastructure, including engineering and inspection costs associated with repairs and determination of the damage to the infrastructure, and:

(1)  the remedies described by Section 542.060, Insurance Code, if the owner's insurer or the owner, as applicable, fails to process the claim in accordance with Section 601.503; or

(2)  if the owner's insurer or the owner, as applicable, complies with Section 601.503 but denies the department's claim and the department prevails in a suit against the owner, the costs incurred in bringing the suit, including reasonable attorney's fees and court costs, if the department prevails in the suit.

Sec. 601.505.  RULES. The commission shall adopt rules necessary to implement this subchapter, including rules on initiation of claims under this subchapter and expediting repair or replacement of damaged infrastructure that is the subject of a claim under this subchapter.

SECTION 3.  This Act takes effect September 1, 2019.