

By: Craddick

H.B. No. 2679

A BILL TO BE ENTITLED

AN ACT

1
2 relating to damage to certain state transportation infrastructure
3 resulting from certain motor vehicle accidents; creating a criminal
4 offense.

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

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

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

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

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

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

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

21 SUBCHAPTER O. DEPARTMENT CLAIMS FOR DAMAGE TO STATE TRANSPORTATION
22 INFRASTRUCTURE

23 Sec. 601.501. DEFINITIONS. Notwithstanding Section
24 601.002, in this subchapter:

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

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

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

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

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

16 Sec. 601.503. PROMPT PAYMENT OF CLAIMS. (a) If the
17 department files a claim with an owner's insurer under Section
18 601.502(1), the insurer shall process the claim in the form and
19 manner provided by Subchapter B, Chapter 542, Insurance Code, as if
20 the department's claim is a claim as defined by Section 542.051,
21 Insurance Code.

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

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

1 (2) the owner is an authorized insurer.

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

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

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

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

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