

PUBLIC COMMENTS

HB 19

HOUSE COMMITTEE ON JUDICIARY & CIVIL JURISPRUDENCE

Hearing Date: March 9, 2021 10:00 AM

Michael Gerke

SELF

Missouri City, TX

This bill rewards bad actors. That is, companies who fail to train and properly hire drivers get to be dismissed from a case against them. This is a disincentive to do things the right way. And those companies who do hiring, training and safety the proper way, are placed at an economic disadvantage to those who do not. Bad bill. Texans lose on this one.

Jason Boorstein

Self

Dallas, TX

I became very concerned after reading the text of this bill. The bill aims to hurt individuals driving on our roads. I am concerned about commercial vehicles from Texas, other States and Countries getting a pass in Texas if they hurt or kill someone. I am concerned that if this bill passes, companies have less incentive to investigate bad drivers, self police their company, train and discipline. Please consider tabling this bill so that we can investigate the real ramification to Texans. Thank you.

Guy Choate

Webb, Stokes & Sparks, LLP

San Angelo, TX

I speak in opposition to this Bill. Texas highways would be made less safe by protecting the companies that put profits over safety as they put unsafe trucks and drivers on the road. Large trucks are disproportionately responsible for carnage on Texas highways. Trucking companies need more scrutiny, not less. Trucks do not have to be dangerous and truck drivers do not have to cause crashes. Good companies do not have the type of crashes that routinely plague Texas highways. Wal-Mart is one of the largest trucking companies in the world and yet they don't have problems with crashes because they don't tolerate them. They take safety seriously and it shows up on their bottom line. This bill puts companies that take safety seriously at a competitive disadvantage to those that don't. I would ask the Members, how are Texans made safer by this bill? What does this bill to help assure me that my wife and children will be safe as they travel on Texas highways? Please vote to defeat this bill Thank you.

Chris Kwon

Self

Pearland, TX

This bill is extremely dangerous and clearly intended to set a brand new standard for trucking companies to operate their business and trucks. If this passes, it will give trucking companies a lot more freedom to operate their trucks in whatever manner they like without any real regard to safety on the roads. I find it even more appalling that not only is this bill dictating trucking standards, it's dictating how a trucking case gets litigated in courts. It's completely overbearing and dangerous. I cannot stress how important it is that this bill doesn't pass or otherwise, our roads in Texas will get SIGNIFICANTLY more dangerous.

Willard Clark

Printed on: April 16, 2021 4:32 PM

self, attorney

San Antonio, TX

This bill rewards bad actors and will make Texas roads more dangerous. This bill puts the interests of insurance carriers over real Texans.

James Girards

Self

Dallas, TX

I write to oppose HB 19. We have some of the highest rates in the nation of preventable injuries and deaths on our highways caused by large commercial trucks. One might look no further than the recent huge 18-wheeler pile-up in the DFW area causing multiple deaths in which videos show trucks traveling way too fast for the conditions that existed at the time. Moreover, heavy trucks are complex and operators far too often cut corners that endanger every child, grandmother or other family member who shares the roadway with the trucks. More oversight is needed and this bill does the opposite. My brother-in-law, who was a 9/11 rescue worker, moved south after retiring from the NYPD only to be literally run over and crushed to death by an 18-wheeler when the driver of that truck fell asleep at the wheel because he had been driving way too many hours illegally. There are far too many trucks being operated everyday in TX in poor condition and far too many drivers operating them in excess of permissible driven hours. And, the companies/employers frequently fail to provide sufficient oversight. Texas families are helpless on our highways when one of these trucks is in the next lane or fast approaching from any direction. More oversight is needed. And, full compensation should be available to those who suffer the carnage caused by careless trucking companies. Please vote "no" on HB 19.

Justin Hill

Self

San Antonio, TX

I would like to voice my opposition to HB19. As worded, the bill does a lot of things that do not further our state's public policy goals. First, the bill absolves trucking companies of responsibility for their actions and leaves truck drivers solely on the hook for damages that they cause. Trucking companies have a role to play in ensuring they hire safe drivers and monitor them as drivers. By allowing them an automatic dismissal by just admitting the driver was on the job at the time, the employer has no incentive other than to admit the driver was their employee working at the time. Their role in working to make Texas safer should be strengthened and not weakened. Second, the bill will clog up our appellate court with unnecessary interlocutory appeals over simple discovery issues. The bill limits discovery in such a way trucking companies are essentially shielded for their actions. Why would we need the additional step which will only serve to clog up our appellate courts and delay the case? Third, the periodic payments portion is wholly a handout to insurance companies. It does not benefit trucking companies or truck drivers or Texas. There is no reasonable rationale for this portion. It will make drafting judgements almost impossible and likely require additional evidentiary hearings. It also ignores hundreds of years of jurisprudence to only benefit insurance companies. Finally, juries and judges should be trusted. The boom in trucking business has led to some very unscrupulous and abusive actors. Texas leads the nation in trucking crashes. We should all be working to make our roads safer and protect our economy. Providing immunity to the likes of Amazon, Wal-Mart, and other companies will not make our roads safer or our economy better. It will leave injury Texans without recourse if they are hurt.

Lennie Bollinger

Self, attorney

McKinney, TX

This bill would be a travesty for injured Texans and an unfair gift for insurers and commercial vehicle owners. The bill would encourage businesses and insurers to maintain the bare bones minimum insurance liability limits and/or reserves required to cover motor vehicle collision liability claims. When companies carry the minimum, the damage amounts not covered by the companies or their insurer are paid by the State through need based programs such as Medicaid. This bill is fundamentally unfair: if injured

Printed on: April 16, 2021 4:32 PM

Texans are required to receive periodic payments for their awards determined by a jury then why aren't businesses who obtain funds by jury verdict from another business also required to receive periodic payments? Please vote no on HB 19 as it will hurt injured Texans and help insurers and trucking companies who don't need the help.

Richard Stucky

Self

FORNEY, TX

This is a very dangerous bill to Texas commercial carrier businesses, and citizens of Texas. This is dangerous to not only the larger corporate businesses, but the smaller mom and pop businesses. By removing evidence in litigation of bad conduct by the owner/operator of the commercial vehicle, it removes any chance of the "bad actor" being held accountable for not only damage to property, but also to Texans (children, moms, dads, etc.).

There are many "mom and pop" business that spend hard earned resources to keep the Texas roadways safe. For example, these good companies have safety manuals and driver training. This bill will force mom and pop companies out of business when foreign companies (i.e. Mexican, Canadian, California, ect.) with zero to little safety policies outbid safe Texas companies. For example, HB 19 removes any discovery of safe practices of the wrongdoer. If that company will never be held accountable, that company will never have incentive to operate on Texas roadways safely.

For the reasons above, and many other reasons, HB 19 does nothing to promote safety, but in turn will increase the injuries and deaths on Texas roadways, and force hard working Texas commercial carriers to shut their doors and surrender their businesses to foreign businesses.

Zachary Herbert

Self

Richardson, TX

This bill has the effect of keeping more money in the pockets of commercial truck companies and out of the pockets of victims. It is a bill that effectively lets trucking companies have no responsibility whatsoever

Alan Tysinger

self

Adkins, TX

I oppose HB 19 in its current form. I have reviewed the text of the bill. The committee should understand that commercial vehicles are not just 18 wheelers operating in remote parts of Texas. They are the pizza delivery drivers speeding around your neighborhood. They are the rideshare service drivers and food delivery app drivers speeding through your office parking lot at lunchtime. Commercial vehicles make up a larger proportion of the vehicles on the roadway than ever before. And the training is less than ever before. This despite the fact that comprehensive and effective training is more readily available than ever. This bill specifies that a Defendant can keep a jury from knowing about how and why it became liable for an accident. This is a privilege not afforded to non-commercial drivers, let alone professionals licensed by the state with much greater training requirements. There is no public policy basis for this, considering the danger that commercial vehicles pose to the public. The bill also prevents a jury from being informed of a rule or standard violation unless it was a "specific" proximate cause of the injury. But what if it is not a specific cause, but only a general cause? The bill does not say. And what if it is evidence of a course of conduct to demonstrate an indifference to safety? The bill does not say. What if it is relevant to the credibility of a Defendant witness's claim that he did comply with another safety standard? Under HB 19, evidence that Defendant admits he failed to comply with 19 safety standards or regulations which are relevant to but not specific to the cause of the accident, but stubbornly insists that he complied with the 20th standard which was the proximate cause of the accident, his admitted failure in the first 19 would not be admissible as evidence of a pattern or course of conduct. This carve out defies the normal operations of civil procedure and evidence for an industry that has demonstrated little concern for the safety of Texans. The committee should reject this special pleading for the commercial vehicle industry.

Connor Colemere, Mr.
Colemere Law Firm, PLLC
San Antonio, TX

This bill is antithetical the very spirit and nature of Texas, but continues a growing trend of absolving responsibility and blaming the victims. Here's a simple and easy to understand fact: every trucking company on the road in Texas utilizes tactics and procedures the Texas Supreme Court and this Legislative body have provided to avoid liability.

Under the Federal Motor Carrier Safety Regulations (which Texas itself adopted) there is no such thing as an "independent contractor," yet the Texas Supreme Court decided there was despite the law saying otherwise. Two years later the Texas Department of Public Safety adopted the Court's opinion and put that into the administrative code, while still adopting the same regulation that says the opposite. This bill recognizes the importance of these regulations and then unceremoniously ignores them, further abrogates the responsibilities of commercial operators, and then expands the definitions to include virtually any car driven in Texas as long as you slap a decal on the side. This is not justice, this is not fair.

It's so strange that instead of creating more protections for the people of Texas by regulating these trucking companies the solution time and again has been to blame lawyers and cry foul at the behest of the likes of Allstate, State Farm et al. The trucking companies argue it's too expensive because they get sued--yet they specifically all use "Independent Contractor" agreements because they 1) don't want to pay the actual driver as an employee and 2) don't want to be liable for his conduct as an employee. That's who is pushing this bill forward--lazy companies that don't want to take responsibility for their actions. It's more telling than anything the first thought process wasn't even "maybe we should require these trucking companies to enforce and maintain safety policies" or "maybe we should embolden the DPS to regulate the trucking companies."

No it was that injured victims should be punished for trying to discuss the bad acts of these companies. Injured people in trucking and commercial vehicle cases should have a special set of rules that only apply to them and no other cases should have to this. Where does it end? When a woman alleges in a divorce her spouse has beaten her and her children--should we raise our hands and say "no judge...you can only look at his violent past for the last two years in making your rulings." The answer is clearly no and certainly some of you are performing the mental Olympic gymnastics necessary to assuage your indignation that it's entirely different. But it's not. Anyone who votes for this bill simply doesn't care about actual Texans. If you did you would create a bill to actually hold trucking companies responsible.

As is the motto: elections have consequences. Well when any of you, your family, your friends, or your loved ones is injured or killed by the reckless commercial vehicle they'll remember you were the consequences.

Christopher Carver
Self
College Station, TX

This bill will make Texas roadways more dangerous by further restricting the remedies for citizens who are victims of negligence by corporate defendants. Instead of being able to sue and discover all of the facts leading up to extremely dangerous roadway events, the bill would restrict litigation to the defendant driver and, in the cases involving the worst damages, that driver's estate. The practical effect is that horrific catastrophic damage claims in cases of corporate negligence will be brought against the widows and orphans of the defendant driver and not against the liable company that had a hand in causing the collision. Additionally, it would administratively tie up cases in discovery fights for years and unnecessarily waste judicial appellate resources. Finally, this bill goes from distrusting Texas juries to distrusting Texas judges but unreasonably restricting the judge's right to discretion in ruling on discovery fights, applicable parties to the case and damage determinations and payment structure.

Fred Willumsen
self
Cypress, TX

Why are you protecting trucking companies and their insurance companies from responsibility for crashes they cause on our
Printed on: April 16, 2021 4:32 PM

highways? These companies kill and injure thousands of people every year. We have juries to decide if and how much a victim should be compensated. Why add more hurdles to justice...businesses have to be held accountable to ensure that they comply with basic safety and traffic laws. THIS IS WRONG and misguided. One day it could be your loved one that gets hit by a poorly maintained truck with an unqualified driver...then what?

Jaime Lynn

Self

Cedar Park, TX

I urge you to vote against this bill.

HB 19 was written, in part, by the trucking industry – the very industry that it will protect from responsibility when their own neglect harms Texans. The bill does several things that the citizens of Texas should find abhorrent in our society.

- First, it shields trucking companies from being liable for their own neglect if they simply admit that their driver was negligent and was in the course and scope of his employment. Why should that matter, you ask:

- o Once they do that, the law goes on to prevent evidence of the company's wrongdoing except in the most egregious cases (and limits it severely, even there);

- o The negligence of one, isolated, driver doesn't look as bad to a jury as an entire fleet operating that way (and the law prohibits us from talking about the bad training, and lack of discipline in the company).

- Second, it requires that in order for a trucking company to ever be held liable directly for the harm that it causes, we have to prove that they were grossly negligent. This must be proven by a unanimous verdict finding by clear and convincing evidence that the company knew that its actions were likely to cause death or serious injury and proceeded with actual knowledge of the risk. This is the highest standard in the civil justice system.

- o What's more, the law goes on to limit access to the very evidence necessary to prove these cases, making them virtually impossible in most cases.

- Third, even when a plaintiff is somehow able to overcome these incredible obstacles to justice, the law requires periodic payments. The jury is told to reduce the value of a case to its present value, as they are asked to award a sum of money that "if paid now in cash" would compensate the injured person for all damages found. That reduction to present value is reduced even further when it must be paid out in future installments. What's more:

- o The at-fault company gets to control how those installments are paid.

- Fourth, since punitive damages are likely to be awarded in the rare case that actually gets to this point, the drafters created a means of getting the money back to the wrongdoer"

- o If the injured person dies during the pay-out period, the money awarded against the trucking company for risking the lives of all of us on the roadways reverts back to the company!

- o Not only does the punitive award revert back, but any money awarded for physical pain or mental anguish will as well.

- o The very purpose of punitive damages (to thwart reckless conduct) will be averted.

- This bill was drafted by trucking companies for trucking companies. It should never have reached this level, and it puts Texan lives at risk.

Alexander Begum

self

BROWNSVILLE, TX

Printed on: April 16, 2021 4:32 PM

This bill will effectively eliminate any personal responsibility for trucking companies to ensure they have save drivers on our Texas Roads. Texas already has one of the highest rates of traffic fatalities in the nation. This will make Texas a free for all. If trucking companies know they get a free pass in Texas, this is where the worst drivers will be scheduled and routed to. A company executive will say "Texas" has shield laws. Lets send our rookie drivers there. Send our best and safest drivers to States that hold them accountable. Awful bill for safety of all Texans.

Kim Jones Penepacker

Self

Mansfield, TX

Year after year, Texas has the highest number of large truck wrecks in the nation. From 2016 to 2019, the number of truck crashes in our state increased by almost 30%. To protect the lives of Texas families, we need more safety measures, not less. Legislation pushed by trucking lobbyists will endanger all of us on the roads.

HB 19 will harm families devastated by 18-wheeler wrecks. The legislation gives trucking corporations less incentive to follow safety measures, which means innocent Texans will be at greater risk on the roads. It will make it harder to punish trucking companies through our courts when they violate safety standards. When bad actors do not follow the rules, they need to be held fully accountable by a jury of our peers in order to help protect us all. And when recklessness causes death, serious injuries, or the inability to work, corporations must face the consequences.

Judges should be able to use the Texas Rules of Evidence to make their rulings, rather than being directed by the legislature to rule a specific way on admissibility of photographic evidence that may or may not be relevant to a collision.

We just saw what de-regulation accomplished with our energy grid. De-regulation in the trucking industry will be catastrophic for our state, our economy, and our citizens. Our existing system is fully equipped to handle everything this bill addresses, and I believe this bill is not only entirely unnecessary but is also harmful to Texans.

Bristol Baxley

Self

Houston, TX

This is a terrible idea. These trucking companies are huge and their rigs hog the road. I've seen them driving 80 in a driving rain. The ones with timber logs are the worst. The average guy gets in a wreck and he's gotta pay for what he did wrong but if you drive a big rig and do way worse damages you get special privileges. That's gotta be unconstitutional.

Please spend your time fixing the schools, keeping the police strong and making sure the power and water stay on. That's how you will get my vote.

Martin Woodward

SELF

Frisco, TX

This bill should not pass. So many small, Texas-based businesses make safety a priority. They train drivers in safety protocols to make sure Texans are not injured or killed. What reason could there be for allowing large, out-of-state companies who don't care about safety protocols to send untrained drivers into Texas, who will get a free pass if they hurt or even kill Texans on the road? We need to have the back of Texas companies who play by the rules and who are looking out for the safety of Texas citizens who share the road with commercial vehicles. And it goes without saying that any Texas citizen who is injured by the negligence of a careless, out-of-state company ought to have the right to hold that company accountable for what it did. But HB 19 does the opposite. It lets bad actors completely off the hook, even when they have done wrong. It takes valuable rights away from innocent Texas citizens. And it punishes Texas-based businesses who have cared about safety all along by giving the bad actors from out of state a competitive advantage by telling them that in Texas, they don't have to worry about training the drivers they send here in

Printed on: April 16, 2021 4:32 PM

basic safety protocols. This is a bad bill-- a very bad bill-- and I just don't see how any self-respecting Texas legislator could vote to pass it.

Jamshyd Zadeh

Self

Fort Worth, TX

I oppose this bill. This is a bill designed to save insurance companies money. Trucking companies routinely fail to properly train their drivers and then place the drivers on the road. The truck driver then makes a mistake which results in Texas citizens getting killed or maimed. The trucking companies' insurance company then has to pay a large settlement or verdict. The insurance companies can't fix the bad trucking companies but still want to make money off the insurance premiums. So, they have come to you asking you to make it so they don't have to pay these large settlements or verdicts. Passing this bill will result in savings to insurance companies and will do nothing to improve the safety of Texas roads or the lives of Texas citizens. Please do not pass this bill.

Casey Brown

Self - Attorney

Houston, TX

I write today with serious concerns about the effect of HB 19 on the safety of Texas roads. As an attorney primarily representing injured people, I have represented a number of Texans who have been victims of trucking company negligence. Just recently we resolved a case for one of our clients who was injured by an 18-wheeler driver transporting a HAZMAT trailer who was not paying attention and crossed the centerline of a State Highway. The crash ended seriously injuring our client as well as several others. In looking at his driver file with the trucking company and then comparing it with his driving history maintained by Texas DPS, it was clear that the truck driver had lied on his employment application about his work history and history of prior wrecks. By the trucking company's own policies he should not have been eligible to drive a HAZMAT vehicle for the company due to his accident and crash history. This driver also had a history of not conducting or not documenting his mandatory vehicle inspections. The trucking company either was not doing its due diligence as required by Texas and Federal laws regarding checking the backgrounds of their drivers or consciously chose to ignore his history. The result was an unfit driver operating a HAZMAT commercial motor vehicle on Texas roadways who ended up seriously injuring several Texans.

Another recent case we resolved involved a CDL holder driving a CMV on a construction site. The driver disregarded all established safety rules while on the construction site and ended up losing his load which fell onto our client causing him to suffer serious injuries. The company which hired this driver did so even though the driver had twice been convicted of driving while intoxicated (which should have disqualified him to operate a CMV) and at the time he was hired by the company he was under a Court order to have an ignition interlock on his vehicle. Even though this driver's actions were dangerous and caused a serious injury that required our client to be life-flighted from the scene, his employer failed to have their driver submit to a drug and alcohol test.

Motor carriers such as the ones involved in these cases did not meet their duty to vet, screen and monitor the drivers they were putting on the roads of Texas in commercial motor vehicles. I wish I could say that these companies were the exception, but they are just two examples we have seen in just the past 2 years of this type of behavior. Any law that seeks to excuse or shield these types of companies from the consequences of their bad acts will not lead to safer Texas roads. A better approach to make Texas roads safer would be to stiffen penalties and increase enforcement when these types of companies break the law and flaunt their obligations under Texas and Federal laws.

Allen Gray, Mr.

I represent the State of Texas.

Houston, TX

Walk me through how common carriers require *more protection under Texas law than they already have. Please!

Printed on: April 16, 2021 4:32 PM

This bill simply doesn't benefit most Texans. There is no credible, fact based argument that it does.

It is engineered to benefit all the business interests involved, but not the consumers.

I think it is disgraceful that this bill has been put forth as one that is in the best interest of anybody without an ownership stake one of these companies.

It, plainly, is not.

Richard A Dodd, Life Texan

Self. Farmer/Rancher

Cameron, TX

If you vote for everything on the insurance industries wish list, then vote for this. If you vote for bills to help Texans, then you should be against this.

When you read this bill, there is a clear line in the sand. Which side do you stand for.

Patrick Byrd

Self

Austin, TX

This is a very bad idea and allows an industry that injures hundreds if not thousands of people every year to avoid paying their fair share for the harm they cause.

Todd Kelly

Self

Round Rock, TX

House Bill 19 will hurt injured Texans. It just will. It ignores the wrongful acts of the trucking industry - failing to hold them accountable in almost all cases.

When HB4 became law it deprived countless medical malpractice victims of justice. Despite its promise to improve medical care and bring down medical insurance premiums, neither happened. Doctors did come to Texas, but these were not doctors we wanted: they could no longer practice in other jurisdictions because their care was so bad that they were being held accountable for hurting and killing people. So they came here. That is now history. We failed Texans.

HB 19 is the same type of bill. It was written, mostly by the trucking industry – the very industry that it shields from responsibility when they harm innocent Texans. The bill is abhorrent to the ideals of our society in several ways. Among them:

- It shields trucking companies from accountability for neglect if they admit that their driver was negligent and in course & scope of employment.
 - o Once they do that, the bill prevents consideration of evidence of the company's wrongdoing except in the most egregious cases (and limits it severely, even then);
 - o The negligence of one, isolated, driver doesn't tell the story to a jury when an entire fleet is operating that way (and the law prohibits evidence of bad training, and lack of discipline in the company).
- It requires that a trucking company (to ever be held liable directly for the harm that it causes) that the injured prove gross negligence. This is the highest standard in the civil justice system - and is typically used in emergency room cases where quick action was needed to save lives - not when corporate greed drives decisions.
 - o The bill goes on to limit access to the very evidence necessary to prove these cases, making direct liability a virtual impossibility in most cases - even when egregious conduct occurred (it shield the drafters from actions that they know they will take).

Printed on: April 16, 2021 4:32 PM

- If an injured person is somehow able to overcome these incredible obstacles, the law requires periodic payments. The jury is ALREADY told to reduce the value of a case to it's present value, as they are asked to award a sum of money that "if paid now in cash" would compensate the injured person. That reduction to present value is reduced even further when it must be paid out in future installments. What's more:

- o The at-fault company gets to control how those installments are paid.

- Since only punitive damages can be awarded in the rare case that actually gets to this point, the drafters created a means of routing the money back to the wrongdoer!

- o If the injured person dies during the pay-out period, the money intended to punish the reckless trucking company for risking our lives on the roadways reverts back to the company!

- o In addition, pain, emotional damages revert back to the wrongdoer, too.

This is bad law at its worst.

Matt Kelley

Self

Austin, TX

I believe this bill is bad for Texans. The proposed bill inappropriately excludes relevant evidence from civil personal injury trials to the detriment of injured Texans. The bill seeks to absolve commercial carriers of their wrongful conduct which violates State and Federal trucking regulations by excluding relevant evidence. The bill inappropriate limits compensatory damages for the benefit of specialized and well-funded industry, the trucking and insurance industries. No other industries enjoy these carved out liability protections and for good reason, such restrictions are detrimental to tort claimants. In its effect and application, this bill seeks to rewrite decades of sound Texas law and jurisprudence regarding joint and several liability. Negligent and law-breaking trucking companies should be held liable to the full extent of their wrongful conduct and should not be absolved of such conduct by an act of the legislature.

Drew Gibbs

self

Austin, TX

I oppose HB19 because I believe in the Constitution and the American justice system. I believe in accountability and corporate responsibility. I don't believe that any company should receive special treatment just because they have money and access to powerful lobbyists. And I will never vote for a legislator who makes my family less safe and tramples on my rights under the 7th Amendment. STOP HB19 NOW!

David Gibbs

Self

Cypress, TX

I oppose HB19 because I believe in the Constitution and the American justice system. I believe in accountability and corporate responsibility. I don't believe that any company should receive special treatment just because they have money and access to powerful lobbyists. And I will never vote for a legislator who makes my family less safe and tramples on my rights under the 7th Amendment. STOP HB19 NOW!

Valerie Farwell

Self/Attorney

Belton, TX

I strongly oppose HB 19. The provisions in this bill will protect trucking companies that don't follow federal or state regulations that are designed to protect the general public. If a person is injured by the negligence of a truck driver, trucking company, broker, etc., then the actual tortfeasor should be held responsible for paying for those damages. Injuries are often severe and permanent in a truck wreck, meaning large medical bills. Those costs will be passed on to the Texas taxpayer if the tortfeasor(s) aren't held financially responsible for the damages caused. Additionally, if a hospital files a lien to recover the cost of the injured person's medical treatment from the tortfeasor, and the person does not have health insurance (which is common in Texas), then the hospital will likely never be able to recover its costs. If the person does have health insurance, the health insurance company will not be able to recover what it paid for the person's treatment from the third-party tortfeasor. If you won't reconsider HB19 for drivers on Texas roads, then at least consider the damage that will be done to our hospitals and to health insurance providers.

Mattilyn Smith

Self

FORT WORTH, TX

Texasans deserve better. We CANNOT allow our representatives to be bought by lobbyists to take away the safety of Texas roads. Texas has the highest rate of Commercial vehicle collisions and deaths. This bill limits the ability of Plaintiff's to recover when they have suffered catastrophic injuries. Further, it allows Trucking Companies to be absolved of liability and accountability for their often blatant safety violations and bad acts. Who does this bill really represent? It certainly is not the people of Texas. This bill allows trucking companies to have blanket immunity from any wrong doings that occurred more than two years prior to a collision, even if the bad act had been going on for years. This bill limits how we hold these companies accountable. When you weigh the harm it does to ordinary drivers on Texas roadways, your children, your spouse, your family member, this bill is not worth saving money on insurance premiums. We cannot allow the price of goods to outweigh the value of a human life. This bill is unconscionable in about everyway imaginable.

Earl Herring

SELF

Eagle Pass, TX

These particular bills (HB 19, HB 365 and HB 903) are a continued assault on the Texas Constitution and consumer rights in the State of Texas. For example, a severely injured person with debilitating injuries that will need future medical care in the hundreds of thousands and millions of dollars should not be beholden to the trillion dollar insurance companies to manage their medical care. This "periodic" payment clause in the bill is nothing more than the insurance companies attempt to hold on to monies that belong to the injured victim so they may continue to earn interest while the injured' s monies are invested for their own corporate gain. Not holding the Driver of the commercial vehicle responsible is also an assault on the Rule of Law. Everyone should be held accountable for their actions. If the commercial driver was at fault, the judge or jury has the right to confront the Defendant/Witness, assess his/her credibility and the judge and/or jury should have the right to assess proportional liability for the drivers acts and/or omissions. Any other measure as contained in the Bill is a ruse to the jury and a way for the commercial driving industry to hide the driver's accountability. When is it going to be enough. The rights of consumers have been watered down to the point of non-existence already. These are special interest groups attempting to deny consumer rights and trample the State Constitution and existing laws. Please do not pass these onerous bills. Remember the constituents and their rights and not the wealthy corporate donors. Texas should remain a free State for the consumers.

Isaac Lidji, Attorney

The Lidji Firm

Dallas, TX

This bill is unnecessary as it limits the right to a trial by jury. also unless I woke up in Russia this morning ..doctors can charge what they want. Also your trucking bill is absurd. Trucking companies are not losing money.. this bill is for insurance companies. shame in you. vote no

Philip Klosowsky

Printed on: April 16, 2021 4:32 PM

Self

Sugar Land, TX

I think this bill is wrong for the citizens and families of Texas. The bill makes it harder for citizens and families who have been injured on Texas highways by large, dangerous commercial vehicles to receive justice. When the operators of these commercial vehicles ignore the law and violate safety regulations, the collisions they cause are often devastating and catastrophic to Texas citizens and families. This bill will reduce the incentives that operators of large commercial vehicles currently have to follow the law and safety regulations and standards. Our roads and highways in Texas will become more dangerous, and the Texas citizens and families that are injured as the result of such actions will have a reduced ability to receive fair compensation in a court of law for their damages. I am therefore opposed to this bill.

Sally Metcalfe

Self - attorney

Austin, TX

I am extremely concerned about this bill. First is the broad definition of "commercial motor vehicle". This would include many types of vehicles, ride-shares, nannies driving babies, etc. Second, are the provisions which eliminate payments upon the death of the recipient. Many times, payments are made for the benefit of children of the victim - these would cease and harm those who need help the most. Third, I am concerned that a defendant can "stipulate" and have it be binding. A stipulation is (and should be) only valid if it is accepted by both parties. Fourth, you also have provisions in the bill which add layers to the process and do not promote judicial efficiency. We are facing a backlog of cases due to the pandemic that will likely take years to work through. Burdening the judiciary with these extra procedural steps will not serve to help the situation. Finally, I am concerned about the periodic payments provision. This will shift the risk that the entity making the payments stay solvent to those who have been harmed and can least afford the loss. I have many other concerns about this bill and the effects - whether intended or not - on those who are harmed by the carelessness of others. Thus, I respectfully request that the bill, as written, not be passed.

Matthew Elwell

Self

Houston, TX

This bill does nothing to make Texas roadways safer. In fact, it does the opposite. The legislature's primary purpose is to protect the public. Holding companies accountable for who they hire is critical in making sure safe truck drivers are on our roadways. Moreover, holding companies that don't learn from past mistakes is even more critical. Giving companies a free pass on who and how they hire is dangerous. Not being allowed to talk about past safety issues when a company has a history of failures simply rewards bad behavior. Make our Texas roadways safer! Don't pass this bill. If you do, all of our families and friends will be put in harms way.

John Plumlee, Attorney

Lorenz and Lorenz

Austin, TX

Reading this bill, it will only cause confusion in an already complex area of law regarding commercial vehicle cases. This is badly written law, that will lead to numerous appeals. It is simply too ambiguous to be sound.

In addition, the law may not even be constitutional as Interstate commerce is under the province of the Federal Government. It is the Federal Government that decides the standards of conduct for commercial vehicles, not state or local governments. Commercial transportation falls squarely under the Commerce clause and so this law may be invalid from day one.

Further, creating a system where people are denied funds owed immediately and must use structured settlements is antithetical to the principals of the State of Texas, which was founded on principals of liberty and independent rights. This bill takes away the independence of Plaintiffs to do what they wish with their own property. Competent adults should be able to decide how they use

Printed on: April 16, 2021 4:32 PM

their own money. This may also interfere with ability of litigants to pay off medical debt caused by reckless defendants. It is not the Plaintiffs' fault that medical care is expensive, the focus should be on the Trucking Industry to be more cautious, not on the injured who have no real control over medical costs.

Linda Turley

self attorney

Dallas, TX

I am concerned that this bill has the unintended effect of altering how the vast majority of motor vehicle accident cases are handled in our trial and appellate courts leading to a dramatic increase in time devoted to these types of cases by an overworked judiciary. In addition this bill has the unintended consequence of protecting the worst commercial actors rather than promoting safety on our roadways by shielding those who don't follow existing rules and regulations.

I urge you to reject HB 19.

Elizabeth Larrick

Self

Austin, TX

This proposed law is over broad and will create 100,000s to 1 millions of individuals who use their car for work a "commercial" driver.

The proposed law creates an exception for commercial drivers by now allowing evidence of a violation to follow regulations and rules into a case. Why is there an exception for a class of drivers we require a specialized license for, and compliance of 100s of safety rules and regulations due to the dangerous nature of the job. A commercial driver is required to have a special license because they what they haul, how the haul, and the significant amount of damage (property & bodily) caused when they violate rules.

The two (2) year limitation on historical data about a driver and a company is a fraction of time, when these folks operate their entire lives. The federal rules require a three (3) year driving history for a driver qualification file, which TEXAS adopted.

This proposed law will be in direct conflict with the FMSCA, which TX adopted. It will cause significant court backlog at the trial level and appellate level because of the confusion, and conflict.

This proposed law is not in the best interest of the travelling public who use Texas roadways to get to work, take their kids to school, visit their grandparents, and take family road trips. The Texas roadways are full of commercial trucks, trailers and vehicles, which cause daily crashes resulting in property damage, bodily injury and deaths.

Deregulating the commercial vehicle liability will increase property damage, bodily injury and deaths on the roadways.

Steven Hooker

Daniel Stark, PC

College Station, TX

This bill is replete with language that will severely restrict an injured person's access to justice and set up a situation where, when a person is injured by the negligence of a commercial entity and/or the negligence of its driver, the injured party will be at a significant disadvantage throughout the litigation process. For example, a mandatory bifurcated trial (that can ONLY be triggered by the defendant) would require an injured party to try their case twice. This unnecessarily prolongs an already arduous process for injured parties that many times need resolution to put their lives back together. Additionally, the mandatory mandamus review of evidentiary requests against a commercial entity - which, again, can be requested by the defense - could potentially add a year or more onto a litigation timeline and reward the stall tactics already employed by the defense in this type of litigation. Even the language of this bill, mandating the use of the term "accident" in place of "wreck" or "crash," implies that an incident was no one's fault. When a fully loaded tractor trailer collides with a line of cars at full speed because the driver fell asleep after driving too many hours and the company did nothing to remove the driver from service, that is not an "accident" and should not be characterized that way.

Even the payment scheme found in HB 19 is problematic, when a jury awards over \$100K in damages for future medical

Printed on: April 16, 2021 4:32 PM

expenses. When an injured party needs, for example, an expensive spinal fusion surgery, periodic payments through an annuity will not suffice. This again leaves an injured party potentially waiting years to be made whole, even after a verdict is rendered. The process should end after the jury makes a decision, not potentially linger on for many years afterward - unless agreed upon by the parties.

Overall, this bill does nothing but deter valid lawsuits against commercial trucking companies and severely hamstring injured people that do decide to enter the process. The practical application of this bill will drastically reduce trucking company accountability, and at same time, restrict injured parties' access to justice. The passage of HB 19 would be a significant step backwards, away from justice for all.

Ronald Armstrong

self

Brownsville, TX

Once again an industry is seeking the protection by legislative action of the negligence of its operators in reducing the objections to photographic evidence, and restricting the violation of the Federal Regulations upon the trial Court as to continual violations to a two year period. Then if that favoritism is not sufficient the legislation seeks to curtail the ability to recover damages to periodic payments. Why? What is the legislative purpose? Why all of a sudden do you as legislators have more experience than our courts and juries? The truth is you don't, except to favor an industry rife with Rambo drivers causing mayhem on our roads, then given a free pass for conduct violations. Evidently these trucking companies (insurance) do not like being held responsible for their negligence. They want a free pass or to restrict the injured party from a full recovery. The upshot and answer is NO.

Russell Shrauner

Self

Midland, TX

HB 19 is a direct threat to the safety and rights of every Texan. An amendment to the Civil Practice and Remedies Code, the proposed legislation quite literally seeks to rewrite the rules, and pens the new rules in a fashion that is unjust, and undermines the laws that give order to Texas roads. Section 72.006 of HB 19 is nothing short of a free pass for careless and negligent commercial vehicle operators, which eliminates virtually all consequences for their failing to comply with State and Federal regulations. Squandering precious and limited court resources, HB 19 requires a court order for a Plaintiff to even seek discovery regarding State and Federal regulations. Where a Plaintiff secures such a court order, any failures in compliance are inadmissible unless the failure is the cause of Plaintiff's injury. This is nonsense for several reasons. First, almost all regulations are meant to protect drivers. Second, some failures- such as inadequate training or screening of employees- do not themselves cause injury, but are evidence of failing to keep a reckless driver off the road. Third, and most critically, HB 19 is a slap in the face to Texas citizens doing their civic duty serving as jurors by censoring the facts. Our very civil court system relies on juries empowered to mete out justice. HB 19 tells jurors they are either not smart enough or emotionally resilient enough to make a fair and rational decision as to whether failing to meet State and Federal Regulations was relevant and/or punishable, disempowering the right and ability of citizens to govern affairs in their own county. The end result 72.006 is Commercial Vehicle owners/operators running amok, as HB 19 makes Texas a sanctuary State for negligent commercial vehicle operation.

Not only is HB 19 an unfair change to the rules that kicks injured Texans when they're down, it also voraciously devours already-limited court resources. The proposed legislation takes the succinct litigation process and turns it into a quagmire of unnecessary hearings including: hearings on discovery, hearings on mandatory motions to dismiss, hearings on bifurcation, hearings on dismissing defendants, hearings on structured payments. Civil courts would be mired in superadded hearings, all for the sake of this already unjust bill.

For these reasons, I hope you will all vote against HB 19

J. Robert Black

Self/Attorney

Houston, TX

Historically, the Texas Legislature has been guided by conservative principles. The guiding principles of conservatism are less

Printed on: April 16, 2021 4:32 PM

legislation and government intervention. Additionally, conservative principles prohibit the creation of "protected classes" under the law. This Bill fails in all aspects of conservative ideology. The existing Rules of Civil Procedure, statutes, common law, and Rules of Evidence adequately protect all defendants in Texas and afford them their due process rights. This Bill constitutes needless legislation and government intervention and does not promote judicial economy. Furthermore, this Bill singles out commercial vehicles and their operators for special treatment under the law, thus creating a "protected class" bestowed with additional rights that other Texans would not have. I strongly urge the Texas Legislature to reject this most decidedly anti-conservative Bill.

Laura James

Ramos James Law PLLC,

Austin, TX

I have represented countless Texas who have been injured by a negligent trucker and trucking company. Although these individuals and companies can be incredibly careless and negligent, many times, evidence of their acts is deemed inadmissible or becomes difficult to secure. As a result, we can prove a negligence case against them but not a gross negligence case, which has a much higher threshold (more similar to a criminal case than a civil case). This bill would leave an incredibly large number of Texas unprotected when they find that they are unable to prove gross negligence against companies that cause them terrible losses which can range from significant damage to their vehicles, loss of their income, and loss of health and well being. Giving negligent companies permission to reduce payment for losses they cause to present value would not put injured Texans in the position they were prior to the collision; it leaves their losses LOST due to no fault of their own. Trucking companies are usually covered by million and multi-million insurance policies and suffer no hardship when paying what they owe that necessitates leaving injured Texans hurting. Many times, injury victims die, not immediately, but after long periods of suffering, and this bill would then allow trucking companies to get the money they paid to the injured victim as punishment for bad conduct back. This defeats the purpose of punitive damages.

Daniel Smith

Self

Austin, TX

There is a reason that we have laws regarding gross negligence. This is so when someone or a company is so reckless--they can be punished appropriately. This is also to deter such behavior. Trucking companies should not be responsible when they do not commit harmless actions; however, when trucking companies kill people because of negligence or gross negligence--they need to be held appropriately responsible.

Alvin Kellner, Mr.

Self

El Paso, TX

It would just seem to me that this bill would be detrimental to both the motoring public and the court system. Specifically, a mandatory bifurcated trial increases the amount of time a court needs to spend on a particular case, wasting court time and resources, as well as causing additional expense for all parties involved in the case. It would seem that this could be something that is discretionary for a court, so the court can consider the particular needs of a particular case. Also, I do not understand why a potential jury would not be allowed to be made aware if a particular trucking company is a really bad actor and regularly violates rules and regulations. The time-frame to limit information of this sort also seems arbitrary. There are already rules in place that allow a judge to limit discovery and limit information that is prejudicial to the case and unrelated to the issues before the jury on a case-by-case basis, which makes so much more sense than an arbitrary time-frame. Finally, I am highly skeptical of any rule of law that requires a mandatory dismissal of any action or party on the motion of one party only, again with no discretion or exceptions. This goes against the very framework of our judicial system whereby any person can have their grievance heard against anyone, person or corporation. There are already measures in place to dismiss grievances that lack any merit or have no basis for relief by law. And hiding which trucking company a driver works for from the jury, or allowing the trucking company to avoid having to show up to trial and defend accusations made against it upon motion of the trucking company seems very un-American. Thank you for your consideration of my comments.

Printed on: April 16, 2021 4:32 PM

jay murray

self

dallas, TX

I think this is a horrible bill. i am a small business owner. i have insurance for my vehicles. this only helps the insurance companies, not me. what is even worse, if the jury finds gross negligence, then my company is liable and my insurance does not cover gross negligence. this bill only protects the bad apples, not people who follow the rules. it holds me a driver to a different standard than the drivers who are supposed to be professionals.

Josh Birmingham

Self

Dallas, TX

This bill hurts Texans. It gives corporations a different set of rules and protections that I nor any other Texan get the benefit. This alone should be enough to kill this bill in its entirety not to mention that it will ultimately make our roads more dangerous.

Further if people recognize how totally encompassing this bill is then all Texans would benefit from filing with the Texas Secretary of State to get a company to put their personal vehicle under to receive the same protections. This company will not make any money, provide any jobs or pay any taxes. But for cheaper than an insurance payment will get more protections.

This bill is too far reaching and creates new problems while fixing nothing that helps Texans.

Devin McNulty

SELF

Bellaire, TX

I am concerned this bill will drive up litigation costs and delay lawsuit resolution. It should be withdrawn or amended. The current rules can and should be enforced to screen meritorious claims and permit the speedy resolution of legitimate claims.

Deborah Sims

self - paralegal

Rockdale, TX

This bill needs to be defeated, voted against, and not given further consideration.

Stephen Stewart, Mr.

Self

Austin, TX

This is a dangerous bill that will work to make our roadways more dangerous than they already are. The reported numbers of commercial truck crashes on Texas roadways is staggering, which now lead to multiple hundreds of deaths each year. I ask that this bill not go forward as it risks the lives of innocent Texas families sharing the roadways with commercial vehicle operators. Thank you!

Jorge Herrera

Self

San Antonio, TX

Printed on: April 16, 2021 4:32 PM

Texans believe in taking responsibility for one's own actions and HB19 allows trucking to avoid such and effectively shield trucking companies from ensuring they operate safely. Therefore, Texas will lead the country with unsafe practices that can lead to unnecessary deaths and injuries. We must protect the motoring public, and therefore, I am adamantly against HB19.

Marisa Schouten

Self

Tyler, TX

I am opposed. This bill will make our roads less safe. Our court system is operating fine and already has the mechanisms in place to address any issues the bill is targeted at. This would further burden the appellate court system by creating a new category of appellate litigation. The bill contains unworkable measures that cannot be applied in practice, and potentially unconstitutionally takings of property. The legislature's precious time is better spent elsewhere.

Joe Mitchell, none

self - attorney

Houston, TX

I am personally aware of a Houston, Harris County Motor Carrier, which acknowledged that it knew that it was hiring a driver, who had so many tickets that he had his commercial drivers' license suspended 4 years before it hired him. Moreover, the driver had two wrecks or crashes within the three years of the Motor Carrier hiring him.

When the Motor Carrier was forced to acknowledge the harm it had caused by the wreck caused by the driver in question, the Motor Carrier shamefully said, "what can I say, I needed a driver." This information was discovered in litigation and resulted in the Motor Carrier changing it hiring policies.

Ryan Bormaster

Self

Montgomery, TX

I find it hard to believe that Texas would even consider passing a law that would have such a negative impact on the lives of accident victims. This bill would make them double victims. First---when suffering because someone failed to follow basic safety rules that are there to protect us all & Again when forced to sue for their harms and losses and other hardships. This takes away the awesome power of the Court system to be a check and a balance on bad conduct and bad actors. It insulates and protects the wrongdoer and would be a huge impediment to the lives of the victims. Even worse, it is designed to discourage lawyers from even accepting representation when there would be a corporate wrongdoer. There are so many ways this bill would negatively impact the lives of real people that the 3000 character limit on this page is not nearly large enough. This bill, if passed, would not just impact accident victims and act as an impediment to quality legal representation but would also have a negative impact on Defense Attorneys. I strongly urge the legislature to pay close attention to the impact the passage of this bill would have on every single person that shares the road with a commercial vehicle and to vote against its passage in all respects.

Judy Kostura

Self

Austin, TX

Texas leads the nation in trucking collision deaths, and trucking collisions and deaths are on the rise. We should make our roads safer, not putting Texans at greater risk by protecting trucking companies against responsibility for their actions. HB 19 weakens safety requirements and remedies and keeps trucking companies from being held accountable. Friends of mine -- a Texas mother and daughter -- were killed by an 18 wheeler that pulled into their path. Please do not put drivers at greater risk by passing HB 19.

Connie Connor

Printed on: April 16, 2021 4:32 PM

Self

Thorndale, TX

This bill needs to be defeated, voted against, and not given further consideration.

Clifford Holder

Self

Thorndale, TX

This bill needs to be defeated, voted against, and not given further consideration.

Mark Hedman

SELF

Houston, TX

Regarding Sec 72.005:, A trial Court should have the right to examine the facts, arguments and evidence before bifurcating a trial upon a defendant's motion. Section 72.005 takes away and limits a judges power to consider the weight of evidence in a case.

Regarding 72.006: A jury should have the right to hear when a defendant fails to comply with a regulation/ standard. If a jury is not able to hear about a regulation or standard, how can they determine the wrongfulness of a persons conduct.

Regarding 72.007: The citizens of Texas need to know that the negligent driver who caused the carnage will be held responsible...even if you can not recover from them, it's important to be able to name the driver, especially if that driver took the life of a loved one. It also puts the world on notice that the driver is dangerous.

Regarding 72.008: This section is asking the judge to determine the probable value of a case before a trial on the merits has been conducted. By compelling a judge to determine whether the present value of a case is at least \$100,000.00, it is essentially asking a judge to determine liability before a trial on the merits has occurred. It also makes the judge's job a lot harder by turning judges in accountants- essentially asking them to determine amounts of future payments and other calculations. Judges are busy enough and don't need anything else added to their duties. Many times payment of future payments will have to be calculated using an expert since you would have to determine inflation, interest, and if the person plans on moving a conversion rate for the currency, etc. This makes the judge job very complicated. It also asks judges to choose an annuity company. However, that can be a complicated decision since there are many companies with good and bad reputations.

Andrew Traub, Attorney

The Traub Law Office, P.C.

Austin, TX

Seems like 72.006(e)(2) will encourage companies not to have any policies, procedures, or statements. Bifurcating of exemplary damages (72.005) would be a waste of time for the parties, the jury, and the court, not to mention increase trial costs. 72.007 would harm the public's ability to see which companies are being good citizens (hiring and training safe drivers) and would confuse a jury who might feel the employee will be on the hook for any judgment. 72.008 (f) would seem to reward driver's who cause serious injury (perhaps a burn) which later kills a person. 72.009 makes a false assumption which is refuted by most scientific evidence - that photos of vehicle damage (or lack thereof) correspond to the severity of injuries.

David Mestemaker

Self attorney

Houston, TX

This bill, if passed, would shift a jury's attention away from the actual party in interest and create a sham situation where big commercial company A would hide behind little truck driver B. The motive behind this bill is painfully obvious to see; to artificially try to reduce jury awards by juries. The proponents hope that by juries not seeing the Koch empire companies of the

Printed on: April 16, 2021 4:32 PM

world and only see an individual defendant they will feel less inclined to award the appropriate amount of damages and instead award substantially less. This sham would effectively take away the rights of due process to the injured claimants by reducing the likelihood of the damages being commensurate with the awards given. The constitutionally guaranteed property right of due process would therefore be partially taken from the claimants with no right of redress. This bill must be defeated to maintain the integrity of the legal system in Texas.

Jeremy Levine

Self

Austin, TX

I am against this bill as it will unnecessarily limit the rights of persons in Texas injured in commercial vehicle accidents. There is no basis for these rule changes other than to artificially limit liability. This is not the American way and is not good for Texas and it's people.

Reid Martin

Self - Attorney

Tyler, TX

I oppose this bill because if this becomes law, injured people will not be treated fairly and will lose the ability to seek just compensation for injuries caused by negligence. I further oppose this bill as it will limit our rights under the 7th Amendment to the US Constitution. Juries should be trusted and their service to our State and Country should be respected without partisan efforts to influence the outcome of jury trials.

Julian C. Gomez

Self

McAllen, TX

Texans do not protect bullies. We prosecute them.

HB19 protects bullies and gives them special privileges that effectively condone their bad choices. Texas is better than this and Texans deserve better. HB19 will make our roads more dangerous, not safer.

Texans are independent. We know how to take care of ourselves. And when someone else's choices hurt us, Texans deserve to make decisions about how to manage the money other Texans have found they should be compensated for future damages. Just like the fox does not guard the hen house. Bullies should not decide how the Texans they hurt should be compensated.

Casey Goolsby

SELF

Longview, TX

What is the purpose of this proposed legislation? The only thing that I see that it does is insulate companies who knew or should have known that they were placing more importance on profits than the safety of the general public. If a company hires individuals that shouldn't be driving or allows their employees to skirt the safety rules set out by either the state or federal government, why should there be any protections for them? To allow only a two-year "look back" period for safety violations doesn't make sense, especially when the government is allowed to look back ten years when attempting to enhance a conviction for driving while intoxicated.

Furthermore, to make an order allowing discovery regarding a company's historical failure to comply with regulations or standards reviewable by mandamus in the courts of appeals will do nothing but gum up an already overloaded court system.

What is the purpose of the periodic payments for future damages? How will that help someone who desperately needs future medical care or will have special needs requirements as a result of their injuries? The providers of those services will not accept "periodic payments," so why should a victim of a negligent driver and his employer reap the benefit?

Let's be honest - there is no purpose for this legislation other than to protect the financial interests of insurance companies that insure and self-insured companies that employ negligent drivers and careless companies that caused the death or serious injury of another person. Why not introduce legislation that helps to protect the general public instead of special interests?

Juan Sauseda, attorney

self

amarillo, TX

Yet another attempt by those with the money and means to place hurdles and/or diminish the intent of a jury to award damages to an injured party and thereby enrich the insurance carrier at the expense of widows, children and parents of the injured or deceased.

Gavin McInnis

Self - Attorney

San Antonio, TX

Taking accountability for one's actions has been both a moral and legal obligation since biblical times: "'If a man opens a pit, or digs a pit and does not cover it over, and an ox or a donkey falls into it, the owner of the pit shall make restitution; he shall give money to its owner, and the dead animal shall become his.'" Exodus 21:33-34.

The greatest threat to public safety on Texas public roadways are commercial motor vehicles. According to data collected by the NHTSA, in 2019 17.6% of fatalities on Texas roadways arose from accidents involving trucks. Texas had the largest number of truck accident related fatalities in the United States, and those Texas truck accident related fatalities accounted for 13% of truck accident fatalities nationwide. Sadly, the number of truck accidents in Texas are rising at an alarming rate, and will continue to do so if trucking companies are not held accountable.

Again, since biblical times we have been counseled "Do not pervert justice or show partiality.... Follow justice and justice alone." Deuteronomy 16:19-20. Yet HB19 as written is designed to accomplish one thing: show partiality to commercial truck companies and help them avoid accountability and justice. For example, many trucking companies demonstrate systemic violations of the regulations and standards by which they are governed showing complete disregard for Texas public safety. Yet, even though such conduct has long been relevant under the Texas justice system for every other company, Sec. 72.006 makes it irrelevant for trucking companies. Similarly, that section's limitation to a two- year period of those violations it deems relevant, and requiring a court order to obtain such discovery, perverts existing rules of discovery and evidence, federal regulations, i.e. 49 CFR 391.1 et seq., and existing Texas law, i.e. Tex. Tran. Code 521.459(a).

Who trucking companies put on the road in Texas is of paramount importance to our public safety. In that regard, the FMCSA has stated "The motor carrier must consider as much information about the driver's experience as is reasonably available. This would include all known violations, whether or not they are part of an official record maintained by a State, as well as any other information that would indicate the driver has shown a lack of due regard for the safety of the public. Violations of traffic and criminal laws, as well as the driver's involvement in motor vehicle accidents, are such indications and must be considered. A violation of size and weight laws should also be considered." Sec. 72.006 violates this standard.

Sec. 72.008, while on its face appears to track Section 74.502 et seq. of the CPRC, it is ambiguous on how attorney's fees are to be handled. Specifically, it omits the language contained in Sec. 74.507 which addresses how attorney's fees are to be computed when periodic payments are requested. At the very least the language from Sec. 74.507 should be added.

Amos Barton

self

Printed on: April 16, 2021 4:32 PM

Kerrville, TX

Texans have rights that HB 19 threatens. Our Representatives have been asked by most of their rural constituents, like me, for less governmental regulation and fewer limitations on our rights. Jurors must know the whole truth so that just verdicts can be returned in ANY case. To carve out exceptions for anyone including truckers, for the essential component of justice that the whole truth be known violates the most basic tenets of our judicial and justice system. This bill would do nothing to make Texas safer. Our families would be limited in the remedies that only our fellow citizen jurors can justly provide. This bill would have the effect of limiting a negligent or grossly negligent trucking company's exposure that can best be remedied by the accountability. Accountability comes only from having a violator's history of negligence and recklessness known to the fact finder. Texas is not a sanctuary State for negligent operators and should take a stand to protect our drivers and families, not insulate violators and offenders. If my family is ever hurt or killed by a Trucking company's negligence or recklessness, I want a jury of fellow Texans to decide what happens, knowing the whole truth and not what some trucking company wants to limit them to knowing. Juries should not have their verdicts put on layaway plans. I hope each of you will vote against HB 19.

Raymond HATCHER

Self

LONGVIEW, TX

I write to urge that HB 19 NOT be enacted as proposed as it will unfairly and fundamentally deprive injured Texans of their rights and will make our highways less safe. HB 19, as written is a Christmas wish list for the trucking industry and their insurers at the expense of Texans injured by "commercial vehicles." Texas currently leads the nation in heavy truck crashes - the answer to the problem is not to make it easier on trucking companies to minimize liability.

Issues:

Definition of "commercial vehicles" is hopelessly broad (all vehicles other than those for household/family/personal use).

Bars evidence of the Motor Carrier's independent liability if it admits driver was in the course and scope. This is why Texas has a proportionate responsibility statute (TCPRC 33.003). This is the province of the jury.

Bars evidence of failure to comply with statues/regulations. If there is no risk that a jury is going to hear about the driver's/company's ignoring the law, what incentive is there to compliance? This ENCOURAGES disregard of the FMCSRs and encourages safety violations.

Severely limits injured Texans' ability to discover bad acts of the driver/company. Full an unfettered discovery is the hallmark of the American judicial system. Preventing an injured party from being able to discover the true facts of the case is unfair and unwise. This unfairly limits injured Texans' ability to prove their case.

Alters Texas's time honored system of fully compensating injured Texans. HB 19's scheme of using periodic payments for judgments over \$100K and returning future benefits to the tortfeasor if the claimant dies shifts the benefit of the judicial award to the wrongdoer. This makes it cheaper to kill than to maim.

For these (and other) reasons, I urge that HB19 not be enacted.

Thank you.

Elizabeth Kinsey

Self

Fort Worth, TX

It allows trucking companies to avoid accountability for their negligence causing injury and death. It will make public roadways less safe.

Printed on: April 16, 2021 4:32 PM

Leland Irwin

Self - Personal Injury Attorney

Richmond, TX

This is another overreach by our Texas legislature to further corrupt the Texas justice system with systemically racist and elitist over-regulation that serves only to protect the powerful and oppress the poor and injured of the working class. This legislation is specifically intended to further injure the already injured, further protect the already protected, and to further insulate justice from those who need it most, who most often are poor and minority. It is hate-speech aimed at the poor, the injured and the minorities of the working class and all Texans. This legislation violates the separation of powers of the branches of government, one of the hallmarks of a healthy constitutional republic and a bulwark against the kind of corruption this legislation seeks to implement. This legislation, like all tort-reform, is intended to be a "big-business bail out," and "bad-driver bail out", not unlike the "bad-doctor bail out" that is Chapter 74, Tx. C. Prac. & Rem. Code. Anyone who supports this legislation is no friend to the average, hard-working Texan.

In this limited space, I will highlight a few specifics that are obviously intended to protect big-business and bad drivers, and further hurt those they've already injured. Sec. 72.006 would prevent the jury from hearing how a company flaunted safety rules and regulations, even their own, creating an atmosphere that encourages unsafe practices simply because those safety rules and regulations don't "govern the specific aspect of the defendant's...conduct...that is at issue." It is well known, and common sense, that a company that does not enforce safety rules a, b and c, is encouraging its employees to violate safety rule d. Instead of encouraging companies to promote safety, this legislation further encourages companies to violate safety rules, knowing the full scope of their unsafe practices will never be heard by any Texas jury. Who does this protect? Who does this hurt? Who asked for this protection and why? How does this protect Texans traveling on our roads and highways?

Section 72.006 would also prevent the jury from hearing a company's long history of violating a safety rule or regulation, and instead only hear its two year history. No exceptions. Why? Again, who does this protect? Who does it hurt? How does this promote safety that protects Texans on our roads and highways.

Finally, with regard to the separation of powers, this legislation dictates to courts what is and isn't admissible, without regard to the actual rules of evidence, the definition of "relevance" or any other guiding evidentiary principal. Specifically, see Sec. 72.006(b) (jury limited to two year history of safety violation) and 72.009(b) ("the fact that a photograph...tends to support or refute an assertion...is not a basis for excluding admission"). Really??? The concept of "relevance" written out of the justice system. Hallmark of despotism - subvert the independence of separate branches of government.

Christopher Provost

Self

Dallas, TX

House Bill 19 is being funded and pushed by the shady underbelly of the trucking world. Those repeat offenders who only think of safety as a liability line item. These companies cut corners and undercut the safe motor carriers who do things the right way. Instead of doing better by taking the reasonable steps recommended by those in their industry, they have lobbied up so they can pay less when they do wrong. What's being sold is a pro-business bill that will help the mom and pop shop. So why does this bill include protections for the Amazon's, the Wal-Mart's, and the Fed-Ex's of the world? This bill immediately makes us less safe on the road. Texas is currently ranked 11th of all states for fatal crashes. By passing this bill, this will invite more companies to reroute their business through Texas in an effort to reduce liabilities and increase profits. This effectively invites more business to Texas solely because we will allow protections to bad actors that willing would chose to endanger our citizens for their company profits. Furthermore, this will invite increased traffic to the state of Texas. With companies choosing to route their trucks through Texas for additional profits due to less risk, they will cause more pollution and damage to our roads and public. We do not want Texas to be known as the most dangerous state to drive in because we invite bad drivers and bad companies. These restrictions imposed go beyond the federal motor carrier safety administration. This restriction makes it more beneficial for interstate carriers to come through Texas as they will be shielded from bad acts that are federally required to report and track. I do not want to live in a state that makes it less safe for my family than the federal government requires. I would want to live in a state that imposes more safety requirements than the Federal government. Finally, the wording of this bill does not capture those it is designed to help. This bill could solely be limited to locally owned companies who do not use the road as a means to their

Printed on: April 16, 2021 4:32 PM

profits (i.e. lawncare, plumbing, and electricity). If your business model requires the use of the road to perform transportation of a good or product for service, you should be subject to the safety rules imposed by the federal government as you are driving on those roads for profit. This bill should differentiate between the type of business and it's use on the road. Holding a trucking company responsible for continuously hiring unsafe drivers is different than an IT technician who is driving to a house to fix a computer.

Alan Robertson

Self - Attorney

Longview, TX

HB 19, if enacted, would be disastrous. It would imperil every motorist driving on Texas roads, would threaten to bankrupt the Medicaid system, and would force lawyers and judges to lie to juries.

As you know, it is cost-prohibitive to meaningfully regulate the trucking industry in this state in the way that European countries lacking a robust civil justice system do. Lawmakers in this state simply cannot levy enough taxes to hire enough state troopers, hire enough license & weight officers, and build enough weigh stations to check compliance with the Federal Motor Carrier Safety Regulations ("FMCSRs"), most of which were adopted by the Texas Department of Public Safety for use in intrastate commerce, and all of which were specifically targeted to stop tractor-trailer collisions. We have, instead, chosen to regulate bad actors primarily through the civil justice system, while regulating all other players in the trucking industry with a relatively light touch. Private individuals and entities - not government - bear both the cost of such regulation, because attorney's fees and case expenses are generally not recoverable in such an action, and the risk of losing the case. Were HB 19 enacted, juries would never hear, for example, that a motor carrier hired a driver with numerous prior moving violations or that the motor carrier knew that the driver was falsifying documents, including his/her driver logs documenting hours of service, so long as the motor carrier simply admitted that the driver was in course and scope of his employment. Only an already-strapped Department of Public Safety and local law enforcement would be charged with regulating too many trucks rolling on too many miles of Texas roads - placing every motorist at risk.

Further, as you know, when Medicaid beneficiaries recover from third parties, they are obligated by statute and regulation to reimburse Medicaid for funds spent on medical treatment made necessary by third parties. Make no mistake: HB 19 has been crafted to decrease verdicts and judgments in personal injury and wrongful death cases arising from collisions with commercial motor vehicles. Medicaid regulations take the amount of the recovery into account when determining the amount that the beneficiary must repay to Medicaid. Consequently, a bill that decreases verdicts and judgments in these cases will decrease the amount that Medicaid can recover. (Not coincidentally, this has the effect of shifting responsibility from the tortfeasor to the taxpayers who fund the Medicaid program.)

Finally, HB 19 forces lawyers and judges to lie to juries. As described above, often collisions with commercial motor vehicles occur because of drivers who should have never been put behind the wheel of a commercial motor vehicle by a carrier using taxpayer-funded infrastructure for profit. HB 19 prevents lawyers and judges from telling juries the true cause(s) of a collision.

Thank you for the opportunity to comment.

Joshua Davis

Self

Houston, TX

I love being Texan. Born and raised here and my family roots stretch back to this land since before Texas was founded as a Republic in 1836. One of the things I truly love and admire about Texas is the can-do of our state and the people that live here. It is a generalization, but one that truly fits most Texans, whether born here or got here as soon as they could. Certainly that can-do has elevated our business culture. But we must agree that a good business culture requires accountability for failures and wrongs committed, especially when Texans are hurt and should not be. Texas does not have a lot of regulatory red tape or regulatory barriers for businesses--even when regulation might keep us a bit safer, we prefer to let the market dictate and govern itself as much as possible. Texans have since our founding relied upon civil process and civil accountability to check excessiveness in the marketplace when businesses and bad corporate actors fail their duties to Texans. We let Texans--that is, peers in the community--

Printed on: April 16, 2021 4:32 PM

judge the actions of those that fail, whether in the boardroom, in the hospital room, or on the roadway. And if there is an egregious failure we let Texans weight those things for their community. Parties enjoy their civil process owed and juries render verdicts. And these verdicts have an impact to hopefully check future failures by large companies by making effort to self-regulate--so that do not harm Texans and potentially pay the price for that hurt. And, if someone makes a claim that doesn't pass the smell test Texas juries and Texas law will likely toss their claims out of court. But focusing on a handful of huge verdicts--or a handful of big name plaintiffs lawyers--is a mistake. Rather than trying to come up with ways to make their business safer, trucking companies want to focus on this bill--and all the money they can spend trying to pass this bill--to shift the burden of their self-regulation onto the families that will inevitably hurt on the roadway by their negligence, but who will never get the just compensation a jury might award them. Large business and carriers enjoy the free and easy use of our roadways. When they hurt Texas families there should be just compensation and that amount should be decided by 12 strangers within the community after fair and just civil process. This bill stacks the deck and begins to weight a case before it is even heard. Certainly there are self-interests all around, but the true harm is for families and individuals we do not even know yet. That's the deal about having a horrible trucking lawsuit--any lawsuit--you never want it. No one does. But when that is all that remains you want fair and justice process for all involved. HR19 takes away fair process from Texas families and clearly favors big trucking interests. We don't know which families, or who might be touched by this bill, but given that we all drive on Texas roads it is absolutely true that it may be us.

Melissa Robbins

Self

San Antonio, TX

This bill is dangerous for the motoring public. It effectively shields trucking companies from making sure that truck drivers in Texas are properly trained and screened by management. It By shielding trucking company's from responsibility, Texas will be a safe haven for the bad driver and inexperienced drivers to work. States with safer civil laws against bad truckers will be assigned the highly trained drivers. For example when companies fail to train their drivers on appropriate following distance, dangerous maneuvers, the dangers of cell phone use while driving, and often encourage such behavior despite knowing the risks, we have truckers on the road who ultimately plow into ordinary citizens and cause catastrophic injuries. In a state with so many large commercial vehicles on the road weighing 80,000 lbs, the ones who need the protection are the people in the little cars, not the big trucking companies and their insurance carriers.

Jack Walker

Self

Tyler, TX

HB 19 will do nothing to make our roads in Texas safer. It will do the opposite and protect bad and dangerous drivers, even in cases where they have knowingly and continuously violated Federal Law. It provides a shield to commercial vehicle companies and trucking companies from being liable and held accountable for their own neglect. It further limits accountability even in egregious cases. It is designed to do one thing: provide a shield of protection to trucking companies from their responsibility to follow the law and regulations.

I would like to comment on the periodic payments section and how unbelievably bad this would be in practice. It would create an unending lawsuit. The purpose of a lawsuit is to bring finality and resolve disputes. By creating a future obligation of periodic that must be monitored, there is no finality or end to the case even in the event that the victim dies. It creates potential issues at every turn. It potential allows the insurance company who owes the damages to fund its obligation through its own insurance product and then make a profit off of the obligation. It also forces a plaintiff who has already been wronged to rely on future payments that are held and controlled by a third-party with no guarantee that the funds would actually be available at some later date.

Cristina Garcia-Chappell

Self

Pflugerville, TX

Printed on: April 16, 2021 4:32 PM

Any wrongdoer should be held accountable, period. Our Seventh Amendment of our Texas constitution is very clear about this. No special interests should prevail over the wellbeing of the families in Texas. No special treatment to ANYONE period, you want to do business in Texas? You better comply with the safety rules.

Timothy Allen
self - attorney
Houston, TX

I am writing in opposition to HB 19.

This bill, by allowing corporations to hide their negligence behind a stipulation that their employee caused a crash, will encourage companies to put safety last. These companies will know that anything they do wrong will be hidden from the public. This will discourage companies from implementing safety policies and procedures to make the roads safer.

Texas already has the highest number of motorway fatalities in the country caused by large trucks. This bill encourages companies to ignore safety, which will increase injuries and deaths on our roads.

Moreover, many of the provisions of this bill take away the authority of judges to make decisions about the evidence in front of them, harming the courts' independence and lowering trust in our judiciary.

For these reasons, I request that legislators vote no to this bill.

Wade Barrow, Mr
Self
Fort Worth, TX

This bill will make the roadways less safe for Texans and is unnecessary under current controlling Texas law. Allowing a commercial vehicle operators to avoid accountability for their own decision to not properly train drivers, use dangerous and defective equipment, or encourage unsafe practices will cause death and serious injury to the public. It is less expensive to operate if you don't have to train drivers, maintain equipment, and maintain a culture of safety. This bill will incentivize this unsafe conduct by commercial vehicle operators and shield it from accountability.

This bill is unnecessary because if a commercial vehicle operator has not been unsafe (or negligent), there is no direct action against the operator. A commercial motor vehicle operator is entitled to a dismissal of direct action claims via summary judgment if there are not facts supporting the allegation they were directly negligent. These motions are routinely granted. This bill allows a commercial vehicle operator whose negligence did cause the collision to also get a dismissal of direct negligence claims.

The future payments provision is also particularly egregious. This bill allows a commercial vehicle operator to avoid paying for future damages caused by their own negligence by delegating that responsibility to the government. That is contrary to everything Texas stands for. We should be decreasing the governments role in health care not increasing it.

Finally, I would say this bill does the opposite of what is intended. I don't doubt that commercial motor vehicle operators had had a tough time financially recently like we all have. However, this bill does the most harm to good and responsible commercial vehicle operators by incentivizing their unsafe competitors to save money and cut corners when it comes to safety and equipment maintenance. This results in less business for safe commercial motor vehicle operators because they either have to choose to lower their safety and equipment maintenance costs or lose business. It will sadly also lead to more Texans being killed and injured on the roadway, a statistic we already regrettably lead the nation in.

I have additional objections to the bill, but the above is substantial reason to reject the bill. I hope that the Committee will reach out to the victims of commercial motor vehicles negligence and understand the tragedy that continues long after the court case is over.

Printed on: April 16, 2021 4:32 PM

Donal McRoberts

self

Houston, TX

Voting for this bill would result in more trucking companies ignoring safety considerations designed to protect the public.

Lara Brock

Self - Attorney

San Antonio, TX

Traffic laws and safety regulations for commercial motor vehicles are designed to make our roads safer. The only mechanism for enforcement for these safety rules are citations issued by government officials and the filing of public claims. By bringing evidence to a public trial, drivers and companies who put drivers on the roads are held accountable to the general public for their failures to follow these promulgated safety rules.

HB 19 is designed to limit the potential for evidence to be shown to the jury and the potential discovery to be ordered by a judge. This legislation is therefore government-directed control on what jurors should consider when weighing the evidence and what judges should do when making decisions about relevant evidence. If juries do not believe that the evidence presented is relevant or compelling, it's within the province of the jury to make that finding. If judges believe that the requested time period or documents requested are overbroad, it's within the providence of the judge to make that finding and not allow the discovery to be conducted. If judges believe that the photographic evidence should not be admissible for some reason, this statute would prevent them from making such a finding.

This legislation takes those decisions out of the hands of elected officials and jurors who are asked to serve. It will increase the number of hearings required, because now every case will require motions to determine the scope of discovery under these subsections. This will not only waste judicial resources, but require more time and expense to litigate these preliminary issues.

Further, requiring future damages to be spread out over time will tax the judicial system. Courts will have to keep track of future payments, step in to enforce judgments in years to come when litigants and companies have moved and changed.

I do not believe that the benefit to any of the proposed provisions of HB 19 outweigh the detriments or are necessary. I think the proposed HB 19 creates unnecessary governmental interference into the province of the judge and jury and that these provisions will waste judicial resources and create more litigation.

Stan Putman, Mr.

Self

Austin, TX

This bill will create an even greater danger to drivers on Texas roads. Lack of accountability leads to irresponsible behavior. This bill removes accountability for a limited group. A person or company should be directly responsible for its own acts. We should not have special rules for special groups. This bill creates special rules for a special group. It will have wide ranging unintended consequences. The bill attempts to make our judiciary, already over burdened, accountants for defendants of the cases. The bill is bad for Texas citizens. Please note my opposition to this bill. I ask that you carefully consider the true meaning and consequences of this bill, and vote against it.

Douglas Boyd

Self

Amarillo, TX

Why should we protect trucking companies when they do not behave in a responsible manner? What good does it do for the

Printed on: April 16, 2021 4:32 PM

citizens of Texas to let wrongdoers HIDE their misdeeds and avoid paying for the bad things they have done? That is exactly what HB 19 will do for trucking companies. In a safe society, bad actors get punished. I want our roads to be safe from truckers that are high on drugs. I want our roads to be safe from truckers who are looking at their cell phone instead of the road as they come up behind your family in their car. I want our roads to be safe from companies that make truckers work 90 hour weeks and literally kill themselves or others from wrecks caused by exhaustion. We already have "Death Highway" on Highway 265. It's bad enough that the slogan out there is "Stay alive on 265" and every trucker and oilfield worker knows that slogan all too well. This bill will only help bad trucking companies that have bad business practices get away with literally murder. Do you think the driver of the FedEx truck that slammed into the pile of innocent victims on Interstate 35 recently during the ice storm was driving at a safe speed? Absolutely not. Do you think that driver was even paying attention? There is no way he was. The people that died, should their orphaned children be punished by HB 19 and let a multi billion dollar concern like Fed Ex off the hook? What is the benefit to our citizens and those orphans/widowed spouses? What if it were your family that lost their father/mother in that horrific truck wreck? There is NO benefit. If HB 19 were to pass we are ALL PERSONALLY at MUCH higher risk from deadly and dangerous conduct of trucking companies and truck drivers who will KNOW they are NOT going to be held accountable for their misdeeds. That's not hyperbole. That's the truth. This bill strips the rights of the victims down to almost nothing. PLEASE VOTE NO on this bill.

Michael Cowen

Self, Attorney

Fair Oaks Ranch, TX

I am writing in opposition to HB 19.

HB 19 would allow rogue trucking companies to hide their bad conduct from juries when they injure Texas citizens. Worse, it would allow these trucking companies to use comparative fault rules to reduce a Texan's recovery by introducing evidence of the fault of the injured person or a third party while, at the same time, hiding the company's own culpable conduct.

This bill would protect the many out-of-state and Mexican trucking companies who violate the federal safety regulations by hiring unsafe drivers, not training them, and not maintaining the vehicles. It would do so at the expense of the Texas residents injured by these companies.

The periodic payment of future damages is also unfair. Future damages are based on life expectancy, which is the age at which half of the people in the plaintiff's position will die. While some will die sooner, half will live longer and will continue to need medical care. HB 19 unfairly cuts off future damages on those who die sooner due to the injuries caused by a crash, but does nothing for the other 50% who live longer than the average life expectancy. Plus an injured person's future medical care needs do not come up according to an amortization table. There will be needs for attendant care, unexpected complications, and surgeries on dates that could not be exactly predicted at the time of trial. With no money available until the next payment, the injured will end up turning to public assistance instead of being able to use funds paid by the wrongdoer.

Finally, the Texas court system provides a good job in serving as gatekeepers to prevent unreasonable discovery and exclude unduly prejudicial evidence.

James Twombly

Self

Cedar park, TX

This is an absolutely terrible bill. Why are you trying to protect negligent and grossly negligent trucking companies who kill hundreds, if not thousands of Texans a year? You were elected to represent the people of Texas, not a select class of powerful interest groups looking to protect the bottom line of the trucking companies and insurance industry. We trust juries to decide guilt or innocence in criminal cases. You should trust them to reach a proper verdict in a civil case and protect the rights of citizens to seek redress for injuries in the civil courts without unnecessarily and artificially limiting recoveries. Shame on anyone who votes for this abhorrent bill!

Amy Gibson

Printed on: April 16, 2021 4:32 PM

self

Dallas, TX

I write as a Texas citizen with family, from children to the elderly, who drive our roads. I am NOT a personal injury attorney. I have many concerns with this bill. But my main concerns are three. First, the bill discourages businesses from hiring qualified drivers, training those drivers, and making sure equipment is in working order. Do you want tractor trailer companies to be able to get away with not doing those things absent gross negligence? Second, the lawbreaker should not be able to make the call on whether the damages are paid over time ... and so save money on what is owed. The injured Texan should be able to make those calls. Third, a catastrophically injured individual should be able to use the recovery as they see fit ... lots of treatments that work are super expensive in the early years of public availability. What do you want your legacy to be? Hopefully not doing serious harm to Texans who were injured or killed through no fault of their own.

Eric Storm

The Storm Law Firm PLLC

Austin, TX

Adding additional legal protections for commercial vehicles and businesses who manage fleets of cars and trucks will not make our roadways safer, just the opposite. Currently, the prospect of high damages awards in litigation (damages that juries made up of folks like you and me deem to be fair and just compensation for the damages caused by those companies), provides a potent incentive for those companies to improve driver training, better maintain their fleets, and provide responsible oversight to prevent crashes before they happen. If by this legislation, we take away that incentive we not only reduce the value of that necessary training, maintenance, and oversight, we undercut our court system, artificially shrinking damages awards or delaying the recovery to the most injured crash victims, not because the damages are unwarranted or unjust, but because of legislation that puts the interests of commercial enterprises ahead of people determined to have been gravely injured by them.

William Hand

self

Houston, TX

This bill, if passed, will only lead to more commercial vehicle wrecks on our roadways, while significantly limiting victim's ability to receive full and fair compensation for their injuries. I strongly oppose this bill and it should be rejected entirely. Proposed Section 72.005 (the bifurcated trial part) will only serve to confuse jurors and lessen compensatory damages awarded to victims. Jurors should judge a case wholly and fairly, with all the facts and admissible evidence. Allowing negligent commercial motor vehicle operators to dictate what evidence the jury gets to see and when is like playing poker with a stacked deck--the injured victim ends up the loser. Further, we already have an established system in place for defendant's to request a bifurcated trial on exemplary damages in Tex. Civ. Prac. & Rem. Code section 41.009. This proposed Section 72.005 is duplicitous, unnecessary, and gives special treatment to commercial motor vehicle carriers over other civil defendants.

Proposed Section 72.006 (regulations and standards) strips our Texas judges of their authority to manage trials properly and effectively. Under the Rules of Evidence, our judges have guidelines to make rulings on what evidence is admissible or not based on each case--literally on a case-by-case basis. This is how our courts have functioned for centuries (both state and federal courts). The Legislature should not micromanage evidentiary issues for commercial vehicle cases as "special cases." Essentially, this portion of the bill seeks to exclude industry safety standards for one specific industry in very specific cases. This will undoubtedly create a slippery slope--what other industries will request special, legislatively created evidentiary rules to exclude their industry standards? Product manufacturers? Insurance carriers? Our judges already possess the tools to determine what evidence is relevant and admissible on a case-by-case basis. Commercial motor carriers should not get special treatment that only serves to benefit them.

Section 72.007 is poorly written, but seems to extinguish a victim's right to bring direct actions against motor carriers. Accident victims have a right to sue motor carriers for negligent hiring, training, and supervision. A motor carrier that hires a driver with no license and a history of serious accidents should be held directly accountable for compensatory and punitive damages.

Section 72.008 is an aberration of our justice system, constitution and individual liberties. If a jury or judge awards a victim damages they are entitled to it as a lump sum. The damage award becomes their property by virtue of the judgment. The legislature should not interfere with injured victim's property rights. If injured victims desire a lump sum payment, that is their

Printed on: April 16, 2021 4:32 PM

right. If they wish to purchase an annuity, that is also their right. The legislature should not choose for them. Section 72.009 should be rejected for the same reasons as 72.006.

Roberto Flores

self

Round Rock, TX

Trucks on the road are terrifying. Anyone who has spent any time on the road knows that these things are driving billboards that obstruct traffic and cause deadly accidents. To turn the great state of Texas into a safe haven for dangerous drivers will only hurt people. This will not due anything for texas businesses. All theyll do is set up shop in other states and drive death machines between there and Mexico. Texans have a right to know whether companies are violating basic rules of driving. We cannot allow rule repeat offenders on our streets. Justice delayed is justice denied and if we make people pay for periodic payments in trucking cases that will only leave more Texans desperate and hurt.

Daniela Labinoti

LAW FIRM OF DANIELA LABINOTI, P.C.

El Paso, TX

This is an offensive bill that ignores human rights and human values. Texas Families should be protected by the harm caused by the trucking companies and truck drivers that disregard rules, regulations, drive excessively, are on the phone, speed, don't pay attention and take lives and destroy families. The lives they take are mothers, fathers, children and they ruin families. We can't allow this in Texas. We all have a duty to Texas families for safety, accountability, and justice. Trucking lawsuits has increased not because of lawyers but because of the increase of trucks in the road. On line shopping has increased the number of trucks in our Texas highways and more than ever we should make sure that these truck drivers are safe and they don't take human lives and destroy families. We need to increase accountability and not decrease it. This bill does the opposite of what should be done. The legislation gives trucking corporations less incentive to follow safety measures. If truck drivers don't follow rules and take lives, they need to be held fully accountable in order to help protect us all. We have a duty to make sure those families are fully compensated for all harm and families are not ruined. Whomever is proposing this bill has never had to face those families that have lost lives; has never seen the tragedy left behind. The rules are there to protect all of us, our families and our children. If truck drivers and trucking companies don't fully pay and are held to a higher standard we are all at risk. It is time that Texas focuses on families and safety of our children and loved ones and less about the "bottom line". At the end, if we increase safety and accountability, our bottom line will still be where it needs to be without risking human lives. Every life matter! Every life is worth a lot more than any corporation bottom line. Imagine if that was your life, your child's life, your wife's live, your parent's live. When you vote, you vote for them! They are trusting you to protect them. So, protect them and don't betray their trust. Say NO TO HB 19 by Leach!

Jenny Fogel, Attorney

self

Dallas, TX

I strongly oppose HB 19, as it will undoubtedly result in harm to those injured by the negligence of commercial vehicle drivers. It places an undue burden on the fair and just recovery sought by individuals who have suffered physical and financial hardship at the hands of those who should be acting with heightened diligence.

Natalie Arledge

Self, Attorney

San Antonio, TX

I do not support this bill. Many trucking companies are not safety conscious and need to be held responsible for the harms caused by their negligence. This bill does not protect the majority of Texas citizens, and does not protect those who are hurt through no

Printed on: April 16, 2021 4:32 PM

fault of their own.

Justin King
Self - Father
Plano, TX

This bill would be disastrous for the citizens of the State of Texas. Trucking companies and truck drivers already drive on our public roads like they own them. In the more rural areas of the state, trucks operate at high rates of speed with no regard for local citizens, and when they cause wrecks, the injuries are serious and long-lasting because the amount of force involved in truck accidents is massive. Trucking companies already structure themselves and their employment relationships with their drivers (calling them independent contractors or owner/operators even though the company owns the truck and the driver only drives for the company) to make it difficult to hold the trucking companies responsible for putting reckless drivers on the road. My uncle was killed by such a driver when I was only a few months old. A drunk truck driver ran over him on his motorcycle and killed him. This bill would have rewarded the trucking company and its reckless driver for killing my uncle instead of leaving him alive and needing lifelong medical care by reducing the damages they were responsible for. And if he had survived but eventually died of his injuries they would have been rewarded AGAIN by Mr. Leach's proposed bill by getting to keep the money that he hadn't been paid yet. All this bill does is encourage bad actors and reward irresponsible behavior. Governor Abbott didn't have to wait for his payday when a tree fell on him and crippled him. Why should the rest of Texas?

Heather Teer
McCallum & Associates
Rowlett, TX

I am a litigation paralegal in Dallas, Texas. Our firm represents several clients injured in accidents involving commercial vehicles. After seeing first hand the devastating injuries my clients have received at the hands of negligent commercial drivers, I beg you to consider the consequences of limiting damages that affect plaintiffs in these cases. Sever injuries deserve severe punishment. It is unfair for commercial drivers and their respective employers to dodge being prosecuted to the full extent of the law - including paying full damages to those injured as well as their surviving families. Please do not tie our hands in how we are able to fully represent our clients and provide them with the justice that they deserve. Justice is not only about monetary damages, but the punishment of behavior so that said behavior is corrected and modified. Ultimately, your goal should be to make the roads safer for private citizens. Everyone deserves to feel safe on the road and at best, know that the State will protect them in the event that they are injured - or worse. I beg you to vote no for HB 19. Thank you for your time and consideration.

Anne Allen
SELF
Dallas, TX

This will hurt the people of Texas. Vote NO on this bill.

Joseph Loya, Mr.
Self Attorney
Houston, TX

This bill builds money shelters for companies and their executives. It gives all companies a free pass when they violate safety standards while Texans pay the price. This bill sacrifices safety on Texas highways and harms the people of Texas.

Companies will have little incentive to follow the rules and adopt safety measures if this bill were passed because it seeks to HIDE evidence from juries in court. Texas has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. 72% of people killed in commercial motor vehicles crashes are occupants of other vehicles. These large trucks can weigh up to 20 times more than the weight of an average car.

Printed on: April 16, 2021 4:32 PM

Michael Park
self
Huntsville, TX

I can't think of anything that is contrary to the public interest than to let foreign or out of state truck lines drive in Texas, injure Texas citizens, and not be held responsible for their own consequences. Much of this bill has to do with matters that are not only not helpful to the public interest, but contrary to it. Much of the failure to hold commercial truck lines responsible for their actions is really passing the cost of their negligence on to our citizens. I-45 runs through Huntsville and the devastation that these large commercial carriers to our citizens is well known. Texas leads the nation in commercial vehicle collisions and deaths. Why would we make it easier for the wrongdoer to escape their responsibility for the collision? This bill is nothing more than an attempt to create an escape clause by passing lobbied industry legislation.

Mark McMahon
Self
Longview, TX

On September 24, 2008, Michelle Russell was driving her motorcycle along an oil road in East Texas less than one mile from her home. She had been on the oil road or her driveway since leaving her home. Her speed was approximately 30 mph. A Ford F-150 pickup truck owned by J.W. Williams company and being used as a commercial motor vehicle by a J.W. Williams employee turned left in front of Michelle without signaling his turn. Michelle had no opportunity to avoid the collision and struck the J.W. Williams truck near the front of the truck. Michelle was thrown over the truck and landed in such a way that she suffered a closed head injury (without Skull fracture) and significant fracture of the bones in her left leg. Michelle's injuries have yet to heal twelve years after the wreck. She is confined to a wheel chair most of the day and suffers significant cognitive problems. She is physically and mentally unable to perform the everyday tasks required of a worker, a wife, and a mother. Michelle's case never went to trial, but was settled for a significant amount at pretrial mediation.

Cody Dishon
Self
Beaumont, TX

I do not understand why the Texas legislature is so concern about protecting trucking companies who hire dangerous drivers and disregard basic safety regulations. This does nothing for Texas victims while also making our roads unsafe. For someone who has represented families killed and seriously injured in trucking cases, I can speak on safety.

Most trucking companies actually follow regulations and do their best to hire competent truck drivers. Not all trucking companies are bad and neither are their drivers. In fact, my grandparent was a truck driver. There are only a few bad trucking companies who completely disregard the regulations and hire bad drivers. Most of the bad trucking companies are from out-of-state (i.e., not Texas). Why provide a blanket, overreaching rule to protect a few bad out of state companies? Judges are well aware of the issues before the Court, limiting discovery to matters at issue.

Please consider the families and victims who are seriously injured and killed because of the trucking companies failure to adhere to basic safety standards.

Pricilla Hernandez
Self
Dallas, TX

Texas already leads the nation in the worst, but preventable, tragedies to Texas families on the road. Enacting HB19 will totally disincentivize all commercial vehicle companies from enacting and employing life-saving safety measures in their hiring,

supervising, retaining, and training of those they put behind the wheel of commercial cars and big trucks. There is no other way to keep people, and companies, reliable in, and responsible for, the safety of Texas families on the road than ensuring accountability to those same people. This bill will do away with any accountability for those companies who put fleets of commercial vehicles on the roads of Texas, including those from out-of-state, when those same companies fail to adhere to even basic safety principles that we all trust will be employed. The reason safety will be sacrificed is because this bill will remove any and all consequences to commercial vehicle companies when they engage in careless, reckless, negligent conduct and commit safety violations that put us all at risk. This bill will protect the few, at the expense of the many. Many companies that put their fleet of commercial vehicles on our roads in Texas are found to have engaged in habitual violations of safety codes, laws and regulations that are promulgated by state and federal authorities based on decades and decades of law and order favoring safety and responsibility. Texas families should have the peace of mind to be able to trust that commercial vehicle companies are not disincentivized on safety measures, policies and procedures that save lives. This bill will ensure that safety violations, hiring violations, maintenance violations, repair violations, training carelessness, hiring carelessness, hours-of-service regulations, to name a just a very few, are overlooked, compromised, and sacrificed, because it removes all consequences, and thus accountability, to the companies that put commercial vehicles on the road. This is a bad bill for Texans and their families. In Texas, we believe in responsibility, we believe in the rule of law, we believe that mandating and following the rule of law ensures safety and responsibility, and we believe that companies that put fleets of vehicles on the road next to our children, mothers, fathers, sisters and brothers should be held to a standard that ensures safety for the lives and quality of life for all Texans. The only way to make sure this happens is to ensure that companies, just like every citizen in Texas, is accountable for their own carelessness when they don't. Don't give companies special treatment and immunity from the laws, rules, and regulations that we all need to follow, the laws, rules and regulations that keep us all safe.

Todd Clement

Self

Dallas, TX

I have specialized in commercial motor vehicle litigation for twenty years and have handled dozens of cases where the crash was primarily caused by the employer's negligence in hiring or not firing a dangerous driver. So long as the employer stipulates to respondeat superior, this bill would allow such conduct to be hidden from the jury. We all know that when the police (the tort system) does not patrol a stretch of road, pretty soon everyone will speed (cut corners when it comes to safety). This bill will end the financial incentive for employers to safely hire and supervise their drivers.

Another troublesome aspect of this bill is that the mandamus remedy will give the defendants ability to artificially delay settlement and trial of a claim. This could be absolutely catastrophic for elderly clients who have lost a spouse or child. Under Texas law, a person's wrongful death claim for their mental anguish and lost of consortium at the loss of a spouse or child dies with them. For example, in the Woodson v. Cable one case, a texting driver killed a wife of 62 years causing her infirm 86 year old husband to have to be cared for in a nursing home for teh rest of his life. We sought an obtained an expedited trial setting approximately one year from the date of the crash. The husband almost died during that year, but we will able to get the case settled just before trial. Had this law been in effect, the defense could and would have simply appealed the case until the husband died. Finally, the annuity provision unfairly penalizes victims and rewards defendants and insurers for causing death of victims. Annuities are terrible investment vehicles, returning less than 2% and locking in payments for a lifetime.

Shonda Fields

Self

Midlothian, TX

Texas already leads the nation in the worst, but preventable, tragedies to Texas families on the road. Enacting HB19 will totally disincentivize all commercial vehicle companies from enacting and employing life-saving safety measures in their hiring, supervising, retaining, and training of those they put behind the wheel of commercial cars and big trucks. There is no other way to keep people, and companies, reliable in, and responsible for, the safety of Texas families on the road than ensuring accountability to those same people. This bill will do away with any accountability for those companies who put fleets of commercial vehicles on the roads of Texas, including those from out-of-state, when those same companies fail to adhere to even basic safety principles that we all trust will be employed. The reason safety will be sacrificed is because this bill will remove any and all consequences to commercial vehicle companies when they engage in careless, reckless, negligent conduct and commit safety violations that put us all at risk. This bill will protect the few, at the expense of the many. Many companies that put their

Printed on: April 16, 2021 4:32 PM

fleet of commercial vehicles on our roads in Texas are found to have engaged in habitual violations of safety codes, laws and regulations that are promulgated by state and federal authorities based on decades and decades of law and order favoring safety and responsibility. Texas families should have the peace of mind to be able to trust that commercial vehicle companies are not disincentivized on safety measures, policies and procedures that save lives. This bill will ensure that safety violations, hiring violations, maintenance violations, repair violations, training carelessness, hiring carelessness, hours-of-service regulations, to name a just a very few, are overlooked, compromised, and sacrificed, because it removes all consequences, and thus accountability, to the companies that put commercial vehicles on the road. This is a bad bill for Texans and their families. In Texas, we believe in responsibility, we believe in the rule of law, we believe that mandating and following the rule of law ensures safety and responsibility, and we believe that companies that put fleets of vehicles on the road next to our children, mothers, fathers, sisters and brothers should be held to a standard that ensures safety for the lives and quality of life for all Texans. The only way to make sure this happens is to ensure that companies, just like every citizen in Texas, is accountable for their own carelessness when they don't. Don't give companies special treatment and immunity from the laws, rules, and regulations that we all need to follow, the laws, rules and regulations that keep us all safe.

Pricilla Hernandez

Self

Dallas, TX

In 2019, Texas had more than 39,000 commercial vehicle crashes and 613 deaths. Texas leads the nation in large truck crashes and the trend keeps continuing upward. Now is not the time to make Texas roads less safe. Texans count on their lawmakers to keep them safe, on the roads, in our homes, in public places, and in our businesses. We count on our lawmakers to ensure that safety, quality of life, and security are first, foremost and paramount for Texans. That's why we cannot subject Texas families to a bill that excuses company and corporate liability for those that put fleets of commercial vehicles on the roads in Texas. The result of this bill will totally absolve companies from any independent compliance with federal or state safety regulations, such as for hiring of competent drivers, supervision of those drives, training of those drivers, and maintenance and repair on their fleets of vehicles. HB 19 virtually eliminates Texans' access to crucial discovery to only 24 months of a company's prior bad conduct, when we know by looking at DOT inspections that we have a lot of companies that are stopped by authorities and found to be habitual offenders in safety and maintenance issues. This includes evidence that the company ignored falsified driver's log books, failed to maintain their vehicles, and did not provide adequate training, among other things. It also restricts the Texas Rules of Evidence and ties the hands of the judge in allowing the jury to see a bad company's true and habitual prior history of safety violations that put all Texans at risk on the roads. HB19 expands the terms used in commercial vehicle crashes and potentially includes all vehicles on the road that are not solely used for personal reasons. The tentacles of this bill would be far-reaching, because it allows a company to slowly dole out compensation to victims and creates a profit incentive for the wrongdoer for the victim's death.

Texas Ranks 1st for MOST large truck crashes nationwide in 2020, 2019, 2018, 2017, and 2016. In 2019, Texas had more large truck crashes than: Colorado, Oklahoma, Louisiana, Arkansas, Arizona, Mississippi, Nebraska, Kansas, and New Mexico COMBINED. The number of truck crashes in Texas increased 27% from 2016 to 2019. Texas tops others states in number of truck wreck fatalities (2019): Texas = 685. Next closest California at 463 and Florida at 282. Source: US DOT Federal Motor Carrier Safety Administration Crash Statistics, "Summary Report" (MCMIS Crash Statistics), <https://ai.fmcsa.dot.gov/CrashStatistics/rptSummary.aspx>.

Texans believe that people and companies respond to incentives. Being held accountable to not make the same mistake twice is incentive to keep Texans and their families safe on the roads in Texas.

Kevin Johnson

self

San Antonio, TX

Trucking companies do not need any extra protections. They should be training and hiring better drivers. I worked in trucking for a long time and all that this bill is going to do is put even less qualified drivers on the road and when they hurt somebody it will be the public that pays for it. Lives will be destroyed if this bill passes.

John Sloan

self

Printed on: April 16, 2021 4:32 PM

Longview, TX

This is a terrible bill that will cost Texan lives. Trucking companies are required by the Federal Regulations to take steps to protect the traveling public. when they don't live up to those standards they should be accountable.

Raymond Graham

self

Fort Worth, TX

Texas is, unfortunately, notorious for having the most annual injury causing trucking accidents in the nation. We have had this dubious distinction every year since 2016. We are living in an increasingly dangerous environment involving commercial vehicles. Enter HB 19. This bill would make our roads even more dangerous by making it more difficult for injured Texans to bring suit against BOTH the responsible driver and his employer. Under current Texas law, both are liable for the negligence of the driver, and both should be. There is no reason to shield the actual driver from suit, as HB 19 does. The bill also seeks to hide from the juries the bad conduct that may have led to the accident by separating the trials in these cases into two trials; one for the negligence and damages questions and another costly trial following that for the punitive and exemplary damages questions. Juries should know the whole story, the good the bad and the ugly, when deciding how best to make injured Texans whole, and how to hold dangerous drivers and negligent trucking companies to account. Please focus on making our roads safer and vote against HB 19. Thank you.

Shonda Fields

self, Manager

Midlothian, TX

In 2019, Texas had more than 39,000 commercial vehicle crashes and 613 deaths. Texas leads the nation in large truck crashes and the trend keeps continuing upward. Now is not the time to make Texas roads less safe. Texans count on their lawmakers to keep them safe, on the roads, in our homes, in public places, and in our businesses. We count on our lawmakers to ensure that safety, quality of life, and security are first, foremost and paramount for Texans. That's why we cannot subject Texas families to a bill that excuses company and corporate liability for those that put fleets of commercial vehicles on the roads in Texas. The result of this bill will totally absolve companies from any independent compliance with federal or state safety regulations, such as for hiring of competent drivers, supervision of those drives, training of those drivers, and maintenance and repair on their fleets of vehicles. HB 19 virtually eliminates Texans' access to crucial discovery to only 24 months of a company's prior bad conduct, when we know by looking at DOT inspections that we have a lot of companies that are stopped by authorities and found to be habitual offenders in safety and maintenance issues. This includes evidence that the company ignored falsified driver's log books, failed to maintain their vehicles, and did not provide adequate training, among other things. It also restricts the Texas Rules of Evidence and ties the hands of the judge in allowing the jury to see a bad company's true and habitual prior history of safety violations that put all Texans at risk on the roads. HB19 expands the terms used in commercial vehicle crashes and potentially includes all vehicles on the road that are not solely used for personal reasons. The tentacles of this bill would be far-reaching, because it allows a company to slowly dole out compensation to victims and creates a profit incentive for the wrongdoer for the victim's death.

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Texans believe that people and companies respond to incentives. Being held accountable to not make the same mistake twice is incentive to keep Texans and their families safe on the roads in Texas.

Ryan Thompson

Self, Attorney

Printed on: April 16, 2021 4:32 PM

San Antonio, TX

HB 19 should stop and not move forward. This bill is a step towards limiting a judge and jury from performing their duties in a court. It harms the 7th amendment and the right to a trial by jury. We should not be protecting and giving special treatment to trucking companies and other commercial vehicles. We have courts and appellate courts who can hear argument if a defendant feels they have been treated unfairly. There is no need or purpose for this law -- it is designed solely to benefit commercial trucking companies to the detriment of injured Texans.

Jill Jester

SELF

Denton, TX

Thank you for your service to Texas.

I believe you are prohibiting good justice by proposing a blanket rule that no evidence of prior similar incidents can be submitted in a jury trial involving commercial vehicles. The protection of our Texas citizens' rights and access to the full picture of a story should be of paramount importance. Texas has more trucking wrecks than any other state. More than any of our surrounding states combined.

There is no good reason to REQUIRE our jury verdicts be paid out installments over time. Especially considering if the victim dies, the Defendant company no longer has to make the payments to the family, but keeps the rest of the award - made by our citizens. This crosses political boundaries. Please vote in favor of our citizens.

Kim Charter

Self - Attorney

Dallas, TX

HB 19 will inevitably promote unsafe road conditions for Texas drivers, and I request you to oppose this bill. This bill will make it exceedingly more difficult to hold trucking companies accountable for unsafe practices and violations of safety standards. As a result, injured Texans and their loved ones will not receive fair and just compensation for devastating losses suffered because of negligent trucking companies and their drivers. Without consequences for unsafe habits, trucking companies will have little incentive to adopt and follow rules aimed at keeping Texans safe on our roadways. Please value the lives our citizens over corporate greed and oppose HB 19.

Tracy Schieffer, V. P.

A. L. Helmcamp, Inc.

Buffalo, TX

Our company is a heavy highway construction company. We are located in Buffalo, Texas, however we work statewide. We are in support of HB 19 authored by Chairman Leach.

Noah Horwitz

Self

Houston, TX

To the Honorable Chair:

This Bill seeks to unfairly close the courthouse doors upon Texans by stacking the deck in favor of trucking companies.

Make no mistake, the procedures the Bill's proponents extol already exist here. Every time a "factfinder" is mentioned, it is just a

Printed on: April 16, 2021 4:32 PM

judge -- elected by the people -- or a jury -- the literal people, made up from the community. This Bill would usurp their power and their discretion to listen to evidence and make factual determinations.

Respectfully,
Noah M. Horwitz

Jaime Gonzalez, Attorney
Gonzalez & Associates
McAllen, TX

Cause No. 8,066; Oscar Sanchez v. Anderson Columbia Co., Inc.; 49th Judicial District Court of Zapata County, Texas.
Anderson's driver struck our client's vehicle from behind in a construction Zone.

- Anderson's driver (Parra) was unqualified to drive (no CDL)
- Anderson's driver (Parra) was driving a CMV
- Anderson knew Parra had a bad driving record
- Anderson knew Parra's driver's license had been suspended on more than one occasion
- Immediately following the accident, Parra & his passenger disappeared.

Mark Garza, corp. rep. testimony re: driver training:

p. 172

6 Thank you, sir. Can we agree that there is no
7 evidence that Mr. Parra received any training,
8 instruction and/or experience as a driver while
9 employed by Anderson Columbia Company?

16 Q Is that a true statement?

17 A True.

18 Q Thank you. Can we agree that Anderson
19 Columbia has never had a driver qualification file on
20 Mr. Parra?

21 A True.

Steve Lee
Self
Austin, TX

Members,

Passing HB 19 will only serve to make Texas roadways more dangerous as commercial carriers are allowed to avoid scrutiny - and ultimately responsibility - for their role in putting unqualified, overworked, financially desperate drivers behind the wheel of poorly maintained tractor-trailers. Over the past 20 plus years, I have have had the distinct privilege to represent Texans seriously injured in collisions involving commercial vehicles. Without exception, the driver of the commercial vehicle was a hard working individual who was simply trying to make a living and improve his lot in life. To do so, however, he was required to drive/work long hours - 60-70-80 plus hours weekly - simply to keep his job. On the other hand, his employer - a commercial carrier - was either disinterested or uncaring about the plight of the driver as long as his efforts improved the bottom line. Moreover, these same carriers often were derelict in their responsibility to maintain fleet vehicles and thereby greatly increased the likelihood that one of their vehicles would be involved in a collision.

The carrier - not the driver- is uniquely positioned to improve public safety on Texas roadways by insuring that their vehicles are well maintained and operated by qualified, well rested drivers. HB 19 misses the point by focusing on the puppet and not the puppeteer.

Printed on: April 16, 2021 4:32 PM

Sincerely,

SL

Ben Hoover

Self

Wichita Falls, TX

This bill is very harmful to Texas public safety. (1) Sec. 72.006 contains a severe limitation of discovery in which the injured party must first get a court order to find out if the company has a history of similar safety violations. This makes it easier for commercial companies to hide safety violations. Why would we make it harder to find out about violations- the safety rules are there for a reason? (2) Sec. 72.007 will shield the negligent company from being held accountable at trial. This section will allow the injured party to only sue the company driver and the jury will not get to render a verdict against the company. This will cause juries to be more hesitant to assess damages against company drivers because you can't talk about insurance in a trial. The jury often worries about rendering a large verdict against the driver as opposed to the negligent company who employed the driver. The injured party is prevented from telling the entire story to the jury- which is that the company employed the negligent driver, the company will be on the hook for the driver and the driver will not be responsible to pay for the damages. (3) 72.008 will let negligent companies off the hook early when an injured person dies. It sets up a new system where the negligent company is permitted to make payments over time instead of a lump sum. BUT, if the injured person dies the payments go away (except for future lost wages). So, if a person is rendered a quadriplegic, is awarded a sum for future impairment and pain and suffering, and dies one month later, their family will NOT get the money. The damages disappear and the negligent company is off-the-hook for anything more. All of these provisions are problematic and will not make our people or roads safer. We already lead the nation in commercial vehicle crashes. Please don't vote for this bill.

Michelle Smith

SELF

Gainesville, TX

I have suffered the ultimate sacrifice of losing MY SON, to unsafe trucking companies and a jury should be entitled to hear how many other times wheels come off 18-wheelers, how many other Wal-mart trucks and trailers injure people every year, and the evidence about other fatality collisions involving trucking companies. If my son's case would have been tried, I feel all evidence is absolutely our right!! Under no circumstances should any information or attempt to keep evidence of prior similar incidents be kept out of jury trials involving commercial vehicles. Losing a child is absolutely the hardest and most unfair situation a family should have to go through. Neither my family or my son asked for this, and for this bill to require verdicts be paid out in installments over time is, horrible! All trucking companies need to be held responsible for the accidents/deaths they cause! If a family is awarded a verdict, they should receive ALL the verdict, even if the injured victim dies. Why should the trucking company get to benefit financial from an accident/death that they caused. PLEASE, PLEASE do the right thing and make the trucking companies responsible for their actions, carelessness. The victims family is the one who has to live every day for the rest our lives with our loved one taken from us, not the trucking company. Losing a child to an unsafe trucking company is not something I asked for, but because of someone's carelessness, i have to face each and every day without my son!!!! Just absolutely heartbreaking to me. It is time hold people/companies accountable for their actions.

Rolando Quesada

Self

Dallas, TX

Absolutely awful. Bifurcated trial would never work and make it take forever to get a jury trial. Makes an already slow judicial system even slower and having to try the case twice would go against principles of judicial economy and efficiency. We would need literally double the amount of courts to handle these double trials. Changing the rules on how to submit evidence would irresponsibly shift even more of a burden on people who are injured due to wrecks on to them and give bad drivers a better chance at avoiding accountability for causing wrecks.

Printed on: April 16, 2021 4:32 PM

Patrick Kelly
Self - attorney
Dallas, TX

This bill is an overreach to the fullest extent to unnecessarily protect trucking companies at the cost of the lives and safety of Texas drivers. The limited discovery allowed under this bill is unfair and unprecedented. A trial court should not be tied down by the legislature and allow only 2 years of history regarding company and driver data in discovery. Further, the bifurcated case is unprecedented to single out a certain industry and give them unique judicial protection. The entire bill is riddled with pro-defendant barriers that are not warranted. Last year alone, a record number of deaths occurred involving commercial trucks. Why encourage "get out of jail for free" legislation now? Finally, the definition of what is clearly the protected class under this bill is so broad that basically any type of corporate vehicle falls under its protection. This bill should be rejected outright.

Paula Wyatt
Self - Attorney
San Antonio, TX

As pointed out in the Texas Commercial Motor Vehicle Driver's Handbook, In 1989, the Texas Legislature established the Commercial Driver License Law to comply with the federal Commercial Motor Vehicle Safety Act of 1986. Similarly the Texas Department of Public Safety adopted most of the regulations promulgated by the FMCSA. These laws and regulations were passed to reduce traffic accidents involving commercial motor vehicles. More importantly, these laws were passed to eliminate efforts by motor carriers to immunize themselves from liability for negligent drivers and to hold the motor carrier accountable for the safety of the motoring public. The laws and the regulations require motor carriers to ensure that the vehicles operating under their license are properly maintained, inspected, loaded, and driven by qualified drivers supervised by the motor carrier.

The laws and regulations are about accountability. For example, 49 CFR 392.1 (which has been adopted in Texas) provides: "Every motor carrier ... [is] responsible for the management, maintenance, operation, or driving of commercial motor vehicles, or the hiring, supervising, training, assigning, or dispatching of drivers." HB 19 takes away that accountability and allows the motor carrier to shift it to the driver. Section 72.006(c) completely guts the purpose behind these statutes and regulations intended to protect Texans on the roadways. Restricting discovery and admission of evidence about the motor carriers' maintenance, operation of motor vehicles, the training, hiring, supervising, assigning and dispatching of drivers failures does a disservice to Texas citizens in that it allows habitual violators to literally get away with maiming and killing Texas citizens. Two years of violations simply does not give the jury enough information to show a pattern of conduct and lack of safety management controls by the motor carrier.

Finally, the periodic payments provisions in section 72.008 are unworkable. Requiring periodic payments will make it impossible for victims of motor carrier negligence to obtain the medical care that they need. For example, many victims require future medical treatment. That treatment often will cost tens of thousands of dollars -- money that the victim will not have because of the periodic payments. The periodic payment requirement denies Texas citizens who have already been victimized from the ability to undergo at the time of their choice the medical care that is required. Instead, they may have to wait for years before they can afford to pay for the surgery. This is especially true for those victims that are receiving Medicare -- Medicare will not pay for the future care and instead expects it to be paid out of a Medicare set-aside.

HB 19 prioritizes motor carriers over the victims of motor carrier negligence. It simply is not fair and should be rejected as a whole.

Michelle Jones
self
Denton, TX

This bill would give a windfall to more corporations and offer no protections to the individuals of Texas. Excluding evidence of prior bad conduct and allowing companies to pay out judgments over time only shields corporations from the consequences of their actions. A core tenant of conservatism is being responsible for your actions and this bill is trying to strip that responsibility

Printed on: April 16, 2021 4:32 PM

away from companies. These companies should hire quality employees. I oppose this bill and would hope my elected officials would as well.

Edward Ciccone

Law Offices of Ezequiel Reyna, Jr.

Weslaco, TX

Dear Committee Members,

H.B. 19 is a transparent effort by the insurance industry to avoid or delay paying claims in trucking cases. By backing this bill, the insurance industry aims only to increase its profits - at the expense of the scores of Texas motorists who are injured and killed by negligent truck drivers each year.

The provisions of this bill offer no benefit whatsoever to the public, and merely abrogate the rights of Texans to seek redress in the courts.

In particular, the bill attempts to codify certain minority judicial views in trucking cases, and tie the hands of Texas judges. For example, the bill unfairly eliminates direct causes of action against a trucking companies that hire reckless drivers, and unreasonably restricts discovery of a trucking company's history of failing to comply with safety regulations.

Texas courts have capably handled trucking cases for decades, and do not need this short-sighted legislation to fairly resolve trucking cases. The provisions of this bill will needlessly clog the appellate courts with appeals of discovery orders, and will delay resolution of cases. In the end, this will only drive up the cost of litigation.

Incredibly, the bill grants a trucking company the absolute right to pay a victim's future damages over a period of time instead of in a lump-sum. In most cases, the payments will stop after the victim dies, depriving the victim's family of compensation. Few Texans will understand how these insensitive provisions can benefit Texas families.

Just as "reform" of medical liability laws 20 years ago did not lead to the lower premiums for malpractice insurance which the insurance lobby promised, this bill is not likely to lower insurance premiums for commercial vehicles. The bill will simply add to the bottom line for insurance companies - at the expense of Texas and Texans.

Sincerely,

Ezequiel Reyna, Jr. / Edward L. Ciccone

Law Offices Of Ezequiel Reyna, Jr. / Weslaco, Texas

Sean Williams

Self

Corpus Christi, TX

This bill makes Texans less safe. Texas roads are the most dangerous roads in the country. We lead the nation in commercial vehicle accidents. These types of accidents destroy families and cost Texans their lives. We need to hold the companies responsible for putting unsafe drivers on our roads. We should be trying to find ways to make our roads safer. Companies are not more important than people. We need to focus less on what is good for corporations and more on what is good for everyday Texans.

Jaime A Gonzalez Jr

Self

McAllen, TX

Printed on: April 16, 2021 4:32 PM

CAUSE NO. 9,852; Natalia Mercedes Castaneda vs. Elite Compression Services, LLC and (def. driver);

In the 49th Judicial District Court of Zapata County, Texas

1. Natalia Castaneda was driving to school from Zapata to Laredo, TX.
2. Elite Compression Services was conducting commercial activities in Zapata County,
3. One of its employees had been parked on the side of the road, then took off and turned across into oncoming traffic.
4. The Elite employee was driving a 1 ton pickup and pulling a bumper type trailer. This combination is a commercial motor vehicle.

5. Elite claimed on deposition they were unaware that the combination of the vehicle being operated by Defendant driver and the towed trailer, owned by Elite, was a commercial vehicle as defined by the FMCSR.
§ See Jerry Blackmon's deposition:
Pg. 80, lines 11-15
Q. (By Mr. Gonzales) Okay. Were you able to determine whether the combination of the pickup truck and the trailer combined would be considered by Texas to be a commercial motor vehicle?
A. (By Elite's President) I don't know that either.
6. Elite provided no driver training.
7. Elite failed to comply with the Federal Motor Carrier Safety Administration Regulations and the adopted Texas Version of the rules.
8. Discovery to Elite revealed they knew that Defendant driver suffered from seizures from epilepsy, that he took medication for epilepsy, that he suffered from sleep deprivation, and that he was color blind (defendant driver revealed these facts to them during the course of his employment), yet Elite allowed defendant driver to drive for them in the course of his employment with them.
9. Discovery revealed Elite failed to conduct any investigation into defendant driver's medical condition and its effects on his ability to safely operate a vehicle. See Elite's response to Plf's Interrogatory No. 31: Explain what plan of action, if any, taken by Elite to protect defendant driver and/or members of the driving public, after being made aware that defendant driver suffers from seizures."
SUPPLEMENTAL ANSWER: Defendant withdraws its prior objection and answers that no one with Elite was aware of the condition so no action was taken. (ELITE'S INTERNAL DOCUMENTS PRODUCED IN DISCOVERY REVEALED THE ABOVE DENIAL OF KNOWLEDGE TO BE FALSE.)
10. Just 29 days prior to the crash, the Elite driver completed a medical questionnaire which included the following questions and answers:
 - A. In a car (driving), while stopped for a few minutes in traffic: answer: 3=high chance of dozing
 - B. Fatigue interferes with my work, family, or social life: answer: agreed
 - C. Fatigue is among my 3 most disabling symptoms: answer: agreed

Jaime Gonzalez

Self

McAllen, TX

Cause No. 7,478; Bolaños v. Basic Energy; 49th Judicial District Court of Zapata County. This fatal crash resulted from the fact that Basic Energy's (BE) employees were continually overworked.

On May 16, 2010 Mr. Bolaños (decedent) was the right front seat passenger in a 2006 Chevrolet Silverado pickup truck belonging to BE and being driven by Mr. Rodriguez, a Basic Energy employee.

Rodriguez testified he began his shift at the Zapata yard at 5:00 a.m. on May 16, 2010. At 5:00 p.m., Rodriguez & Bolaños were ordered by their supervisor to deliver some equipment to Bruni, Texas (a town approximately 130 miles round trip). Rodriguez and Bolaños finished their assignment in Bruni well past 9:00 p.m. (more than 16 hours after starting their shifts).

At around 10:00 p.m. Rodriguez and Bolaños began their drive back to Zapata from Bruni. However, prior to leaving Bruni, Rodriguez complained to a supervisor in Bruni that he was too tired to drive, but his complaint and plea for help were ignored. Rodriguez testified that supervisors at BE showed no concern over the fact that employees were dangerously tired. Sometime during the drive back to Zapata, Bolaños received a phone call from the Zapata dispatcher instructing him to return to work at 5:00 a.m. the following day. This never happened, as the vehicle they were riding in overturned and Bolaños was killed.

Eric Allen, Attorney

Printed on: April 16, 2021 4:32 PM

Self - Attorney

Tomball, TX

Commercial drivers and commercial vehicles are held to higher standards on Texas roadways for very good reasons. When those vehicles cause collisions, they cause catastrophic injuries to the occupants of smaller vehicles. HB-19 seeks to protect these negligent trucking companies by depriving injured Texans of the funds they need to care for themselves after being egregiously harmed. This is a travesty. There is no reason for this legislation other than to protect insurers and negligent trucking companies. In addition, the fact that the legislation calls for courts to automatically grant a bifurcated trial in any case involving a commercial motor vehicle clearly demonstrates the intent behind the bill. It is not intended to serve and protect the citizens of Texas. Rather, it is intended to serve and protect insurance companies and negligent commercial vehicle operators. There is no exception written into the bill that would call for a judge's discretion or for the application of a standard - no - instead, it is automatic. This is dreadful and cannot be allowed to pass. You will hurt innocent Texans - twice. After all, they've already been mangled in a wreck with a careless commercial vehicle operator. Now, they are getting hurt a second time by poorly conceived legislation.

Corey Kronzer

Self

Houston, TX

In any personal injury case, if a jury awards a plaintiff a specific amount for future damages caused by a defendant's negligence, then that dollar amount is what the plaintiff is entitled to. However, sec. 72.008 takes the jury award away from the plaintiff and allows the court to determine how a plaintiff should be compensated.

Regarding subsection c, "The number and amounts of future payments shall correspond to the evidence regarding future damages presented by the claimant." It is during the trial that a plaintiff presents evidence as to why he/she is entitled to specific damages. If a jury awards future damages based on that evidence, then the numbers decided by the jury are the future damages the plaintiff is entitled to. However, under HB 19, is the court to have a new evidentiary hearing, or even a new trial, after a full jury trial so the court can determine the number and amounts of future payments? Also, not all future damages are the same. Compare future mental anguish with future lost wages. Is the court to decide how many more years a plaintiff is to live and then divide the total amount the jury awarded the plaintiff for future mental anguish by that number of years? Also, what if the jury does not award the plaintiff the entire amount of future damages asked for by the plaintiff, how will the court then decide to divide the payments?

Regarding subsection d, "The court shall make a specific finding of the dollar amount of periodic payments that will compensate the claimant for the future damages..." As expressed above, this arguably takes away the role of the jury in deciding how a plaintiff is to be compensated. In a jury trial, the jury decides how the plaintiff should be compensated. The jury decides how much the plaintiff is entitled to receive.

Regarding these "periodic payments," will the court's plenary power extend into perpetuity regarding these future payments? What happens if the entity providing the funding goes out of business? Is the defendant still on the hook for the judgment the jury awarded that the plaintiff is entitled to?

Also, it costs money for an injured plaintiff to bring an action against a commercial trucking company. Since injured plaintiffs do not have the millions of dollars that trucking companies have, attorneys representing injured plaintiffs usually work under contingency fee contracts. If an injured plaintiff cannot receive the award a jury says they are entitled to, how would the injured plaintiff's attorney get paid? What this will create is situations where attorneys that represent injured plaintiffs will be forced to limit the cases that they handle. Lastly, there is no reason to interject medical recovery limits into a commercial motor vehicle case, where commercial carriers are required by Texas law to have liability coverage ranging from \$300,000 to \$5,000,000 depending on the carrier's operation.

Miguel Garza

MFGarza Law Firm, PLLC

Austin, TX

I am a local attorney in Austin, Texas. I litigate motor vehicle collisions statewide against 18-wheeler/commercial vehicles and their companies. If HB-19 is passed it will not only affect my livelihood but of all attorneys and their victim clients. There are many reasons why the legislature created the Texas Transportation Code and Federal Motor Carrier Safety Regulations. The most important reason of all is to protect the safety and well being of all drivers traveling on Texas roadways. Furthermore, to ensure that companies who blatantly disregard those laws pay the price for their lack of safety and compassion for other drivers on Texas roadways. This bill will severally affect what evidence can be collected against defendant companies who systemically fail to adhere to current laws and simply put profits over safety. In my experience, most of these companies and their employees commit violations that go back further than 2 years, sometimes up to 5 or 10 years. Plaintiff attorneys and their victim clients will lose vital remedies to obtain compensation for injuries and damages, or even death, caused by negligent companies and their drivers. This is the scariest bill I have seen in career. I recently resolved a lawsuit involving an 18-wheeler that almost killed my client. My client will require medical care for the rest of her life as a result of her severe collision. If this bill had be in effect at the time of my client's collision, she would have not obtained a favorable outcome because my ability to obtain relevant information against the negligent trucking company would have been severely limited. The company in this case violated several laws in this single collision but also committed several unlawful actions over the course of the past ten years. The company had a history of bad acts and violations, which assisted in the resolution of my client's collision. If there is anything I can do to help please feel free to contact me.

Louie Cook

Sico Hoelscher Harris LLP

Corpus Christi, TX

As a trial lawyer who has litigated hundreds of trucking cases and has family members who are truck drivers, I am in a unique position to speak on both sides of the isle regarding this issue. Texas discovery and evidentiary rules already prevent the discovery of irrelevant evidence. The hurdles placed in this law only act as a strong and complete bar to prevent discovery of the truth without any benefit to the working truck driver.

In 2019, I tried a case to jury in which it was discovered through written discovery that the trucking company had a below average safety history caused by its use of "student drivers". These are drivers who only underwent about 15 hours of actual over the road driver training in a three week truck driving school (which was owned by the company) and were placed over the road without ever practicing several of the necessary skills to safely operate an 18-wheeler. In our case, our driver was a C student in his driving maneuvers for the limited time he was over the road. Instead of being provided an opportunity to improve, he was placed immediately on the road with a "driver trainer" who worked as nothing more than a co-driver. The driver trainer was a convicted felon on felony probation at the time who only observed his student driver approximately 25% of the time he was driving. If we were limited to the discovery outlined in the bill, we would have never discovered these violations.

Through the type of discovery this bill seeks to excluded, we discovered that the large trucking company, which had over 8,000 drivers, were using student driver team as co-drivers. Because they paid student drivers a low weekly rate, they were able to keep cost low and avoid hiring veteran drivers who require a much higher rate. This allowed the company to underbid the competition from independent trucking companies who often have responsible owner operators.

This bill will benefit big trucking, not the smaller owner operators. To date I have never seen a trucking company file bankruptcy as a result of a trucking lawsuit. Moreover, I have never collected anything but insurance money from trucking companies who caused the death or injury of a fellow Texan on the roadway.

If this is a concern, then specific examples of this should be provided to us and the legislature along with the safety. history of the company to ensure that they were not a fly by night company to start with.

Jaime Gonzalez

Self

McAllen, TX

Massey, Rebecca

Printed on: April 16, 2021 4:32 PM

Cause No. 2016-CVT-000766-D1; Rebecca Massey v. TMS Transport Management Solutions, Inc.;
In the 49th District Court of Webb County, Texas

1. A TMS Transport Management Solutions, Inc. 18-wheeler "T" boned a Laredo Police Cruiser.
2. All Trucking companies are required to file MCS-150, a form that must be signed and sworn under penalty of perjury. Below see excerpts from the deposition of TMS Corporate representative.
 - A. You're aware that whomever signed, the MCS-150 for TMS, first, they fraudulently signed with your name instead of whoever that person is with their name. Can we agree? Answer: Yes.
 - B. And, finally, sir, because the information is sworn to -- I asked you whether you had in place a system to monitor vehicle accidents and maintain an accident register and you said no. And whomever swore to this document put yes. That would be another false part to that MCS-150 form for TMS, correct? Answer: I do agree.
 - C. And another thing that is completely false on the MCS-150 for the TMS company is that whoever swore on this document for TMS swore that the carrier had established an accident countermeasure program and driver training program to reduce accidents and that simply is not true? Answer: That's correct.
3. Other evidence of corporate negligence:
 - A. Can we agree that TMS never did a single annual inquiry of review of Parra's driving record? Answer: I agree.
 - B. TMS violated the regulation requiring post-accident testing, correct? Answer: Correct.

Jennifer Redding

Self

Alvin, TX

This will hurt my business. This is not fair.

George Farah

Self and attorney

Houston, TX

This bill provides no value in protecting the citizens of Texas. This bill does not make trucking safety a priority. This bill does not take into consideration that Texas is the gateway for Mexican trucking companies discouraging these foreign trucking companies from making trucking safety a priority. Further, this bill invades the province of the Judiciary to use discretion in managing a trial involving a commercial vehicle. This bill will increase the cost of litigation for both Plaintiffs and Defendants while slowing down an already clogged up civil court system.

NEGIN ROBERTS, MRS.

SELF

SAN ANTONIO, TX

THIS BILL IS VERY CONCERNING. 18-WHEELERS WEIGH ~80,000 LBS, MORE THAN 20 TIMES THE WEIGHT OF A REGULAR CAR. THE FORCE OF IMPACT, EVEN SLIGHT, CAN BE DEADLY. ON TOP OF THAT, THERE IS A HUGE EPIDEMIC OF TRUCKERS USING THEIR CELL PHONES WHILE DRIVING OR ON STIMULANT DRUGS. WE CANNOT BE LAX WITH OUR LAWS FOR TRUCKING COMPANIES/DRIVERS. THERE ARE SO MANY TRUCKING DEATHS A YEAR, ESPECIALLY IN TEXAS BECAUSE THERE IS A LOT OF COMMERCE IN THIS STATE. IT IS IMPERATIVE TO HOLD TRUCKING COMPANIES TO A HIGH STANDARD IN THEIR TRAINING, RETENTION, AND SUPERVISION POLICIES/ENFORCEMENT. THIS BILL ESSENTIALLY TAKES ACCOUNTABILITY AND RESPONSIBILITY AWAY. THIS BILL IS DANGEROUS!

Alex Barrett, Dr.

Self

San Angelo, TX

I oppose HB 19

Daniel Sciano

Self

San Antonio, TX

This Bill will hurt Texas Families and innocent victims, in favor of protecting Corporations who act with indifference to the health safety and welfare of the public. Why would a corporations decision to hire an commercial motor vehicle operator who they knew falsified his application regarding prior preventable accidents he/she caused or falsified regarding prior citations for unsafe driving, or habitual violations of hours of service or record of duty status operating in excess of fatigue regulations designed to protect all of us from unsafe tired drivers, be hidden from a jury of Texas Citizens simply when a company admits their driver was in the course and scope of his employment with the company. This is just ONE of the horrific consequences of this bill. I initially thought this bill might have contained language that had unintended consequences but in reality the bill as worded gives a free pass to corporate safety officials who turn a blind eye to industry standards, regulatory violations, and drivers who purposefully falsify applications for employment and federal documents like electronic driving logs. There is no legitimate reason to hide crucial evidence regarding a companies direct neglect as long as they agree their driver was acting for them in the course and scope of employment. Why would anyone give a free pass and withhold from a jury of ordinary citizens key evidence in evaluating responsibility for a wreck like a companies purposeful decision to hire unqualified and dangerous drivers with a history of safety infractions before and during employment? Yet this bill does just that. The answer is not providing immunity and free passes for such corporate neglect, but requiring procedures to enforce state and federal regulatory safety rules that would prevent these very accidents that cause death and serious injuries to our Texas Citizens. The real world consequences of this bill rewards actual subjective knowledge of a drivers falsities in obtaining and maintaining employment and habitual violation of safety rules whose purposes is to protect all of us, and conceal these facts from the fact finder assessing overall responsibility. We should condemn indifference to safety rules, not reward if we care about our children, spouses, family members, and other good citizens of Texas. PLEASE recognize the unfairness and consequences of this action giving free passes to direct corporate neglect independent of neglect by individual drivers. The breath, depth, and length of time safety policies and safety rules were disregarded by corporate officials that gave rise to hiring, retaining, and inadequately training drivers regarding defensive driving and accident avoidance are matters particularly relevant for consideration by a jury of Texas citizens that act to keep all of us safer on our Texas Roadways. Texas leads the nation in truck crashes and this bill if enacted will advance our lead rather than protecting our citizens. Vote NO!

Jack Nugent

Farah Law Group

Houston, TX

This bill serves very little to improve any aspect of life for Texans and only serves to provide civil protection to trucking companies and insurance companies. Furthermore, the bill is dangerous because it is a way in which legislation will dictate the Judiciary and the way in which they manage cases, this is not why we have clearly separate branches. In the end, if passed HB 19 will raise the costs of litigation for both Plaintiffs and Defendants and will not provide and judicial efficiency. But most importantly, this bill fails to prioritize the safety and well being of the citizens of Texas and in return will not improve our livelihoods.

Zayra Mendoza, MS

International Transportation Services, Inc.

Austin, TX

Abusive lawsuits are dwindling the health of our supply chain. They hurt jobs and businesses and create predators out of lawyers hunting a big payday out of others' pain and accidents. The increased cost has impacted our small business in paralyzing wage raises for both drivers and office personnel. Our premiums continue to increase, cutting into our margins, despite not carrying large claims. Investments in safety technology are on the chopping block due to the inability to reinvest in these projects. The trucking industry is suffering due to a dwindling pool of safe and qualified drivers.

Printed on: April 16, 2021 4:32 PM

Grace Weatherly

self

Argyle, TX

This bill seems to be contrary to the conservative principles that most Texans value-- accepting personal responsibility for one's own actions, supporting law enforcement, and maintaining an independent judicial branch. I don't understand why we would want to pass legislation that makes our highways more dangerous. We already have more trucking wrecks than any other state. By limiting the admissibility of evidence of other infractions or similar incidents, we help trucking companies avoid personal responsibility for those they injure-- many of whom are law enforcement officers working on our highways to protect us. I live just a few yards of Hwy 377 and I fear that I will be rear-ended by a truck virtually every time I try turning left into my subdivision. Denton County is also home to Hwy 380 which is frequented by gravel trucks and a very dangerous road, and this bill jeopardizes our law enforcement officers who are trying to police the highways when they get hit by a truck. I don't understand how a conservative group of legislators can support such a bill. Further, when the legislature decides what evidence will be admissible and not admissible, it ignores our rules that are passed by our Texas Supreme Court, and it takes the authority away from our trial court judges and courts of appeals justices to decide whether that evidence is relevant or not. That does not contribute to an independent judiciary, that puts the legislative branch in control of the judicial branch. It doesn't seem possible that this bill, if it passes, can withstand a Constitutional challenge, and you will have alienated a lot of conservative voters in the process.

Paul Barsi

self

HOUSTON, TX

"I oppose HB19, because I believe in the Constitution and the American justice system. I believe in accountability and corporate responsibility. I don't believe that any company should receive special treatment just because they have money and access to powerful lobbyists. And, I will never vote for a legislator who makes my family less safe and tramples on my rights under the 7th Amendment. STOP HB19 NOW!

Maxey Scherr, Attorney

Self

El Paso, TX

Dangerous bill.

I just had a friend who I represented that was hit in a seven car pileup when he lost consciousness, had a broken back which has required two surgeries so far, neck injuries- 1 surgery so far, shattered teeth, glass in eyes and other things. Upon representing him I learned that the trucking company had this driver over the road from El Paso to Dallas DAILY but only had him record the hours and miles TO Dallas and not the hours or miles from Dallas back to elpaso. I was able to prove that this driver drove 19 hours in every 24 hour period. Recording only half of those hours.

And had done so for over a year.

This bill is oils preclude that behavior from being made part of the case.

This bill would preclude a fair recovery for my friend.

This bill is not right.

Brook Barrow

Self :: teacher & mother

Fort Worth, TX

I do not support this bill. It will make the roads unsafe for my children and for all Texas children.

Printed on: April 16, 2021 4:32 PM

Cody Bobbitt

self

corinth, TX

I oppose HB19 because I believe in the Constitution and the American justice system. I believe in accountability and corporate responsibility. I don't believe that any company should receive special treatment just because they have money and access to powerful lobbyists. And I will not vote for a legislator who makes my family less safe and tramples on my rights under the 7th Amendment. STOP HB19 NOW!

J.W. Lodge

Lodge Lumber Company

Houston, TX

Our small, family-owned business provides products that are used in the construction of roads, highways, and interstates here in Texas. To deliver those products we must have a fleet of delivery trucks to ensure the product gets to the job site on time. We keep our fleet properly maintained and drivers well trained. We go above and beyond to ensure the safety of our employees and every other citizen on the road with us. I urge you to support HB 19 in an effort to curb these large lawsuit settlements. They absolutely destroy businesses like ours. Thanks for your support.

Nicholas Howard

Thompson Law

Dallas, TX

This bill limits the ability of accident victims to hold businesses accountable for damages caused by the negligent driving of their employees. The power and financial disparity between the average accident victim and the corporate defendant means that the pursuit for just compensation is often an uphill battle for the damaged party, a sort of "David versus Goliath" fight in litigation. HB 19 puts David in shackles and gives Goliath an unprecedented, powerful arsenal with which to pulverize David. HB 19 offends the most basic principles of fairness and justice by depriving accident victims of basic, traditional legal remedies.

Robert McDowell, President

W. M. Dewey & Son, Inc.

Houston, TX

As the owner of a family owned trucking with a history dating to 1895, I am writing to explain the critical situation of insurance costs for trucking companies, since we have become targets for plaintiff attorneys. Insurance companies are leaving Texas and the remaining insurance companies are raising rates dramatically due to the excessive jury verdicts. Eighty percent of communities in Texas are served ONLY by trucks. As trucking companies close because they can't afford the insurance, all businesses and households in Texas will be impacted. We must have relief from the lawsuit abuses.

Michael Panesar

Self; Attorney

Houston, TX

Dear House of Representatives. "The fundamental purposes of our tort system are to deter wrongful conduct, shift losses to responsible parties, and fairly compensate deserving victims." *Ritchie v. Rupe*, 443 S.W.3d 856, 889 (Tex. 2014); *Roberts v. Williamson*, 111 S.W.3d 113, 118 (Tex. 2003). Our courts have always recognized and used tort law's unique ability to deter wrongdoing as a means of social policy. *Restatement (Second) of Torts § 901* (1965); *Golden Spread Council v. Akins*, No. 95-0084 (Tex. 1996) (concurring Justice Cornyn).

Printed on: April 16, 2021 4:32 PM

HB 19 cancels those rights for all of us. This bill creates a giant loophole for trucking companies to kill without consequence.

"Tort reform" laws, like HB 19, stick the victims with the bills and the carnage caused by trucking companies that cut corners and break laws. Tort reform is never about improving standards; Tort reform is about putting profits over people. And when the foreseeable victims ask why the guilty trucking company will never pay for the damages their business model predictably caused, how will you explain HB 19 to that family? I'll be happy to tell them who voted for this. Then you can explain why their loved one(s) had to die.

Second, the definition of "accident" is an insult to the victims. It's an insensitive attempt to "minimize" the violence caused by their rush for profits. Imagine the headlines: "Another Overworked, Underpaid Truck Driver Falls Asleep At The Wheel, Killing an Entire Family of Four" - HB 19 says that's just an accident. You and I both know that these crashes are a systemic failure, an epidemic. Texas DPS took great care to change the word from Accident to Crash. These things are preventable, with the right motivation, but not when "it's just an accident." Words matter.

Finally, the double reduction of future damages harms the most severely injured. The ones lucky enough to survive get the privilege of a water-drip torture at the hands of the company that caused their injuries. Civilizations are judged, not by how much money the wealthy have, but by how it treats the least among us. Slamming the courthouse doors on foreseeable victims, makes our civilization look pathetic and cruel.

Please protect Texas families on Texas roads. Vote no on this bill. Thank you.

Dustin Glover, Executive Vice President

Threlkeld & Company Insurance

Tyler, TX

Over the last 5 years, court judgements that have been passed down to the trucking industry has had a devastating effect on the insurance and transportation industries. I personally have had over 10 clients close their doors due to the rising insurance costs within the past 2 years. In the last 18 months I have seen a dramatic rise in auto liability and excess pricing in the transportation industry that is starting to squeeze out small businesses in Texas. Some of these prices are in excess of \$20-30,000 per truck for insurance

These judgements have caused the entire industry to harden across the board. The trickledown effect can now be seen in all industries...not just transportation. Re Insurers have pulled capacity back to an all-time high causing multiple carriers needed to place excess coverage for each insured and some insurance carrier losing their capacity to write above \$5mn limits. I have seen a drop in insurance carriers that will even write trucking business. I estimate that in 2015 there were roughly 40 to 50 insurance carriers writing transportation business...that number has dwindled to maybe 10 to 12. In 2015 Hallmark Insurance Company had more trucking clients in Texas than any other insurance company. They have basically pulled out of Transportation in Texas all together.

A study conducted in 2020 by the American Transportation Research Institute on the impact of Nuclear Verdicts on the Trucking Industry revealed that Texas is the 2nd most attractive state for investing in litigation. The top four states are:

1. Florida
2. Texas
3. New York
4. California

The fact that Texas is ahead of Democratic NY and California blew my mind. Please consider the effect these outrageous lawsuits are having on our small businesses in Texas. The transportation industry is the backbone of this state and I feel like we are allowing them to be squeezed out of business.

Henry Moore, Mr

Self

Austin, TX

Printed on: April 16, 2021 4:32 PM

This bill would make our roads less safe by giving commercial vehicles special protection. It would also make our courts less efficient by creating additional procedures in these cases.

Finally, the definition of what constitutes a commercial vehicle is too broad.

GARY BABBITT

GaryBabbitt Consulting

Rowlett, TX

I I am a 44 year Professional Driver who when I retired had amassed 5.4 million miles safe driving and was selected as the ATA National Driver of the Year in 2013. The impact that lawsuits and the publicity that surrounds them is affecting safety on our highways. Many times throughout my career I have had instances where I felt like I was being set up to have an accident that would be minor with major implications. The last 10 years that I drove these instances became more and more frequent. They were frequent enough in certain areas that because of past experiences you became even more vigilant watching for the intersections, highway changes, or terrain that would aid them in their goal. These accidents are a major influence in diminished safety for everyone. Their roll in ruining a drivers career and reputation in an industry they chose to serve can be catastrophic. I would urge you to consider these truths when this bill is decided. I would also like to thank you for what each of you do. Gary Babbitt

Jeremiah Banek

Plexus Medical, LLC

Austin, TX

Citizens deserve trial by jury to defend their rights

Tommy Springer

Self

Arlington, TX

I am very very concerned about the safety of our highways! This bill would absolutely put families at risk. The vetting of drivers is critical because of such safety mechanisms put in place. And to strip the rights of those afflicted by trucks would be a disaster. Coming from a healthcare background, the Medicare rates pushed me away from helping many injuries and health problems. There is no incentives to provide quality healthcare to Texans as it is. This must be defeated.

Clarence Gerke

Self

Brenham, TX

I am former President of a national funeral director's association. With over 50 years experience as a licensed funeral director, I can tell you the harm and sorrow to Texas families caused by trucking and delivery vehicle crashes is tragic. Firsthand, I have seen the destruction the crashes have brought upon our fellow Texans; that is, our friends, neighbors and families.

Daryl Derryberry

Self

Tyler, TX

I am opposed to the enactment of this bill. If passed this bill insulates trucking companies and other commercial motor vehicle operators from being held accountable for their lack of compliance with regulations that govern their industry and essentially shields them from being held accountable for its actions in operating its business. For example, if enacted, this bill would prevent

Printed on: April 16, 2021 4:32 PM

the introduction of evidence in a case involving a trucking company's violations of the Federal Motor Carrier Safety Act and its own policies and procedures relating to hiring, training and retaining its drivers even if those violations allowed a bad driver to get behind the wheel of a commercial motor vehicle, including 80,000 lb trucks and trailers, and drive on Texas roadways. The company could simply acknowledge it is responsible for the driver's actions (respondeat superior) and no evidence would be allowed relating to the potential negligent hiring, training etc of the driver involved in the accident. This prevents the jury from ever knowing that the company failed to act reasonable in hiring and training its drivers and/or complying with its other policies and procedures as it relates to the safe operation of its business. There would be no direct claims against these entities for their failure to act in accordance with the FMCSAs and their own policies and procedures. I believe such a bill, if passed, would make Texas roadways more dangerous, not safer.

Jennifer Chavers
Rowdy Resources
Palestine, TX

I have worked in the transportation industry for 20 years. The companies I have worked for have been involved in a handful of accidents during that time, 90% of which were not the fault of the company driver. But, lawyers do their best with their commercials and billboards to convince the general public that the trucking company is always at fault and should pay pay pay. Big rig accidents are often so tragic simply due to the weight and size of the vehicles involved. I think more effort should be put into educating all drivers of the dangers of not properly sharing the road with these vehicles. I commute to work every day, and almost daily, I watch people cut off big rigs, slam on their brakes in front of them, etc. I have ridden in a few big rigs. No matter the drivers' best efforts, and no matter how quickly they react, you cannot stop a big rig on a dime. If we focused more on educating drivers on road safety instead of encouraging people to sue when tragedy has struck, we could all be safer and happier. The transportation industry is what moves this country. And lawsuit abuse is making it more and more difficult for owners to keep their trucks moving. Also, larger and larger portions of company funds has to be spent on the ever-increasing insurance rates. That money could be better spent focusing on safety equipment, vehicle upkeep, and the like. Frivolous lawsuits and mislaid blame is going to destroy an industry that is vital to everyone's livelihoods. Thank you for your time.

Pamela Grooms
Self
Austin, TX

This bill is needed to keep the cost of transporting goods down. It impacts every TEXAN. The freeze and Covid-19 have had an impact on the Texas economy. This is one thing that can help the Texas Economy. I totally support this bill.

JOHN Grooms
SELF
AUSTIN, TX

I SUPPORT THIS BILL - IT IS IMPERITIVE TO HELP THE TEXAS ECONOMY.

Blake Erskine
Erskine & Blackburn, P.L.L.C.
Austin, TX

Thank you for serving our great state with your time and talent. I am grateful the legislature is discussing making the roadway of Texas safer. God has trusted me to serve families who have been killed, crippled and injured by reckless companies who employ unqualified drivers, untrained drivers, and unsupervised drivers for more than 25 years. The needless crashes caused by these company drivers are always predictable and preventable. In every case, if the company took the appropriate time to hire safe drivers, train their drivers, and supervise/monitor their drivers the crash never would have occurred. Companies who are trusted to use our public roadways to serve our communities with their products and services should not be given extra legal protection

Printed on: April 16, 2021 4:32 PM

when they don't act responsibly by placing unsafe drivers behind the wheel. This bill would provide legal protection for companies to prevent members of the community (jury) reviewing all the facts to determine the root cause of the crash, who should be accountable and why they should be accountable. If the company is following the law, doing what they are supposed to do by hiring qualified drivers, training drivers and supervising/monitoring drivers, then they have no reason to fear. If not, our civil justice system must hold them accountable for the consequences of their actions. But for the consequence of facing a community jury of peers, companies do not have sufficient motivation to ensure they are placing safe drivers behind the wheel of their vehicles. The statistics from TXDOT prove our roadways are dangerous and unsafe. This legislation will not make our roadways safer. We should all be using our common sense and asking who is behind this legislation, what is their motivation behind this legislation, and what will the companies gain compared to what Texas citizens who travel on the roadways with these companies will lose? Let's talk about laws to increase these companies accountability in our civil justice system to make the roadways safer for my family, your family and everyone who is on the roadways with these company drivers. We all know conduct rewarded is conduct repeated. Thank you for your time and service.

Mario Alvarez

Self

LOS FRESNOS, TX

I firmly believe that Bill HB 19 will highly compromise the safety of Texas drivers. It is unconscionable to shield trucking companies from their responsibility of having properly trained drivers and well maintained vehicles. By passing this bill, we are allowing trucking companies to have inexperienced or poorly trained drivers traveling throughout a state that as is leads the country in trucking crash injury and death accidents. We need laws that will encourage trucking companies to comply with safety protocols that would ensure the well being of Texas drivers. HB 19 does the opposite.

JONI HERNANDEZ

SELF

GARLAND, TX

My name is Joni Hernandez & I oppose HB19. Not only have I personally been affected by a semi-truck crash, but so has my family. Taking the chance for justice away would be a disservice to the ones we love. My body is no longer what it use to be, along with my pain level on a daily basis. I am now wheelchair bound, an above knee amputee, & chronic pain is an ongoing issue. That's just a few things that only scratch the surface of what I face on a daily. I've watched my loved ones watch me suffer day in & day out without relief in sight. When I use to be the reassurer, I am no longer in control. Independence was my favorite quality. I took care of myself & whatever else I needed to do. I was only on my way to work. In the blink of an eye, my life was going to change forever. My family would grieve without any reassurance from me. The next time I'd open my eyes, I'd be on life support & unsure if I'd wake up again. Pain, I wrote that in my nurse's hand. Pain. My humerus would be broken, my femur and ankle would break, as well. My left leg would be degloved from my upper thigh down to my ankle. I'd go on to have 15+ surgeries, & skin grafts would never fully take on my body. Infection would go on feeling like the blood coursing through my veins. Normal would become a stranger to me. I'd never feel like my self prior to the crash. All it took was 60 seconds for my life to change forver. My fear is real. I am reminded when my heart races out of control as we drive next to an 18-wheeler. The fear of anyone going through what I've been through, without any chance of justice holding these drivers/companies accountable- that's enough to pack my things & move to whichever state truly looks out for their people's safety. To a state that cares about their people's wellbeing. This bill compromises all we stand for & have stood for- which is justice for all. Justice is all I am asking for.

JONI HERNANDEZ,
RON MCCALLUM FIRM

Kevin Madison, Judge

self

Lago Vista, TX

As a judge and victim advocate, AS WELL AS BEING A NATIVE TEXAN, I AM ADAMANTLY AGAINST THIS BILL THAT WOULD PROVIDE ANY PROTECTION TO RECKLESS AND DANGEROUS COMMERCIAL TRUCK DRIVERS AND

Printed on: April 16, 2021 4:32 PM

TRUCKING COMPANIES. The carnage inflicted on Texas residents by dangerous truckers and dangerous trucking companies who operate with defective equipment and reckless drivers should mandate that we hold these drivers and carriers to the HIGHEST STANDARDS- THEY ARE CALLED COMMERCIAL DRIVERS AND PROFESSIONAL DRIVERS BECAUSE THEY ARE SUPPOSED TO BE THE BEST AND PROFESSIONAL. TEXAS JURIES DO NOT JUST HAND OUT LARGE DAMAGE AWARDS WITHOUT PROOF OF GROSS NEGLIGENCE THAT ENDANGERS TEXANS. VOTE NO ON THIS BILL- YOU KNOW IN YOUR HEART THIS BILL IS MEANT TO PROTECT THE TRUCKING INDUSTRY AND NOT TO HOLD THEM ACCOUNTABLE FOR INJURIES AND DEATH THAT ARE CAUSED BY NEGLIGENT DRIVERS. Vote no to this bill.

Russell Reynolds

Self

PLANO, TX

Texans should have a right to know the company behind the employed driver. Allowing companies to cloak themselves by agreeing that the driver was in the course and scope provides unprecedented protection that no other Texas employer enjoys. Drivers are connected to their company in many different ways. The company publicly enjoys the credit when things go well, but when it doesn't, they must also be publicly held accountable. No driver operates in a vacuum without the control and supervision of their employer that they are hauling for. Removing the employer and leaving the employee is counter to any other civil litigation statute. For example, under the Texas Tort Claims Act, when individuals are sued along with the government, the employee must be immediately dismissed. The public policy is to protect the employee where the claim is properly against the employer.

Allowing trucking companies to be dismissed and cloaked from the public treats them as if they were traditional auto insurance carriers without any of the public policy protections for coverage required in law or through the Texas Department of insurance.

Dylan Percy

SELF

San Antonio, TX

I'm a 7th generation Texan whose ancestors were here during the Texas Revolution and this bill is one of the most anti-Texan pieces of legislation I've seen in a long time. One of the great things about Texas is the way in which we force individuals and businesses to take responsibility for their actions. We don't give a lot of handouts and we don't try to over regulate, we leave that to the politicians in DC. Unfortunately, when I read HB 19, it seems to be the sort of bill that involves a government bail out of bad actors in the trucking industry. I understand the desire to make Texas business friendly but even without HB 19 we still have one of the most business friendly environments in the United States - to claim trucking companies or insurers won't do business in Texas any longer is obviously untrue.

Perhaps the worst part of the bill is the fact that trucking companies can easily deny responsibility for their own mistakes by the prohibitions on presenting safety violations unrelated to the incident at hand. If a career criminal commits a "new crime" they've never committed before we don't prevent the DA from referencing previous bad acts to enhance sentences and keep the criminal off the street. If a trucking company has a poor safety record a jury or judge should know about that record, it's the equivalent of a criminal record. This bill is nothing but welfare for the trucking industry - if a company doesn't follow rules and it leads to the death or serious injury of Texans the legislature shouldn't let them off the hook, it should punish them for refusing to follow rules. The way a company does business matters and bad companies with a history of breaking rules should not be protected. We are Texas, we have high standards and if trucking companies want to violate those standards lets not make it easier for them to get away with it.

Moreover, if a fear of increased insurance premiums or a bad lawsuit result keeps trucking companies honest and forces them to do more for safety of Texans, why is that a negative? I personally know that if I cause an accident my insurance premium will go up and it forces me to always have the safety of my fellow Texans in mind when I'm driving. Texans aren't stupid, they aren't being misled by sneaky lawyers, they are making decisions based on facts at hand. If a company DIDN'T break a lot of rules and can show a robust safety program Texans aren't going to punish them. However if a company wants to keep breaking rules and refusing to do the right thing a Texas jury is smart enough to hold them responsible.

Printed on: April 16, 2021 4:32 PM

Shane Boasberg

Self

Austin, TX

Who is lobbying for this bill and what is the need? Seems like a way for commercial driving companies to use the legislature to rid themselves of liability for hurting Texans on the roads

Leslie Warren, Attorney

The Offices of L.A.W., PLLC

Kyle, TX

I absolutely and vehemently do NOT support this bill.

Ronald Gandy

Rowdy Transport

Tyler, TX

Its time we take a stand against abusive lawsuits!

Chris Brasure

Self

McAllen, TX

The truth shall set you free. John 8:32. This law protects companies that regularly break rules because this law stops an injured Texan from finding the truth about the company's safety record in court. The limits in this law are limits on the truth. I just heard that TX leads the country in truck wrecks. Now, HB 19 makes my family and fellow Texans less safe. My family pays taxes and drives all around TX and the right for a company to make money using the same taxpayer roads (we pay for) is a not a right--its a privilege. Companies that use our roads should not be able to hide the truth in Court. If the truth shows they are safe-great! Good companies have the truth on their side. But this law allows unsafe companies to hide the truth (that they are unsafe) when a fellow Texan is hurt. Worse, the company will be let out a lawsuit from a taxpaying Texan. Hiding truth is not fair and not what a company should do-ever. Having a payment plan where a company or their insurance can keep the money they owe is also unfair. If a company is safe—the truth shall set them free. If this law passes- the truth can be hidden from taxpaying-God-fearing-Texans. That is not right. Please have faith in the truth and don't pass this bill.

Dan Linebaugh

Linebaugh Law Firm

Houston, TX

Please vote NO on House Bill 19. This bill would allow trucking companies to hide their own bad conduct. A lot of crashes are the result of the trucking company's safety shortcuts. These companies should not be permitted to stipulate that their driver will take all blame (thereby making the driver a scapegoat) and hiding the trucking company's own misdeeds.

As an attorney, I have seen numerous cases where the trucking company's management was responsible for the crash. For example, in one case management knew that the truck had bad breaks, but they made the driver take the truck on the road anyway. The faulty brakes caused a crash seriously injuring an innocent motorist.

In another case, a delivery van driver started his route at 5 AM. Management knew that this driver was also working a second job, until midnight and that this driver was getting only four hours of sleep. Nonetheless, they kept this driver on the road. Ultimately

Printed on: April 16, 2021 4:32 PM

this fatigued driver ran a red light and crashed into an innocent motorist requiring the innocent motorist to be hospitalized in ICU for 6 weeks.

In yet another case, a truck driver obtained her CDL at age 58 through a 2week CDL school. By her own admission wished she had received more training. After obtaining her CDL, she had difficulty holding a driving job. She was terminated from one driving position for having two collisions within one year. Ultimately she went to work driving a dump truck for a ready-mix company. The ready-mix company had 21 units in its fleet but nonetheless it had no driver safety program. It did not provide this driver with any additional training and did not require this driver attend any safety meetings. While driving for the ready-mix company, this driver was involved in three additional collisions. Still, she was provided no additional training. The ready-mix company allowed her to continue driving. Her next collision would her 6th collision in 3 years and it would be horrific. While following too closely and failing to control her speed, she overacted to stopping traffic and she drove left of center and collided with a vehicle traveling in the opposite direction. The other motorist was pinned in her car for 30 minutes while flames torched her feet resulting in severe burn injuries which required five weeks of hospitalization, skin grafts and reconstructive surgeries. Management should've taken this driver off the road after the third collision. And certainly should have trained the driver how to safely handle equipment before turning her loose on our public highways.

These examples demonstrate how management's decisions are often the root cause of trucking collisions. Trucking companies must be held accountable for their own misdeeds. Please vote NO on HB 19.

Rahlita Thornton

Thornton Esquire Law Group

Houston, TX

Potential lifelong injuries should not be the victims burden to bear. No company be able to skirt their responsibility to innocent drivers who have nothing to do with how they keep up with their safety programs. Lack of safety rules and resulting damages will end up putting the financial burden on the government when the victims have to apply for government benefits just to live and get medical treatment.

Alisa Ukperaj

Self

Keller, TX

I am a mother of 4 children . We are on the road everyday going to and from their after school activities. This bill lets companies hide their safety record after a crash. It could be me or my family. This bill is bad especially with deaths on the road increasing last year and Texas leading the country in truck deaths.

Stewart Matthews, Dr

Self

Ennis, TX

This is an atrocious bill stripping regular Texans of protection at one of the worst times of their life. The only message sent by this Bill passing is Texas legislature saying they care more about businesses than voters/Texans. This Bill must be stopped. One can only hope that those who are thinking of voting for it would first consider the suffering it would create should someone in their own family be hit by a truck.

Please don't make Texans suffer more than they would already at such a tragic time. Stop HB 19.

Kyle Herbert

Self / attorney

Houston, TX

I write in opposition to this bill (HB 19) which I fear will needlessly endanger Texans on our highways and roads. The only benefit of this bill will be increased revenue for commercial trucking businesses and their insurers. The real losers will be normal Texans exposed to injury or death by lax safety standards.

Commercial vehicles can cause catastrophic injuries. Because the risks of harm are so great it is wholly appropriate to hold commercial trucking companies to a high safety standard.

I would encourage the legislature to vote against this bill and to continue to make our Texas highways safer.

Best regards,
-Kyle Herbert.

Matt Aulsbrook
Self - Lawyer
Arlington, TX

HB19 endangers Texans. Texas leads the nation in large truck crashes. This legislation would actually make Texas roadways less safe by not allowing the bad actors to be held fully accountable.

Donald Kidd
self
Houston, TX

HB 19 is very bad for individual Texans. Commercial motor vehicle insurance is some of the most accurately underwritten insurance. Commercial vehicle owners who follow the law and maintain good and safe vehicles and drivers do not pay high insurance rates. Those who skirt the law and endanger all of us on the road should pay higher insurance rates. HB 19 protects the worst of the commercial vehicle owners. OUR Texas Legislature should stand up for everyday Texans and defeat this unsafe bill.

Jeff McGuire
Self
Dickinson, TX

This is ridiculous and you all should be ashamed! Focus on things that matter to Texans (pandemic, fixing our power issues) rather than protecting corporations!! I will never vote R again!!!

Robert Greening
Self
Dallas, TX

This is a bad bill for Texas families and Texas small business. Why would you give protection to foreign and out of state trucking companies and basically reward them for having no safety programs? This bill only protects big insurance companies to the detriment of Texas families' safety on the roadways of Texas

Jesus Garcia
Self
Houston, TX

Printed on: April 16, 2021 4:32 PM

Texas leads the country in large truck crashes and deaths. We cannot allow companies free reign on our roads. They must independently comply with the state and federal safety regulations. The name says it all. Federal Safety Regulations. These safety regulations are meant to protect everyone on the road, including our families. This bill will severely limit Texas residents to discover the truth through discovery. Everyone should know if a crash is an accident or is the result of continuous violations of safety regulations. This is not going to make our roads safer. This is going to make our roads more dangers. Leading the nation in large truck crashes and death is not an area where I am proud to say we are number one. I live in Houston. I cannot imagine making our roads even more dangerous with the passing of this bill. Trucking companies are not more important that the individuals of this great state.

Michael De La Paz, Mr.

Law Office of Michael R. De La Paz

San Antonio, TX

As a personal injury attorney, I have represented clients severely injured and/or surviving family members of loved ones killed by commercial motor vehicle operators that were texting while driving and engaging in other acts suchas listening to audiobooks while driving. In most cases, the motor carrier was responsible for texting their driver and/or knew about the reckless (sometimes illegal) actions but did little if anything to prevent it. Motor carriers must not be able to skirt their responsibilities to the motoring public. This bill condones, if not encourages, dangerous driving on Texas roadways.

Roberto Salazar

Self

Mission, TX

Please do not pass this bill. It is bad for Texans. It absolves companies from their responsibilities and makes it difficult for those injured by bad drivers and companies to get fair compensation for their losses. Please please don't pass this bill.

Brent Chandler

self

Southlake, TX

Texas roads are extremely dangerous and a majority of commercial carriers fail to comply with the regulations. HB 19 clearly restricts access to critical information of a carrier's violations and safety information. It also has litigation procedural barriers that delay and impede justice for accident victims in Texas. HB 19 is a failure to protect injured Texans and would put Texans at increased risk from out of state commercial carriers.

Joseph Dunn

Myself

San Antonio, TX

HB 19 is dangerous to Texas families. I have practiced law for over 30 years. Half defending companies and half representing persons harmed by commercial vehicles. HB 19 would make driving in Texas even more dangerous than it is. Don't give these companies a free pass. Make them spend the money to find more innovative and safer ways to transport freight and people. Computer assisted driving should fix this problem in the future. It won't if companies are t incentivized to spend the money to update their fleet.

Rachel Ambler

Self, Attorney

Odessa, TX

Printed on: April 16, 2021 4:32 PM

HB 19 lays the Texas motoring public at the mercy of irresponsible drivers and their employers. This is David v. Goliath. Texas jurors are not wild-eyed liberal jurors. The burden on plaintiffs is high. Texas jurors traditionally render low verdicts. Million-dollar and multi-million dollar verdicts come down when there are obvious, grave violations of a duty or the law. Responsible companies that follow the law, train their employees, and maintain their fleets are not at risk of a high verdict. Texas roads are dangerous. Highway 285 from the New Mexico border through Pecos to Ft. Stockton is called "Death Highway," for good reason. If these employers do not fear God, or Texas DPS, or the Transportation Code, the only thing they fear are Texas jurors - that's why they want this law passed. When this law passes, they have a coat of armor.

For example, a company that fails to maintain its equipment, knew the rig had bad brakes, and ignored the multiple written repair requests, sent its driver out on a run to pick up crude. The brakes failed at intersection, resulting in death. The DPS investigator determines 10 sets of brakes were not working. Under the proposed legislation, the company will not be held accountable by Texans for its own negligence and failures, if it says the driver was on course-and-scope and the driver failed to maintain speed/apply the brakes sooner/knew the rig had bad brakes. Under the proposed legislation, if the company throws its own employee-driver under the bus, it can run that bus over and into as many Texans as it wants.

When did Texas become a State that cares more about companies that hard-working Texans? This is the type of protective legislation President Putin would pass for his Russian cronies.

When did Texas become Big Brother, telling Texans what to do with their money? Passing a law that demands Texans accept an annuity infringes on Texans' basic property rights. Even the State knows this, offering lottery winners an option.

Tell companies operating fleets in Texas, if they want to limit their liability: do what is right, follow the law, train your employees, and maintain your fleets, because the Texas legislature will not absolve you of your responsibilities to use ordinary care using the Texas roadways to make money.

Scott Mclemore, Self

Self

Houston, TX

Don't put profits over safety of Texans. When a Texan is hurt by a big trucking company, they lose the ability to care for their own families and pay their own way. You should not side with profitable insurance companies and profitable trucking companies, by insuring its easier for them to win when they maim and kill. We have the most trucking wrecks and fatalities in the United States and what you are doing is wrong and taking away the rights of people injured by those chasing profits. It is not your job. You should protect families. Families spending money makes the economy, first. Not big companies.

John Shaw

Self

San Antonio, TX

November 7, 2000 (more than 20 years ago) was the last day in the State of Texas where someone was not killed on a Texas roadway as of November 7, 2020. <https://www.statesman.com/story/news/politics/elections/state/2020/11/07/herman-one-sad-day-at-time-streak-reaches-20-years/114727236/>. in 2018, the date the latest statistics are available, Texas had the highest rate of fatal truck crashes in the nation with 644 Texans losing their lives to crashes involving large trucks. https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-09/LTBCF%202018-v5_FINAL-09-15-2020.pdf. The next closest state was Florida with half the number of deaths in the State of Texas. HB 19 will do nothing but make Texas roadways less safe and will allow our state to continue to lead the way in commercial fatality wrecks at the expense of Texas citizens. HB 19 absolves companies from independent compliance with State and Federal safety regulations intended to protect those of us not driving a commercial motor vehicle. When someone is injured or has a loved one who is killed by a commercial vehicle, HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad acts, including safety violations which are often discovered when investigating a commercial vehicle crash. HB 19 also imposes one-sided procedural barriers that delay justice for victims of commercial vehicle crashes. In short, HB 19 would hurt every Texan on the road who is injured or killed by the negligence of someone driving a commercial motor vehicle. Texas should be number 1 in protecting its citizens, not number one

Printed on: April 16, 2021 4:32 PM

in making them less safe.

Lamar DeLong

Attorney - Plaintiff

Flint, TX

I am concerned with this bill for a variety of reasons. First, it defendants are allowed to bifurcate trial in every truck accident case by filing a motion before voir dire, this allows the defense to stipulate to negligence and avoid having to hear evidence of negligent conduct in the Plaintiff's case in chief. Second, this bill prohibits the introduction of any evidence about violations of company policy or federal or state regulations or laws beyond 2 years prior to the crash – in other words, no violations older than 2 years prior to crash is admissible. What is the rationale behind this? Companies that continuously violate the law get a pass? Even if these continuous violations cause injury or death? Criminals go to jail for enhancement charges on prior offenses - those convictions don't just go away. Why do large corporations that violate safety laws at the expense of the general public get a pass? Third, this bill restricts direct negligence claims against the company if the defendant stipulates that driver was in course and scope. What about negligent hiring, and entrustment claims? I recently had a case where a trucking company hired a driver with a history of road rage. He has worked for 15 different trucking companies in the 3 years leading up to his application with the company. If the company that hired him would have looked at his employment history beforehand, which the federal regulations require, it would have discovered that they had a very dangerous applicant on their hands. He had numerous "1-800-How's My Driving" complaints lodged against him at his previous employers, which all fired him. The company didn't even look into his employment past. Instead they blindly hired the driver, who in turn ran my client and his 4-year old son off of the road at highway speed and caused them both severe bodily injury. The company was negligent for hiring, supervising, and entrusting a motor vehicle to this villain-driver. This bill would have prevented my client and his son from holding the company responsible for their independent corporate negligence. Fourth, this bill over broadly defines "commercial vehicle" which is likely preempted by federal law. Fifth, this bill restricts discovery beyond two years prior to the date of the crash. Again, if a company has manifold violations for hauling oversized loads without the proper permits to do so, and those violations date back to 2015 - the jury should be allowed to consider the company's longstanding policy of noncompliance, provided the history violations fit the facts of the case. At the very least, a party is entitled to discover this information, and the Court can decide it's relevance. This bill doesn't even contemplate a company's ability to discover the same against a Plaintiff. Why is this so one-sided? Finally, this bill requires a court to structure payouts for verdicts over \$100K. At a minimum this should be Plaintiff's option. Even the Texas Lotto gives an option if you win.

Eric Nielsen

The Nielsen Law Firm, P.C.

Houston, TX

This bill is bad for Texas residents and tries to rob them of rights and protections enjoyed by citizens of every other state. Texans are supposed to be about responsibility and accountability. Making people responsible for the injuries and damages they cause makes for a safer society and prevents many collisions. Eliminating or even reducing the trucking industry's responsibility and accountability for the injuries and damages caused by their negligence will only result in more deaths and injuries on Texas roads and highways. This bill is bad for every single Texan who drives or rides in cars and pick-up trucks in our state.

Timothy Riley

My family

Houston, TX

This is truly a terrible idea. Truckers are involved in a great number of injury-producing wrecks in our state, seriously injuring and killing hundreds of Texas citizens on an annual basis. Our civil justice system is designed for two purposes: (a) to achieve some sense of justice for victims of negligence and intentional torts; and (b) to serve as an effective reminder that citizens must act reasonably and responsibly or there will be a reckoning, criminally perhaps but certainly civilly. We have learned from hard experience that removing accountability from operations that are fraught with danger results in responsibility following shortly thereafter. If we reduce the civil exposure for trucking companies, it will not be long before we see trucking companies ignoring speed and other traffic control laws, ignoring driving time limits, overloading trucks, failing to maintain truck brakes and lights,

Printed on: April 16, 2021 4:32 PM

etc. This will put our families at further great risk. I also noted the "periodic payment" provision, which would allow trucking companies and insurers to get some type of morbid rebate on the payment of damages they caused if only their victims will have the sense to die early. This too, is a horrible idea. Those damages were sustained at the time of the wreck. The recoveries that those helpless victims might receive should go to their heirs if they should die after judgment, not to the folks who caused their fatal injuries in the first place.

Chris Campana
self Attorney
Austin, TX

I am heartily opposed to this bill as there is no rationale basis for the proposed law other than to protect commercial businesses at the expense of the traveling public. There is no reason to unfairly burden individuals for greater business profits. The function of state government is to level the playing field for all society, not to favor one group over another. Depriving individuals of access to fair compensation for the wrongs committed by another goes against what makes America great. Justice for all!

Alice Lima Lovchik, Attorney
Javier Marcos & Associates
Houston, TX

Good morning, dear representative:

HB 19 unduly limits injured individuals from recovery in lawsuits against truck drivers and owners of truck fleet. The adoption of HB19 will prejudice injured individuals and will prevent them from fully recovering from their damages. Texas roads are dangerous and the law must provide some control on truck drivers. Please keep in mind what happened in Fort Worth last month.

Brad Geminder
Self - media
Dallas, TX

This bill is a bad idea! It will put more Texans in increased danger on our roads. People should know they can be held accountable for their actions on the roads otherwise people are less likely to be concerned about results of their actions.

Randolph Henson
Self Retired
SPRING, TX

This is a bad bill. It is a transparent attempt by the trucking industry and their insurance companies to make it much more difficult for citizens to recover damages caused by the negligence of operators of commercial vehicles. I urge you to oppose this bill.

Michael Phifer
Self - Attorney
Houston, TX

As a private motorist, I get no special treatment from the courts or the legislature. Why should the legislature give trucking companies special treatment? Over 130,000 Americans are injured every year in large truck accidents and thousands are killed. If you go to any major city in Texas, the highways are filled with large trucks that are often speeding and driving aggressively. This proposed legislation would basically reward trucking companies and truckers for failing to follow the rules that everyone

Printed on: April 16, 2021 4:32 PM

else has to follow. It would make our highways more dangerous and it is a bad idea for Texans. Thank you for reading this comment.

Douglas Monsour
self (lawyer)
Longview, TX

I have reviewed HB 19 and believe it to be highly unnecessary and counterproductive. A few weeks ago, in the worst winter storm to hit Texas in decades, we saw 18 wheelers involved in one of the worst collisions in Texas history. Although the investigation is in its infancy, I suspect we will learn that some of those 18 wheeler drivers were going too fast for the icy conditions. Were they exceeding the speed limit? Unlikely. But were they likely going too fast for the conditions? Probably. In the face of that wreck, the national trucking industry is hoping this bill passes so their continued transgressions remain unchecked.

Why does the trucking industry deserve this bill? I handle trucking cases all the time. The drivers exceed their hours, cheat on logs, drive after drinking alcohol, drive on meth and many other transgressions. While not all drivers do this, enough do it so that it's not a surprise when we find bad facts in a trucking case. I have a case set for trial in Federal Court in Tyler in July. There, the defendant driver was sexting (yes sexting--a form of dirty texting) on his phone at the time of the wreck which put my client's wife in the hospital with a brain injury. He hit a mile long line of parked traffic on I-20 that had been backed up for days because of a road defect. He was doing 68 mph at impact. One week later, my client had to take his wife off life support to allow her to pass peacefully. Since then the trucking company has destroyed logs (accidentally they claim), the defendant has taken the 5th in his deposition, and we've caught the driver's boss texting with him during drives (now they've lost the drivers time sheets so we can't correlate the texts to his work hours--convenient?). It turns out this out of state trucking company hurt someone in Texas year ago, suffered a large judgement, didn't have enough insurance, and then threatened to declare bankruptcy after the verdict. This same company ordered monitors for their drivers so they could watch them. However, they ordered the wrong kind of monitor and then didn't even install them when they arrived (I'm not making this up). Why would we ever introduce a bill that would protect a company like this?

This bill has problems and is unnecessary and is likely being sold by a trucking industry that has very unclean hands. Plus, some of the provisions make no sense. Why would discovery be limited to two years. In my example above, the prior lawsuit and the safety solutions made afterward and then not implemented (ordered monitors but never installed them) happened outside the 2 year window. Under this bill, that evidence would be excluded. Why a hard and fast rule on discovery? Shouldn't a judge decide that as in all cases? How do trucking companies (mainly out of state) deserve special rules? Don't Texas residents deserve better? Shouldn't the proposed bill be a way to protect Texans? And not out of state trucking companies?

Chelsea Weeks
Self
Sugar Crystal Ct, TX

I oppose.

Guillermo Del Barrio
Self
Laredo, TX

This is ridiculous! It is clearly NOT in the best interest of the people of the State of Texas. Is there much more to say about it?

Melissa Zinda
Self
Austin, TX

Printed on: April 16, 2021 4:32 PM

Please do not vote for HB19, Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths. I have personally lost friends and family because of car accidents and one trucking accident which involved a distracted driver. It was heart wrenching for my family and I cannot imagine having a bill that prevents drivers and their companies from being held accountable for their actions.

This bill is terrible and I hope you keep Texas residents in mind, safety above everything else.

John Zinda

Self, CEO

Austin, TX

Please do not vote this bill out of committee. This bill will make our roads even more dangerous. A lot of trucking companies already ignore the rules and this will just encourage more behavior like that.

Thousands of people lose a parent or child because trucking companies are hiring dangerous drivers and acting irresponsibly.

We can't let them ignore state regulations especially international trucking companies.

Anthony Garza-Vale, Mr.

Self; Attorney

San Antonio, TX

This bill will make our roads more dangerous. Currently, companies have little incentive to follow the safety regulations for making safe decisions when hiring, supervising, training, and retaining their drivers. Many maintain their vehicles on a shoestring budget. The regulatory oversight is a joke. Our civil courts are the only forum where these safety issues are brought to light and accountability takes place. Please don't take that away from our community by allowing these companies to hide their choice to put profits over safety. The trucking companies will hire anyone from illegal aliens, to drug addicts, to people with serious health issues that affect their driving to operate these 80,000 lbs 18-wheelers.

Marquette Wolf

Self

Dallas, TX

This bill is outrageous because it targets victims ability to be reimbursed for the damage caused by irresponsible operators.

Belinda Garza

self

Houston, TX

Please reconsider the passage of this bill. HB 19 would absolve companies from independent compliances with the state and federal safety regulations. HB 19 would make Texas roads more dangerous. As it is, our state leads the nation in large truck crashes and deaths. Texas needs its truckers, but it also needs its civilians unharmed.

Stephen Barnes, Dr.

Self

Houston, TX

Requiring court ordered discovery, and limited discovery at that, assists a defendant in hiding the truth. The measures in this bill

Printed on: April 16, 2021 4:32 PM

are to harsh to the Plaintiff, who is already at an information disadvantage

Robert Trenchard

Self

El Paso, TX

Another law to protect irresponsible businesses and insurance companies and make the rest of pay for damage they cause. Just leave the laws alone and quit taking money from lobbyists for big money interests. Being part of the Trump, Cruz and Abbott team will get politicians beat next election in Texas. The Republican Party has been corrupted. We need to take it back.

Aurora Perez

Self

Houston, TX

A semi truck has hurt someone I know and left them with no memory of their life. A Mother that now does not recognize her life and a forever need for assistance. This is not right.

Jessica Rodriguez, Attorney

Self

Houston, TX

My name is Jessica Rodriguez. I strongly oppose HB19. I am one of Rep. Mike Schofield's constituents. I am also a trial attorney. I understand Chairman Leach has filed one of the most dangerous bills this legislative session — HB19. As someone who has worked in the legislature, I hope that committee members will actually read the bill and not just move it forward because the Chairman authored it. This Bill will be life changing—in the worst possible way. In Houston we have some of the deadliest highways. We need accountability. This Bill will reduce the incentives (risks) for companies to adhere to Texas laws and standards. What is the real motive for filing this bill? Let's have some honesty there. It certainly is not for Texans' safety. Bloody images will haunt me for the rest of my life knowing the horrible harm that negligent companies can cause for the public motorists. I'm an attorney in Houston, Texas. I deal with this every single day. I expected Rep. Leach to advocate for better road safety and accountability of those who place company overhead costs over public safety. I've seen Rep. Leach contemplate harmful bills, then realize the true magnitude of the Bill, and withdraw his support. It is my hope he will do the same here and stop further movement of this bill. If he's not willing to do that, despite clear awareness of how this will make every day Texans less safe, than I leave my trust that the committee members and my Representative, Rep. Schofield, will stop this dangerous bill from getting out of committee.

What will it take to stop it? Would you like to hear from the families who have had their children's bodies spread across a Texas road as a result of a negligent commercial vehicle? The paraplegic client whose career ended in his 30s? Do you all need to hear the countless orphan children who have lost their parents on a Texas road as a result of companies like the ones HB 19 wishes to protect?

Are you willing to run for re-election knowing you are not a true defender of Justice For All, but instead placed Businesses over Texans' safety? You will tip the scales of justice and open the floodgates to a bloodbath caused by negligent drivers. Would you advocate for a weaker punishment for a DUI driver? Every committee member's voting record says no, so why would you support this bill? I ask you to oppose HB 19 and not allow any further movement of this bill or ANY VERSION of it.

Jeanie LaPack

Self, Sales executive

Roanoke, TX

I do not approve of HB 19. It will result in higher insurance premiums for individuals to make up for the lack of accountability for businesses.

William vitz

The people that drive in Texas

McKinney, TX

Pathetic! How much money did Leach get to protect companies when they are negligent and hurt us?

Gabriel Riveros

Riveros Law Firm

Carrollton, TX

I STRONGLY oppose this proposed bill HB 19 as an advocate for people that are injured, maimed, killed or have lost loved ones in trucking wrecks. We just saw what an unregulated industry does when temperatures drop below expected norms, people suffer, some die and it could have all been prevented had the elected officials done their job for the people and not at the expense of the people. These loses are catastrophic most of the time because of the sheer size and weight differential and forces at place in trucking accidents. Without the safe guard of liability, most companies and many more will look where they can cut costs and safety, training, supervision, hiring, firing (ie labor costs) are always the first to go because it is one of the highest expenses in any industry. This bill if passed would give the trucking industry very little if any incentive to at least adhere to the bare minimum standards for safety across the board. Private attorney's general, which is what private lawyers are in these cases, have played a pivotal, necessary and essential part in helping to keep our roads safe.

I can attest first hand to having indirectly changed the way industry has operated and while some are more responsible than others, there are simply too many players in the free market on the roads which are not. Lawsuits are not all about getting money or making companies go bankrupt or increasing costs. Frivolous lawsuits are non-existent. I did defense work my first years as a lawyer and out of the thousands of cases I have handled, I have only seen one that was frivolous and that plaintiff was self-represented with mental health issues, no lawyer would touch his case and he lost. Insurance rates should not come into play AT ALL when it comes to road safety. As Christ taught us, love one another meaning take care of each other and do as we would have done unto ourselves. Unfortunately when money is concerned, caring for others can take a second seat if that. So I am asking, please do not entertain this bill. Plaintiff's lawyers are not the enemy. If trucking companies did what they were supposed to, jurors {people from the community} would not have the evidence to back up the outrage in any given case.

Please help keep our children, wives, parents, family and friends safe. I have seen first hand many people killed because truckers were poorly trained if at all, companies with knowledge operated in unsafe ways, poor industry practices, out right lies and fraudulent representations from trucking executives, truckers on drugs while driving, trucking companies asleep at the wheel in hiring, firing, training and supervision. It all adds up to create the atmosphere of rigs that are not road worthy, drivers that are lethally dangerous and companies that are making millions off running their business haphazardly. We in TEXAS are better than this! We can do better than those! You in public office are our guardians, our protectors. Say NO.

Gilbert Adams, Mr.

Self - attorney/rancher

Beaumont, TX

With populations exploding in Texas contributing to additional motorists (and trucks) on Texas highways and 18-wheelers entering Texas from and driving to Mexico (NAFTA), this is an especially vicious, unfair and irresponsible bill. It is not Republican or Democratic issue, but rather a matter of poor public policy eliminating or unreasonably frustrating recompense for damages caused as a result of the negligent hiring, employment and operation. The procedural obstacles, hurdles and would contribute to work an injustice to injured motorists and eliminate incentives for responsible operations of tractor-trailers. Daily, there are life-changing injuries or deaths occurring to Texas motorists. I have personally investigated more than 50 tractor-trailer collisions. In over 80% of these occurrences, the driver did not meet the operator's own written qualifications for eligibility to be a driver. The employer/operator turned a blind eye to these policy violations, which have included allowing drivers to continue despite which have included: trucker back on the road despite 2-month previous stroke without medical clearance (killed a family of 4), current amphetamine usage (destroyed 17 year old's school performance), exceeding number of previous citations and collisions (numerous minors life changed), failure to report/be aware of citations, streaming video while driving (deaths),

Printed on: April 16, 2021 4:32 PM

previous termination from same company with note in file that driver was not eligible for re-hire (horrible injuries) and there are plenty more. The trucking industry is booming - there is no economic crisis justifying the disparate and favorable treatment this bill would provide to this class of Defendants who are injuring, maiming or killing Texas motorists on a daily basis. To the contrary, there is a crisis of dangerous 18-wheeler drivers on Texas roadways. If passed, Texas roadways will become more dangerous. Existing case law announced by the Texas Supreme Court already limits a claim based on negligent hiring/training/supervision by requiring evidence that the prior violation(s) have also caused the subject collision made the basis of the litigation. See Fifth Club, Inc. v. Ramirez, 196 S.W.3d 788 (Tex.2006). This bill is a gift to insurers/re-insurers and does not promote a safe trucking industry. I strongly oppose HB19 which will eliminate the rights of all Texans, including my family and yours. I am pleased to support the statements herein with documentation and/or answer any questions.

Jennifer Kashar, Attorney

Self

Dallas, TX

This bill will make roads less safe for Texas drivers.

Matthew Greenberg

Zehl & Associates, PC

Houston, TX

Texas is big. The far reaches of Texas are connected by the state's roadways and highways--both of which will become much more dangerous for me and my family with the passage of HB 19.

I struggle to understand how a state filled with the pride of individual responsibility and personal mandates can, with the stroke of a pen, absolve companies from conduct that will take the lives of Texans and put us all in danger.

But here we stand on the precipice of becoming a state where this kind of conduct finds safe harbor. This bill would lead to an influx of dangerous companies who find civil and procedural shelter in the details of HB 19. Why are we exalting the best interest of these companies ahead of the interests and safety of Texans abroad? What does the general public in Texas benefit from HB 19? Nothing.

What they do get is procedural barriers to justice, a whitewashing of a company's past wrongful deeds, and a blind eye towards safety violations.

In truth, this bill hurts rural counties and their inhabitants the most. The majority of trucking-related fatalities occur in rural counties.

This is not a bill aimed at protecting Texas companies; it's a bill aimed at rural counties, whose populations will soon become in greater danger of trucking-related fatalities.

Again, I ask: to what good? None.

I've seen firsthand the kind of conduct for which this bill gives a stamp of approval: (1) a commercial passenger bus driver who was intoxicated more than four times the legal limit and flipped the bus, injuring more than 30 people; (2) a commercial passenger bus driver who was caught on-tape texting while driving and crashed the bus, injuring dozens; (3) a truck driver involved in a serious crash who was, simultaneously: speeding, talking on his cell phone, playing on his iPad, and had no hands on his steering wheel. My father is a Dallas firefighter, and he's seen the worst kinds of injuries, death, and terror inflicted upon the general motoring public by large 18-wheelers.

This is not the kind of behavior the State of Texas wants to defend; it's the type of behavior the State of Texas should condemn. The State of Texas prides itself on a certain kind of exceptionalism derived from the spirit of our forefathers, like Sam Houston, who said, "A leader is someone who helps improve the lives of other people or improve the system they live under."

This bill does neither.

Therefore, I oppose HB 19.

Printed on: April 16, 2021 4:32 PM

Josh Maness
Self, attorney
Waskom, TX

As an attorney representing victims of CMV crashes, this is a terrible bill. It is nothing more than a get out of jail free card for trucking companies that fail to hire and train competent drivers. It is akin to the punishment phase of a murder trial without knowing the facts of the case. It's that simple. Texans deserve better.

MEGAN BECKER

Self / Associate Attorney at Stewart J Guss, Attorney at Law
HOUSTON, TX

Texas has numerous historical sites to brag about. Unfortunately, our dangerous roads are not among them. And no one wants to brag that the Lone Star State leads the nation in large truck crashes and deaths.

HB 19 is almost as dangerous--it absolves companies from independent compliance with state and federal safety regulations. HB 19 caters to to cover-ups within the trucking industry of a company's prior bad conduct, including repetitive safety violations that shirked Texas law--by restricting access to critical discovery. HB 19 imposes one-sided procedural barriers that will delay justice for Texas' crash victims.

Please do the right thing for Texas. Encourage greater safety for Texas roads. Vote against HB 19.

Thank you,

Megan Becker, Attorney and Counselor at Law
Texas Bar Number: 24101495

Justin Williams
Self/CEO small business
Corpus Christi, TX

I strongly oppose this bill. It does not encourage safety but protects organizations that do not have safety programs or hire bad drivers. Texas has too many commercial vehicle accidents this makes our highways less safe. It endangers us all especially families. Please defeat this bill.

Valerie Baston, Ms.
Self attorney
Fort Worth, TX

Please vote against this bill.
Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.
HB 19 absolves companies from independent compliance with state and federal safety regulations.
HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
HB 19 imposes one-sided procedural barriers that delay justice for victims.
HB 19 would make Texas roads more dangerous.
Do not let this bill pass. These companies must follow state and federal safety regulations. Unfortunately, law makers have deregulated other industries and the public is now suffering from such deregulation.

Scott Parris
Self

Printed on: April 16, 2021 4:32 PM

Austin, TX

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.

HB 19 absolves companies from independent compliance with state and federal safety regulations. It arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. It imposed one-sided procedural barriers that delay justice for victims. It would make Texas roads more dangerous.

ROBERT MELENDEZ

Self, Attorney

Austin, TX

This bill will make the public less safe. I am involved in a case right now where the motor carrier allowed its 18-wheeler operator drive while disqualified without wearing corrective lenses for over two years prior to a violent rear end collision on the highway because the driver couldn't timely see a road hazard. To limit the evidence and repercussions against the motor carriers will decrease public safety. This is the opposite of what our legislature should be doing to protect the public.

Jason Aldridge

Self

Lakeway, TX

This is a terrible bill which Texas roads even more dangerous. Our state leads the nation in large truck crashes and deaths. This bill absolves companies from independent compliance with state and federal safety regulations and arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations which are often awful over and again.

HB 19 imposes one-sided procedural barriers that delay justice for victims.

Texas is the worst place to be the victim of a MVC and this bill makes it somehow worse. Between this and Brainard, Texans NOT in an 18 wheeler or driving an Uber, are finished.

Lena Laurenzo

Self

Houston, TX

This proposed bill is an extraordinary disservice to Texans. Texans' lives will be destroyed if this bill is passed, simply put. Our state needs to prioritize Texans' lives and safety. There are more than adequate protections in place for trucking companies. These companies continue to fail minimum standards required by local, state, and federal laws and regulations. The statistics related to trucking crashes, injuries, and deaths are astounding. Why should Texans bear the brunt of the wrongs committed by those who allow negligent and grossly negligence systemic safety failures? They should not, and so this proposed bill cannot be approved.

Lauren Berryhill

Self

Austin, TX

I oppose this bill. Texas roads are dangerous and we lead the nation in large truck crashes and deaths. HB 19 would make the Texas roads more dangerous.

Lee Thweatt

Self-attorney

Houston, TX

Printed on: April 16, 2021 4:32 PM

I am strongly opposed to the legislation. I have represented many Texans who suffered life altering injuries due to the negligence of trucking companies. Those folks deserve a fair shake when they or their loved ones are badly hurt or killed by trucking companies on the roadways of Texas. This bill protects trucking companies who put profits over safety and their insurance carriers instead of protecting the people of Texas. It is wrong.

Craig Cherry

Self, attorney

Woodway, TX

I am strongly opposed to HB 19. I have represented numerous Texas families whose lives have been destroyed due to the death and destruction caused by commercial motor vehicles. One family I have represented included Texas DPS Trooper Dickie Cottle, killed in the line of duty by a commercial motor vehicle. Commercial motor vehicles are the largest, heaviest vehicles on our roadways. As a result, they cause the most destruction when a wreck happens. I have not handle a case yet where the ultimate wreck was not predictable and preventable by the commercial trucking company and/or commercial trucking driver. From too much time on the road without adequate rest, to drugs, to poor maintenance on the vehicles themselves, I have seen it all. People would be frightened to drive each day on our highways if they knew what went on each day with commercial motor vehicle companies and their drivers. if anything, the Legislature should be passing and strengthening regulations governing the conduct of commercial motor vehicle companies, not making it easier for them and their drivers to avoid being held accountable for their actions. If you believe in the safety and welfare of Texas families, you should oppose HB 19.

Andrew Jones, Mr.

Self, Attorney

Farmers Branch, TX

This bill does not improve safety. It does not protect the people who drive on our roads daily. This legislation creates one-side procedural blockages that encourage trucking companies to ignore safety as well as hide past violations. It hurts those injured by trucking companies rather than protect the driving public. This bill protects companies from actually complying with state and federal safety regulations. This legislation also would cause a backlog in already busy courts - to the benefit of only one side. I am strongly opposed to this legislation.

Seth McCloskey

Self- attorney

Ovilla, TX

This sweeping bill will disenfranchise every Texan who will ever be injured by a driver in the course and scope of a business venture. Families will be told there is no claim or a limited claim due to this law even for children, wives, and husbands who have been killed. Evidence that the company behind the driver knew or should have known of the driver's unsafe tendencies, or worse, the unsafe policies and practices of the companies themselves, will be all but protected and hidden under this bill. Imagine a pizza delivery company intentionally understaffing its delivery drivers on a Friday night to save money in payroll, and then the manager tells a 16 year old driver that he must deliver 10 pizzas in the next hour, then return and do it again, and again. The kid is pressured to keep his job, to make timely deliveries, and so he panics and drives into an oncoming vehicle and kills a family of 5. This bill means the pizza company who understaffed and pressured the driver to hurry all across town and get back would essentially be immune from liability for their direct negligence claims. All just to save a few bucks. The claimants who lost their entire family will be severely restricted in proving their case as well as damages. And worse yet, every Texas company and, more importantly motor carriers, will be free to maintain policies and procedures that increase the risk for the motoring public of deadly incidents on our highways. This bill will serve only to protect bad policies and procedures, and it will incentivize bad conduct in lieu of more thoughtful and careful conduct and policies. Companies should be held accountable for who they hire, their own due diligence, training, and supervision of their employees. To give a pass to companies that do business in Texas is truly tantamount to an immunity bill for reckless management. Safe companies are good for Texas, good for the people, and something we can all be proud of. But motor carriers seeking to insulate themselves from bad decision making through the enactment of this bill will only increase their profits and put innocent Texans at greater risk. A real-life case

Printed on: April 16, 2021 4:32 PM

example that is currently pending in Texas courts: a CMV driver with only three weeks driving experience driving a CMV claimed on her application with a large motor carrier that she had 60,000 driving miles between box and flatbed trailers. Mathematically this was impossible. She couldn't have driven 60,000 miles in less than one month, and if the FMCSA regulations were considered, she would have had to have driven almost 200 mph every time she got behind the wheel of the truck. The large motor carrier simply ignored this extremely large red-flag on her employment application. Within 6 months, a 40 year old man and his 10 year old daughter were dead. The CMV driver simply lacked the training she needed to be safe on our roads. The evidence against this motor carrier has mounted in other ways too.

Brandy Kempf

Self

Woodway, TX

The commercial motor industry is not one that needs fewer regulations but rather more. Distraction, driver impairment, vehicles in need of repair - all pose major dangers to innocent drivers every single day on Texas roads. Our state needs tougher penalties. Not breaks that will only benefit the wealthy owners of the companies.

Roxane Guerrero

Self

Dallas, TX

This is so unfair to people who get injured & damaged by companies that are at fault! How can we allow people & companies get away with being negligent & hurting or killing people! OPPOSE THIS BILL!

Michael Seerden

self

Houston, TX

As a life long Texan, I vehemently oppose this bill. The last thing we need is to make our roadways more dangerous, which is exactly what this legislation will do by further insulating/protecting negligent commercial truck drivers and companies.

A few key points:

- Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.
- HB 19 absolves companies from independent compliance with state and federal safety regulations.
- HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
- HB 19 imposes one-sided procedural barriers that delay justice for victims.
- HB 19 would make Texas roads more dangerous.

Our Texas roads and highways are made safer by holding trucking companies and drivers fully accountable for damages when they're negligent. This proposed bill simply will make our roads and highways more dangerous for Texas families.

Samantha Estrello

Self

Lubbock, TX

As a citizen, a taxpayer, an almost life-long resident of Texas, spouse of a life-long Texas resident, and parent of life-long Texas residents, this bill scares me, and it should not be passed into law.

Here's why: Already, Texas roads are dangerous, and I see this everyday in my profession. Sadly, it is not surprising that our state

Printed on: April 16, 2021 4:32 PM

leads the nation in large truck crashes and deaths. I have read HB 19, and I see that it excuses trucking companies from independent compliance with state and federal safety regulations. I see that it also severely restricts access to critical discovery of a company's prior bad conduct, including safety violations, and it imposes one-sided procedural barriers that delay justice for victims. This isn't fair. This isn't right. We can't allow trucking companies off the hook every time they hurt or kill someone, and especially when it is a poor record of safety that allows these injuries and deaths to continue occurring.

HB 19 would make Texas roads more dangerous for the citizens who live and work in our great state. I see enough death and destruction already, please don't make it worse by passing HB 19. Holding trucking companies accountable for safety is the only way we can make our roads safer.

My husband is a traveling salesman, and he is frequently on the road and away from home. I constantly worry for his safety. Please do not increase the risk that something bad will happen to him while he is on the road, which is what this bill is going to do. I am very disappointed that Leach hasn't introduced a bill seeking better accountability from trucking companies. This bill is absolutely shameful. Whose interests was he elected to represent anyway? From the looks of this bill, it appears to be big business. Shameful!

Thank you.

Thad Spalding

Self/Attorney

Dallas, TX

This bill is completely unnecessary, exhibits an inherent distrust of trial and appellate judges, creates an unworkable procedure, and leaves a driver out in the cold and potentially uninsured in favor of protecting the negligent and grossly negligent employer.

Texas law already allows for the dismissal of claims against an employer where that employer stipulates to course and scope, provided there is not also a claim against the employer for gross negligence.

Trial and appellate court judges, armed with existing rules of evidence, can and already do make evidentiary rulings related to regulations, video evidence, and other issues addressed by this bill. The bifurcated procedure ignores the fact that Chapter 41 already provides a bifurcated trial procedure and the bifurcated trial procedure provided by this bill seems to ignore the fact that the same jury must hear both phases of the bifurcated trial, but would preclude discovery related to the bifurcated, gross negligence phase until after the first phase of the trial is complete, meaning a significant delay between the time a jury hears the first phase and is then presented the second phase.

Ultimately, by allowing dismissal of the employer, this bill potentially enables an insurance carrier to avoid coverage for an accident, since the only judgment that the trial court can enter is one against the employee. And, if the employer is uninsured, it prevents the claimant from recovering any assets of the employer.

This bill is the epitome of a solution in search of a problem, and is blatantly an effort to pander to the insurance industry. Both the trucking industry and, certainly, the insurance industry have sufficient protections in place under Texas law--this bill, which does nothing but remove the limited protections available to Texans, should be rejected by the Committee.

Amanda McCloskey

Self, banking

Ovilla, TX

Both my parents retired from Dallas PD after more than 35 years on the force. My husband is a former prosecutor who worked felony cases. I've seen and heard of more tragedy on our public roads than most. I believe this bill will not serve the good people of our state, but instead will take away their rights to get answers when loved ones are injured or killed on our public roadways.

Please Do Not Pass This Bill!

Printed on: April 16, 2021 4:32 PM

troy chandler

self

houston, TX

HB 19 will kill Texans as trucking companies cut corners due to lack of accountability. please reject this special interest transfer of corporate liability into the texas taxpayers.

Harold McCall

Self

Helotes, TX

Dear representatives,

Please vote no against this HB 19. It is no good for Texas residents who use the roadways here. As I'm sure you were aware Texas Leads the nation in large commercial truck accidents that lead to deaths. This does nothing but absolve companies of compliance with state safety regulations. By supporting this you are putting trucking companies interest in front of your constituents safety! Because the state leads the nation in commercial vehicle crashes if someone is hurt or killed HB 19 creates an unfair advantage for the trucking company over the residents of the state of Texas by imposing some unilateral barriers that delay justice to any victims As well as restricting access to discovery of their prior bad and or unsaved ask. Again, please vote no on HB 19 as it will only make Texas roads more dangerous for your family as well as the rest of the state!

Sincerely,

Harold T. McCall.

Diane Wesson, Ms

Self

Cleburne, TX

I respectfully ask that this bill be declined. There are many accidents now caused by commercial vehicles. If they are not held responsible, there will be many many more and many people injured with no recourse for assists for hospital bills and lost work through no fault of their own. Also there will be many more deaths caused by irresponsible driving.

Gregg Oberg

Self

Garland, TX

With Texas leading the nation in large truck crashes and deaths, protecting careless corporations from full responsibility for their actions seems like exactly the wrong thing to do for the citizens of Texas. Crashes can impact the lives of all Texans - they are truly "equal opportunity". Wrongdoers learn from being held accountable for their actions. Don't take away their incentive to do the right thing by giving them an "out" with this bill.

Pablo Garza

Self

Mission, TX

It is my opinion that this bill seeks only to assist defendants and defense council at the expense of the public's safety. Allowing for periodic payments of future damages dilutes the potential consequences of unsafe behavior by defendant in the course of their business. The admission of all photographs of vehicular damage allows a jury to infer the extent of bodily injury from a

Printed on: April 16, 2021 4:32 PM

photograph - evidence that requires context and explanation from trained experts in the field of biomechanical engineering. This bill will do nothing more than promulgate unsafe behaviors on Texas' roadways.

Taylor McCloskey
self, college student
Ovilla, TX

This bill should not pass I believe it will make our roads much less safe.
To hide facts regarding injury or death should not be allowed in our great state. Please don't consider passing this bill!

James Moore
Self
MCALLEN, TX

Texas drivers should have equal protection against truck drivers and trucking companies that profit from the use of our roads ways. Simply because of an organized concerted effort by this industry and their expensive lobbying efforts does not justify giving this industry special privileges. Texas drivers should have more protection from over worked truck drivers to reduce the number of accidents rather giving this industry protections from their bad act. Limiting evidence of prior bad acts and violations of various industry standards is basically a get out jail card. Why should Texas drivers be limited in asserting claims against this highly profitable transportation industry. Its unconscionable make Texas highways more dangerous- Texas leads all other state in the numbers of tractor vehicle accidents and fatalities My father in law was killed by a truck driver that was out of hours, the driver fell asleep while driving through a red light. He was an owner of a business that employed over 60 people. The trucking company had numerous safety violations and this proposed legislation would have made it more difficult to prove the negligent and gross conduct - there's no reasonable basis to making Texas trucking companies more dangerous. Texan drivers deserve more protection. Special laws for special people? The court system is the only checks and balances we have as Texans to put a stop to these unscrupulous companies that break the law and want to get away with it.

Meena Shah
Self, Retired
Harlingen, TX

Help keep the Texas roads safe, by ensuring that the private businesses remain fully liable for any omissions & negligence on their part.

Amy Hefner
Self
Irving, TX

This bill is horrible for every trucking driving and non-truck driving human being driving in the state of Texas. For truck drivers, this bill exposes them, their families and their estates to litigation that but for the bill, would be the responsibility of the truck owner and trucking company to defend. This bill exposes truck drivers and their families to liability for policies and procedures that their employer implements and over which drivers have no control.

For non-truck drivers, this bill absolves trucking companies of all responsibility to implement policies that make Texas highways safer for everyone.

This is a horrible bill for all.

Dan Christensen
self

Printed on: April 16, 2021 4:32 PM

Austin, TX

Texas leads the nation in large truck crashes and deaths. The last thing that the people of our state need is a bill like HB19 that absolves trucking companies from independent compliance with state and federal safety regulations. HB 19 stacks the procedural deck against victims of wrecks and in favor of trucking companies by restricting access to critical discovery of a company's prior bad conduct, including safety violations. Not all trucking companies are bad actors, but this bill actually shelters those that are. The end result - more dangerous roads for our citizens.

Jorge Raudales, Dr
self - medical doctor

El Paso, TX

This bill is without question the definition of egregious, allowing trucking companies immunity from regulations and lawsuits is by far the most obvious measure for the government to further allow bribing and payoffs from said corporations. This is yet another example of a government body (i.e. a few people, governors, mayors, representatives) catering to the desires of corporations and the influence over the benefits of the millions of people they should represent. Police and public officers are already not held accountable for their actions and this has led to an unquestionable abuse of power, demonstrated over and over again with unmitigated police violence, prejudice, and even more sadly those said police officer continuously getting off with little more than "a slap on the wrist" as punishment. No one should be free of responsibility, or consequence from the truck driver to the CEO of a company. Letting this bill pass is another example of the rich and wealthy being able to do whatever they please by lining the pockets of the so-called government leaders who should be looking out for the best interest of the people they truly represent. This bill is an absolute disgrace.

Taylor Shipman
Self/Attorney

Katy, TX

I am an attorney that has handled numerous cases involving commercial motor vehicles - I have seen first-hand how lack of training, failure to comply with rules, etc. has impacted others on the roadways. As you know, Texas is number one in the country for large truck crashes and fatalities. HB 19 makes companies immune from liability for injuries, damages and deaths their drivers cause on the road. They will not be required to answer for their shortcomings or the shortcomings of their drivers, they will not be required to turn over prior safety violations in lawsuits, and the bill imposes procedural barriers that will make it more difficult for justice for any of their victims. If companies cannot be liable for the actions of their drivers (drivers of the largest and most dangerous vehicles on the road), what motivation or incentive will they have to ensure these drivers are trained properly and are operating their vehicles in the safest possible manner? Non-commercial drivers are not being protected here - only the companies. If this bill passes, Texas is showing its citizens and the families in this state that it does not care about their safety. I urge you to vote against HB 19.

Scott Palmer
TTLA

Dallas, TX

This is a horrible bill and i urge the State legislature to vote it down swiftly. This bill appears determined to protect trucking companies and to make it as difficult for victims of commercial vehicle crashes to receive a fair trial and present important evidence for the jury. This is bad in every way and cannot and should not be what Texas should embrace

Charles Hoedebeck
Charles L Hoedebeck, PC

Irving, TX

Printed on: April 16, 2021 4:32 PM

Conduct rewarded is conduct repeated. This legislation rewards bad actions by giving responsible parties a pass. By eliminating the opportunity to have a jury of their peers to decide if a commercial fleet vehicle operator has engaged in unsafe actions, we are rewarding unsafe actions. Unsafe drivers are endemic in Texas. It leads the nation in big truck wrecks. The social cost of these wrecks is enormous. It has long been recognized in Texas law that the purpose of tort law is to foster accountability and to discourage unsafe behavior. By removing the employer-trucking company from liability by allowing them to throw their driver's under the bus, this legislation promotes unsafe shortcuts by corporate entities. In an era of personal responsibility, this legislation goes in the opposite direction. Thank you

todd tracy

Self

Dallas, TX

This bill rewards trucking companies who allow drunk and drug addict 8 wheeler drivers to kill and maim Texas families while immunizing the trucking company. This bill encourages murderous behavior by the trucking company because there are no consequences.

Safety starts at the top and trickles down to the driver. This bill eviscerates corporate safety policies that are necessary for safe and responsible conduct.

Texas leads the nation in 18 wheeler deaths. Instead of immunizing deadly corporate behavior, you should pass laws that make it a crime to hire drunk, drug addict and dangerous 18 wheeler drivers. You should pass laws that demand corporate responsibility.

Jessica Hallmark

Self - Lawyer

Beaumont, TX

“The past is a predictor of the future.” If a company routinely and carelessly approaches safety - a jury should know about it. Since the inception of time - lawyers and judges have recognized the relevance of the same. This bill seeks to absolve that. It is also riddled with inequality between plaintiffs and defendants.

Our state leads the nation in truck crashes - so why would we seek to introduce a bill that's only going to make that worse. The things that are set forth in this bill should be left to the discretion of the Judge - as it's been done for years. Juries are smart and Judges are generally fair - they can decide what does and does not apply. Most certainly federal and state regulations should apply to these commercial companies as standards they should follow.

Republicans should want less regulation - and this present Republican does. Don't be one sided like this bill - hit the middle. Your children and grandchildren will be driving on these roads - do you really want to make it to where these companies care even less - that's what the passage of this bill will do.

Bills like these are what cost Republicans in the long run and turn away most voters - it's typical big business and not caring about the people who vote for you.

I urge you to strike this bill and any like it.

Sean Chalaki

Self

Dallas, TX

Your job as representative of the people is to ensure the public safety. We all have seen the videos of what happens when a 80K pound vehicle hits a car or a simple worn out tire that flies from the truck. These are the exact reason that regulations were put in place to ensure the safety of people. This bill does the exact opposite and gives the Trucking Companies a break. A break that

Printed on: April 16, 2021 4:32 PM

could be extremely fatal. I ask of you should we just get busy with taking actions when the media demands us to do so? Should we only take action when it involves our family members? Or can we look at ourselves, deep within our souls and ask what if it's my child that dies because the company failed to do their pre-trip inspection? Romans 14:23 But if you have doubts about whether or not you should eat something, you are sinning if you go ahead and do it. For you are not following your convictions. If you do anything you believe is not right, you are sinning.

Jason Stephens

Self / Attorney

Aledo, TX

Less than a month ago in Fort Worth, we had one of the most catastrophic pileups in Texas history with 6 fatalities and dozens and dozens of serious injuries involving no less than eleven 18 wheelers and other commercial trucks. So, please help me and my fellow Texans understand why our legislators are trying to give protection to all these commercial trucking companies. I've handled several commercial vehicle cases where the company gave the truck keys to a driver who had multiple DWIs and/or drug charges who then, not so surprisingly, was drunk or high when he wrecked into one of my clients seriously injuring them. I've had other cases where the company pressured drivers to run as fast as they could and to drive past their allotted hours which needlessly led to folks getting killed. We should be protecting our fellow Texas citizens from companies that choose to engage in that kind of reckless conduct--not protecting these companies. If you insulate these companies from being directly held accountable, then you are removing the greatest incentive for them to conduct themselves in a safe manner and as a responsible corporate citizen. Texas already leads the nation in trucking crashes and deaths. Please do not further perpetuate that statistic and further jeopardize Texans by passing HB 19. Respectfully yours, Jason Stephens.

Mike Miller

Attorney

Marshall, TX

I write to propose that this committee table this bill. It's in an era when personal responsibility is so sorely lacking, this bill give negligent truck drivers and careless companies a free pass when they wreak havoc on the lives of ordinary Texans. 3,000 characters is likely not enough to catalogue all that us wrong with this plan to diminish or reduce the responsibility that individuals and companies take for their misdeeds. But allow me to point out just a few issues.

Our State leads the nation on trucking accidents, as well as injuries and deaths resulting from them. It is axiomatic that if you reduce the price that careless companies must pay for their misconduct, fewer precautions will be taken. As hard as it might be to imagine, Texas would have even more accidents, deaths, and injuries were this flawed bill to pass.

The bill also absolves companies from independent compliance with state and federal safety regulations. A free pass to ignore critical safety regulation — including those passed by this very body — will obviously do nothing to reduce deaths, but will only increase the carnage in our highways.

Perhaps saddest of all, this bill and its one sided discovery changes will provide the greatest benefit to the companies with the worst safety records. Arbitrary limits on discovery will citizen jurors to of valuable evidence. All too often, see log violations, hours of service violations and the like were are not the bad acts of a rogue truck driver. Instead they are encouraged or forced upon drivers by companies who willfully and repeatedly flaunting their the law. Thus, this bill disproportionately rewards only the worst bad actors who give good trucking companies that care about safety a bad name.

Rhiannon Kelso

Self / Attorney

Dallas, TX

What prejudice does a truck driver / company suffer when evidence of their failure to comply with safety standards and regulations is introduced to a jury when they are accused of negligence? I cannot think of any. The driver / company's ability to act prudently / safely is precisely what is at issue.

Printed on: April 16, 2021 4:32 PM

Thomas Herald

Thomas A. Herald P.C.

Carrollton, TX

This Bill is dangerous for Texans. This bill discourages trucking companies from complying with safety regulations. As the 100+ vehicle crash in Fort Worth a few weeks ago makes clear, Texas roads are more dangerous than ever before. Texas leads the nation in the number of crashes involving commercial motor vehicles. Texas also leads the nation in the number of fatalities caused by these commercial vehicles. As a result, one would think that our legislators would be focused on making our roads safer. Instead, this bill will eliminate the incentives for trucking companies to operate in a safe manner.

James Perrin

Self

Lubbock, TX

HB 19, if passed, will make our roads and highways even more dangerous than they already are. Texas leads the nation in large truck crashes and deaths. We should be enacting laws that serve to lower the number of truck crashes and deaths. HB 19 will not serve to reduce truck crashes and deaths. Instead, HB 19 would absolve companies from independent compliance with state and federal safety regulations. We should be enacting laws that protect our citizens, not subject them to more danger. Additionally, HB 19 would arbitrarily and severely restrict access to critical discovery of a company's prior bad conduct, including safety violations. I have personally represented individuals that have been significantly injured or lost loved ones as the result of a company's wrongful conduct. For instance, I represented an individual that was injured in a collision that was caused when the driver of a pickup truck, being operated on behalf of an oilfield service company, fell asleep and lost control of his truck. After conducting extensive discovery, we found out the driver had worked over 100 hours the week before the incident and had worked 95 hours the week before that. There was no question that at the time of the collision, the driver had been overworked and was fatigued. We also found out that the driver had previously rolled a company vehicle after falling asleep at the wheel. The company this driver worked for was fully aware of the previous rollover and its cause, yet they choose to allow this driver to continue driving on their behalf. The company this driver worked for was fully aware of the hours he was working and the dangers associated with driving a motor vehicle while fatigued. A company, such as this one, should be held responsible for its wrongdoing and its prior violations and actions should be discoverable and admissible in a lawsuit filed against it. I have many more examples of trucking companies and employers systematically violating regulations that put other citizens in harms way. Furthermore, I have numerous examples of companies putting unfit or even unlicensed drivers in their vehicles and sending them out onto our roadways. We should all be striving to make our roads safer for our families and loved ones. Companies that commit the type of negligence or wrongdoing that injures or kills people do not need extra protections at the expense of the citizens of Texas.

Patrick Williams

Self

Corpus Christi, TX

Why do we want companies to be able to disregard safety regulations? How is that good for the people of Texas? I don't want to drive on roads where 18 wheelers aren't forced to comply with state and federal regulations!! Texas politicians cannot keep putting the monetary wants of big corporations over the safety and well being of the Texas citizens and families they are SUPPOSED to represent. We lead the nation in large truck crashes and deaths! No politician who votes yes to HB19 will EVER get my vote again.

Eric Penn

10/01/2012

Jacksonville, TX

Printed on: April 16, 2021 4:32 PM

Every legislator considering this bill should ask themselves: “Would enacting this bill make it more safe or less safe when you put your kids/family in your car and get out on our public highways?” If we’re going to truly have any public safety considerations regarding this bill, that focus should be the starting point because the safety of our families on the highways is the most important consideration for their constituents. Unfortunately, it's crystal clear that the answer is that this bill would make Texas highways LESS SAFE.

This bill is designed to allow trucking companies to hide their misconduct and bad acts behind their driver and a wall of secrecy built into the bill. The bill would allow dangerous trucking companies to avoid accountability by only looking at the mistakes the driver made in causing a crash. More often than not, the truck driver is as much a victim of a poor corporate safety culture as is the motorist on the road with whom the truckdriver collides. By focusing on the truck driver, we are engaging in scape goat analysis rather than addressing the root cause of the problems that cause deadly crashes. That is the whole fallacy behind this bill. It is not enough to hold a trucking company vicariously responsible for the negligent conduct of its driver who is driving in the course and scope. The company should be held accountable for its direct corporate failures in not appropriately vetting, training, supervising, monitoring, and disciplining its drivers who do not conform to the rules of the road.

From a public policy standpoint, this bill gives legislators 2 options:

1. If your public policy goal is to put up as many obstacles to protect dangerous (which of course not all are) trucking companies and their insurers after there is a crash that maims or kills someone, then this is a very effective bill to accomplish that policy goal.
2. If your public policy goal is to improve safety for everyone that travels on our public roads (which if of course all of us), have laws that encourage responsibility and accountability, then this bill is a complete failure.

Everyone else in our society is subject to being held accountable when they screw up and hurt someone. Why would we make an exception when people are maimed or killed after a careless trucking company screws up? We expect all the rest of us to take personal responsibility when we mess up but not trucking companies? Why would we do that? Who does that benefit? Certainly not the rest of us that share the roads with 18-wheelers with our kids in our cars on our public highways.

Texas already leads the nation in highway deaths from large truck crashes and the numbers are going up. Our politicians should be finding ways to reduce the number of Texans killed in crashes with large trucks. This dangerous bill would make our highways even deadlier by allowing dangerous companies to avoid accountability. VOTE AGAINST HB 19.

Jacqueline Williams

self

Spring, TX

I do not agree with HB19. I believe the passage of HB 19 would make Texas roads more dangerous. I see everyday firsthand how dangerous Texas roads are, and I don't believe that a bill that absolves companies from independent compliance with state and federal safety regulations is in the best interest of Texas citizens.

Laura Porter

self, attorney

San Antonio, TX

This bill is unjust and places the safety of every Texan (and non-Texan) in jeopardy. It seeks to reward the wrongdoers, who violate policies, standards and cut corners at the risk of others' health, safety and welfare. The definitions are very broad. 72.005 = Bifurcated trials, allows the wrongdoer to limit what a jury is able to hear and when. This undermines juries and the evidence they can consider. This bill would cause undue time, confusion, chaos and congestion in the courts and trials. 72.006 = Regulations and standards are in place for reasons and they should be upheld and enforced, not undermined. If a company or individual has failed to follow the law, standards and regulations, and caused injury to another, they should be held accountable for their actions/inactions. This bill seeks to undermine Texas, its laws and enforcement. It further seeks to limit how those

Printed on: April 16, 2021 4:32 PM

injured by the wrongdoer can be compensated. 72.006 (c) = requires a court order for discovery of a defendant's failure to comply with regulation or standard. This penalizes the injured party and rewards the wrongdoer. This will increase the burden on Courts and costs of litigation on ALL parties. (c)(1) seeks to take away discretion from the Court as to what is discoverable. If a wrongdoer has violated standards and laws for 10 years, that should be discoverable. It goes to the pattern and practice that a jury wants to consider. It would show that the bad actor did not simply fail on one occasion but repeatedly and systematically. That is crucial evidence. A wrongdoer cannot be fully held accountable if all of the evidence is not discoverable. This portion of the bill seeks to turn long-standing case law on its head, limits a Court's discretion and hides facts. Further part (d) anticipates appeals, which will clog the courts and cause undue time and expense for ALL parties, the State of Texas, and burden the judiciary. 72.007 = employers need to be responsible for their own direct actions as well as the actions of their employees. This portion would allow employers to evade accountability and responsibility for their own actions and would seek to limit what a jury is able to consider. This bill would reward businesses who cut corners and evade laws and regulations. This bill seeks to unjustly undermine juries and the evidence they can consider. Part (d) regarding pretrial discovery of allegations of gross negligence is too limiting. Gross negligence is often not just 2 years. It is multiple years. This effectively limits the ability to prove gross negligence and hides evidence from the injured party, Court and jury. 72.008 = creates uncertainty, takes away an injured party's ability to be made whole and causes uncertainty in their compensation. 72.009 Court's need discretion regarding admission of evidence and this undermines Courts. The bill protects the wrongdoer and strips the injured's ability to seek discovery, present evidence and obtain compensation.

Sepi Khan

Self/paralegal

Houston, TX

There are too many people being killed by large trucks on the road. The TX roads are very dangerous and not being able to get justice for those killed will only make these roads more dangerous. Lives are at risk. My family was run off the road by a 18 wheeler and it was the scariest thing being feared for your life and the lives of loved ones.

Kevin Haynes

Kherkher Garcia, LLP

Houston, TX

In the early morning hours of September 14, 2013, a bus driver for Texas-based Greyhound Lines, Inc., Dwayne Garrett, ran a bus carrying over 30 passengers off a straightaway on an Ohio interstate at a shallow departure angle and with no detectable evasive measures. He crashed through a fence and rolled the bus over. This catastrophic crash injured numerous passengers, including Ruthie Allen. Ruthie had, among many other things, a broken femur, broken pelvic bones, and a broken nose, and underwent multiple surgeries.

Garrett alleged he suffered a sudden medical emergency, namely, "cough syncope," which he claimed was triggered by a coughing fit from swallowing his coffee wrong. Dash cam video and audio did not contain any coughing or other signs of coffee contributing to the crash. Discovery of the driver's full medical record from his last D.O.T. medical exam, about one month prior, revealed that the D.O.T. examiner suspected obstructive sleep apnea and recommended an in-lab sleep study. The examiner only certified Garrett on a conditional basis for 3 months.

Within days, Greyhound received the record containing the recommendation that Garrett submit to a sleep study, but it took no action--it did not prevent him from driving and did not require him to get a sleep study. This violated Greyhound's own internal policy, as confirmed by its safety director's testimony, of requiring a driver to submit to a sleep study when the D.O.T. examiner suspects sleep apnea. Greyhound further knew that Garrett had numerous risk factors of sleep apnea, according to its own policies, including, for example, a BMI of over 35. The Federal Motor Carrier Safety Regulations also impose a duty on a motor carrier employing commercial motor vehicle drivers, like Greyhound, to not permit drivers to operate a CMV when they suffer from a condition that will impair their ability to drive the CMV safely. See 49 C.F.R. § 392.3.

A forensic sleep study of Garrett obtained during litigation revealed that he had borderline severe obstructive sleep apnea, which, at the time of the crash, was un-diagnosed and untreated. This condition should have rendered him medically disqualified, and Greyhound should never have allowed him to drive without being properly treated. If Greyhound would have followed its own

polices and the federal safety rules, taken him off the road, and required him to be tested and properly treated, the crash likely never would have happened.

Texas law should not provide immunity for companies who break federal safety rules and their own safety rules and cause catastrophic harm to families as a result.

Aaron Cabrera

The Osiris A. Gonzalez Law Firm

McAllen, TX

I oppose HB 19 Because:

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths. The recent multivehicle wreck near Fort Worth, Texas this past February is a perfect example of how dangerous our roads can be. There were numerous reports from friends and family that witnessed the accident before and after and noticed the semi tractor trucks and trailers were driving excessively fast in the inclement weather and icy roads. They were not slowing down. It was too difficult for them to slow down and come to a stop when the accident occurred in front of them. If HB 19 limits victims of these accidents from seeking justice by these irresponsible drivers then there will no consequences for these drivers or these companies. HB 19 in itself is dangerous and should be withdrawn or denied.

Jon Selden

Self, attorney

Austin, TX

Hi Legislators,

I've read HB19 and it should be called the "Trucking Company Free Pass" bill. It allows to trucking companies to use their drivers as human shields to protect themselves and avoid responsibility when they do something wrong.

It creates special treatment for trucking companies—big and small—that protects them when they do bad things. It throws their drivers—the guys actually doing the hard work—under the bus (truck). It allows trucking companies to dismiss themselves out of a lawsuit if they admit they employed the driver (a pretty low bar). It leaves the driver, who may have been overworked, under-slept, and underpaid by the company, to fend for himself in the lawsuit.

We don't allow any other business in Texas to do this. Every other business must answer for itself when it does something wrong. Why should we let trucking companies off the hook? Of course, we already know the answer: They're a very powerful special interest group with lots of campaign cash.

You're going to hear from lots of small business owner-operators who think this is a great bill. They've been a fed a bill of goods from their trucking industry lobbyists that say this will protect them. But it will leave them just where they are now and let the big trucking companies—publicly traded, massively profitable corporations—run them over. This is because the liability protections in HB19 will enable the big rigs to cut their prices even more—squeezing out the owner-operators—when their litigation costs go to near zero.

As we just saw with the Texas power fiasco, real "free" markets work when businesses have financial incentives to do the right thing and financial deterrents when they do the wrong thing. Removing the financial deterrent (getting sued) when big trucking companies do the wrong thing will only create an unbalanced, pseudo-free market where the only participants who profit are the ones getting special treatment. Eventually, the rigged market reaches equilibrium when enough bad things happen to enough people that we all pay (like the Texas-wide power outages).

Let's not make Texas drivers—you, me, our families and friends—pay the price for special favors to the trucking industry.

Thanks,

Printed on: April 16, 2021 4:32 PM

Jon

John Kirtley

Ferrer Poirot & Wansbrough

Dallas, TX

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.

HB 19 absolves companies from independent compliance with state and federal safety regulations.

HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.

HB 19 imposes one-sided procedural barriers that delay justice for victims.

HB 19 would make Texas roads more dangerous.

Devyn Dally

Self - Student

Fort Worth, TX

My husband was killed by a fatigued oilfield worker who was not being properly supervised by his company. It has deeply impacted me and my small children in every aspect of our lives. HB 19 allows employers to hide their fault and will make our roads more dangerous than they already are. Please vote NO.

Belinda MCall

None

Helotes, TX

This bill is bad for the safety of the citizens of Texas. There are more commercial trucking deaths in Texas than anywhere else in the nation. It would be a travesty and you would be seriously disregarding your duty to your constituents if you fail to vote NO on this HB 19.

Venkat Naidu

Self

Austin, TX

While we have witnessed unsafe driving by trucks we have fortunately never been involved in an accident. However, we have had our car damaged by insecure loads on trucks that have dropped debris on the freeway causing damage to our vehicle. We have also seen a truck damage a neighbor's tree because the operators did not have experience negotiating a smaller street. I don't see why we would want to make it harder to pursue remedies against negligent trucking companies that put both their operators and other road users at risk.

John Zinda

Self

Lago vista, TX

The average citizen needs recourse if injured in a trucking accident. This is a blatant attempt to protect Trucking companies from being lawfully sued. If drivers have a history of drug abuse or reckless driving it shouldn't be allowed to be hidden. Families cannot be denied fair compensation in trucking accidents just because the companies have given large donations to politicians. I am infuriated that this bill is even being considered. If it passes I will work relentlessly against those that voted for it.

Stephen Zinda

Printed on: April 16, 2021 4:32 PM

Self - Intellectual Property Attorney

HOUSTON, TX

I am strongly opposed to HB 19 as a born and raised Texan from Longview. As one of the largest and most commercially traveled states in the country, Texas leads the nation in large truck crashes and deaths. Companies should not be absolved of independent compliance with state and federal safety regulations, which HB 19 misguidedly tries to accomplish. My understanding is that this bill will severely restrict access to evidentiary discovery, including evidence of a companies prior bad conducts, including safety violations. This means, for example, a family with a loved one that was killed by a truck driver on drugs would be deprived the opportunity to obtain evidence showing that the truck company has a history of allowing unqualified and dangerous drivers to occupy our roads. As a proud Texan, I believe companies that operate in bad faith and make Texas roads more dangerous should be punished, not protected. This bill will delay justice for victims of trucking accident, and make Texas roads more dangerous for everyone. Simply put, this bill should not be adopted. It's misguided and will make it even more difficult to hold companies accountable for negligent and willful conduct.

Kym Rock

Self

Arlington, TX

I am totally against this bill and believe the more thorough trucking companies are in background checks the safer our roads will be. All citizens need to be as confident as possible that safety regulations are in place. Without that assurance, we are literally at the mercy of these companies.

Adam Anthony

Self

Houston, TX

As an attorney representing trucking companies and, now, representing Texans injured by trucking companies, I have seen firsthand how HB 19 would make Texas Roads Less Safe.

Too many times when defending trucking companies I was astonished at the company's lack of safety.

As a defense lawyer, it became my responsibility to educate company representatives on their duties. This is backwards. Trucking companies should know their safety responsibilities on Texas roads. Yet, they don't. Further, by not knowing, there is no chance these companies are fulfilling their safety responsibilities to Texans.

Likewise, in representing trucking companies, the hardest job for a defense attorney is preparing a truck driver for their own deposition. To begin, the company failed to train their driver before placing the driver on Texas roadways. Now the responsibility fell on me as the defense attorney to train and prepare a truck driver on rules the driver should have been trained on in the first place. These depositions rarely went well.

Why? Because the trucking company shirked it's responsibility from the beginning, not only with this ONE driver but for years. These years account for hundreds of drivers and millions of miles on Texas Roads. The trucking company hide behind the "our driver just made a simple mistake" defense. A defense I proffered for years on behalf of trucking companies. The truth is, however, the mistake was made by the trucking company, not the untrained and ill equipped driver. The trucking company chose not to train and not to equip their driver with the safety knowledge REQUIRED BY TEXAS LAW.

HB 19 not only allows the "our driver made a simple mistake" lie to continue, HB 19 gives protections to the trucking companies pushing such lies.

Our Texas roads are already too dangerous for HB 19. Our state leads the nation in large truck crashes and deaths. HB 19 does nothing to make our roads more safe. It's the opposite. Texas roads will be more dangerous if the trucking company gets to hide their misdeeds behind their drivers' actions.

Printed on: April 16, 2021 4:32 PM

Our Texans' lives are too precious for HB 19. Texas roads are dangerous. HB 19 imposes one-sided procedural barriers that delay justice for victims. Such procedural delays are doubly destructive. First, these delays and hurdles hurt the current injured Texans. Second, these procedural delays and hurdles embolden trucking companies, and their insurers, to keep unsafe practices and unsafe drivers on Texas roads.

HB 19 only protects those who FAIL to choose to protect Texans.

Alicia Gastelum

self

Houston, TX

I write in opposition to this bill (HB 19) which I fear will needlessly endanger your fellow Texans on our highways and roads. The only benefit of this bill will be increased revenue for commercial trucking business and their insurers. The real losers will be fellow Texans exposed to injury or death by lax safety standards.

Commercial vehicles can cause catastrophic injuries. Because the risk of harm are so great it is wholly appropriate to hold commercial trucking companies to a HIGH safety standard.

I would encourage the legislature to vote against this bill and to continue to make our Texas highways even safer.

Best regards,

Alicia Gastelum

Ronald Paulsen, Commercial Driver

Self

Fort Worth, TX

As a commercial driver I have several concerns. First will all commercial drivers be forced to carry the liability insurance even if they drive for a company? Second companies will not be as concerned about the quality of their equipment because they are not liable. And third will all commercial drivers be required to carry separate insurance if they travel through Texas even though they drive nationally? I'm sure there are more issues than that but these are the first that came to mind when I heard about the proposed bill

Teresa Zinda

Self/Teacher

Lago Vista, TX

Texas legislators always fight for the loss of remedies for devastation, in favor of large money.

James Amaro

Amaro Law Firm

Houston, TX

My career started on the defense representing many major CMV operators in wrongful death cases. I defended many companies who followed the rules and made safe decisions in hiring, training, supervision, and retention. However, there were bad actors who skirted the rules and put profit over safety. Those bad actors take business away from the good business who follow the rules and put safety before profit. Since 2005, I have represented plaintiffs in injury and wrongful death cases across the country. Nearly half of my clients in these matters are CMV drivers injured by the bad actors in the industry, CMV operators who make dangerous decisions in hiring, training, supervision, in retention that endanger their own drivers, other CMV operator drivers, and the general public. As one example, the trucking companies often rely on a "medical certificate" as evidence that their drivers are "safe." However, the DOT examiners who "qualify" these drivers are not often medical doctors and only must be licensed to do a physical exam. Many companies use "company doctors" to administer these "exams" which often just rubber stamp their

Printed on: April 16, 2021 4:32 PM

medical cards without any real medical exam. No one checks these driver's actual medical history, gets a HIPAA , or even talks to the driver's primary care provider. We have discovered an alarming trend that many driver's real medical history is often misrepresented to the DOT examiners who have no obligation to do any sort of confirmation of the medical qualifications of CMV drivers. They have to take the driver's word for it. In litigation in 2015, we discovered one truck driver was a raging alcoholic and misrepresented this fact to the DOT examiner. The trucking company allowed him to drive one afternoon when he has approximately 9 beers. 2 teenage boys died 15 minutes after he got on the road in Fort Bend County. There are no regulations which require DOT examiners to do an independent medical qualification review of PCP's records. Lack of federal regulation and lack of civil remedies will only make our roads more dangerous. Recently, I represented a young man who was in a work crew outside of Dallas. He was in a boom lift and was struck by CMV owned by a carrier with 6K trucks on the road every day. The driver was distracted with his mobile phone when he slammed into my client's construction vehicle. My client's leg was ripped from his body and his coworkers tied a tourniquet around his leg to prevent him from bleeding out...while the CMV driver stood by his truck offering no help like he was trained to do. Had my client's coworkers not been there, he would have died and left his children without a father. This driver had over 16 moving violations in the preceding few years, a pending DWI at the time of hire, and had 5 write ups in the 6month period he worked for this CMV carrier - one for distracted driving just a couple of months before this happened. Texas laws shield us from bad apples.

Lance Sloves

Computer forensic services

Dallas, TX

I oppose hb 19. Trucking companies need to be liable for the actions of their drivers. Negligence responsibility begins with company training and environment.

Laura Cockrell

Self

Houston, TX

“90% of all accidents are caused by management. The employee may have made the driving error, but why did he make the error? Maybe he was pushed beyond his legal hours. Maybe he has a bad driving record. Do you blame the driver? Partially, but who hired him? Who maintained his hiring? That’s what it comes back to. So the hiring process becomes part of the accident prevention process.” JJ Keller

“Selecting good drivers is 1st & most critical element of a vehicle loss prevention program. Statistics have proven that drivers w/ a history of moving violations & vehicle accidents are more likely to have additional accidents. Research conducted by American Transportation Research Institute indicates that drivers who have had a past crash have significant 88% increase in their likelihood of a future crash. The first step in evaluating a prospective employee’s driving record is to verify that the individual has a current, valid drivers license. A Motor Vehicle Record (MVR) for previous 3 years should be obtained from each state where the driver holds a license in accordance w/ applicable laws.” Zurich LP Driver Selection

“Its fairly well established that a driver w/ frequent accidents in the past will continue to have frequent motor vehicle accidents in the future. This is one of the oldest most reliable predictive factors.” Nat’l Safety Council

FMCSR & Tx Trans Code require a min. of 3 years driving history when hiring new driver. Industry standard is “Rule of Three” or if a driver receives 3 citations or is involved in 3 preventable collisions or any combo of the 2, which totals 3 in 3 years.

72.006 Illogical to limit “relevance” 2 years; JJ Keller, Zurich, NSC, FMCSR, & TTC affirm at least 3 years is relevant. Judges will have to deal w/ new literature & Daubert challenges.

72.006 (2)(C)(2) “Least burdensome” guts professional courtesy & creates lawyers flying across the state to make copies. Should produce in the manner in which it is normally stored.

72.006(2)(c) No company agrees. All victims want addt’l 2 years. Motions filed in all case. Courts behind from Covid. More delays & burden. Doesnt consider discovery deadlines & months to get hearings in small county.

Printed on: April 16, 2021 4:32 PM

72.007 Independent acts of Comp. negligence consistently lead to accidents & are consistently found by national literature to be causative of crashes. Companies are profiting, they should play by the rules & be accountable.

72.008(b) "SHALL" removes ability of Plaintiff & attorney, in best position to determine a P's needs & make decisions ab future & needs. Court appoints ad litem to review life care plans & expert reports or judges reviewing doing their best? What if Judge gets it wrong & clients have care needs & no access to their funds?

72.009. Judge is gate keeper. "Before & after" is ambiguous. How soon is before/ long is after? Creates years of appeals, & case law. Cases w/ reconstructionists have 1000s of Photos. Photos come in for a fatality case over TRE 403 obj

Peter Malouf

Self Attorney

Dallas, TX

I strongly oppose HB 19. Imposing further restrictions on litigants is unnecessary and unreasonable. The litigation process is diffuse enough without adding more roadblocks to persons that have been injured or killed in a trucking collision. We should be making inroads into allowing more discovery of the states bad actors, not less. Please do not pass the legislation. Texas has a chance to make roads safer. Passing this Bill will set us back. Leading the country in injuries and deaths as the result of trucking collisions, Texas should be doing more to protect its citizens. This Bill does the exact opposite. It will serve to punish the people who have been injured or killed, and reward the bad actors and insurance companies. Do not allow that to happen.

Trista Allen

self

Fort Worth, TX

This bill is bad for all Texans that drive on the road.

Chad Newman

Attorney

Longview, TX

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.

HB 19 absolves companies from independent compliance with state and federal safety regulations.

HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.

HB 19 imposes one-sided procedural barriers that delay justice for victims.

HB 19 would make Texas roads more dangerous.

gene burkett

self

Dallas, TX

HB19 is a dangerous bill & passage of it will directly cause additional deaths on Texas roads. HB19 will lessen incentives for commercial carriers to use due diligence in researching & monitoring drivers & to keep equipment in top working condition.

Why would anyone propose or pass HB19? The presumed argument is that commercial businesses will have insurance rate hikes.

For a business or an individual, when you run over people your rates will go up & you may be sued.

Even if the vast majority of companies & drivers do things properly, there are bad companies & drivers. Some companies knowingly have unsafe trucks on the road. Vehicles with bad brakes, slick tires, overweight loads & more. There are also bad drivers that drink alcohol, take drugs like Meth to stay awake &/or drive more hours than they should.

A company can know a driver's driving & criminal history with a few easy searches. The threat of being held responsible for

employing a driver with multiple DWI's, a drug history, or other driving violations incentivizes a company to research & monitor their employees. Companies are capable of having cameras in the vehicle to watch a driver & to know a driver's location, speed & drive duration. When a company fails to research or turns a blind-eye to information about a bad driver, they should be held accountable for the injury or death of a Texan. Lessoning the ability of anyone to hold a company responsible instantly removes some of the incentive for companies to make this a top priority. It alters the risk/reward analysis.

An argument may be presented for the concern of financial impact to smaller companies. It may be true that accountability can be a bigger impact on a smaller company, but it doesn't mean it's not necessary to protect lives. The size of the company is of no concern to the family of a dead Texas driver. In fact, smaller companies may be more likely to have dangerous drivers & poorly maintained vehicles on the roads due to their smaller budgets. Make no mistake, when one company is held accountable it incentivizes all companies to do better.

If cargo planes flying across Texas were routinely crashing to the ground killing fellow Texans, would you propose & pass a bill that lessened the responsibility of these companies? Don't we want to do everything possible to keep Texans safe? With HB19, you will lessen accountability & guarantee more carnage, injuries, & deaths on Texas roads.

Finally, I have 2 children in college in different cities. They have to drive Texas highways to come home. I want them to be safe & don't want them run over due to a careless driver, or a negligent company. Safety is increased with accountability.

Accountability has to be uncomfortable. It has to make someone want to fix the problems. It has to force someone to do their best to protect Texans.

Please say no to this bill. Put people over profits. Texas driver's lives depend on you.

JUAN STILLMAN, Attorney

The Osiris Gonzalez Law Firm

Alamo, TX

HB 19 should absolutely not be passed. Our Texas roads are very dangerous - Texas leads the nation in large truck crashes and deaths. HB 19 should not pass because this will allow independent companies to NOT comply with state and federal safety regulations. These regulations are a huge part of what keeps us Texans safe on the roadway. Allowing these big trucks to escape compliance with these regulations will surely lead to an increase in truck crashes/18-Wheeler crashes and the number of deaths on Texas highways. HB 19 also restricts our ability as attorneys to critical discovery information such as a company's prior bad conduct and prior safety violations. HB 19 will basically allow these companies to operate free of regulations and almost free of punishment for bad actions. Big mistake. These companies need to be regulated even MORE - NOT LESS.

Rickey Brantley, Mr.

Self

Fort Worth, TX

If this bill becomes law, Texas roads will become more dangerous. The bill will not bring more jobs or tax income to Texas. It will result in Texas hospitals and doctors treating those injured by the trucking industry without being paid. It will result in injured Texans being unable to receive treatments that would allow them to return to productive tax paying status. Please do not pass this bill. Rickey Brantley

Vicky Maisel

Self

Shavano Park, TX

I should be afforded all the protections and possible remedies should I be injured or killed in a motor vehicle accident. This seems to be a bill to protect insurance companies and commercial drivers. I am a business owner but I am also a person who has seen the horrors of an accident. The family left behind and the innocent driver who has had their life changed inexorably by a careless commercial driver. So please reconsider the need for this bill. And do not pass this. Texans deserve better. Texans should be and must be allowed to seek all possible remedies when they are injured and killed on our roadways.

Paul Bolmanskie

Printed on: April 16, 2021 4:32 PM

self

Baytown, TX

We live 1.7 miles off Interstate 10 and our area is growing tremendously. Traveling Interstate 10 daily and living in a developing community we have seen many accidents involving trucks, some resulting in death of friends due to the fault of the truck, truck driver and company operating trucks that do not fully comply with safety. Let it be known that I fully oppose HB 19.

Heather Clark

Self

Round Rock, TX

Please do not pass this. This sounds extremely dangerous. Do not fall victim to the insurance companies bullying. Do the right thing. Block this and kill it now.

Tommy Springer

Self

Arlington, TX

I think it is so important to defeat this bill. We have to look out for those innocent families afflicted by greed. Trucking companies must be held to a higher standard to operate on our super highways. Vetting drivers is a must.

John Abramowitz

Self, Attorney

Pflugerville, TX

Over the past few months, as trucking litigation has become a more significant part of my practice, I have become keenly aware of how just how slipshod are the efforts taken by companies and organizations to ensure that their drivers are properly trained and their vehicles are properly inspected and maintained. Many Texans would likely be shocked and horrified to discover the myriad ways that companies play fast-and-loose with their safety by ignoring not only federal regulations, but their own policies and procedures. These include: hiring a driver with a fraction of the experience which the company purports to require; ignoring instances of dishonesty on the employment application; ignoring evidence that a driver was not properly performing his pre/post-trip inspections; elevating an employee with no professional driving experience to supervise drivers of large, heavy, and dangerous tractor-trailer rigs; appointing an employee to ensure that the company was in compliance with federal regulations and taking no apparent steps to ensure that that employee knew those regulations; and ignoring repeated evidence that a driver was cheating company drug tests.

In this context, HB-19 represents an unconscionable breach of the public trust. As Governor Abbott himself said last year: "Public safety is job one...." HB-19 does nothing to promote public safety -- on the contrary, its passage will increase the risks to vulnerable Texans whenever they travel on our public roads. If companies are allowed to secure dismissal from lawsuits merely by acknowledging that a driver was a company employee acting within the course and scope of employment, those companies will have even less incentive to ensure that their drivers are properly trained and supervised and that their vehicles are properly inspected and maintained. As a result, the dangers posed by eighteen-wheelers -- already the largest and heaviest vehicles on the road and often "rolling death traps" -- will increase exponentially. If the Legislature wishes to decrease the number of lawsuits filed in Texas courts over commercial vehicle wrecks, it should take steps to enact new laws to make sure that companies do their part to keep the public safe, and to increase enforcement of those laws which already exist.

I respectfully urge all members of the Texas Legislature to vote against HB-19.

Jonathon Clark

self, attorney

Printed on: April 16, 2021 4:32 PM

Round Rock, TX

This bill is bad for Texas. As an attorney, I have seen firsthand the devastation that a wreck involving commercial and company vehicles can cause. I'm going to focus my comments on the practical effects this bill will have. This bill disincentivizes safety innovation for companies. I've already seen fewer wrecks involving companies that installed electronic logging devices and driver monitoring equipment like cameras. Texas leads the country in large truck crashes and those crashes have been trending up. Company safety issues are the most important for Texans and this bill gives companies a pass. By addressing safety at the company level, improvements/training will affect multiple drivers, exponentially making Texans safer. When we limit the tort process to the driver, we are reducing the benefits of the civil justice system to a single driver.

This bill tries to hide the liability of the company from the jury merely because the company stipulates to course and scope. Many cases, the employer may have independent negligence--incorrect instruction on the applicability of regulations to its driver, mechanical defects and maintenance problems, no training/supervision of drivers on issues common to their work, and failing to monitor driver compliance with hours limitations.

Commercial and company vehicle drivers often spend more hours a day on Texas roads than any standard driver. We should be taking steps to make them safer, not the opposite. The bill also provides for immediate appeal through mandamus when a court does find the discovery sought is relevant and admissible. This will further prolong the cases for injured Texans and their family, often by a year or more. It also creates a further backlog on a discovery matter in our court system that is already backlogged from COVID. In addition, the trial court is required to further micro-manage cases with judicial resources already stretched thin. Our existing body of law is balancing the interests well and this law tips the scales unfairly with no real benefit.

Ultimately much of this bill breaks down to trying to fix something that is not broken. Defendants have the ability to seek protection from the Court on discovery and the judge has the discretion to admit or exclude irrelevant evidence on a standard that has over a century of law. This will merely lead to uncertainty, delay, and increased costs to taxpayers. There is no "problem" here that needs solving from the public good perspective. This bill will have ill effects on all Texans and provide no public benefit. On top of that the bill creates a number of problems, some of which I've addressed here and others I have not, which place a heavier burden on our judicial system and injured Texans. Ultimately much of this bill breaks down to trying to fix something that is not broken. Defendants have the ability to seek protection from the Court on discovery and the judge already has the discretion to admit or exclude irrelevant evidence.

Joseph Morrison

Self Attorney

Dallas, TX

1 person was killed every 2 hours 26 minutes on a roadway in Texas based on reported crashes in 2019. 1 person was injured every 2 minutes and 3 seconds. Why in the world would we enact a law that holds trucking companies and drivers LESS accountable??? Trucks are already VERY prevalent in our State and this bill would, frankly, turn the roadways of Texas into the Wild Wild West. It destroys accountability and will put all of our friends and family members needlessly at risk. It absolutely sickens me that Republicans - conservatives - would even consider passing a bill that would endanger the lives of Texans solely to give a handout to TLR. All industries have been temporarily harmed by COVID. COVID is no excuse for this monstrosity.

Patricia Alegria, Ms

Self

Baytown, TX

I am writing in complete and total opposition to this bill. I was involved in an accident with an 18 wheeler in which the driver of the semi was under the influence of cocaine and that was not enough to secure a guilty verdict and seal the deal. My life was stripped of lots of time and now at this very moment I suffer and my three year old at the time suffers and remembers this terrible ordeal. It was tragic and most importantly it stole so much from me and my family. Please I plead with you all please stop this bill from passing. I currently deal with lots of pain and anguish and try to forget but unfortunately it's part of my life and I am an overcomer. Do not pass this bill!!

Printed on: April 16, 2021 4:32 PM

Juan Moreno

Self

Mcallen, TX

I was hit by a sand hauler. It has affected my job and my personal life. I struggle with pain. My body has never been the same. When I got hit I was doing nothing wrong (I was stopped at a stop sign). Companies who are safe don't need to hide the truth. This bill only benefits companies that are not safe and they should not be able to hide their safety problems in Court. That is not fair. Please stop this bill.

Shirley Webb, Ms.

Self

Spring, TX

On August 10, 2013, my life was painfully, and forever altered. My family was killed by an inexperienced CMV driver, who was hired straight out of truck driver's school by a company before they had even obtained a valid CDL. The driver had prior traffic infractions on their record, yet they were still hired. The company was just as liable and negligent for the murder of my entire family as the driver, because the company failed to heed the findings of the background check that proved the driver was unfit and ill-prepared for OTR driving. Because this driver was inexperienced, their labor came cheap, and the result is, today I am without my son, my grandson, and my daughter-in-law. Passage of this bill only allows big businesses to continue their reckless hiring practices in pursuit of higher profits. It will allow them to continue their willful disregard for public safety by offloading all of the responsibility on to a driver or contractor, further protecting their profits. This law is egregious and will do nothing to ensure all parties are held liable for ensuring public safety. If not done for the right reasons, it's a proven fact that penalties, punishment, and accountability force responsible compliance. Please do not pass HB19.

Michael Langley

Self

Austin, TX

Why would you protect companies from bad behavior? Help them hide shortcomings? Do you hate your constituents that much? All you care about is money? This bill makes no sense.

Daniel Horowitz

Self Attorney

Houston, TX

Dear Representatives, I'm writing in opposition to HB 19. As a child growing up, my father owned a trucking company which specialized in oil field heavy hauling. Typical loads included drilling rigs, cranes, road mats, tanks, and drill pipe. As a child I went with my father to several crash sites involving his trucks. Every time, someone lost their life. His company was not known as a safe operation. In fact, it was probably one of the worst. He bought radar detectors for his drivers so they could break the law, he encouraged his drivers to carry multiple licenses from different states, and they probably hauled more overweight & unpermitted loads than any company in the history of the state. If HB 19 were in effect when he was alive and in business, he would have had no incentive to accept responsibility for the terrible harms he caused. What was different with my father, instead of hiding behind legislative creative immunity, or denying responsibility, he demanded his insurance companies pay the full policy limits to the families of those who lost their lives. His thought process was if one of my trucks was responsible for killing someone, then my company is responsible.

HB 19 is just another attempt for the rich and powerful to take advantage of those less fortunate. The only people who will benefit are the insurance companies who underwrite commercial drivers. Just like the so called medical malpractice reform from 2003, insurance rates will not go down. Instead, out of state companies will know if they kill someone in Texas, they don't have anything to worry about.

Printed on: April 16, 2021 4:32 PM

As a lawyer, I use my vehicle for "commercial purposes" as it is currently defined in the bill. I could kill someone on my way to court and be covered by this bill.

We have just witnessed what happens when companies are incentivized not to spend money on safety, training, or infrastructure. Look how many Texans suffered even died because the company's in charge of the electrical grid have no liability or fear of consequences when they don't utilize best practices.

Andrea Deitz

Self

Prosper, TX

Please withdraw this bill. It is putting the trucking companies ahead of the people of Texas. This is not representing the will of the people.

John Spillane

Self

Dallas, TX

HB 19 would create a one-sided system that would unfairly and unjustly tilt the scales of justice in the favor of commercial interests. Our system of justice is supposed to be blind. Cases should be decided by a jury based on a review of all of the facts. Our state Supreme Court has stated for decades that court disputes should be decided by what all of the facts reveal, and not by what facts are concealed. Yet HB19 seeks to turn that principle on its head. The public cannot rely on commercial interests to self-govern nor to enforce safety requirements. This has been proven true time and again by the facts that are discovered in civil litigation and even certain criminal proceedings, and this is not just the opinion of a private citizen. The Consumer Products Safety Commission and the National Highway Traffic Safety Administration are both charged with protecting the public against unreasonable risks of injury, ensuring the remedy of safety issues, and monitoring and enforcing their respective guidelines. Both Agencies have published comments in the Federal Register about the importance of civil litigation in helping to identify safety issues and bringing those issues to light because industry stakeholders do not always meet their mandatory obligations. Both Agencies have publicly stated that information developed in private litigation is a key resource in the efforts to keep the public safe. According to NHTSA, even though federal law mandates certain safety requirements and requires industry participants to report certain information, the "do not always do so, or do not do so in a timely manner. As a result, "information developed or discovered in private litigation is an important resource for NHTSA." The point made by both NHTSA and CPSC is that industry cannot and does not regulate itself. The public--and the agencies charged with protecting that public--rely on a full disclosure of all facts being disclosed to the public. Juries protect the public, and juries cannot do so if they don't know the facts. Our state is safer today because Texans stood up to wrongdoers, both powerful corporations and small companies, and held them accountable in court. Legal accountability through our civil justice system not only provides Texans with access to justice when they have been harmed, but also provides a key incentive for corporations to act responsibly and prioritize safety from the start. HB 19 blocks access to justice and prevents the only justice our civil law system allows--full recovery of monetary damages. HB 19 creates barriers designed to favor industry. It prevents judges from allowing a jury to hear all of the relevant facts, and it absolves industry from independent compliance with safety procedures, protocols and regulations. When a witness is sworn to testify, she/he is asked to tell the truth, the whole truth and nothing but the truth. A jury should not be prevented from hearing that same truth, whole truth and nothing but the truth.

Dillon Norton, Esq.

Self

Tomball, TX

I believe this bill should not be passed. Texas families deserve to hold those accountable whose negligence results in serious injury or death. A trucking company's violations of the law should be admissible in court if they're negligence results in injury to another person.

Printed on: April 16, 2021 4:32 PM

Bianca Rodriguez

Self--Attorney

Austin, TX

I vehemently oppose HB 19 because it hurts innocent Texans harmed by the negligence of 18-wheeler company drivers and the companies that employ them. For years, insurance companies and their powerful lobbyists have been successful in creating and passing laws that hamper, diminish, and sometimes altogether, destroy the rights of accident victims. This is just another bill threatening to do the same thing. First, HB 19 absolves companies from independent compliance with state and federal safety regulations. State and Federal regulations is what keeps Texans safe, and the lack thereof inevitably leads to disastrous consequences. See the most recent catastrophe of deregulation--Ercot and Texas' power grid failure just a few, short weeks ago that literally led to death of Texans. When companies are allowed to cut corners, they most certainly will! This is no different because commercial vehicles are capable of causing significant bodily injury and death. Second, HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. There is no reason this should be implemented as it is clearly meant to undercut accident victims' claims against the companies and their insurers. Third, HB 19 imposes one-sided procedural barriers that delay justice for victims. HB 19 does nothing other than create dangerous roadways for Texans by allowing trucking companies to cut corners and diminishing injured victims' rights to recovery.

Lawrence Sailer, Owner

BSB logging Lawrence Sailer

Corrigan, TX

We need all the help we can get

Zach McFarlane

Self - Lawyer

Houston, TX

Hb 19

Texas drivers on Texas roads deserve access to the Texas court system unfettered by one sided legislation designed to afford protections to companies and people that skirt regulations and create unsafe conditions on our roads. Transportation is not just an industry term - transportation is what millions of Texans do every single day. Movement of people and things from one place to another is the fabric of both society and commerce. Transportation is one of the most dangerous parts of Texans' lives.

Texas roads have stake holders. From truck drivers, to first responders, and Texas citizens who pay taxes allowing our roads to be paved and maintained, all stake holders have the right to use our roads. HB 19 exempts certain stake holders from facing the consequences of bad acts, while doing nothing to benefit other stake holders.

I have seen egregious offenders place Texas citizens and taxpayers lives in jeopardy and destroy their ability to earn a livelihood or care for their families. A Dallas area family was involved in a motor vehicle collision with an 18-wheeler that destroyed the family's vehicle. They escaped with their lives, but several were taken by life flight from the scene to Houston. The medical expenses and resulting hardship only touch a part of the new reality faced by this family. A special needs family member lost her primary care taker after her medical condition removed her ability to provide care. Two children lost their father's ability to provide household income. The family also had to re-fit their home to address their medical issues - all as a result of a trucking company who allowed an unfit driver on our Texas roads.

HB 19 offers perverse incentives to companies, owner-operators, Uber drivers, electrician trucks, and others that place unfit drivers on our Texas roads. Regular Texas citizens who pay taxes for our Texas roads are not only unaccounted for in HB 19, they are cut out by HB 19. Texas citizens make Texas work, and Texans deserve the ability to make their lives whole when something goes wrong on our highways, roads, and streets. To take away Texan rights to care for their family following an unthinkable event is to take away the spirit of individualism that has defined Texas since its inception.

Printed on: April 16, 2021 4:32 PM

The harm this bill will inflict on our neighbors, families, and friends, is unthinkable and unTexan. HB 19 creates a game of tug of war: with insurance companies at one end, and not a single person at the other end. HB 19 makes it clear Texans are not allowed to play.

Lauren Lyon
Self, engineer
Richardson, TX

I'm against this bill because we need as many legal safeguards as possible to keep the public safe on the same roads as commercial trucks.

Reshard Alexander, Esq., MBA, LL.M
Self / Attorney
Houston, TX

I am a personal injury attorney that represents victims of catastrophic and deadly truck wrecks here in the great state of Texas. I also am one of the few attorneys in the state that has a law license and a Texas Class A commercial motor vehicle license with no restrictions. This means that I understand the legal requirements that a truck driver and/or motor carrier must abide by when traveling our beautiful roads and highways while also appreciating the fact that truck driving is an underappreciated, dangerous, and necessary profession for a functioning society. This bill is a reprehensible attack on Texans' right to seek redress from harm caused by negligent truck drivers and the motor carriers and other corporations that employ them. There are so many problems with this bill that I cannot fully cover them in the 3000-word comment section. Currently, I am working on a case that involves a wrongful death case of a Texan getting killed by an out-of-state truck driver and out-of-state motor carrier. In fact, the company that employs this driver is not even from this country. This motor carrier only has 70 trucks, but has caused at least two fatalities in the past three to four years. Fatalities on our roads rise when motor carriers do not follow the FMCSRs. Indeed, the Federal Motor Carrier Safety Administration was created for a specific reason: "to ensure safety in motor carrier operations through strong enforcement of safety regulations; targeting high-risk carriers and commercial motor vehicle drivers; improving safety information systems and commercial motor vehicle technologies; strengthening commercial motor vehicle equipment and operating standards; and increasing safety awareness." This bill attempts to devour and destroy the federal standards created to measure whether truckers and motor carrier companies abide by the law and create hazardous situations for residents and visitors of our state. Not only will this bill destroy the safety standards of our roads, increase the carnage on our roadways, contribute to a budget shortfall along with added stress on city/state law enforcement units as they respond to more crashes, but it will also affect our tourism dollars as Texas becomes a state known more for large wrecks and no accountability by those companies who cause them. We haven't even begun to seriously discuss the fact that a number of autonomous commercial vehicles are currently being tested on our highways, and although no significant wrecks have occurred that I know of...an attempt to not allow violations of regulations or rules of law into evidence at trial to demonstrate the defendant's negligence is easily one of the most abhorrent attempts at gutting claims and lawsuits against negligent trucking companies I have ever seen. Companies rise to the level of safety regulation that is necessary to preserve human life when there are monetary penalties associated with negligent behavior. Call me if you want to discuss this more.

Adam Crawshaw
self, attorney at law
San Antonio, TX

I oppose HB19 because it will lead to unnecessary delays in discovery for clients and possibly pave the way for similar bills in other areas of litigation. This severely curtails the ability to show knowing or gross negligent conduct on the part of trucking companies. It begs the question, Why have the rules/regulations in place when someone injured in a trucking accident (possibly a responsible commercial driver driving for a responsible company) must go through different standards to obtain relevant discovery which may be objected to already if it is indeed objectionable.

Respectfully, Adam Crawshaw

Printed on: April 16, 2021 4:32 PM

Shelton Williams

Self

Austin, TX

HB19 is a brazen handout to transportation companies that refuse to take the proper measurements to ensure safety. Texas is one of the most dangerous states in the country when it comes to crashes involving commercial motor vehicles. The passage of this bill will only further the rate of collisions causing serious injuries and death because it will disincentivize transportation companies from making safety a priority. Removing direct negligence claims against transportation companies will end any concern they may have about hiring drivers they know are not qualified to safely drive or providing the proper training and supervision necessary to ensure their drivers are safe. Crashes occur because of what transportation companies do or refuse to do months or years beforehand. The entire community will suffer if victims cannot investigate and admit evidence to a jury about a transportation company's systemic failures. As written, HB19 would allow insurance companies to ration money their insureds' victims when a jury gives money for future medical treatment. It would perversely allow the insurance companies to make money off of the victims' recovery and, when the victim dies, wipe out any remaining payments to the victims' heirs. It will unconstitutionally handcuff judges when presiding over these cases. We all drive on public roadways, so we are all in danger of becoming a victim to one of these crashes. The next time you see a driver of an 80,000 pound tractor-trailer distracted by his cell phone or a large company truck running a red light, ask yourself if immunity is what these companies need. Regulation like HB19 is antithetical to a free market system. Let the market self-regulate. If a motor carrier refuses to safely hire, train, or supervise its drivers, let a jury of its peers decide if that is right or wrong and how much will compensate the victim and deter the company from making the same mistakes in the future. Please pass laws the increase safety rather than laws that make our community more dangerous. Transportation companies should spend their money on improving safety rather than lobbying the Legislature for immunity.

Ryan Wham

Self/Attorney

The Woodlands, TX

The Judiciary & Civil Jurisprudence Committee is uniquely positioned to consider factors beyond the practical consequences of this bill (about which I'm sure many have submitted comments). The Committee should consider the extent to which this bill would, in effect, mean relying on the federal government to handle enforcement of our state's police power. And the Committee should consider whether, as a result, it would be inviting greater federal regulation.

The U.S. Congress has, to be sure, largely occupied the field of motor carrier safety regulation. In fact, it has expressly precluded almost all state legislation in the area. 49 U.S.C. § 14501(c)(1). But it does not interfere with states' "safety regulatory authority." Id. § 14501(c)(2)(A). The default presumption is that states, in keeping with their constitutional role, will keep their own roads safe. So while federal licensing is contingent on, for example, proper hiring and training standards, more stringent enforcement that provides greater incentives is up to Texas.

If enacted, this bill would let motor carriers—or indeed, anyone driving a vehicle for business purposes at all—skirt liability for unsafe practices. It would mean, for example, that carriers could hire drivers with multiple prior drunk-driving convictions, safe in the knowledge that a jury (the only body we offer to hold them accountable) would never hear about it. It would allow them to pass the buck to employees and to hide behind them, even if those employees should never have been on our roads in the first place. It would prevent our juries from hearing about all the parties at fault.

It would also mean that Texas does not seek to ensure that motor carriers follow safe hiring and training practices, but will rely on the federal government to do that on Texas' behalf. That is not how our system is meant to work. The end result would be effective immunity for unsafe hiring and training practices in Texas, and in Texas alone. And it would be a message to the country that we will count on the federal government to handle our business for us. The government may well take us at our word and enact more stringent regulations, creating more red tape for Texas business-owners.

Or, of course, we could keep our current system, which relies on industry to self-regulate and trusts our juries and our judges to deal with bad actors who fail to do so. I strongly believe that is the better path forward.

Printed on: April 16, 2021 4:32 PM

Jim Martin
Self
Kingwood, TX

The bill must be the result of blatant self interest of a strong lobby of insurance companies and trucking companies. Once again the rights of the victim are smothered by the desire for profit. Now the legislature will act as judges and limit evidence of bad driving? Is this supposed to allow trucking companies and their insurers to continue with their love affair with the American public just like in medical malpractice tort reform? This clearly limits constitutional rights to trial by jury. Are we going to change the constitution again? Perhaps a better bill would be aimed at protecting Texans from power and water outages.

Adam Ramji, Dr.
Ramji Law Group, PC
Houston, TX

In being on both sides with victims of horrible, catastrophic injuries, there has to be accountability, and there has to be proper compensation for the victims. If this goes through, there is going to be a domino effect of lax rules and delayed accountability. If a wrong is done, it needs to be corrected.

Rabia Said
self
Sachse, TX

This is a dangerous bill that will not protect the wellbeing of the state of texas or it's residents.

Ryan Rouz
Self
Dallas, TX

This is a bad law favoring a select few. We need to keep Texas roads as safe as possible.

Jill McWhorter
Self
Dallas, TX

These drivers and companies must be held responsible for any infractions! Citizens must have the avenues to penalize them financially when they are responsible.

Ralph Manginello
Attorney911.com
Houston, TX

- Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths. This bill will adversely affect victims of truck related accidents, companies that do things the right way and do not violate the law, erodes the legal rights of kids traveling via school bus, and ultimately makes the citizens of the State of Texas less safe.
- HB 19 absolves companies from independent compliance with state and federal safety regulations. Companies should have to be compliant and should be held accountable in a court of law when they are not.
- HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety

violations. This would allow companies to violate the law without having to answer for it. It would restrict the rights of citizens to fight for their rights as victims. It makes the legal playing field unlevel in the court system. It is unconstitutional.

- HB 19 imposes one-sided procedural barriers that delay justice for victims.
- HB 19 would make Texas roads more dangerous. This bill is fundamentally bent in favor of big business and does not take into account the millions of Texans who would be put at risk by passing this bill. Companies would become more lax with their safety resulting in more catastrophic injuries and deaths on our highways.

Rebecca Quintanilla

Self

Watauga, TX

My name is Rebecca Quintanilla. I strongly oppose HB19. On January 17, 2018, my Mom, Maudie Jackson was on her way home from work. While stopping for a red light, she was hit by an 18-wheeler with such force it pushed her off the road and into a ditch. The 18-wheeler continued on, striking another vehicle. My Mom suffered very serious and life-changing injuries. The medical records said she had a two level lumbar fusion that required hardware, grafting, reconstruction and a cage to complete the fused levels of her spine. My Mom was never able to return to her job as a restaurant manager. She had worked at this job for twenty-two years. She never fully recovered from her injuries, and we lost my Mom within two years of the crash, at the age of 64. Our family will never be the same.

A man by the name of Larry David Vance was driving the truck. He was legally intoxicated while driving the 18-wheeler and the police report said he registered a Blood Alcohol Content of .232. This is almost three times the legal limit. This man's history was easy to find with just a few internet searches. He had been arrested for possession of dangerous narcotics, driving while his license was suspended, driving while intoxicated, failure to present his driver's license, and false reporting to law enforcement. This driver should have never been hired to drive an 18-wheeler on Texas roads. If his employer had just taken the time to look into his history on the internet, this could have been prevented and my Mom would not have had to suffer. His employer either didn't take the time to research their drivers or chose to ignore their background.

The only way my Mom was able to survive, get medical care, and pay her bills was to go after the trucking company for putting a driver like this on the road. HB 19 would limit Texas families abilities to hold negligent companies responsible. Shouldn't we be making it easier to hold them responsible? These are our Moms, Dads, and families. Shouldn't we be doing everything we can to make them try to have the safest equipment and drivers possible? Shouldn't we be able hold them responsible when they don't? What if it's your Mom or Dad or child? Please do the right thing. Don't pass HB19.

Please.

Lori Matthews

Self

Missouri City, TX

HB 19 is horrible. It completely guts protections for people for the benefit of companies. Safety laws are implemented for a reason. To protect people. And if they are are violated, it should be admissible as evidence.

Roy Selensky, Mr.

Self

Baytown, TX

I oppose the passage of HB19. I feel that this would make Texas roads more dangerous by letting untrained drivers and undermaintained trucks on Texas Highways.

Jason Webster

Self

Printed on: April 16, 2021 4:32 PM

Houston, TX

This is a terrible bill for Texas that will allow trucking companies to endanger our roads. Please kill this bill!

Brandy Scott

Self

Frisco, TX

This is an abhorrent bill. I cannot believe you are able to wake up and look at yourself if the mirror after selling your soul to corporations that place our lives, our families' lives, your families' lives as risk. There has to be line drawn that says, "no, we don't need things faster or bigger or whatever else to the detriment to our lives, their employees' lives without being held accountable." Unfortunately, big corporations have no problem taking peoples' lives unless they feel a dent in their profits when they do. This bill makes it possible to get away with unsafe situations without being held accountable.

David Peters

Personal Experience with Trucking Company

Pearland, TX

I am fully against HB 19 by Leach, it is my personal experience that trucking companies hire personnel that have minimum experience or have been terminated from a prior trucking company for road and accident violations. Also, the trucking company does not provide or utilize proper safety practices. (OSHA & TXDOT Rules and Guidelines). Additionally, trucking insurance companies are a third party corporation and do not insist safety requirements. Trucking companies and the "Divers" do not follow the TXDOT laws and obey the rules of the road. In my personal experience the Safety Coordinator was the Administration Assistant with "NO" experience in Safety Regulation. These truckers and the companies they work for are very dangerous for the general public and have caused great harm to innocent people either death or long term to lifetime medical treatment. I have first hand experience in trucking companies because, my WIFE currently has a lifetime medical issues from being hit Broad Side and dragged 100 Yards by a 18 Wheeler and then kept going like nothing happened. This Bill HB 19 must not be Approved.

Jim Darsey

Self

Grapeland, TX

Please support HB 19. Frivolous lawsuits have gotten out of control in Texas, again. It is time to clean this mess up so Texans and Texas can prosper with a strong economy. The ambulance chasers have to be checked.

Lisa Jowell

Self engineer

Dallas, TX

Keep the right for Texans to sue truckers. Trucking companies must be held liable for all damage their trucks/drivers cause.

Richard Barton

Self

Richmond, TX

Dear Legislators,

I am an attorney that has defended numerous trucking companies and drivers in civil litigation. I am also a citizen that is afraid of driving on Texas roads because of what I have learned about trucking companies and drivers. I fear for myself, my family, YOUR FAMILY, my friends and acquaintances. I fear not only because of the information that has been turned over in litigation,

Printed on: April 16, 2021 4:32 PM

but I fear more because of the information I know that has been covered up by the trucking companies. I fear because of the unbridled, irresponsible and intentional actions trucking companies take on a daily basis. The trucking companies are already shielded by insurance, and the only impact they feel when these heinous acts occur is possibly an increased insurance premium. HB 19 seeks to protect insurance companies and will do so at the expense of public safety. The answer is to stop insuring these trucking companies so they are not out on the roads. When trucking companies place money of safety, bad things happen...WHEN THE INSURANCE INDUSTRY PLACES MONEY OVER SAFETY, CATASTROPHICALLY BAD THINGS WILL HAPPEN!!

The attitudes of the truck drivers reflect the leadership of the trucking companies that put them on the road. I have seen a complete disregard for the Federal Motor Carrier Safety Regulations so these trucking companies can make millions of dollars. Trucking companies already have plenty of defenses and safeguards to protect their information. Having sat in rooms as an attorney for truck drivers and companies, I have been privy to inside information that would make you cringe. The lengths trucking companies and drivers go to in order to circumvent the rules are appalling. As it stands now, I would estimate that less than 25% of the trucking companies' bad deeds are exposed in civil litigation, and the response from citizens/jurors is appropriate when they hear what trucking companies do. The answer is to hold the trucking companies accountable for their unsafe acts, not to give them a free pass and blame it on the truck driver that is following the companies' instructions. HB 19, if passed, will do nothing more than embolden trucking companies to push their drivers well beyond the rules without fear of recompense. It will endanger truck drivers, it will endanger the traveling public, and IT WILL ENDANGER THE LIVES OF LEGISLATORS AND THEIR FAMILIES!!! Please vote NO for HB19 for the safety of the public and the safety of your loved ones.

Thank you,
Trey Barton

Ronald Anderson

Self

Mt. Belvieu, TX

Living in an area where truck traffic can be horrendous and extremely dangerous, I have seen the devastation and loss of life created by drivers and trucking companies who place profit above safety. These companies should not be given softened liability at the expense of public safety and lives.

Shirley Grannan

Collin Cty Voting Pct 53

Plano, TX

Do NOT give trucking companies the tight to kill, maim, and destroy civil lives and property with impunity JUST because THEY DONATED A LOT OF MONEY TO JEFF LEACH. Leech.

Jeremy Friesen

Self

Richardson, TX

I am a Texan who regularly uses public roadways. It is no secret that Texas is enjoying a boom of population and building. With new people and economic development our roadways are noticeably more crowded, especially with large trucks and other commercial vehicles. These trucks are necessary for our state and country and I have much respect for the industry who keeps goods moving. However, as in every industry, there needs to be specific accountability standards so that everyone plays by the same rules. Without them there will be an incentive more cutting corners to make more money. These corner cutting measures WILL lead to dangerous roads and will result in hurt or even killed citizens of our state. We need to make sure the goods are moved in a safe way. One huge way to hold companies accountable is through the civil justice system. What HB 19 proposes will make doing that next to impossible and will allow bad apples to cloud the whole industry.

It is important that our current civil remedies be maintained and not eroded away by HB 19. I urge a NO vote on this proposal.

Printed on: April 16, 2021 4:32 PM

Caroline Suh
Self, Training Coordinator
Austin, TX

I would like to comment that this bill is dangerous for the state of Texas and should not be made into law. After living a year in the pandemic and experiencing the ice storm that nearly knocked out Texas' basic infrastructure, I truly have seen the dangers of supporting businesses and corporations over people. We must do everything in our power to protect people first, and this bill will not protect people. It will make it harder for anyone who has experienced pain and suffering to get the compensation that they deserve. I strongly urge the House to not allow this unjust bill to pass.

Blake Scott
Self
Lubbock, TX

I OPPOSE HB 19, and you should too because this bill would drastically reduce accountability for companies and entities that endanger our communities by breaking the laws that have already been passed to keep the public safe. It is completely counter-intuitive to allow companies to get away with committing bad acts on the roadways without the risk of them being held accountable. I have seen time and time again where companies attempt to cut costs by circumventing safety laws, rules, and regulations, only to wind up killing or mangled a member of my community. Giving these companies more of a break when they make this choice only incentivizes more wrongdoing and punishes the companies that do things the right way--the safe way. I WILL NOT VOTE TO RE-ELECT anyone who votes in favor of this bill, and I have voted Republican in every election up to this point in my life.

Robert Schwartz
Attorney
Houston, TX

This bill is bad for Texans. Texas roads are dangerous and Texas leads the nation in large truck crashes and deaths. Owners and operators cut corners to get their vehicles on the road and their load delivered by inefficient screening and hiring practices and unsafe practices. When owners and operators cause injury to another and in doing so display a gross disregard for the health, safety and welfare of people traveling the roads with these big rigs, they must be able to be held accountable. These companies should not be immune from independent compliance with state and federal safety regulations that are there to protect everyone. HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations, which is not more than protecting it from being held accountable. Texans and those traveling on Texas' roads deserve to be able to do so without a protected owner or operator driving like there are no consequences for their actions. Do not make Texas roads more dangerous than they already are because of these big rigs. Vote NO on HB 19!

Edgar Hernandez
Kherkher Garcia
Houston, TX

While my time working at the Harris County District Attorney's Office I saw hundreds of motor vehicle collisions caused by 18-wheelers. Currently, I have many clients who are seriously injured by a slough of commercial motor vehicles. For instance, I have a client who was in a car that was dragged after being clipped because a major 18 Wheeler company which regularly communicated with its drivers via cell phone and never provided any policies to stop their driver from talking and driving. This bill boils down to nothing more than profit over people.

Jennifer Valdez, Bookkeeper
Kherkher Garcia, LLP

Printed on: April 16, 2021 4:32 PM

HOUSTON, TX

- Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.
- HB 19 absolves companies from independent compliance with state and federal safety regulations.
- HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
- HB 19 imposes one-sided procedural barriers that delay justice for victims.
- HB 19 would make Texas roads more dangerous.

Coby Wooten

self

Fort Worth, TX

I personally see every day the danger that bad commercial truck drivers can happen when they take the road. Families destroyed, children orphaned, people maimed, it is absolutely horrifying. I am sorry but there just is no comparison of a commercial vehicle to a family or personal vehicle. The sheer size and weight require expertise in their operation. When this fails people are destroyed. This Bill strips any responsibility that these commercial drivers and operators must adhere to. Without making them responsible for their actions then there is no accountability. The actions of this Bill will make Texas roads even more dangerous and will convey a basic immunity on big trucks, drivers and owners. Every member of this board should stop and just think about what would they do, what actions would be available, how would justice be awarded if a family member or friend is killed due to the negligence of a bad commercial actor. This Bill would deny them any accountability to be had against a bad actor.

Steven Kherkher

Self / Attorney

Houston, TX

I am a Personal Injury attorney and I know how dangerous this could be to our community. Texas leads the nation in commercial motor vehicle crashes and deaths and HB 19 would make Texas roads even more dangerous. Additionally, HB 19 will delay justice for victims because it imposes one-sided procedural barriers and it restricts access to important discovery of a company or driver's conduct including safety violations. People's lives are more important than trucking companies.

Raciel Gonzalez

self

Pearland, TX

This bill needs to be securitized carefully because it would cause more harm than good. Safety should always be top priority. This would limit victims to discover the the companies compliance with state and federal regulations. Please vote against it. Thank you.

Kristen Hidalgo-Monroy

Self - Paralegal

Houston, TX

Texas roads are dangerous and there is no denying this fact. Texas constantly has roadways ranked as the most dangerous and worst in the country. I myself have almost been in crashes where an 18 wheeler has swerved or made lane changes without properly signaling. One of my closest friends was almost killed in a terrible crash with an 18 wheeler, which has drastically altered and cut short his lifespan. It is completely irresponsible to give any immunity to commercial trucking companies and endangers the lives of hard working Texans who are out on roads every day going to work, getting groceries, and being productive, valuable members of our communities. This bill will prevent justice for any person hurt involved in crashes with commercial trucking vehicles, which is unacceptable. People and their lives should never be put behind the protections and

Printed on: April 16, 2021 4:32 PM

profits of companies.

Josue Mata

Self

Beach City, TX

I oppose BH19 because- it provides trucking companies with a way out to prove they have conducted safety programs due diligence. Trucking companies should held accountable and provide evidence of compliance for the safe condition of their trucks on Texas roads.

Jonathan Walters

self

Fort Worth, TX

Our Courts are already backed up forcing injured parties to wait up to two years in most cases for a trial on a motor vehicle accident. Forcing someone injured by a commercial vehicle, which usually cause grave injuries, increases the expense the injured party must take but also increases the length of time they have to wait for recovery. Professional drivers should be held accountable for their actions, and this should be done in the most efficient way, which is how we are currently handling them. This bill does not benefit the public and only benefits the insurance companies that insure commercial trucks.

Kevin Liles

self, attorney

Corpus Christi, TX

HB 19 provides needless, unwarranted, and unconstitutional protection to a trucking industry that litigation has historically proven time and again essential to uncover regulation violations that put dangerous professional drivers on the road, resulting in serious injury and death to those on our Texas highways.

One such example involved the death of a 20 year old Midland girl, Kali Baze. A Basic Energy Services tractor trailer failed to yield the right of way turning left across 2 lanes of traffic on a rainy night. A car driving along that intersecting roadway, driving below the speed limit hit the 18 wheeler trailer in the middle of the trailer. Witnesses watched and listened as Kali died in the car.

In the lawsuit, discovery uncovered numerous regulation violations by motor carrier Basic Energy:

* the driver, who had been licensed for only 11 months at the time of the crash, was inadequately trained and supervised by Basic. In short, Basic took a driver with no experience driving an 18 wheeler, attempted to train him how to drive an 18 wheeler despite admitting that it had no experience training inexperienced drivers (e.g. "We're not a truck driving school" and "We're not equipped to take drivers off the street and teach them how to operate an 18 wheeler"), and put him on the road without proper skills and judgment to drive safely.

* Also, with inadequate training, Basic failed to supervise him to identify red flags of a high risk and dangerous driver (for example, the driver had prior violations (failing to yield the right of way) that Basic ignored);

* Further, the subject 18 wheeler trailer lacked the required amount of reflective tape along the side — a Basic violation of federal regulations — that reduced/prevented the visibility of the trailer that dark night.

Without the discovery process to uncover these failures by Basic Energy individually, aside from and in addition to the failures of the driver, the Baze family would not have been able to hold the company liable for its negligence in putting unsafe drivers, and unsafe vehicles, on the roadway (as provided in CPRC Chapter 33). The federal regulations, and industry standards, require motor carriers to hire, train, and supervise its professional drivers. These are duties that motor carriers have to Texas motorists sharing the roadways with its drivers independent of the actions of the drivers themselves. Unsafe drivers can come and go, but Texans must have the ability to hold unsafe motor carriers responsible individually for unsafe business practices to keep motorists

Printed on: April 16, 2021 4:32 PM

safe on Texas roadways.

HB 19 needlessly absolves trucking companies from independent compliance with state and federal safety regulations. HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, safety violations, and training practices. HB 19 would make Texas roads more dangerous. On behalf of and with the Baze family, we oppose HB 19.

Ryan Anderson, Esq.

self, attorney.

The Colony, TX

The procedural changes and limitations proposed by this bill are unnecessary will create more unpredictability and uncertainty within the judicial system, and not less. Litigants, including the trucking companies, will face greater legal expenses and time to prepare a case for trial, with more pre-trial motion practice and attorneys' fees, than under the current rules and laws.

Moreover, attempting to eliminate direct liability for trucking companies for hiring bad drivers will inevitably result in unresolvable conflicts between this bill and federal trucking laws and regulations.

This bill is a mess. Trial lawyers on both sides do not want it, nor do any of us think it's needed. Trust Texas juries to get it right, like they have for decades. And don't give any industry in Texas a pass during a time period when their safety record is declining, not improving.

David Frisby

David Frisby, P.C.

HALTOM CITY, TX

I have represented injured Texans for over 17 years. I have personal knowledge of the severe harm commercial vehicles can have on Texas drivers. I have seen commercial drivers that are under extreme pressure from their employer corporation to perform, deliver on time, "hurry up", etc. Absolving the corporation of following regulations would not be in the best interest of injured Texans.

matthew reeves

self, attorney

Houston, TX

If passed into law, this bill would deny justice to victims of truck crashes throughout Texas, like a client we represent who is now paralyzed from the neck down, and whose only hope to make sure she has the medical care she will need for the rest of her life is recovery against the trucking company. The driver, of course, is judgment proof. This bill would also make Texas roads far more dangerous than they already are, because by giving trucking companies virtual immunity from lawsuits they would have no incentive to make sure that their drivers are properly trained or that they follow safety rules. Nor would they have any incentive to make sure their trucks were properly maintained in safe working order. In fact, the bill creates incentives to the contrary, because, by imposing one-sided and unfair obstacles on the victims of these crashes, a trucking company could save money by skimping on safety. It is disingenuous for trucking companies to argue this bill does not grant virtual immunity. It is plain that by adding procedural hurdles and eliminate the ability for attorneys to obtain and use key discovery, the intent of the bill is to make suits against trucking companies all but impossible. Victims of trucking crashes should not be denied justice, and this bill should not pass, even in a watered-down form.

Gloria Gibbons

Self

Gilmer, TX

I do not believe this bill should pass. I do believe that the commercial group should be reformed, but not in the way you people are trying to pass it. First, any company who hires a driver for a commercial vehicle should be more aware of his background, because the driver of the commercial vehicle just ran over someone and killed a family of four, should have to pay that the families family. That is an awful situation, and to even think about paying in periodical payments is beneath justice. Not to mention, a commercial vehicle that causes injury in the amount of \$100,000, there is no way to put that person back to their self, they now have a 100,000 medical bill and most likely lost job, and it's months to years before these types of cases get worked out. In the meantime we have an individual who is most likely going to be homeless because of the negligence of a commercial driver. If you want to reform something, reform the insurance companies. they need to check the person they are insuring better. Better yet, reform the buying of a vehicle. Like the large Ford Expedition, the large Chevrolet Suburban, and the road hogs trucks Dodge, Chevrolet, and Ram make, the one with 6 to 8 tires, that do not even fit into a lane, or a parking spot. The very ones you get behind and they are throwing rocks and gravel, and breaking every ones windshield. The very ones that pass you on the road driving 80 miles and hour. Those are the people who if they can afford to purchase those types vehicles, then they can afford the insurance on them, and they can afford to purchase commercial driver's license. You see 18 wheeler truck drivers are held at a higher standard of safety, but they do not do it. I commute 27 miles every day to work, and 27 miles every day back home, and I have seen all kinds of drivers from the road hog vehicles to the 18-wheelers, and I see some mighty bad drivers; doing illegal maneuvers, and that is 5 days a week. Now lets move on to the insurance companies and the medical, the medical treatment has became so high, you are better off, staying at home and dying. Not to mention the insurance companies they make as much money as the medical providers. they both need to be reformed. And all those people and companies backing this bill is people who work at those companies, so as they can put more money back in their pocket. I SAY NO TO HB 19, AND REFORM THE ROAD HOG VEHICLES, THE INSURANCE COMPANIES, AND THE MEDICAL PROVIDERS1

Mason Herring

Herring Law Firm

Houston, TX

This bill takes away personal responsibility for business owners and allows the government to intervene to rescue them. Texas was built on hard work and pulling yourself up by your bootstraps. HB19 allows companies to be lazy and makes them rely on government assistance in the form of passing laws that harm the public and voters. The representatives that endorse this bill need to get back to conservative values and allow the free market to dictate which businesses survive and which do not. I strongly believe that companies that do the right thing, hire competent drivers, and implement safety programs do not need the protection of HB19. HB19 is only there to protect the bad actors and those that do not perform up to industry standards.

Claudia Castro Salvador

Self

Arlington, TX

Texas is such a big state and we have so many good but even more bad drivers. We need our roads safe to drive. My husband is a truck driver and even he doesn't agree with this bill.

Kathryn Hiatt

Self, Attorney

Houston, TX

Approving this bill is harmful to individuals in our community who are affected by vehicle accidents. We must hold these companies responsible for the injuries they cause - not aid them in escaping liability. Large truck crashes are unfortunately frequent in this state more than any other. There is no good reason to lessen the responsibility of these companies to repair the harm they cause to our citizens when the collision is their fault. We cannot forget about how this bill will effect the every day person whose life is severely impacted by collision caused by these large companies doing business.

Denise Adkison-Brown

Printed on: April 16, 2021 4:32 PM

Self Attorney

Houston, TX

Texas leads the nation in commercial vehicle crashes and now is the time to make sure that the roads are safe for everyone. HB19 allows companies to escape liability except in extreme circumstances. If an employee is involved in an accident and the employee was on the job, then the company should be responsible for the employee's actions. This bill is too expansive. The only vehicles not covered are those used for household, family, and personal use. If a pickup truck is driven by a delivery company and kills someone, it is covered under this bill. This bill does nothing to protect the citizens of Texas from drivers who hurt them. It only protects business by allowing them to ignore federal and state safety regulations like maintenance, log books, training. Protect Texas roads and every single one of the citizens of Texas.

Todd Hunter, Mr.

Self

CORPUS CHRISTI, TX

Please vote against HB 19 and any of its parts. This bill is only to benefit the insurance companies and not the citizens of Texas. #EndtheStreakTX campaign will only be hindered by the protections afforded to careless companies. HB 19 will allow companies to hire more drivers that are not qualified, have lengthy histories of crimes and bad driving, and are not properly licensed. Only the insurance companies benefit from delaying payment for future medical needs. Head injury, spinal, burn, and amputation victims all need future treatment that should NOT be managed by the insurance companies. These victims have the right to seek their own care and at their own rates and costs.

Veronica Flores

Self

Houston, TX

HB 19 imposes one-sided procedural barriers that delay justice for victims.

Rosie Trejo

Self

Houston, TX

HB19 would be an injustice to the people from the state of Texas, a state the leads the nation in large truck crashes and deaths. This bill would make Texas roads more dangerous and would only benefit the trucking companies. The only message this would be sending out if passed, is that trucking companies are more important than people.

John Kirtley

Ferrer Poirot & Wansbrough

Dallas, TX

Here are the numbers for fatalities in Texas from crashes involving big trucks over the past decade. These numbers come from the Fatality Analysis Reporting System (FARS), which is compiled by the National Highway Traffic Safety Administration (NHTSA).

2019 Truck Crash Data Analysis

Fatalities in Texas Truck Crashes

2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	% Change
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Printed on: April 16, 2021 4:32 PM

Texas 318 400 432 573 535 553 567 602 658 666 652 105.0%

The numbers show a clear trend in the WRONG direction. The last thing that we need are laws that will make our highways EVEN DEADLIER.

The civil justice system is truly the only real accountability that the trucking industry faces. Nothing changes unless and until the jury, or the threat that a jury trial poses, finally forces real change. This bill would gut much of that threat, which will make our highways even more dangerous.

Stephany Duque-Aguilar

self attorney

Houston, TX

Texas roads are extremely dangerous and this bill would make our roads even more dangerous. HB 19 impedes discovery of a companies prior bad acts, including safety violations. Thus, severely limiting accountability. For the safety of everyone on our roads, HB 19 should be rejected.

Mark McLean

Self, Attorney

Austin, TX

Fatalities in truck wreck cases were 105% higher in 2019 than they were in 2009. We need to implementing more stringent checks and balances on the trucking industry, not less. Make no mistake: HB 19 will shield trucking companies from liability for corporate negligence (for example, hiring drivers with reckless backgrounds and encouraging/requiring drivers to drive longer than federally-mandated safety guidelines). More people will die-- while trucking companies and insurance companies will enjoy more profits. The safety of all Texans on Texas roadways will be compromised should HB 19 pass.

Romy Steve

Self

Spicewood, TX

As a first responder I have witnessed first hand the damage done but commercial fleet vehicles when not properly maintained or operated. With out legal consequences companies will cut corners and operators using company vehicles do not have incentive to maintain vehicles they do not own. This is a bad bill that will hurt Texans and only benefit corporations.

Rosabelle Vasquez

Self- Legal Assistant

Lubbock, TX

I do not agree with the passing of this law. As a citizen and tax payer of this state, I feel this will only make our roads even more dangerous than they already are. I have 2 children that travel pretty often. My son travels back and forth at least once a week for 5 hours due to work. And every single time I worry especially when I hear of a crash that occurred while he's still on the road. Working for a personal injury law firm for the last 9 years, I've seen a lot of sad situations. People seriously injured and losing loved ones. It's really sad knowing a lot of these accidents could have been prevented. That being said, the only way to stop from things getting any worse is holding the trucking companies accountable for their actions.

Rosalie Boulom

Self

Printed on: April 16, 2021 4:32 PM

Lubbock, TX

My husband is a transport officer for a Texas prison unit. A majority of his work day is spent on Texas roads transporting inmates. We are already concerned everyday about his safety, and with the addition of HB 19, it has worsened our fears. My husband will be sharing the roads with trucking companies and it is heartbreaking to know that a bill would be passed that imposes one-sided procedural barriers that would delay justice for thousands of other Texas citizens that share the roads with trucking companies.

Jennifer Neal

Self - Attorney

San Antonio, TX

I represent individuals injured by reckless drivers. I have seen egregious behavior by both reckless drivers and the companies who hire these reckless drivers. The behavior by these individuals and entities frequently leads to catastrophic injury of Texas citizens, including many deaths. In fact, Texas is the state with the most large truck crashes. HB 19 will only worsen this problem.

HB 19 would allow companies to shirk their duty to comply with safety regulations. It would prevent injured individuals from investigating a company's prior safety violations, allowing unsafe practices to continue unfettered. HB 19 would delay justice for the victims of this negligent corporate behavior, leaving injured Texans with no way to provide for their families at no fault of their own.

Merely one example of this type of behavior is a father of four young children who was killed in a head-on collision on Texas roads. An employer had allowed an unlicensed driver, with a known eye injury, to deliver equipment to a worksite. The unlicensed driver crossed the center lane of a two-lane road and collided with this father at full speed, mutilating his body and pinning him in the vehicle where he died on the scene in excruciating pain. His children are left without a father for the remainder of their lives. HB 19 would leave these children destitute. HB 19 would shift the financial burden in raising the children from the grossly negligent company who directed this reckless driver's activity in driving while unlicensed and with a vision impairment to Texas taxpayers. The citizens of Texas would have to support these children through social programs. And this is just one instance.

We elect our legislators with the understanding that their work at the Capitol will protect Texas citizens, not corporate interests. I urge you to do everything you can to shut down HB 19 and protect your constituents.

Myranda Vaughn, Esq.

Self-Attorney

Bryan, TX

The purpose of my comment is to urge our representatives to vote against this potentially harmful proposal. While it is important we hold individuals to a high standard of care, it is even more important we hold companies to the same or similar standards. Without accountability on hiring and compliance, we are opening the door to a slippery slope of harmful actions and noncompliance without recourse. It is important we protect the public from the veil this bill would create.

Cillia Marion

Self/Wedding Planner

Killeen, TX

This bill will be very negative for citizens injured in motor vehicle accidents and will make Texas roads more dangerous for the sake of saving money for the insurance industry. This industry has a process in place to deny coverage that Texans pay for every day and screw their client on a regular basis. This bill is completely one sided and should be abandoned.

Christina Jackson

Printed on: April 16, 2021 4:32 PM

Self

College Station, TX

- Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.
- HB 19 absolves companies from independent compliance with state and federal safety regulations.
- HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
- HB 19 imposes one-sided procedural barriers that delay justice for victims.
- HB 19 would make Texas roads more dangerous.

Alice Lincecum

Self

Katy, TX

The fact that anyone would want to pass a Bill leaving these trucking companies and drivers any less liable is a disgrace. I drive weekly on Interstate 10. The truckers drive too fast, pass irresponsibly and most have no respect for the "little drivers". I'm pleading to not let this Bill pass!

Ashley Ibarra

Self

Dayton, TX

I strongly oppose this bill as it will make it harder for us to discover safety violations by commercial vehicle companies. In no way should that be acceptable. Commercial companies should not be able to get away with negligence that easily. It is important that we keep those that are responsible and held accountable. Texas roads are dangerous enough as it is, immunizing companies for their own bad conduct, whether careless or intentional, hurts all Texans and their families and puts the burden on state systems like Medicaid for the catastrophic life changing damages they can cause.

Blake Sawyer

self

Bryan, TX

This bill is a disgrace at all levels to the citizens of our State. Texas already leads the nation in trucking deaths. This bill will accomplish nothing more than causing more deaths to Texans while saving foreign businesses money. If the legislature intends to uphold their oaths by even just a scintilla they will kill this proposed legislation. Texans are special because we go out of our way to take care of other Texans, it's what makes this state the best in the country. I am proud to be a Texan but so ashamed that this bill has even been proposed. The legislature should reflect on what makes this State what it is and kill this bill immediately.

VAN KELLEY

SELF / INVESTIGATOR

BULLARD, TX

From what I am reading our state already leads the nation in large truck crashed and deaths. Why would we add a law that makes employers LESS responsible for making sure they hire safe employees? Or less responsible for making sure they keep their equipment safe?? I STRONGLY oppose HB 19 and believe any person voting for it is voting to add to the death toll for our state!

Renee Gross

Self, veterinarian

Printed on: April 16, 2021 4:32 PM

Austin, TX

Please protect our victims from impaired truck drivers. Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths. HB 19 absolves companies from independent compliance with state and federal safety regulations. HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. HB 19 imposes one-sided procedural barriers that delay justice for victims. HB 19 would make Texas roads more dangerous. HB 19 is not a just bill.

Ashley Diaz

self - intake specialist

Bryan, TX

This would simply be unfair to all Texans and employees. It is hard enough to have to go through an auto collision and I can't imagine individuals not having the support they need from an employer or a business. This would encourage companies to not take responsibility for the negligence of their employees and also encourage them to not give the support their employee needs during tough times. The state of Texas is known for having the highest death ratio when it comes to commercial vehicles and I don't understand how this would contribute to keeping Texans safe if anything it would just make it more unsafe to drive on roads. The only ones benefiting from this bill would be businesses and insurance companies, I find it unfair to put livelihoods at risk for the sole purpose of saving money.

Neil Solomon

Self / Attorney

Austin, TX

I would strongly encourage all to vote against HB 19. This is a bill against public safety at a time when our roads are extremely dangerous. This reduces incentives for companies to act with the public interest in mind. This shields companies from being held accountable from unsafe practices. This type of legislation hurts our community and I ask that everyone vote against it.

Stephanie Firth-Gor

Self, paralegal.

College Station, TX

HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.

Mark Riordan

self

SAN ANTONIO, TX

This is a very dangerous bill and will be disasterous for Texans injured by commercial motor vehicles. It seeks to shield the truth, which directly opposes the very foundation of our laws and societal interest. Carving out exceptions to corporate companies that would allow them to hire unqualified and reckless drivers is not something Texas should be leading the forefront on. A jury needs to decide what the truth is based on the evidence. This law is an attempt to destroy that. I hope each of you will realize how completely unwarranted and dangerous this bill would be should you not vote against. I hope you do not make that mistake. Please do the right thing and vote against HB 19.

Rebekah Gager, Ms.

self

College Station, TX

Printed on: April 16, 2021 4:32 PM

Everyone knows how dangerous Texas roads are, I believe we can all name at least one person we know that has been injured before due to an auto wreck, especially in Texas the state that leads in large truck crashes and deaths. Yet HB 19 defends companies from having to give up previous safety violations and bad conduct and makes it more challenging for regular everyday Texans from receiving the money to help them with their medical bills for a wreck they did not cause. These companies should have nothing to fear as long as they are upholding what we expect from them for the safety of their employees and everyone else on the road. If they have a history of problems though it should be out there for us to be aware of and be cautious of the future. If we let them hid the past and not get properly punished for having multiple transgressions then they may continue to cut corners on safety and only make the roads even more hazardous to the single mom going to work, or the family of 5 going on a vacation to visit their grandparents.

Monica Garza

Self

Houston, TX

HB 19 is dangerous to Texas residents. HB 19 will absolves companies from independent compliance with state and federal safety regulations. As the State recently learned federal regulations are in the interest and safety of Texas residents.

Jonathon Deal

Self

Cameron, TX

Texas leads the nation in large truck crashes and deaths, HB 19 would only make Texas roads more dangerous. Not to mention the fact that it imposes barriers that would delay justice for victims while allowing companies to no comply with state and federal safety regulations. We must take action that will make Texas roads safer and provides justice for victims.

RONALD WEBER

Self, attorney

Houston, TX

I urge the Committee to reject HB 19.

There is no need for the legislation. It is incomprehensible that any member of this Committee would want to deprive their constituents of the ability to obtain a full measure of damages in the event of a tragic loss of a family member caused by a commercial motor vehicle. How would you ever explain this bill to the survivors of a tragedy? You cannot vote on this bill without personalizing it, as the loss caused by the commercial vehicle (that this bill intends to protect) will be extraordinarily personal and life-changing to a surviving spouse or family. If James 1:27 is real on Sunday, it needs to be real on Monday morning.

There is no need for the legislation. Commercial motor vehicles have all the current, defendant-oriented protections afforded by the Texas Rule of Civil Procedure and the Civil Practice and Remedies Code. The additional hurdles and protections afforded by HB 19 would create a "special class" of defendants that is hostile to the fair application of the law.

There is no need for the legislation. There is no insurance crisis preventing commercial motor vehicles from obtaining required insurance, and there is no documentation that companies running commercial motor vehicles are unable to afford insurance at current rates.

There is no need for the legislation. Companies aren't leaving Texas because of insurance rates or because of our civil justice system. The opposite appears to be true; people and companies are coming into the Texas marketplace.

Texas should not enact additional legislation to "fix" a problem that doesn't exist in the first instance.

Please vote "No" on HB 19.

Arlene Malone, Concerned citizen

Self

Hallsville, TX

Sent bill 207

I was a victim of 18 wheeler accident, where driver blew a stop sign and pulled out of a gas station and broadsided my car
Totaling it and a year later not even enough money to replace it

The car was brand new, paid for and a year old with only 5000 miles. I got the shaft as far as I see it

Grace Silvas

self

Corpus Christi, TX

Vote NO to HB 19.

Ryan Braswell

"Self" Marketing Manager

Amarillo, TX

Please vote NO on HB 19. As a 20 year Texas transplant from California, I hate to see my state turned into what I came from. This bill pushes us further that direction. Mr. Leach's most recent campaign was nearly entirely funded by the PAC "Texans for Lawsuit Reform." With a board that consists mostly of current or retired oil & gas bigwigs, the only people that look to benefit from this bill passing are them and billionaires like them. Mr. Leach pushes this bill by saying holding commercial truckers, and in turn, their companies, accountable for their actions is harmful to businesses. The only businesses this would affect are those of the board from the PAC that enabled him to hold the position he has. He wouldn't be here without them. To pay them back for their 7-figure donation, he is pushing a bill that lines their pockets. As I said in my opening, I don't want to see Texas turn into a state where the legislation that passes only helps millionaires and billionaires, while the everyday hard working Texans have to fear for their lives on the road just to put food on the table. Vote NO on HB 19.

Stuart White

Self (attorney)

Corpus Christi, TX

Vote NO to HB 19. Texas roads are dangerous and this legislation would only increase deaths and serious injuries on our roadways by emboldening trucking companies to decrease safety. Specifically, this bill keeps out of evidence violations of state and federal safety regulations designed to keep us safe. The procedural provisions are one-sided and will simply increase the cost of litigation, not reduce it. This legislation will clog our court system driving up costs on both sides.

Jarrett Shipman

Self

Katy, TX

This is protects big companies and not the people. Companies should be responsible for their commercial vehicles and employees. Follow the money. This would be a gross negligence on the part of our elected representatives if this bill passes.

Andrew Hervey

Printed on: April 16, 2021 4:32 PM

Self

College Station, TX

Texas has some of the most dangerous roads in America. HB 19 would absolve insurance agencies and trucking companies from keeping Texans safe. This bill is NOT in the best interest of Texans. It would make roads much more dangerous solely for the purpose of saving money for a few industries. There were 3,652 fatalities due to car crashes in 2018, which was a decrease of 1.99% from the 3,726 deaths recorded in 2017. HB 19 would absolutely be a step in the WRONG direction for Texas.

In short, HB 19 is not just bad for Texas, it's dangerous, short sighted and immoral. A vote against HB 19 is a vote to keep Texans safe.

Alison Medina

Self

Baytown, TX

As a Texas resident, I am opposed to HB19 by Leach due to the fact that the proposed legislation will make our highways more dangerous and it provides trucking companies special privileges that no other company is afforded.

John Porter

Lumbermen's Insurance

Lufkin, TX

Please approve this Bill, The Truck Insurance market is becoming devastating to many needing more and less costly options for their truck insurance. If this is not passed, I expect many to no longer be in business.

Eric Hawley

Self / Attorney

The Woodlands, TX

This bill would be a huge disservice to Texas residents who drive on public highways to and from work every day, sharing the road with thousands of commercial vehicles. I live in Montgomery County and work in Houston. I have a 1 hour commute on I-45 every day. That means at least 2 hours per day I spend sharing the roads with large commercial vehicles. This bill would make my daily commute more dangerous. This bill would take away certain important incentives for truck drivers to drive responsibly and for trucking companies to properly train employees. This bill would make it extremely difficult for me to prosecute a claim against a truck that crashes into me on a highway. I could be severely injured though no fault of my own, and this bill would severely limit my ability to recover against that trucking for my medical bills as well as other potentially significant damages. This bill would absolve trucking companies--many of which may not even be Texas residents--from liability for their negligent acts in this state, harming Texas residents. This bill imposes one-sided procedural barriers, it arbitrarily restricts access to necessary discovery of prior bad acts, and it improperly expands the definitions to include all kinds of vehicles that should not benefit from such rules. For these reasons, I strongly oppose this bill.

Matt Martin

Self/Attorney

Cypress, TX

Anyone who cares about the safety of their constituents should vote against HB 19.

In my career, I've seen countless innocent drivers injured by companies who placed profits over the safety of drivers on our Texas highways. HB 19 encourages this dangerous mentality.

Printed on: April 16, 2021 4:32 PM

I had a case where a company required an unqualified driver to make a delivery because they were short-handed. That driver crossed the median and caused a collision that crushed the lower half of my client's body and killed his wife.

I've seen a fatigued driver cause catastrophic injuries to my client. He later testified he believed fatigue was a cause of the crash and that the company told him to falsify his driver logs after the crash to make it look like he was complying with the hours-of-service regulations.

I once represented a man who suffered career-ending injuries after he was struck by commercial driver who was texting with his supervisor at the time of the crash. The driver later testified that his company expected him to respond to company text messages while he was driving.

All of these crashes were caused by corporate negligence. None of these companies would be held accountable under HB 19 because it absolves companies from independent compliance with state and federal safety regulations. Instead of bringing these dangerous acts to light, HB 19 will allow companies to sweep their bad acts under the rug.

Simply put, companies become safer when they are held accountable. HB 19 will remove all accountability, encourage bad behavior, and endanger every man, woman, and child on our Texas highways.

Hector Longoria

Self

Houston, TX

Texas Juries are Smart, Fair, and the Best Administers Justice in Civil and Criminal Cases. Trial by Jury is a Foundation to Texas and the US. And every time the Texas Legislature starts to regulate it they take more and more power away from Texas Citizens and Texas Juries. Texas Juries DO NOT NEED TO BE REGULATED on what they hear and why. HR 19 is a special interest legislation that illuminates the hypocrisy of legislatures who support it. Because if you truly believe that less regulation is better for our economy and our society then stay out of the Jury Box – just like you stay out of other sectors of the economy. You should focus on real needs of all Texas citizens. OUR POWER GRID is a good example – real problems for all Texas. Ask yourself, if you were to go to your constituents and explain how much of a regulatory intrusion this legislation was on Texas Juries would your constituents want it? Go hold the zoom town hall and meeting and get your answer before you vote. This is the least you can do before you start taking Juries Rights away.

Michael Marchant

Montgomery Cranes

Fort Worth, TX

This is important to all business that drive or transport products.

Roland Brown

Self - attorney

Wimberley, TX

DADDY DIED as the cab of his pickup was sheared off. Mom and daughter survived with injuries. These salt of the earth Texas folks, who could easily have been your next door neighbor, were returning from a family trip to a school baseball playoff game when their lives changed forever. On their behalf, I notified the trucking company of the wrongful death and injury claims, and THE TRUCKING COMPANY then DESTROYED EVERY DOCUMENT related to the dispatch of the overloaded 18-wheeler that caused the death and injuries. Despite their efforts to hide the fact that they had placed their own driver and the motorists of our state in harms way by overloading the trailer which then became uncontrollable in a pinch, WE WERE ABLE TO PROVE THE OVERLOADING, and after multiple appeals of our verdict on behalf of mom and daughter who lost their hard-working, family loving husband and father, hold the company responsible for their disregard of Texas lives. None of this would have happened if the company itself had respected their driver and the public by following the rules. INSULATING THESE

Printed on: April 16, 2021 4:32 PM

COMPANIES FROM REAL RESPONSIBILITY by making it economically easier for them to break the rules, and practically more difficult or impossible to hold them accountable on behalf of those they kill and maim by their breaking of the rules in the relentless pursuit of profits is UNCONSCIONABLE. HB 19 seeks special protections for some of our state and nation's most dangerous and least responsible entities. Their powerful lobbying capabilities and campaign contributions should not be the cause of the potential death or maiming of your next door neighbors or someone even closer to you. Please vote for responsibility, not for more barriers to responsibility. We and our families are ALL motorists who are at risk almost daily. Thank you for voting with courage, integrity and independence.

Vickie Garcia

Self

Corpus Christi, TX

NO to HB19

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.

Matt Yost

self - engineer

Longview, TX

I am in support of HB 19. The trucking industry is the backbone of the economy in this great state as well as this great nation. We cannot let the greed of the legal profession jeopardize this industry through frivolous lawsuits and/or astronomical judgements.

Bret Stanley

Self

Houston, TX

HB 19 is a terrible idea and should not be adopted. HB19 removes the requirement for a company to comply with state / federal safety regulations and makes our roads more dangerous. Commercial transport companies must be required to adhere to high safety requirements and, when they do not, be punished in a way that will cause them to correct their dangerous behavior. If you remove regulations and also remove the ability to punish these companies, the end result will be more dangerous and deadly highways. Do not allow this bill to pass.

Greta Braker

Self, attorney

Midland, TX

I oppose HB 19. I am for personal responsibility and this bill is the EXACT opposite of personal responsibility. How can companies in Texas not have to face a jury in Texas and hide behind their employees when their employee injures people on Texas highway? Some companies are bad actors and allowing them to hide behind their employee when it is the companies that hire employees to drive that have no valid driver's license; or set schedules that are unrealistic to keep and not drive fatigued or high on drugs to stay awake. These are actions of bad companies and they need to be held responsible by juries. A jury trial is a constitutional right in Texas and US Constitution. Texas does not have run away jury verdicts. Texas jurors are fair. Also, why dramatically change the Rules of Evidence for a certain class of cases? The Rules of Evidence need to be the same for all. Texas has the highest number of commercial vehicle deaths and injuries. This bill will make that problem worse. Please don't reward bad companies and let them escape responsibility.

Jennifer Jimenez, Legal assistant

Self

Printed on: April 16, 2021 4:32 PM

El Paso, TX

I have seen from many clients' point of views, that their lives have been severely disrupted by trucking companies. Not only do they suffer from anxiety and trauma following the accident, but they are also stuck with high amounts of medical bills of which they cannot pay for themselves. Aside from having to worry about how their medical bills will be paid, many clients' suffer life threatening injuries that may carry on throughout the duration of their remaining lives and prevent them from performing daily activities that were once able to perform.

Nicole Hernandez

Self, Legal Assistant

El Paso, TX

I do not find it fair for the people who are involved in civil suit against a trucking company or any other kind of company for their negligence that any party would be able to vote for the person (client) to be awarded their winnings of the lawsuit in periodic payments instead of one large lump sum. Not only is the periodic payments unfair and injustice to the people (clients), it is even more injustice and unfair that should the person pass away before they reach full payment from their periodic payment, that money would then be awarded back to the insurance company and not even to the persons estate. I find that very injustice and unfair because I have seen first hand working as a legal assistant the stressful toll on the client and just how depressing and frustrating a civil case can be on the person (client) and the mental anguish it causes them.

Ashlie Sims

Self

Brownsboro, TX

I am not in favor of the bill. I believe that the families should have the right to investigate whether a commercial driver is safe or has many issues that should not allow them to be driving. I am opposed to requiring annuities for future damages that revert to the Defendant, the money should revert to the family of the injured person.

Stephen Nagle

self

Austin, TX

I cannot imagine how anyone thinks HB 19 is a good idea, after watching the terrible events of February 11 in Fort worth. There is a You Tube video of the collisions, in real time, and it is clear that the big trucks are the reason that collision took so many lives and caused so much damage. Watch it here: <https://youtu.be/mX1vr19OsVo>

This bill would absolve companies from responsibility for their drivers. It would make Texas roads more dangerous than they already are.

Angela Frieling

Self

Richardson, TX

I object to HB 19's one-sided procedural barriers that 1) delay justice for victims, 2) absolve companies from independent compliance with state and federal safety regulations, and 3) make Texas roads more dangerous.

Rebekah Hernandez

Self

College Station, TX

Printed on: April 16, 2021 4:32 PM

Texas roads are already dangerous, we lead the nation in trucking accidents and deaths by a considerable margin. If this bill passes, it would be protecting companies and not Texas residents. This bill would restrict access to discovery of companies' prior misconduct and any safety violations previously breached. This bill would make civil actions very one-sided and put more of a burden on Plaintiffs to jump through procedural hoops that the companies wouldn't have to do, which would delay any relief justly owed to Plaintiffs. Essentially, this bill would discharge companies from following independent compliance with state and federal safety regulations.

Michael Stivender, Owner

self/ agriculture

Bon Wier, TX

lawsuits are becoming very costly to Loggers in Texas. We were sued three years ago and our insurance company paid out over \$500,000. in claims and legal fees. Our insurance increased by thousand a month.

Eric Douglas

self - Attorney

Irving, TX

I have seen the destruction and immense suffering caused by 18-wheeler drivers, owners, and companies on Texas roads. Texas roads are unsafe and getting more unsafe each day. Are you aware that Texas leads the country in 18-wheeler truck crashes and deaths as a result of these crashes? That is a sad statistic that we should not be proud of. What can we do to change this statistic? Not pass HB 19 which absolves 18-wheeler companies from independent compliance with state and federal safety regulations. Not pass HB 19 which will limit access to an 18-wheeler companies' history of bad conduct in Texas. Not pass HB 19 which would make Texas roads even more dangerous than they are now.

Texans do not need legislation protecting 18-wheeler companies.

Rebecca Page

self lawyer

San Antonio, TX

I am your constituent and your action on this bill will determine my vote next election. I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. VOTE NO on HB 19!

If you are involved in a commercial vehicle crash, you are more likely to be injured or die than the truck driver. 72% of people killed in commercial motor vehicles crashes are occupants of other vehicles, meaning families die while the at-fault truck driver walks away. These large trucks can weigh up to 20 times more than the weight of an average car. If you survive a truck wreck, medical bills pile up quickly from the catastrophic injuries they cause. You might not be able to work, and your family pays the price.

If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate

Printed on: April 16, 2021 4:32 PM

wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19.

Karina Gonzalez

Self, Attorney

Houston, TX

Opposition to HB 19: Passage of this bill endanger Texans on our highways/roads. The only benefit would be increased revenue for commercial trucking businesses and their insurers, at the expense of exposing fellow Texans to injury or death due to lax safety standards. Commercial vehicles can cause catastrophic injuries due to the size of their vehicles and those of the average Texan. Because the risk of harm is so great, commercial trucking companies should be held to a high safety standard. I would encourage the legislature to vote against this bill, and continue to work towards making our highways/roads safer for Texans. Respectfully, Karina Gonzalez

amy witherite

self

Dallas, TX

Texas leads the nation in large truck wrecks. We have to continue to keep Texas safe. This means keeping Texas safe from Mexican trucking companies that cross the border and operate in Texas. We must keep Texas safe from carriers who lose their license to operate and then open a new trucking company in a new name and continue to make Texas citizens less safe. We must continue to enforce safety rules in Texas so trucking companies don't choose to forgo or cut corners on maintenance. HB 19 allows unsafe trucking companies to continue to operate in Texas with no accountability. HB 19 will make Texas the long term winner as the state with most trucking deaths in the union. Please vote against HB 19.

Samuel Ortiz

Self

El Paso, TX

After reading HB 19 it has become extremely clear that the government wants to give a free pass to all these trucking companies. Allowing the trucking companies to deny liability on negligent drivers that are employed by them and are in the course and scope of their employment when these incidents happen just opens the door for more and more accidents and more negligent drivers employed by these companies. The only ones benefiting from this are the trucking companies and their owners. Instead of investing the time and money to hire good drivers with clean driving records and to properly train them this allows the trucking companies to save money and hire anyone off the street and not require any type of training because the company can now just put sole and proximate blame on one negligent driver who if had been properly screened might not even be on the road and/or who might have been properly trained would have never caused this incident in the first place. Honestly what benefit does this provide to people of our State? Who is this bill really helping besides the rich trucking companies and the insurance companies. We should be doing everything we can to help and protect everyone on our Texas roads and keeping the trucking companies liable will help make that happen as well as limit the amount of accidents and deaths on Texas roads.

Robert Holt

Self

Little Elm, TX

Please oppose this bill, which appears to allow trucking companies to skirt the law and dodge responsibility and liability in highway accidents.

Jesse Bownds

Self

Printed on: April 16, 2021 4:32 PM

Timpson, TX

Please support this. The trucks are running very low margin of profit as it is. I personally know several parked because of insurance costs. No trucks we starve. That simple.

Michael Sawicki

self

Dallas, TX

I am opposed to this bill for several reasons. First, this will make Texas roads unsafe as the protections given to commercial operators will leave them with no incentive to enforce or adopt safe practices. The wording in the bill would allow commercial operators from other states and countries to travel Texas roads without having to adhere to written policies and procedures, having drivers properly screened and trained and having operators concerned about the ramifications of failing to operate safely. Second, this bill runs the same danger we've recently seen with the deregulation of the state's energy system. Commercial operators will be solely concerned about cutting costs on safety programs and have no fear employing unqualified drivers. This will disadvantage the safe and competent operators who spend money on safety departments and take employee training and supervision seriously. Those operators will be at a disadvantage when competing with others who do not place an emphasis on safety. In the end, this bill will reduce adherence to known safety programs and threaten the driving public.

Jacob von Plonski

Clark & McCrea

Dallas, TX

This bill serves no other purpose then to protect negligent and grossly negligent companies that hire inept and unqualified 18-wheeler drivers. Numerous cases involve small "mom-and-pop" trucking companies where there is no safety department or any supervision on what these drivers are doing. And once these companies inevitably get into a crash, they shut down and start the same process all over. Bigger companies are the exact same, but they at least carry insurance to cover the death and destruction caused by their drivers. This bill does nothing more than essentially allow these companies ignore the safety regulations and get away with killing Texas drivers. If this bill were to pass, the number of large truck crashes will continue to climb because there will be no backstop.

Kevin Isern

Texas Citizen

AMARILLO, TX

Please vote NO on this legislation because it will hurt Texas families across the state and will also hurt those people who visit Texas on its roadways!!

Jorge Mares

Watts Guerra LLP - Attorney

San Antonio, TX

This bill is designed to carve an exception to commercial motor vehicles, which will drastically limit the public's ability to hold such companies accountable for their actions. A company is responsible for the company's agent/employee and thus, a claimant should be able to include the company in a lawsuit against the company's driver. It is the only way the public can keep a company's goodwill in check. It is also very difficult to actually serve a trucker that is constantly on the road, which in turn will lead to prolonged litigation with numerous default judgments taken against the drivers that will later be challenged by the companies that this bill seeks to protect. The law allows the claimant to sue just the employer without ever including the driver. This is why the company has registered agents to make it easier for the claimant to put the proper party on notice. Further, there are already rules in place that govern the admissibility of photographs, it is called the rules of evidence. This bill is designed to

Printed on: April 16, 2021 4:32 PM

render those rules pointless and strip the judges of discretion on whether to limit or admit certain evidence that will be shown to a jury. Why is it that an exception should be carved out for the commercial motor vehicle sector, when the same would not be true for other sectors? Capitalism shows that good businesses will succeed and bad companies will not. Where one fails, another will step in.

The argument that lawsuits, where claimants were injured at the hands of a negligent act of a commercial motor vehicle driver, hinders the ability for companies to succeed is meritless. Companies all over the United States are regulated by safety mandates and lawsuits. Without such lawsuits, innovation and increased safety designs/training would be ignored as there would be no incentive to employ safer methods in completing the task, which in turn hurts the public through tax dollars. Companies need to be held accountable, this bill is designed to lessen the consequences of their actions and straight up choses profit over the safety of the public at large. As a result, I am deeply opposed to the bill, as should any elected official who represents the public welfare, not commercial motor vehicle companies which only make up a very tiny percentage of the public that actually elect the officials.

Patricia Guevara

self

Whitehouse, TX

There are more wrecks killing families each and everyday in the State of Texas. It is imperative that we as a general public feel and protected. If this is passed then it will just leave too much at stake. Please consider the consequences this will have on an innocent family hurt or worse killed by people behind the wheel that are purely reckless and unsafe for our Texas roads. Are you protecting big companies or our families?

Matthew LeFever, Mr

Self - Crane Services

Amarillo, TX

Affirm HB 19.

Nita Dyslin

Self

AMARILLO, TX

opposed

Parker Polan

Self, attorney

Austin, TX

Texas objectively leads the nation in commercial vehicle crashes and deaths; this bill would ensure Texas continues to lead the nation in those categories. The purpose of tort law is twofold 1- to compensate the victim, and 2- deter others from committing harmful acts. When a company habitually violates and ignore rules in place to make roads safer, they should not be rewarded. The rules and regulations (e.g. log books, weight limits, etc.) exist to protect us all. Who does this bill help?

Barbara Woods

Lovell Lovell Isern & Farabough LLP

Amarillo, TX

Please consider your constituents and keep our Texas Roads safe. I personally have family members who drive trucks, and expect them to be safe so they return home to their families each night. As I expect them to obey laws, I expect our appointed Leaders to

Printed on: April 16, 2021 4:32 PM

do the right thing, and keep our roads safe as well. Thank you

Michael Cox

Self

Selma, TX

Please vote no on this bill. As an individual near construction/quarry pull in sites and an Amazon warehouse I see daily trucks pulling into busy traffic, drifting into the second lane of a "quiet" street, or trying to turn and maneuver when it can be done later safely. Protecting them from fault during their carelessness isn't at all in the best Interest of Texans.

Irene Martinez

Williams Attorneys PLLC

Spring, TX

no

Mary Kathleen Williams

self

Corpus Christi, TX

Vote NO to HB 19

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths. HB 19 absolves companies from independent compliance with state and federal safety regulations. HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. HB 19 imposes one-sided procedural barriers that delay justice for victims. HB 19 would make Texas roads more dangerous.

Irene Martinez

Williams Attorneys PLLC

Spring, TX

no

Brad Wyly

Self

Houston, TX

I am writing in opposition to the current version of HB 19. I believe this bill will needlessly endanger motorists in Texas. Commercial trucks are already the most deadly vehicles on the roadway and many wrecks are caused by trucking companies with lax safety policies and procedures. Sadly, many trucking companies often encourage their drivers to violate the hours-of-service requirements and other federal and state regulations in order to make greater profits. The downside, of course, is that this leads to fatigued and distracted drivers who cause crashes leading to death and serious bodily injuries to Texas residents.

Any law that makes it harder to hold the actual wrongdoer (in this case trucking companies) accountable for the harms and losses they cause will only lead to more bad conduct by these companies. It will also be a windfall to the commercial insurance companies that insure these motor carriers. Because the risk of harm from commercial trucking is so great, it is even more important for our state government and our court system to hold trucking companies to the highest safety standards under the law. This will ensure that Texas roadways are as safe as possible for all motorists. I would therefore encourage the Texas legislature to vote against HB 19 and thereby continue to ensure our Texas highways and roads are safe for everyone.

Printed on: April 16, 2021 4:32 PM

Sincerely,
Brad Wyly

Linda Segovia, Paralegal
Williams Attorneys
Corpus Christi, TX

This bill will not only affect many personal injury practices. It will also not serve justice to the inquired parties in a trucking or commercial accident

Graciela Sifuentez
Self - paralegal
Cedar Hill, TX

HB 19 by Leach

David Burkett
self, business owner
Corpus Christi, TX

The purpose of rules and regulations is to create standards of behavior. It is against all logic to forbid the admissibility of evidence of violation of a statutory standard when the purpose of judicial action should be to enforce ALL STANDARDS, civil, criminal, regulatory, or common law. Specifically, DOT, Traffic, and Occupation codes create minimum standards of behavior. Evidence of these standards is essential for a judge or jury to evaluate what a similar person should do under the same or similar conditions.

Nicholas Coward
Self
Grand Prairie, TX

This bill is another handout; similar to those given to ERCOT. The bill will not protect Texans, but will allow truck companies to continue to choose profits over safety. More Texans will be hurt by this bill than those that were hurt by the snow/blackout. It is your responsibility as a man of the people to protect us. Don't let us down.

Deziree Trevino
Self
Dallas, TX

This is an injustice to everyday citizens who are injured from large companies.

Grace Ocanas
self
Arlington, TX

HB19 is not a bill for Texas and its drivers. HB19 is not only harder for the everyday people, the ones commuting, the ones taking their kids to school, soccer practice, family road trips, etc. but, it excuses the company's liability in all but the most extreme circumstances. HB19 will make recovery of any kind non-existent for those severely injured. The right to all evidence should not

Printed on: April 16, 2021 4:32 PM

be limited for the sake of yet another commercial company & with Texas leading the nation in large truck crashes- not now, not ever. We have to keep accountability and hold on to our rights as Texans. HB19 will not keep our families protected when the unforeseeable happens.

Alma Cisneros

self

Dallas, TX

I oppose to this bill. Thank you.

Brianna O'Boyle

Self Teacher

Corpus Christi, TX

This house bill does not need to passed. It will not be beneficial but harmful. These people who get struck by 18 wheelers get seriously hurt and are killed. Their families suffer and this will only make them suffer worse if they can not get the closure they need.

Sergio Padilla

Self

Athens, TX

I oppose this bill due to the fact that families should have the right to investigate whether a commercial driver is safe or has any issues that would preclude them from driving. I am also opposed to requiring annuities for future damages that revert to the defendant because the money should revert to the family of the injured person.

Selena Rodriguez

Self

Seagoville, TX

The proposed bill limits damaging evidence against trucking companies and allows unnecessary delays during a lawsuit.

Hieu Huynh, DDS, JD, Dr.

SELF

Houston, TX

VOTE No to HB19

charlie reed

Self

Dallas, TX

Of the course of my 20 years of practice, I have had the opportunity to represent both trucking companies (early in my career) and injured Texas citizens sharing the road with the trucking companies. As such, I have a unique perspective on the potential ramifications of this bill. First, Texas roads are dangerous. They will remain to dangerous so long as I-35, I-20, I-30, I-45, I-30 continue to be the main routes for the nation. This isn't going to go away anytime soon. Unfortunately, Texas leads the nation in large truck crashes and deaths. HB 19 will make Texas citizens less safe because it absolves companies from independent

Printed on: April 16, 2021 4:32 PM

compliance and safety regulations and it restricts access to company's prior bad conduct and safety violations. It also imposes one-sided procedural barriers on Texans hurt by the company's potential bad acts. Furthermore, under HB 19, if a Texas family is able to prove in court that the trucking company was negligent, then the company limits its damages by keeping money in its coffers for future damages, which would be paid periodically or avoided completely if the injured individual dies. This does not make Texas roads safer.

Vicki McDowell
Concerned Driver
Crowley, TX

I have seen first hand the devastation a wreck caused by an 18-wheeler can cause not only to the injured person but also to their family. There are so many trucking companies on the roads in Texas who are not vetting their drivers, putting unsafe trucks on the road, and pushing their drivers to drive longer routes faster to make more deliveries and thereby, creating more profit for the company. If crucial evidence is not allowed to be presented against these trucking companies to prove consistent bad acts by these companies then they could end up continuing these bad acts. There are good companies on the road and they should not fear a lawsuit if they are following the law, vetting their drivers and providing consistent training for their drivers and those who work for them. It is up to the State of Texas to make sure the bad actors are held accountable and if this bill is passed then that will not happen. The number of crashes caused by 18-wheeler drivers is absolutely overwhelming and the number of deaths is equally overwhelming. Think about if it were you or your family or dear friend who was involved in one of these crashes and the hands of their attorney were tied as to the evidence they could present because of a bad law that had been passed. I am begging you to not let HB 19 be passed.

Jenny Wakeland
self, case manager
DALLAS, TX

I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. VOTE NO on HB 19!

If you are involved in a commercial vehicle crash, you are more likely to be injured or die than the truck driver. 72% of people killed in commercial motor vehicles crashes are occupants of other vehicles, meaning families die while the at-fault truck driver walks away. These large trucks can weigh up to 20 times more than the weight of an average car. If you survive a truck wreck, medical bills pile up quickly from the catastrophic injuries they cause. You might not be able to work, and your family pays the price.

If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19.

Victor Bieganowski
Self
El Paso, TX

Printed on: April 16, 2021 4:32 PM

Thank you for the opportunity to address HB 19. I was involved in the Legislative Initiatives of the early 1990's when there was a concerted effort to change workers' rights and benefits under the then "Texas Worker's Compensation Act." Everyone who was for the changes told us not to worry as the Work Comp Law would be better for injured workers. What followed, in my opinion, has been the disenfranchisement of injured workers in Texas.

HB 19 is being presented as another attempt by Companies, Independent Owner Operators and Insurance Companies to "dodge" their responsibilities to Texas Citizens and the motoring public for their conduct in potentially being the "cause" of an accident. HB 19 only allows discovery of instances of bad truck driving records to 2 years severely limiting an injured person's ability to discover and ferret out bad truck drivers.

HB 19 automatically allows companies to hide their being named in a lawsuit simply by stipulating, " He or she works for us and was working for us at the time of the crash." This allows companies to evade their responsibility for their driver potentially being the "cause of the crash" and bear no consequence for employing negligent drivers. The motoring public will never know this. Further, in my opinion, this will condone evasion of service issues as to drivers who sometimes are unable to be served either by design or circumstances.

HB 19 allows for "periodic payments" to the injured person based upon either party making the request. The Courts will now be in charge of determining the dollar amount of the payments, the recipient and dates for payments. And, if the recipient dies, the only element of damages that go to their Estate is loss of earnings and no other element of damages contained within a jury award. The remainder of the jury award and/or settlement will revert back to the negligent Defendant. This, again in my opinion, abrogates the "RIGHT TO TRIAL BY JURY."

If HB 19 is passed in its present form, there will be very few consequences for the Trucking Industry's negligent actions in a motor vehicle actions.

One of the arguments used in the Texas Work Comp legislative initiatives mentioned above was that the "New Comp Law" would lower premiums. I don't believe that was the case. And when does the push to allow negligent trucking companies and owner/operators off the hook for causing the accident and lowering jury awards, trump the safety of the motoring public in Texas?

Again, thank you for the opportunity to address your committee.

Jalee Flippo, Mrs. Flippo

Self

Cypress, TX

HB 19 is and extreme overreaching bill by big trucking companies to shield themselves from liability when they hurt innocent individuals driving down the road. Why would we want to give these companies with unsafe practices a free pass from liability when they hire unsafe drivers/have unsafe practices? The roads in Texas are filled with my friends and my family. And our children! Please, for all of us on the roads everyday worried about safety, oppose HB 19! Don't let these trucking companies get out of implementing safe practices and hiring safe drivers. Our lives literally depend on it!!

Catalina Ortiz

Self

Mesquite, TX

The proposed bill only allows crash victims to access the prior 24 months of a trucking company's conduct related to falsified records, poor maintenance and/or inadequate training.

Danette Morgan

self

Printed on: April 16, 2021 4:32 PM

Dallas, TX

I understand you are the committee chairman for HB 19. I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. VOTE NO on HB 19!

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If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19. Thank you

Yolanda Gonzalez

Myself

Cedar Hill, TX

Please do not pass this bill

Robert Ferrell

self

Houston, TX

I am very concerned about the extremely negative impact that Representative Leach's House Bill 19 would have on the safety practices of Truck Drivers and Trucking Companies and Drivers of Commercial Vehicles. Here's the biggest problem I have: HB 19 allows trucking companies that violate trucking regulations to hide their violations from juries. That's outrageous! Juries are the last thing that we have in our society that protects the safety of ordinary Texans and their communities. And juries can't fairly judge and evaluate transportation companies that kill and injure people on the roads if the Texas Legislature is going to allow these Transportation companies to hide their violations of trucking regulations from juries. Juries need to know and be told which companies are violating the trucking safety regulations. Otherwise, trucking companies will have less incentive to be safe and less incentive to follow the trucking safety regulations. I am 61 years old and I vote in every single election and I pay attention to how legislators vote on important bills and laws. I have seen with my own eyes the devastation, death and injuries that can happen when trucking companies are under regulated and the injustices that can happen when courts hide the truth about trucking companies' safety violations. So it is essential that the Texas House of Representatives NOT water-down the laws about what juries can hear and find out about unsafe transportation companies which violate the trucking regulations. I'm concerned that over the past 25 years members of the Texas Legislature have accepted too much money from lobbyists and lobbying groups like TLR. This has, on the whole, resulted in laws that make life less safe for ordinary Texans and also has made it harder for ordinary Texans to have access to the Texas Civil Justice System. This trend needs to stop. Legislators need to summon their personal courage and intestinal fortitude and learn to say "no" to TLR and their money and their lobbyists. It's time to place the lives and safety of ordinary Texans over the interests of TLR and their lobbyists. Tell them no. Tell them Texans have had enough. Tell them that they have gone too far. Tell TLR that you are voting NO on House Bill 19. And tell everyone in the Lone Star State that

Printed on: April 16, 2021 4:32 PM

you are placing the lives and safety of ordinary Texans over the interests of lobbyists. VOTE NO ON HOUSE BILL 19!

Kevin Camp
Self - Attorney
Houston, TX

I'm a 4th generation Houstonian. I was born into a conservative family and still have conservative beliefs on most issues (especially fiscal policy). I believe in capitalism, less governmental regulation and intrusion, and that society should be judged by its citizens. Corporations should be free to market the products or services they want, but if they commit unsafe acts or do things that put the citizens of this State at risk of harm, then they should be held accountable by a Texas Jury. This is the principle behind Law-and-Economics. HB 19 will have the opposite effect and make Texas roads even deadlier for Texas families.

In the last 10 years, the number of deaths as a result truck wrecks has more than doubled. Imagine what would happen if the State of Texas no longer allowed juries to hold the companies accountable for their independent negligence, such as their failure to train employees, their failure to conduct background checks on their drivers, failure to drug test its drivers, their push to drive longer hours without breaks or for less pre/post-departure inspections, knowingly allowing drug addicts or intoxicated drivers behind the wheel, etc.

In my practice, I mostly represent labor and employees of railroads. I currently represent a railroad employee with over 30 years with the BNSF. In 2018, while working, he was run off the road by a logging truck that made an illegal lane change. The client's work-truck was pushed off the road, flipped, and slammed into a tree. The client awoke with the truck on fire and was barely able to smash through the front window and crawl to safety. Thankfully the client lived, but it resulted in the end of his career as a railroader with lasting injuries to his neck, back, wrist, and a traumatic brain injury. The truck driver was cited for multiple violations including four break violations and two light/lamp violations. The truck driver was an owner/operator, who has no records of pre-departure or post-trip inspections. He keeps no maintenance records. He did not take the required post-injury alcohol and drug test. Passing this bill would only serve to encourage more instances of drivers and the corporations this bill protects to act in this same unsafe manner.

One of the arguments pushed by the proponents of this bill is that it will bring "sky-rocketing" insurance rates back under control. This is the same argument other corporations and insurance companies urged in the past for other bills related to storm damage, medical malpractice, and tort reform generally. I don't know about you, but my insurance rates increase almost every year. I have never seen one of these previous "tort reform" bills have the actual effect of decreasing insurance rates. It merely serves to limit the recovery paid by these insurance companies, while they continue to profit off of premiums paid by Texas citizens. I urge you to stop this bill while you can.

Jamie Minter
self, legal assistant
Dallas, TX

We should reject this bill to ensure the safety of our roads and hold responsible parties accountable for their actions while operating large vehicles. As we have all just seen recently in Fort Worth, these vehicles can cause so much damage in such little time and do every day. Why would Texas lessen consequences for those who have injured/taken the lives of other Texans?

Andrew Munoz
Self
McKinney, TX

Passing this will ruin lives of people in accidents and make it harder for them to get proper compensation

Andrew Bullard
Self

Printed on: April 16, 2021 4:32 PM

Ennis, TX

This bill puts every Texan on the road at risk. State and federal commercial motor vehicle safety regulations are in place for a reason: to protect drivers on the road. Texas leads the country in large truck crashes and deaths. This bill places insurance and trucking companies interests above the interests of Texas families. Restricting the admissibility of evidence of non-compliance to a jury deciding liability is hiding evidence of wrongdoing. This would be the equivalent of not allowing evidence of past criminal history impact the sentencing phase of a criminal trial. When you have a consistent history of safety violations, accidents, etc., a jury should know that when deciding liability and damages. Non-commercial drivers are required to abide by state laws and regulations, why should the most dangerous vehicle on the road be an exception? Limiting discovery of the trucking companies history of compliance failures, accidents, etc. goes directly to gross negligence allegations. If victims of trucking accidents are not allowed to discover and present this evidence, what is there to deter trucking companies from putting unsafe trucks/drivers on the road? Gross negligence is the tool used to punish bad behavior in civil proceedings. Preventing discovery and evidence, in the way this bill does, from reaching the trier of fact only serves the interest of trucking companies and insurance companies. It does the opposite of deterring bad behavior. It encourages it. Texas may be pro-business but its job is to protect Texans first and foremost. I oppose this bill and any other that puts the interests of business and insurance companies above those of injured families whose rights and remedies are being eradicated in this State by bills such as this.

Timothy McHale

Lassiter Law Firm

Houston, TX

This proposed bill is a virtual get-out-of-jail-free card for trucking companies. It allows unfair and grossly prejudicial limitations on discovery and therefore significantly hampered recovery for injured Texans. It provides something very close to sovereign immunity for private, for-profit corporations at the expense of the people who make those profits possible. It only serves to further protect bad actors in a state where justice can far too often be legislated in the statehouse instead of pondered in a courthouse. This is a bad bill and should not progress any further than it already has.

Rod Squires

self

Waco, TX

I have represented multiple victims of 18 wheelers on Texas highways. We have cases of drivers playing online video poker games while driving, only to learn that their employers allow use of phones while driving. We have had cases of trucking firms changing their name and registration when they are threatened with enforce actions (chameleon carriers) We have cases where major trucking companies are using drivers from foreign countries with little experience or understanding of standard of care in the US. I am afraid to drive down I35 between Dallas and Austin due to the driving behavior of the 18 wheelers failing to keep a safe distance and driving at very high speeds. We have cases of 18 wheelers speeding during rain and icy conditions. Our highways are more dangerous than they have ever been. We need more regulation, not less. Only the civil justice system provides incentives to truckers to require safe operations. If you care about safety for our families, then scrap this bill which will only encourage bad driving behavior and practices.

Jennifer Tims

Self

Highlands, TX

Passing this proposed legislation would be terrible for our highways and our safety! The trucking companies should not be afforded special treatment! Although truck drivers should be held responsible for their actions, the trucking companies lack of safety practices, protocols and training are major contributors of truck accident injuries and fatalities every year. Do not let them off with a pass!

Madeline Chalk

Printed on: April 16, 2021 4:32 PM

Self

Carrollton, TX

Companies deserve to be held responsible for their irresponsible employees. Vote NO to HB 19.

Jerry De leon, Forman

Self

San antonio, TX

My name is Jerry DeLeon of San Antonio, Texas. I was involved in a wreck with a commercial vehicle on August 15, 2019. The accident tremendously affected my life. I suffer from back pain. An orthopedic surgeon told me that I would need back surgery that would cost \$75,000. That future surgery was factored into my settlement.

I recently contracted Covid-19. If HB 19 were made into law, it would allow the insurance company to pay me in installments. And if I did not survive from my illness, my family might not get the money that is owed to me for my injury.

I have a commercial driver's license, and I drive, as-needed for my employer. So I understand the demands of the trucking industry but I also understand the responsibility that I take when I get behind the wheel. There is responsibility in maintaining our vehicles, to try to avoid these wrecks. In my line of work, I've seen a lot of trucks that have "ready-pop" tires, or tires that have worn out their treads. This bill would also make it harder to investigate bad trucking companies that don't maintain their vehicles.

Blanca Duran, legal assistant

self

Mesquite, TX

I ask you to oppose HB 19

Julie Peschel

The Carlson Law Firm

Temple, TX

I am a licensed attorney in the State of Texas who has been handling personal injury claims for citizens in the State of Texas for over 14 years. Many of the clients I have represented have been individuals who were injured due to collisions with Commercial Vehicles or 18-Wheelers. Due to my work and representation of clients over the years, I have researched the statistics of crashes in the State of Texas. It is clear that our roads are in fact dangerous and that our State leads the nation in large truck crashes and deaths.

I am very much opposed to HB 19 as it absolves companies from compliance with State and Federal Safety regulations. Furthermore, this bill would severely restrict critical discovery in these cases. This bill would allow barriers to be created that will delay justice for citizens in this state, as well as make our road more dangerous.

Lindsay Nixon

self

Lake Dallas, TX

I adamantly request that this bill is opposed. I feel it will make our roads even more dangerous than they already are. In light of the recent mass casualty trucking accident that happened just last month, I am shocked that this bill is being considered. Please do what is right by Texas drivers and vote no to this bill.

Printed on: April 16, 2021 4:32 PM

JACOB EVANS

Self

Carrollton, TX

Vote NO to HB 19. The limitations to procedure and evidence wrongfully protect companies from the irresponsibility of both them and their employees.

Luis Guerrero

self

San Antonio, TX

Vote No. A vote for No is a vote for the people, a vote for yes, is a vote for bought out corporations.

kimberly green

self

dallas, TX

I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. VOTE NO on HB 19!

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If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19.

Kimberly Green

214-497-0904

kdcoplen@yahoo.com

Amy Haskins

Self/Legal

Colleyville, TX

I strongly oppose the HB 19 bill. Texas roads are extremely congested and dangerous. If this bill is passed, it will create a safety net for the trucking industry while delaying justice for victims. Information should be available and transparent across all parties.

Printed on: April 16, 2021 4:32 PM

Texas leads the nation in truck crashes and deaths. Restricting safety violations would be like playing with fire.

Adewale Odetunde

Self

Allen, TX

My name is Adewale Odetunde. I am a resident of Allen, Texas. My address is 1216 San Saba Court, Allen, Texas. I am one of your constituents. I am aware of House Bill 19 that is currently being proposed. This House Bill would do much more to harm Texans than it would to help them. This bill will make it easier for foreign companies to come into Texas and harm it's residents and leave Texas and its citizens holding the bag. This bill would allow companies from other states and countries to harm Texans. It would also limit the ability of Texans to hold these companies responsible. This bill encourages foreign trucking companies to do business in Texas. This bill would limit the ability of Texans to hold companies responsible when they fail to qualify and train their drivers. This bill would let companies off the hook if they were to harm Texans. As Texans, we believe in accountability and responsibility not free passes.

On February 13, 2021, Governor Greg Abbott indicated that the state of Texas would be doing investigations into the fatal collision that occurred on I-35W in Fort Worth during the snow storm. His reasoning for doing investigations was to learn from the wreck and to make changes as necessary to make the roadways safer. This bill has the exact opposite effect of what Governor Abbott indicated. This bill would limit the ability of Texans to actually learn about what companies have done wrong in the past. It would also limit the ability of Texans to hold companies accountable for their failure to learn from their own previous mistakes. It would also restrict Texans from being able to require companies to make changes by giving them a pass for any failures on their part that are more than 2 years old.

In this era of "cancel culture", this bill would have the effect of cancelling the voice of millions of Texans. This bill would cancel the ability of Texans to hold companies responsible when they fail to protect Texans from threats both foreign and domestic. Texans should be given the opportunity to know whether a company has been unsafe in the past. Texans should be given the ability to hold that company responsible. The government should not be limiting the information that Texans are allowed to look at in determining whether a company has done something wrong. Texans should be given the opportunity to have their voices heard. We should have the freedom to know how these companies have harmed us. We should also have the freedom to make sure these companies hear that we will hold them accountable. This bill would restrict the ability of Texans to have their voices heard.

DIEGO DIMAS

WITHERITE LAW GROUP

GARLAND, TX

STOP THIS

Aaron Genthe, Esq.

Self

Dallas, TX

This bill is a major step backwards for Texas and the safety of our communities. We need to remember that juries spoke out against these unsafe companies. These are juries that were picked by both Plaintiffs and Defendants. The jurors heard the evidence and held these companies accountable for their actions.

Kelly Cook, Mr.

Self - Attorney

Houston, TX

I write to oppose HB 19 which would greatly disincentive the owners of commercial motor vehicles to adhere to rigorous safety

Printed on: April 16, 2021 4:32 PM

standards and needlessly endanger the motoring public throughout the State of Texas.

The common law has evolved over centuries to reach a balance between protecting economic freedom, while imposing the fairest regulation of all - that you must be responsible for injuries you caused. HB 19 represents a centralized interference with the balance that has been created. Moreover, the result of HB 19 takes personal responsibility out from the center stage in favor of possible economic benefit for insurers. It should be beyond dispute that commercial motor vehicles which are often larger, operated for longer period, and whose drivers may drive for many hours at a time represent a heightened risk of harm to the motoring public compared to the usual commuter or weekend traveler. It is only reasonable for owners to undertake best practices, such as screening drivers, setting reasonable work hour limits, maintaining vehicles appropriately, providing needed training and supervision, setting policies and procedures for their vehicles, etc. When owners fail to do these things, it predictably increases the risk of harm . The law should recognize this risk and apply a pressure to reduce it. Currently it does and does so entirely in a self-regulatory way. Each owner and operator is held to the fairest and simplest standard: act reasonably to avoid needless harm. Changes to this self-regulatory regime are not needed and will not make the roads safer.

At best HB 19 will result in some injured Texans requiring medical assistance and lifelong assistance or care for injuries resulting from commercial motor vehicles who may be unable to recover adequately from the person most responsible for their injury. The insurer of the bad actor keeps more money. The insured person's medical insurer loses. Or as often is the case the public coffer must be opened to provide medical care or disability benefits for the injured person. This socialization of risk instead of reliance on personal responsibility is anathema to a functioning market system.

Brian Berryman
Self, Attorney
San Antonio, TX

This is an awful piece of legislation. What good can come from offering protections to a trucking company that hires a driver who negligently kills someone? Litigation is intended as a deterrent to bad behavior. Passing this law will embolden trucking companies to hire less competent and qualified drivers to put behind the wheel. Not good for the motoring public that you are elected to help protect.

William Glenn
Self
Southlake, TX

Good morning. I am writing to share my respectful opposition to HB 19. As a Texas resident, this bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road. Driver responsibility and accountability is critical--only allowing two years of records is not at all long enough. Responsibility and accountability is a life-long initiative. Not two years.

Trucking companies have little incentive to follow rules and adopt safety measures without enforcement through courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable. There are many good trucking companies. They will follow rules regardless. But dangerous trucking companies must be help responsible and be accountable for their shortcomings.

If a trucking company hires a driver with a bad safety record or an addiction, who then paralyzes a loved one in a crash, the trucking company should be held fully accountable--even if critical records indicating this are 36 months old. Our government should be focused on protecting life, not rewarding corporate wrongdoers for short term compliance. PLEASE VOTE NO on this bill.

Miguel Salazar
Self, Attorney
BROWNSVILLE, TX

Printed on: April 16, 2021 4:32 PM

The purpose of this bill is to limit the liability trucking companies and insurance companies. It does nothing but ensure higher profits for them that will not serve the vast majority of Texas residents. In turn the vast majority of Texas residents will be dramatically hindered and unsafe. The whole point of our legal system is to hold those at fault accountable. This serves two purposes, to help those directly affected but most importantly to hold companies accountable in order to make the public at large safer. 18 Wheeler trucks are a necessary danger that the public must accept because of the vital role they play in our society. However, in turn for accepting those obvious dangers the public has a right to hold them to a higher degree of care. This includes not only the drivers but also the companies that are profiting from them. If this bill passes the companies will no longer have an incentive to operate with care and they will be able to move forward with only profits, not safety, in mind.

Amy Peacock

Self

Arlington, TX

I ask you to please, PLEASE do not approve House Bill 19. Jurors who come to commercial and trucking trials brought by injured people or family members of deceased individuals deserve to know the whole truth about a company and the companies history. They need to know more than just what the insurance company wants the jurors to know. This bill does not hurt SAFE commercial/trucking companies but it does hurt the people who have been injured and affected by unsafe trucking companies. Please do not give in to the wishes of the people who do not care about the victims of unsafe companies. When companies have unsafe practices in place, are not following the federal guidelines and put unsafe drivers on the road, everyone, including YOU, is at risk. Companies deserve to be held accountable and not have facts withheld from the jury. Please say no to House Bill 19. Thank you!

Elicia Molina

Self

Mesquite, TX

Opposing the bill

Becky Peacock, Grand Prairie

Self

Grand Prairie, TX

Do not pass this...listen to the people that represent & vote for you.

Tracey Brunkenhoefer

self; office manager

Corpus Christi, TX

Vote NO to HB 19. As a juror, I want to know about the past bad acts by the trucking company (not just the driver). Trucking companies should be held accountable for their operation and the truck driver should be held accountable as well. Both need to have insurance to pay for accidents.

William Adler

Self

Houston, TX

If House Bill 19 moves forward, it will negatively affect Texas families. Every day, families have no choice but to travel our Texas roadways to get to and from school and work. Most times we travel these roadways without issue but if a serious injury or

Printed on: April 16, 2021 4:32 PM

death results protections must be in place. House Bill 19, if passed, will disallow families or someone injured to discover why the harm occurred. It is only by determining why harm occurred when you can prevent, take action or caution against the harm from occurring again. It is surely not the goal of the Texas legislature to make harm occur more often than it already does. Nonetheless, the current Bill will do just that if passed.

Despite taking safety measures, when driving, to protect one's self and family are often not enough to prevent harm. Preventable harms come about when rules and regulations are cast aside often to the detriment of Texas families. House bill 19 seeks to eliminate these rules and regulations.

Discovering why harm occurred may hurt profitability but in the end it helps to keep families together and prevents future injuries. The current rules allow profits to be had while at the same time holding those accountable when proper training and safety protocols are not followed. If you can no longer unveil inadequacies in training, maintenance and safety more people will be injured or killed. Far too many Texas families have lost a loved one or been severely injured to cast a blind eye and pass House Bill 19.

Throughout my entire carrier I have helped families and seriously injured Texas. I have found that most Texans want to make an honest living, support their family and go to work. However, when an injury occurs they can not do so. With COVID 19 already affecting so many Texans it would be ill advised to pass this Bill and further harm innocent Texans and families in the future.

Aaron Spahr

Self attorney

Colleyville, TX

This bill concerns me greatly because it does not protect Texans. We all know that some drivers or companies cut safety corners, skip pre-trip inspections, drive too fast, drive in unsafe conditions, or without proper rest to help with the bottom line because more loads is more money. The most important thing standing between the public and truck drivers who cut safety corners is the company. It is the company that can really make safety a priority and enforce their safety rules. Texans want to know their roads are safer because there is accountability on the companies and that the companies have an incentive to prioritize safety.

Companies need to be able to make a profit running their business the safe way, and if they can't do that then they need to be in a different business. Instead of a bill allowing companies to be less accountable we should have a bill which rewards companies that put safety first. Keeping photographs and video out of evidence is like pretending these crashes are not severe. Juries need to understand how serious these collisions are, and how much is on the line when safety decisions are being made. And really, if we have to see these crashes on the roads and on the news then shouldn't we be able to see it in trials too?

Veronica Rodriguez

Self

SEAGOVILLE, TX

Please keep Texas roads safe for our families and friends. We need to hold trucking companies accountable for not following safety regulations and for allowing unqualified drivers on the road. Oppose HB 19.

Kyle Schnitzer

Self - Attorney

Houston, TX

I oppose HB 19 for the following reasons:

1) The definition of commercial motor vehicle is very overbroad. CMV is already defined by both federal and Texas law. (49 CFR 390.5; Tex. Transp. Code 548.001(1)). Yet HB 19 not only covers any transport or delivery with a "commercial purpose" (thus capturing trucks on their way to provide lawn care, pizza delivery, ride-share services like Uber/Lyft, and more), it invites litigation due to vagueness. It is crystal clear if a truck weighs more than 26,000 pounds, but whether a vehicle was used "primarily for personal, family, or household use" will require additional discovery and motion practice to define. This bill presumably aims to reduce litigation costs, but it actually increases them due to its fuzzy breadth.

2) Proposed CPRC 72.006 is superfluous at best and counter-productive at worst. Subsection (a) just codifies what the Texas

Printed on: April 16, 2021 4:32 PM

Supreme Court has already said is the law (see *U-Haul Inter., Inc. v. Waldrip*, 380 S.W.3d 131-35 (Tex. 2012)). Subsection (c)'s insistence on "the least burdensome method available to obtain the evidence" invites abuse; courts are already well-equipped to issue protective orders for abusive discovery, yet this law would allow defendants to substitute a potentially self-serving affidavit in lieu of producing actual documents. And both subsection (c) and (d) again invite more litigation than they will eliminate. An insistence on obtaining court orders to authorize otherwise basic discovery and an open invitation for mandamus review will clog up court dockets, delay resolution of claims for many months regardless of their merit, and increase litigation costs for all parties.

3) Most importantly, proposed CPRC 72.007 is both superfluous and, frankly, horrific public policy. An employer can already moot direct negligence claims by admitting vicarious liability under Texas law (see *Estate of Arrington v. Fields*, 578 S.W.2d 173, 178-79 (Tex. Civ. App.—Tyler 1979, writ ref'd n.r.e.), but HB 19 goes much further. The true danger to public safety is not the momentary inattention of a truck driver, but the broken incentives that overworked him and his vehicle in the first place. This bill shuts off inquiry into the underlying causes of dangerous wrecks, thus allowing the underlying problem of negligent employers to fester unaddressed. A company that cannot be held directly liable has no incentive to mend its ways, meaning its other drivers will continue to be put in dangerous situations, thus ironically increasing the number of accidents and lawsuits that result.

Other issues are also present. For instance, proposed CPRC 72.008 denies the heirs of injured claimants the full value of an award that a judge and jury already decided the claimant was entitled to. And the 2-year lookback for discovery is nonsensically less than the 3-year review already required for new CMV hires (49 CFR 391.21). This bill harms Texans' safety without benefiting Texan businesses. It should not pass.

Lorena Garcia

Myself

Brownsville, TX

I am your constituent and your action on this bill will determine my vote next election. I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. VOTE NO on HB 19!

If you are involved in a commercial vehicle crash, you are more likely to be injured or die than the truck driver. 72% of people killed in commercial motor vehicles crashes are occupants of other vehicles, meaning families die while the at-fault truck driver walks away. These large trucks can weigh up to 20 times more than the weight of an average car. If you survive a truck wreck, medical bills pile up quickly from the catastrophic injuries they cause. You might not be able to work, and your family pays the price.

If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19.

Ricardo Garcia

myself

Brownsville, TX

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Printed on: April 16, 2021 4:32 PM

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Kristian Garcia

myself

Brownsville, TX

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Jay Rivera, Capt.

Self, Marine Consultant

Corpus Christi, TX

HB 19 arbitrarily and severely restricts access to critical discovery of a trucking company's prior bad conduct, including safety

Printed on: April 16, 2021 4:32 PM

violations (that is, the bill would prevent us from finding out how bad the company has been in the past so that we can try to prevent it from continuing to be a bad company – and injuring or killing people – in the future).

HB 19 absolves companies from complying with state and federal trucking safety regulations, and the jury would never hear about a company's violation of any regulations or rules that cause or contribute to a crash. For example, if HB 19 passes, if a negligent truck driver causes a crash, the jury would only hear about the driver's negligence, but would not hear that the only reason this driver was on the road was because the trucking company didn't properly investigate the driver's driving history, talk with his past employers, and take the other steps required by the Federal Motor Carrier Safety Regulations to ensure that a driver is properly qualified and trained before he is turned loose with an 80,000 lb vehicle. Needless to say, this would make Texas roads much more dangerous.

This bill is designed to allow trucking companies to hide their misconduct and bad acts behind their driver and this wall of secrecy built into the bill. The trucking industry and insurance industry want to only ever have a trial that asks the jury to compare the conduct of the two drivers and nothing else. They want no accountability for any wrongful conduct other than what a jury thinks about a split-second mistake during a crash sequence that usually last just a few seconds by a truck driver that is usually just trying to feed his family; as opposed to any accountability for the trucking company's actions that were deliberate and made over time running an operation that puts drivers in positions that they shouldn't be in based on their lack of training or inexperience or because they had indications that they were reckless drivers that shouldn't have been given the keys in the first place.

ANY JUDGMENT AGAINST A TRUCK DRIVER WILL NOT BE COVERED BY THE TRUCKING COMPANY'S INSURANCE POLICY. Truck drivers will have little or no incentive to carry their own insurance, so many trucking crashes will end up being uninsured events.

HB19 redefines commercial motor vehicles so broadly that it will cover crashes involving school buses, passenger vans, and the vast majority of other vehicles that are involved in collisions.

Vote NO on HB 19

Rosy Guerra

Self

Baytown, TX

Members of the House Committee,

It is out of extreme concern that I write to you today regarding the HB 19 proposed law.

It only takes a little research to find out that in 2018 Texas lead the nation in fatal truck crashes. This proposed legislation would prevent trucking companies from being held accountable for unsafe conduct on our state highways. This act would make our highways even more dangerous. In the same research from 2018 it lists that TX had 664 FATAL crashes involving large trucks on our highways. That was the highest in the nation! It's over 300 more deaths than second-place California with 352 fatalities.

Please place yourself in those victims family members shoes for just one minute. How would you feel if it was one of your loved ones involved in those fatalities in 2018?!! Would you like the trucking company that killed your loved protected by simply placing blame on the driver? The truth of the matter is that drivers are just trying to make a living and that a through investigation should be allowed to discover the whole truth about the trucking company involved. Such an investigation is crucial to gather and find all the factors that could have played a part in the accident/fatality.

I am very alarmed that legislation is even considering this law. I beg of you to reconsider and vote NO on HB 19.

In conclusion, please ask yourselves what kind of message would this law send to companies that currently operate dangerously with faulty equipment? What kind of message it sends to companies who are contemplating safety protocols? What kind of message does it send trucking companies who are currently doing the right thing?

Team, bottom line is that we need your representation today more than ever to keep us- the average driver- protected by law in

Printed on: April 16, 2021 4:32 PM

case of an accident/fatality involving a negligent trucking company! Please DO NOT remove our rights to a rightful investigation!

I will look forward to your VOTE to NO to HB 19.

Thank you and have a safe day in our state highways,
Rosy Guerra

Nathaniel Clark

Self

Corpus Christi, TX

HB 19 is a gross overreach by trucking companies and insurance companies to shield themselves from liability for the catastrophic injuries and deaths they cause on Texas roads. Texas roads are more dangerous than ever as our State leads the nation in large truck crashes and deaths. HB 19 would only serve to make Texas roads even more dangerous. This would ultimately deprive Texans of the right to hold businesses and trucking companies accountable for their actions. HB 19 absolves companies from independent compliance with State and Federal safety regulations that exist to keep us ALL safe. HB 19 unnecessarily restricts access to critical discovery of a company's prior bad conduct, including safety violations that place the general public at great risk. Simply put, this bill is not in the best interest of Texans and should not be made law.

Mitchel Phiffer

Self

Midland, TX

I believe Texas needs Safe Roads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

James Marks

self/ Lawyer

Keller, TX

Given that Texas leads the Nation in large truck crashes and deaths, it concerns me that the Texas legislature is trying to limit liability for large truck companies rather than making our roads and highways safer for Texas citizens. HB-19 does exactly that, limits liability of trucking companies by absolving them from independent compliance with state and federal safety regulations by making the discovery of such evidence difficult if not impossible to obtain in a civil law suit. The bill arbitrarily and severely restricts access to discovery of the company's prior bad conduct including safety violations. The bill imposes one-sided procedural barriers that benefit the trucking company and delay justice for victims of truck accidents.

A trucking company has a duty and a responsibility to safely hire, train and supervise its drivers and should be held responsible when it fails to carry out these duties and responsibilities in a prudent manner. HB-19 destroys or at the very least limits, the Trucking companies responsibilities to carry out those duties and responsibilities. As a result of such action, Texas roads and highways will be more dangerous for Texas citizens, not safer!

Maria Hernandez

Self

Royse city, TX

Opposing the bill

Steven Fuentes

Printed on: April 16, 2021 4:32 PM

Citizen

Odessa, TX

Hello to how it may concern,

This bill shot not be passed. I live in Odessa TX and we have a lot of problems regarding the trucking industry here that mist hire illegal drives and also the truck around here act as if they have the right of way no matter what. I've had several friends get into an accident with truck drivers and it was the truck drivers fault. It seems that the companies are not training their drivers and not wanting to be held accountable for this lack of hiring and training eligible candidates for the job required.

Thank you
Steven Fuentes

Adam Hamilton
Self, registered nurse
River Oaks, TX

My family and I are strongly opposed to this bill. Thank you for considering our feelings on the matter.

Angelina Goff
Self
Irving, TX

I respectfully decline.

Jason Beale, Attorney
SELF
Tomball, TX

This bill is unnecessary and is a obvious attempt to "stack the deck" in favor of commercial carriers in Texas. It severely limits the scope of discovery in commercial carrier cases and creates an additional burden on the court system and judges by proposing to bifurcate every trial involving a commercial motor vehicle. It will encourage commercial carriers to contest every case, knowing they will be shielded from any discovery beyond twenty-four (24) months from the date of their negligence and will strain the civil court system with unnecessary litigation of of clear liability claims. Every Texan injured or killed by the negligent or gross negligent conduct will at a minimum be required to go to trial on every element of their respective damages. If a jury determines that the injured Texan suffers from injuries that will require treatment in the future then the commercial carrier has the opportunity to spread out it's respective responsibility for those costs over time, as opposed of being financially responsible when the future damages are proved and determined by the fact finder. The bill on it face is the commercial carrier's attempt to limit the full consequences of a long history of being reckless and careless in the pursuit of profits. If a commercial carrier is in the active pursuit of training and educating it's drivers, maintaining it's fleet to the standards and regulations in the industry and is putting people and safety first before profits, then such a bill is not needed. This bill encourages commercial carriers to cut corners and pursue profits over safety and at the same time deny Texans the ability to get full and complete justice for the damages and tragedy they will suffer from negligent and grossly negligent commercial carriers. This bill should never become law in Texas it us unconstitutional on its face as it is a blatant attempt at treating those who are injured or killed by commercial carriers unequal under Texas civil law.

Syed Jibraeel Zaidi
Self - Attorney
Dallas, TX

Printed on: April 16, 2021 4:32 PM

The National Safety counsel found that last year there were more trucking deaths despite less miles driven:
<https://www.ttnews.com/articles/nsc-data-reveals-more-motor-vehicle-deaths-fewer-miles-driven-2020>

HB 19 gives Trucking Companies a pass on compliance with Federal Safety Regulations. Unfortunately, many times profits are given priority over safety and the court system serves as the most just avenue to correct such irresponsible behavior. HB 19 severely limits the means to hold irresponsible companies accountable for putting the public at risk.

Brianna O'Boyle
Self
Corpus Christi, TX

Vote NO for HB 19! Texas roads are dangerous and need to be supported by local attorneys to represent the loved ones who are lost in the trucking accidents.

Nicholas Smith
self / paralegal
Fort Worth, TX

I think this would hurt the people who are the most effected in any car accident. and it would unfairly hurt the less fortunate

Francisca Zavala
SELF
MANSFIELD, TX

I oppose this bill.

Timothy Morales
SELF
Converse, TX

Vote NO to HB19

Hai Nguyen
Self
Mckinney, TX

I personally would love for you guys to keep the truck guys responsible for their own actions. All truck drivers knows their responsibility when they received their CDL license. By not holding them responsible; there will be more reckless drivers on the road because they can "get away" with it. My uncle almost lost his life with an 18 wheeler accident. I am totally against giving then lenancy. Please consider my proposal to void this transaction. Thank you so much! God bless

Faron Bostic
Cactus Express, LP
Malakoff, TX

Rising insurance costs continue escalating due to Lawsuit Abuse, medical diagnostics charges are misrepresented from actual

Printed on: April 16, 2021 4:32 PM

costs , they are grossly over stated , plaintiff lawyers have their "Team" of doctors !,
If you want to find corruption , follow the money !!!

'
Texas as a whole suffers from these nuclear verdicts and rising insurance costs because the price of goods and services continue to rise , while these plaintiff lawyers line their pockets !!!
If you use it, wear it , eat it , drive it...at some point a truck brought it !!!
in 2019 -600 trucking companies went out of business ,

From a safety concern, safety can fall short due to just trying to stay in business with these rising insurance costs !!!

According to American Property Casualty Insurance Association -- TEXAS- OUR STATE is the worst state for insurance as the auto insurance market continues to deteriorate !!!

We need to encourage insurance companies to come to Texas , not leave

Hartley Hampton

Self

Houston, TX

I strongly oppose HB 19. I would like to focus on the periodic payment provision.

I am sure that some believe that it is unfair if the family of an accident victim still has some money in the bank when their loved one dies after receiving an award of future damages. I am sure some believe that it is a "windfall" to that family who has cared for their bedridden child or parent. This bill would certainly fix that problem. But what about the flipside. What if the money runs out? What if the jury believes the evidence of shortened life expectancy introduced at trial by the defendant and, as a result, does not award adequate damages. HB 19 does nothing to help that family obtain the second mortgage on their home to cover the shortfall.

I don't know how many cases HB 19 would impact. It may be that the AIGs and State Farms of the world might realize a significant benefit and pay their executives big bonuses. But unless you address the equally probable scenario I describe, you are further tilting the playing field against the families that you represent.

By its nature, litigation has risks. Insurance companies have actuaries to help them assess and spread that risk. Texas families do not.

Please vote against HB 19.

Ted Henley

Self

Mabank, TX

This bill is a blatant attempt to protect big companies (political donors and special interest groups) from having to be responsible for the the mayhem they cause to citizens on the road. It serves no other purpose. Please don't pass this bill.

John Tepper

Self

Carrollton, TX

Bad bill..please don't pass it.

There's nothing here that needs to be fixed.

Antonio Chrestotholos

self

Frisco, TX

Printed on: April 16, 2021 4:32 PM

I'm against this bill.

Darrow Enderli

Self

Baytown, TX

Opposed to this

It taints the companies that spend the money and training to make sure they are putting a safe product on the road.

Rodney Ramsey

None

Red Oak, TX

Who can support a Bill that provides protections for the Trucking industry over Texas citizens? This bill is bad for Texans. The trucking industry is dangerous enough already. Why make it worse?

Emerson Brunkenhoefer

self (student)

Corpus Christi, TX

HB 19 is a welfare package for trucking companies and there are many reasons why they don't deserve this handout. VOTE NO TO HB 19.

Wendy Moreno

Self

The Colony, TX

I oppose this bill.

Christi Morris

Self

Springtown, TX

Dear Legislative Committee on House Bill 19,

Please vote NO.

In 2017 my life completely changed after being rear-ended by a commercial motor vehicle in Weatherford, Parker County, Texas. I am now fully aware of just how dangerous and devastating these vehicles can be. My suffering was so great that I needed two separate back surgeries to cope with the excruciating pain from my injuries. And even now, I still suffer from pain and spasms, and my life is not the same. I can no longer do many things without enduring pain, which has forever changed my relationship with my family. I do not wish my agony on anyone else; please do not make it harder for victims like myself.

Even when cases are contested, like mine, I rely on Texas and its courts to be impartial and fair. By allowing this bill to pass, not only will you further shelter commercial vehicle companies and its drivers from their liability, but you will also prolong every victim's nightmare. As a victim, you reach a point when one just wants to move on and turn the page, even though you are in a diminished condition. By allowing partial payments, not only will you make victims forever beholden to insurance companies and lawyers, but you will forever leave them feeling as victims. Please don't.

Printed on: April 16, 2021 4:32 PM

Sincerely,

Christi Morris

Shekhar Sinha

Self

San Antonio, TX

House bill 19 is a horrible law. It will actually allow companies that put fleets of commercial vehicles on the road to be immune from their own negligence, carelessness, recklessness and intentional bad conduct. This is bad for Texans. This will disincentivize all commercial vehicle owners, from your pool guy to the 18 wheeler driving through your Texas town, from implementing good safety measures to keep bad vehicles and bad drivers from being on the road. Immunizing companies for their own bad conduct, whether careless or intentional, hurts all Texans and their families and puts the burden on state systems like Medicaid for the catastrophic life changing damages they can cause. Please don't allow it to pass.

Brent Rogers

NA

FARMERS BRANCH, TX

Hello, as a resident of Texas and a responsible driver in Dallas specifically, I oppose this bill. If my family or I are injured in an accident involving a truck, I would like for us to be compensated fairly and within a reasonable period of time. Thank you.

Christine Patino

Self

Boerne, TX

Why are we protecting companies and punishing innocent victims? Vote no!

Jamie Romero

self

Dallas, TX

How is this fair to make these companies less liability, when they themselves hire drivers who have a record of faulting driving? Another issue, is that these same companies do not provide proper training for their drivers, these companies need to held accountable and take responsibility for the lack of maintenance on their 18 wheelers, staying compliant with state laws and regulations, TRAINING, safety monitoring system in 18 wheelers and so forth.

Cassandra Enriquez

Self

Dallas, TX

We need safe roads for everyone in Texas. It is better to be safe than sorry.

Danny Le

N/a

Dallas, TX

Printed on: April 16, 2021 4:32 PM

I'm against this bill completely, negligent truckers need to be held accountable. Texas drivers are crazy enough already. I have two kids and everyday I see atleast two accidents on the freeway, driving in texas is basically rolling the dice with your life. Not only should truckers be held accountable everyone should. Especially the ones that don't have a license and shouldn't be on the road in he first place!

Ashlynn Long
Self, Legal Assistant
Schertz, TX

I implore the committee to strike down this bill and ensure it does not go further in the legislative process. If this bill were to pass and become law, it would make Texas roads even more dangerous than they currently are. Texas currently leads the nation in big truck accidents and deaths - if we lessen companies' responsibility for these accidents we are putting Texas drivers in a dangerous, unfair position. HB 19 absolves companies from independent compliance with state and federal safety regulations as well as severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. HB 19 imposes one-sided procedural barriers that delay justice for victims. HB 19 is bad for Texas and should not be allowed to become law.

Cynthia Champion
Martin Transport
Big Sandy, TX

We need the bill to have a far understanding of what the final numbers are after a lawsuit takes place. This is prolong that final number.

Al Muniz, Administrator
Lovell Law Firm
Amarillo, TX

I am your constituent and your action on this bill will determine my vote next election. I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Melinda Rose
Self
Baytown, TX

Please oppose HB 19. Texas has the most truck-caused accidents in the country, and the trucking companies should do all they can to ensure their drivers are trained and held accountable to be as safe as possible. It is not fair that, in the case of an accident, the victims will not have the right to pursue all the information necessary from the trucking companies so that they can have a fair hearing on the matter. Don't protect the trucking companies over the people on the highways, please!

Bruce Mery
Myself
San Antonio, TX

While I do not like the advertisements on trucking claims, the protection of the wrongful business practices of companies that put the public at risk should not be rewarded with protection. The whole truth should be presented and we should not preclude the information being used when presenting a claim to the

Printed on: April 16, 2021 4:32 PM

people responsible enough to do their civic duty as a juror in our State. The emphasis should not be in precluding the use of the information, but to enforce the rules and laws of our State to protect the public and to remind the wrongdoers of their obligations in the use of the roads of this State.

This bill would hurt individual rights and the other companies who do the right thing. It would hide the truth and compensate those who would violate their duties and obligations to the public and embolden more of the same. Please vote against this bill.

Joseph Kyle

Voter

Gun Barrel City, TX

This seems to be protecting the guilty!

Essence Cleveland

Self, legal professional

GRAND PRAIRIE, TX

I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Garreth Smith

Public

Houston, TX

Good afternoon, I would like to voice my opposition to HB 19 relating to procedure, evidence, and remedies in civil actions involving commercial vehicles. This bill would unfairly grant companies whose driver's violate the law and harm citizens protections that exceed any scope of reasonable bounds. This bill is intentionally intended to deprive the people of Texas from adequate remedies when they are harmed by the negligence of companies. Supporting this bill is in direct opposition to the role a representative of the people has in our political system. Please do not support this bill and please work to see it is defeated so that the citizens of Texas can still remain protected from the bad acts of other and have the required access to relief. Thank you for your time and have a great day.

Best regards,

Braxton Smith

Reginald McKamie

Law Office of Reginald E. McKamie, Sr.P.C.

Houston, TX

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths. There must be accountability and HB 19 relieves companies from independent compliance with state and federal safety regulations. HB 19 would severely restrict access to critical discovery of a company's prior bad conduct, including safety violations. If companies are given a pass for prior bad acts there will be no incentive for companies to be safe on Texas roads. Passage of HB 19 would make Texas roads more dangerous for our community. Please do not pass this legislation.

Reginald E. McKamie

Marvin Rose, Rev.

Self

Printed on: April 16, 2021 4:32 PM

Baytown, TX

I am opposed to HB 19 becoming law. I strongly believe that Trucking Companies should be held to the same liability that everyone else is. By placing the blame of an accident entirely on the driver and exempting themselves from responsibility as to adherence of safety protocols, training, and their own responsibility for the driver, is in my opinion, morally wrong. Please vote NO on this bill! I will be alerting others in my circle of influence of this bill and its dangers. Thank you.

Brenda Weaver

none

Athens, TX

Please stop he bills from being passed into law. It would only benefit the trucking company and make our roads very unsafe.

Daragh Carter

Self

Houston, TX

The job of the Texas legislature is to improve the lives of Texas families. Doing so can take many forms (bolstering the economy, protecting Texas' natural resources, ensuring access to healthcare and education). Allowing trucking companies to escape civil liability by stipulating that a negligent driver was an employee in the course and scope when they hurt or kill someone is not consistent with helping Texas families. HB19 does not meet a present need or solve an existential problem; there is quite literally nothing wrong with the current system of civil justice as applied to commercial motor vehicle operators.

Walt McVey

Self - Consultant

Hidalgo, TX

This bill is clearly a bad idea and I strongly urge you to vote NO to HB 19. Did you know that Texas leads the nation in large truck crashes and fatalities? Fatalities have nearly doubled since 2009. How can limiting the Trucking Companies responsibility seem like a good idea? This HB 19 restricts access to prior acts committed by the company. How then, are they supposed to be held responsible for this abhorrent fatality rate? This bill also absolves trucking companies from complying with the FMSCA regulations and State Regulations. If we let them off the hook then the fatality rate will more than just double over the next 10 years. Is that what we want Texas to be known for? Why would we even consider making an exception just for Trucking companies? This makes no sense to me and if anything, trucking companies should be put to a HIGHER standard not a lower standard. The poor training that these companies give their drivers, the poor hiring practices, the log tampering should not be rewarded. The drivers themselves are more often than not the victim in these cases of their employers poor practices and training programs. No this bill is a very bad idea. It must serve someone's political agenda, but it clearly does not serve the people of Texas. I urge you to vote NO to this bill. We have enough problems in this state without creating more. Life is precious.

Megan Cotten

Self

Athens, TX

This is a horrible plan!

Robert Hays, Mr

Self

Mabank, TX

Printed on: April 16, 2021 4:32 PM

It is my understanding that this bill, despite its innocuous title, would absolve commercial trucks from Civil compliance with State and Federal Regulations, restrict the courts ability to consider a company's past history, and return money's paid by an at fault party if the injured party dies before payment is complete. Why in heaven's name would anybody propose such a bill?

Armando Cardenas

Self

Houston, TX

HB19 is too dangerous, please do not let it pass. I was badly hurt in a car wreck on November 19, 2019 when I was changing my tire on the shoulder of I-610 and a driver of a commercial vehicle illegally tried to get around traffic and hit me. This guy was arrested on the scene because he had so many outstanding tickets for moving violations. He was on the job at the time and his employer turned a blind eye to his reckless driving history and let him get on the road day after day in their company truck. How can they get away with that? There are safety laws out there to make sure businesses don't endanger the safety of citizens on the road by putting reckless drivers out there in their big trucks. This HB19 bill will permit these businesses to ignore safety. People WILL get hurt because of this.

I was in the hospital for 9 days with multiple broken bones and concussion. The doctors have told me I'm going to need surgery and a lot of future treatment to even come close to living the same life as I did before this accident. I can't go back to work in AC repair due to my injuries, and now I have to find a new future for myself. I'm only 21 years old. This bill would only prevent people like me from healing and moving on. It would prevent people like me from getting JUSTICE. Companies must be held accountable for putting unsafe drivers on the road, and that is why I oppose HB19.

Please do not pass HB19. It's too dangerous.

Armando Cardenas

832-366-6225

Christopher Baker

Self - Attorney

Houston, TX

I am a lifelong Republican, an attorney, a former trucking insurance agent, and the son of 18-wheeler crash victims. I'm offering these comments to share my perspective on why this bill will make Texas roads more dangerous, why it will be costly for the victims of truck crashes, and why that cost will mostly benefit non-Texas companies.

When I was young, my parents were hit by an 18-wheeler. The damage to the tractor and trailer was minor but my parents' injuries were serious. The wreck fractured vertebrae in my mom's spine. My dad was off his feet for months. This disrupted our family life. At a time I needed my parents' help and attention, they needed medical treatment. Their injuries took a long time to heal and the process hurt our family relationships. They missed sports games and other school events for treatment and because they were hurting and exhausted. Imagine the discomfort required to miss a child's game and instead just lay in bed.

In my career, I've seen the transportation industry from two perspectives. First, I've worked as a commercial insurance agent that sold coverage to transportation companies. Second, I'm now an attorney and I sometimes represent people like my parents who are injured by 18-wheelers. My experience tells me that the purported justifications for this bill are not based in the reality of the transportation industry. From that perspective, let me first address the direct-action ban.

When I worked in the insurance industry, we understood the difference between a low-risk motor carrier and a high-risk motor carrier was the company itself—not merely the drivers. The company itself controls the routing, schedules the loads, enforces the hours of service, maintains the trucks, and decides what drivers may or may not haul for it. There are great carriers in Texas that prioritize safety because it is the right thing to do. But incentives matter. Removing the direct action will remove a safety incentive.

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Companies, not just drivers, control the safety of our roads. This rule would treat high-quality companies that enforce the rules exactly the same as unsafe companies who encourage drivers to break the rules.

The pay-as-you-go rule injects uncertainty where the parties need finality. People with serious injuries need the ability to plan for the future and move on. This proposal keeps the court involved for a lifetime.

Finally, this legislation will mostly benefit non-Texas companies but Texans will pay the cost. The restrictions will only apply to people injured in Texas. But most of the nation's largest motor carriers are headquartered in other states. The company benefits, therefore, will mostly run to out-of-state companies who merely pass through our state.

As a Republican, I understand the desire to protect businesses from seemingly excessive verdicts. But this proposal would reward unsafe practices and penalize high-quality carriers by allowing their unsafe competitors to eat into their margins.

Molly Little, Mrs

Self

Midlothian, TX

Vote NO to HB 19

Rebecca Adler

Jim Adler and Associates

Houston, TX

Please consider voting against this measure. Limiting damages to victims has long lasting impacts against Texans. I was injured at 18 by a careless driver and needed surgery much later in life after settling. Please help attorneys consult and protect their clients at the time of injury.

Nicholas Homan

self

Houston, TX

Dear representatives,

We take pride that our great state leads in some terrific categories, but Texas is not perfect. We are also at the forefront of some disasterous categories, one such category being commercial vehicle wrecks and fatalities. As you all know, Texas roads are dangerous and commercial vehicles are one of the main reasons for this. With dead Texans piling up on the roadway every year, commercial vehicle operators need EVERY incentive to be as safe as they possibly can. One cut corner could cost lives. All of this makes HB19 a puzzling, nonsensical measure because it apparently rewards an industry for its poor performance and deadly conduct. HB19 absolves companies from independent compliance with state and federal safety regulations; it arbitrarily restricts a victim's access to discovery in a civil case; and it imposes one-sided procedural barriers that delay justice for victims. In short, HB19 will embolden commercial vehicles with an aire of immunity thereby making Texas roads more dangerous for your families and my family. Remember that you are government officials elected and paid by the people of Texas to act in the best interests of the citizens of our great state. Given the dangerous conditions on our roadways, this bill is an outrageous betrayal of your constituents' trust and it makes no sense until you consider who it benefits. It benefits the insurance and trucking companies who have endless money to direct toward this political goal, at the expense of average Texans who do NOT. My wife and I are lifelong Texans and the parents of two small children. For the sake of our family and all of your families, we beg you to reject this shameless special interest bill.

Megan Reed

Self

League City, TX

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We must protect our families from the increasing occurrence of these tragic incidents.

JAMES RACKLEY

Self / Attorney

Marion, TX

Please vote AGAINST this bill, as it will make Texas roads less safe. Trucking companies should be held as accountable as possible for unsafe practices. By holding them accountable, they will work harder to ensure their rigs are safe and their drivers are driving safely.

Aspen Odom

Self

Athens, TX

I am not in favor of HB 19. I believe families should have the right to investigate whether a commercial driver is safe or has many issues that should not allow them to be driving. I am also opposed to requiring annuities for future damages that revert to the defendant, the money should revert to the family of the injured person.

Priscilla Morales

Self

CONVERSE, TX

Vote No for HB 19

Edwin Jordan, Houston Firefighter/RN

Self - Firefighter/RN

Houston, TX

March 8,2021,

Hello,

My name is Edwin Jordan and I would like to give my view on this bill.

I am a 17-year career firefighter/paramedic for the Houston Fire Department. I am also a registered nurse /emergency room since 2010.

This past June of 2020, I was on the freeway, and at a complete stop due to heavy traffic, when an 18-wheel truck behind me became out of control, with its' brakes smoking, attached trailer jackknifing, striking me from the rear. It felt like a bomb hit me, thus sending me, and my car across the freeway.

This accident changed my life and put a big red "STOP" sign on my daily life. I had broken ankles, and broken both lower fibulas, tibias in both legs. I have made and seen many critical accidents my line of work, and now found myself to be the injured party. I have had multiple surgeries on both legs with plates, screws.

I have not returned to work, and I continue physical therapy, and live with pain. I am a guy who is used to working two full time jobs as a firefighter, and a nurse, and now I haven't worked since the accident. I have potential future surgeries such as ankle fusion, or total ankle replacements which are possible, along with any problems with the hardware in my legs. I am a public servant, and this accident will shorten my career. I am blessed to be alive, but I was badly injured.

I am hopeful that this HB19 bill will NOT pass. I foresee future medical bills in relation to this trauma which I have experienced, and it is important that the bill does not pass, so that the guilty party makes a full payment so I can put my life back together. I would also oppose this bill because it would stop any investigations of past safety violations, like poor training. These investigations are important.

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Please do NOT pass HB19 Bill,
Thank you Sincerely,
Edwin Jordan/ Houston Firefighter, RN
phone number (832) 596 8212

Bruce Bain
Self
Houston, TX

This is a terrible bill written by insurance companies to remove citizens rights and remedies. Vote no to this awful bill.

Kenneth Jones, Pastor
Self Retired Educator
Athens, TX

This is a terrible step backwards for public safety. It demonstrates that a trucking lobby can decide if we can see in court their past safety records if we were to be involved in an accident with them. It also eliminates local civil penalties for violations. As the brother of a thirty five year long haul trucker, the honest firms and drivers will abide by safety rules and guidelines. This opens the door wide open for dishonest and careless firms to get away with murder on the highways and then pretend they had no idea of violations of both equipment and drivers. Defeat this bill now.

Andrew Campbell
Self
Carrollton, TX

I believe truck drivers should be held to the same standards, if not higher standards than other road going people. Trucking companies should be at the forefront of keeping their employees safe and ensuring they do not endanger other roadgoing people.

Joann Dorminy
Self
Portland, TX

Vote NO to HB 19. Texas roads are dangerous, and the number of large truck crashes and deaths from truck crashes has more than doubled in the last 10 years. Under this Bill, the trucking companies will be given a "pass" for its bad conduct for hiring/sending truck drivers on the roadways in an 80,000 lb. vehicle. Trucking companies and its insurance companies are using this Bill to stop paying out damages caused by the companies and its drivers, and to put the burden on its truck drivers/employees alone. This is a ploy by insurance companies to make companies believe their insurance premiums will decrease and a windfall for the insurance companies to gain in profit. This is a ploy by the trucking companies to force its truck drivers to pay to carry the large policies and bear the costs, while trying to keep his/her employment and earn a living. Limiting damages in a trucking crash will not allow the appropriate parties to be held accountable in the civil justice system. Please vote "No" to HB 19. Thank you.

Sorouh Montazari
self
Friendswood, TX

I believe more often than not the truck drivers are also a victim of poor corporate safety failures. The trucking companies bear as much responsibility for their corporate failures related to training, safety, supervision, monitoring, and disciplining their drivers.

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HB 19 takes away trucking companies from independent compliance with state and federal safety regulations, HB 19 also imposes one-sided procedural barriers that delay justice for victims, and their families, and finally HB 19 would make Texas roads more dangerous.

Allison Bradley
self, Marketing Assistant
San Antonio, TX

Vote NO. Texas already leads the nation in trucking accidents and deaths. This bill encourages companies who operate commercial vehicles to ignore safety regulations and put PROFITS over PEOPLE. This bill is a danger to every Texan who travels on our roads, and I urge you to consider the safety of your constituents and oppose this bill.

Ed Martin, MR
self
Houston, TX

I am against HB19 by Leach: The proposed legislation will make our highways more dangerous and/or it provides trucking companies special privileges that no other company is afforded. Ed Martin

Sherry Chandler
The Chandler Law Firm, on behalf of the firm and our clients
Bellaire, TX

Over the past 20 plus years, I have represented many families who have lost loved ones and individuals who have suffered catastrophic injuries as a result of the negligent and gross negligent conduct of trucking companies and their drivers. In one instance, a mother of two was decapitated in front of her children in the back seat when an 18-wheeler pulled out in front of my client and had no lights on at the time. Her vehicle went under the trailer. Her head landed in the back seat with her children. Another case involved two 18-wheelers traveling along side one another trying to beat a company deadline. Both 18 wheelers crashed into stopped traffic on a two-lane highway. A large fireball ensued burning several individuals alive in their vehicles and killed and injured many others. In another case, a driver was operating well over his allotted hours then fell asleep at the wheel. The company promoted long hours. A husband wife and wife were off on the side fixing a flat tire. They moved not only to the shoulder, but actually on the grass. The driver ran off the road, ran over the wife, and trapped her under the vehicle which the husband was screaming. I have many other cases involving companies and drivers who violate regulations and put profit over safety. HB -19 is wrong at so many levels. Instead of putting the cost of harm on the actual parties who caused the harm, this bill will put the cost on the taxpayers. My clients and I strenuously oppose this bill.

Adel Takla
Ada print
Spring, TX

This is against the wish of Texans pls don't pass

Kody Filbert
Self
Arlington, TX

I am writing to request that you please do not approve House Bill 19. We need to keep our roads safe and be allowed to bring evidence older than two years to jury trials and keep companies responsible for their unsafe practices and bad drivers.

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Cristina Nahidi

self - attorney

AUSTIN, TX

I strongly urge against the adoption of HB 19. This bill will endanger the lives of Texas citizens and provides an unfair advantage to negligent businesses that: 1) fail to properly train commercial vehicle drivers, and 2) fail to properly maintain commercial motor vehicles used on Texas roadways.

HB 19 absolves companies from independent compliance with state and federal safety regulations, and would severely restrict access to critical discovery in a pending suit of a company's prior bad conduct, including safety violations.

Additionally, HB 19 would impose one-sided procedural hurdles for injured Texans seeking justice against negligent commercial motor vehicle owners and drivers.

HB 19 fails to put the interests of Texas citizens at heart, and would significantly endanger the lives of anybody traveling on Texas roads by actively incentivizing negligent conduct.

Katie Brouer

Self

Arlington, TX

Please vote NO to HB 19. It will make our roads less safe and allow for unsafe companies to go unchecked.

Molly Funkhouser

self

Athens, TX

I am not in favor of the bill. I believe families should have the right to investigate whether a commercial driver is safe or has many issues that should not allow them to be driving. I am opposed to requiring annuities for future damages that revert to the defendant, the money should revert to the family of the injured person.

Matthew Morris

Morris Timber Holdings, Inc.

Bullard, TX

My commercial auto policy for one pick-up truck (2015 Chevy) has skyrocketed in the last few years. I pay enough each year for that one truck (over \$16,000/year) that I could buy myself a brand new truck every other year. To add to the problem I feel that I cannot even make a claim on the policy because of fear of losing the policy. I have to keep the insurance to stay in business. I appreciate your help on this.

Holly Wilkinson

Self

Boerne, TX

Please keep our Texas roads safe and ensure that the proper rules are still in place regarding semis, truck drivers, bus drivers etc

Jose Marroquin, Attorney

Jim Adler and Associates

Printed on: April 16, 2021 4:32 PM

San Antonio, TX

My name is Jose Roberto Marroquin. I'm a San Antonio lawyer who represents the victims of car wrecks all throughout Central and South Texas. I am writing in opposition to House Bill 19. If enacted, this bill will needlessly harm Texans by making the roads more dangerous. Texas already has the highest number of large truck wrecks in the country. As drafted, the bill would limit our ability to investigate the reliability of commercial vehicle fleets on our roads.

The bill also gives the defendant the option to pay damages in installments. This is problematic because many of my clients need their money right away. They have been deprived of work for quite some time due to the negligent acts of the defendant. In my experience, cash settlements are not windfalls for our clients, but instead, money that is needed, quickly, to pay for outstanding bills, rent/mortgage, and past and ongoing medical treatment. Installment payments would only add to their suffering. What's even more concerning is that the bill terminates these payments for future medical damages upon the death of the plaintiff. This provision operates as a "death tax" to Texans by taking away money that they and their families need to compensate them for their losses.

I urge you to reject this unnecessary and harmful bill.

Terry Scull

Scull Timber Company, Inc.

Tenaha, TX

Abusive commercial vehicle lawsuits are costing hard working Texans jobs and income at the hands of unscrupulous lawyers and defunct medical personnel. Please vote in favor of HB 19 to stop the money grab from lawyers that take advantage of unsuspecting individuals. These individuals are convinced that bringing a lawsuit against commercial vehicle insurers will bring them wealth for minor or many times non-existent injuries. In truth the lawyers hire medical personnel to fabricate injuries and even perform unnecessary medical procedures to bolster these fake claims. Those purported to be injured end up with very little to none of the insurance payouts after fees, expenses and repayment of advances and interest. It is embarrassing that Texans are subjected to these ongoing lawsuits that decimate jobs and drives up the cost of every product we buy.

Christopher Sbrusch

self

Grapeland, TX

I must OPPOSE HB 19. It will lead to more deaths on our roads.

Bad actors need to be held fully accountable when they violate safety standards. Juries and our courts keep all of us safe when they enforce the rules of the road.

Some trucking companies cut corners to maximize profits.

House Bill 19 gives trucking companies even less incentive to follow safety measures because it makes it harder to hold them accountable if they do not follow safety rules.

Semi-trucks are dangerous. They can weigh up to 20 times the weight of a normal car, and they can do serious damage if one crashes into you.

Texas has the highest number of large truck crashes in the nation. The legislation will only lead to more carnage on our roads.

We need laws that protect Texas families, not reckless corporations.

Please OPPOSE HB 19 to protect the lives of our neighbors.

Jennifer Barker

Self

Malakoff, TX

I do NOT support this bill. Companies should be financially responsible when the CDL drivers they employ cause an accident or death.

Printed on: April 16, 2021 4:32 PM

Milad Farah

Self

EL PASO, TX

This bill is not good for Texans, especially those injured by negligent companies that do not make safety a priority. Providing immunity to these companies passes the cost of medical care for injured individuals to ALL Texas taxpayers as these companies will no longer be required to pay for the damages they create. It also further emboldens Mexican trucking companies to ignore the rules of the United States and provide fewer safe trucks on the road. Texas already leads the Nation in trucking fatalities by a large percentage. This Bill makes Texas ostensibly more dangerous for all Texans and passes the burden of injured Texans to taxpayers.

Christian Johnson

Law Office of Christian R. Johnson PLLC & Law Offices of Scott C. Lannie, P.C.

BAYTOWN, TX

House Bill 19 (“HB19”) puts profits over people, industry over the individual, and cash over common sense. It is heavily weighted to protect the commercial trucking and insurance industries. Nothing in the proposed bill protects individuals on our roadways.

HB19 shields the commercial trucking industry and its insurers by ignoring over a century of well-settled Texas jurisprudence. If enacted, HB19 would significantly limit if not eliminate an individual’s right to file a direct cause of action against the commercial business for its conduct and omissions. It promotes blaming the individual employee driver to circumvent direct liability. Why does HB19 strip Texans of their right to pursue the commercial defendant directly and hold it accountable? Will this promote safe practices across our state?

HB19 severely limits the injured individual’s right to investigate and prove their causes of action against the commercial defendant by its proposed limits to discovery as to scope and time. Additionally, §72.009 completely disregards the Texas Rules of Evidence and Texas jurisprudence governing expert testimony in all motor vehicle accident cases. §72.009 would allow negligent drivers and their insurers to offer photographs and/or video of property damage to suggest that minimal property damage equates to minimal injury. The allegation that a person cannot sustain an injury in a low impact collision is nothing more than a myth, which has been conclusively and repeatedly refuted by widely recognized scientific studies. Furthermore, by its very definition the video and/or photos offered would not have to meet authentication, hearsay, or best evidence rules and could be admitted “regardless of the manner in which the sequence of images is captured, recorded, or stored.” See HB19 at §72.0001(10) [sic]. Why does HB19 seek to restrict discovery of a commercial defendant and diminish the integrity of evidence presented to the jury?

HB19 does not stop there in its flagrant disregard for individual rights. If an injured individual and/or estate is awarded damages against a defendant arising from a commercial motor vehicle accident, then HB19 allows that defendant to make periodic payments instead of satisfying the judgment up front in a lump sum. It should remain the injured individual’s right to negotiate payment terms and choose how to be made whole during their lifetime. An injured individual’s fundamental freedom to manage their settlement funds should not be curtailed by the Texas legislature. We must ask why HB19 forces injured Texans to become creditors while allowing commercial defendants to use the present value of the injured individual’s total award and potentially avoid future payment?

HB19 will increase danger on our roadways by shielding negligent defendants from liability. HB19 puts profits over people, industry over the individual, and cash over common sense.

Comment Submitted on behalf of:

Scott C. Lannie & Christian R. Johnson

Ibrahim Shinwar

self

Richardson, TX

Please do not move forward with this bill. Truck drivers can be very reckless and damage they can cause with commercial vehicles is very steep. Lessing liability from them will only make it more hurtful on the person injured.

Printed on: April 16, 2021 4:32 PM

Karen Isern
Texas citizen
Amarillo, TX

Please vote NO against HB19 - I live in Amarillo where we have trucks crossing our highways 24-7 and I have had several friends who have been injured or killed by trucking companies that do not abide by the law. Texas citizens deserve a NO vote on HB19.

Bill Williams
Self
Driftwood, TX

Unfairly punishes victims of motor carrier negligence, and discentivizes motor carriers to exercise due diligence in the safe operation of their businesses.

Jennifer Mathis
Self, Attorney
San Angelo, TX

I am a licensed Texas attorney. I am concerned that this bill will only cause further injury to my clients who have already been hurt in often catastrophic wrecks caused by negligent trucking companies. Trucking wrecks are often the most deadly because of the weight and size of commercial trucks. We cannot keep Texas residents safe on the road if we do not hold the companies that operate these dangerous trucks accountable when they are engaged in unsafe practices. This bill would limit discovery in trucking cases and handicap our ability to protect Texas residents by preventing lawyers like me from obtaining discovery on trucking company negligence and from filing a lawsuits that would directly hold those negligent companies responsible. Trucking companies have a responsibility to maintain their trucks, initiate safety policies and programs, and hire safe and competent drivers. There is a reason why 30% of truck drivers have admitted to amphetamine use, which is significantly higher than the general driving population, and that is because of companies requiring them to drive long shifts without adequate rest. When trucking companies prioritize profits over safety - which this bill will encourage them to do - then people get killed. I have represented individuals who have been killed or severely injured by negligent trucking companies that have (1) failed to maintain their trucks, causing brakes to fail or other catastrophic failures leading to deadly wrecks; and (2) failed to enforce safe practices such as those that would prohibit truck drivers from talking on their cell phone while on the road for hours at a time or those that would prevent drug abuse such as amphetamines, which is already rampant in the trucking industry. Civil lawsuits not only provide financial compensation to the injured party, but they also serve to hold industries accountable in a way that criminal statutes cannot. Companies engaged in high-risk practices like trucking companies are only motivated to create safety programs and drug policies because of the risk of being held accountable through a civil lawsuit if they do not. Furthermore, we all know that the majority of these claims are ultimately paid by insurance, and this bill would only serve to protect insurance companies from having to pay legitimate claims by hiding information about the company's negligence from potential jurors. If you have to hide information to get the result you want, then you're probably not doing the right thing. Protecting an insurance company's profits at the expense of people's safety is not justice and it is not the kind of reform that we need in our wonderful state. Hippocrates, the father of medicine and drafter of the original Hippocratic oath, admonished new physicians "to help, or at least to do no harm." Please use your legislative powers to help, or in the very least, do no harm to the very same people who voted for you.

job mongare, DR
ATHENS NEUROLOGY
aTHENS, TX

HORRIBLE BILL HARMS THE PUBLIC AND PROTECTS TRUCKERS

Printed on: April 16, 2021 4:32 PM

Amanda Sowa

Self - disabled from accident with 18 wheeler

Orchard, TX

The injuries I sustained from my motor vehicle accident with an 18-wheeler was extreme! The multiple surgeries, pain and suffering were and still are after 4 years very tremendous. Eleven surgeries and more on the books with cost that no one can afford. You need surgery to repair and you can't wait for some things to happen. Putting a limit is not the answer. Losing the wages and the time off of work, and even losing my job is already stress enough, especially when it's not your fault. Taking away is not helping the ones who are suffering. You cannot guesstimate financially what somebody needs when it comes to injuries sustained by an 18 wheeler. I highly recommend NOT passing this law it's not beneficial by any means.

Amanda Sowa
(832)757-2093

Claire Burkett, Ms

self

Dallas, TX

As a 20-year-old Texas driver, the passing of this bill is unethical and a joke if the law system is claiming that they are upholding the citizen's safety. "A picture is worth a thousand words", protecting big companies should not be the priority in court, the evidence should be shown as the company is liable. Imagine this scenario: A mother gets she is told that while her son was driving to school her son is in a horrific accident she hurries to the scene and she is astounded at the sight of his olive-green Subaru Crosstrek Hybrid smashed as if it was a folding table. The semi-truck however of the million-dollar cooperation that hit her prize position stands strong and trophy-like without a scratch of the logo painted upon it. She looks around, her eyes are filling with tears, she sees one of her son's Air Jordan basketball shoes that he worked all of the summer to buy the pair for himself, now dirtied and scratched, but that is not her main worry. The only thing that matters to her is nowhere in sight, not until a paramedic point to a body bag. She stares into the tarp-like covering and the boy who she once took to soccer practice every day, who would always watch Shark Tank with her, who would climb into her bed as a young boy if he ever had a nightmare is unrecognizable The funeral was a closed casket of course and she asks herself what could she have done differently, but she did everything right, researched cars for hours, reading that the Subaru Crosstrek Hybrid was the safest option. Knowing her son, he was probably even going a few miles below the speed limit blasting Garth Brooks on the radio. When the court date finally arrives the mother looks as if she has aged decades, the light from her face is gone, her eyes pulled down from the sleepless nights without her boy, she climbs into his bed now living her real-life nightmare. Desperation fills her mind at the desire for justice and she needs the jury to see a fraction of the horrors she saw, his car compressed, airbags hanging out of broken glass, blood, and the semi with one tiny scratch. However, they can't, because the HB19 bill passed through protecting money-filled corrupt companies from taking responsibility. All she can do is speak, but unfortunately, she can't convey her point effectively choked from her tears and suffocated from the last memory on a replay of her beautiful son's demise. Her attorney consoles her to the best of their abilities and offers their personal cell phone numbers if she ever needs a thing or just even to talk. The court hardly rewards her anything and on her drive home, she cranked Garth Brooks and enters the highway watching her once-beloved Texas state flag dance in the wind gripping a pole. God forbid it was your kid. Just hope the HB19 bill doesn't pass, as the scales of justice would no longer lean in the ethical direction for Texas citizens on the roads.

Lawrence Bertsch

-- please select a prefix --

ABILENE, TX

I strongly oppose this bill!

Timothy Gahl

Forest Resource Consultants / Triple T Timberlands

Printed on: April 16, 2021 4:32 PM

Lufkin, TX

Forestry was deemed an essential Industry at the start of the coronavirus outbreak.

The backbone in getting the raw materials to manufacturing facilities are the Harvesting Contractors that deliver the wood, by truck.

This wood has no value to the landowners, manufacturing mills, or society that depends on the products made from wood, until the Harvesting Contractors deliver timber products across the scales.

Triple T Timberlands contracts with approximately 50 Independent Harvesting Contractors to deliver wood from a million-acre land base in East Texas.

The cost of auto insurance that these Contractors are faced with is increasing annually to cover the cost of litigation. We must do something to stop the abusive lawsuits.

This is affecting company's bottom line, their ability to pay employees, and invest in their business.

Timber is a commodity, subject to supply and demands of the marketplace, margins are tight, so the ability to continue to pay our way out of the increased insurance costs is not an option.

Real reform needs to happen, and HB 19 is a start in the right direction to eliminate the abusive lawsuits.

Thank you for allowing me to share my comments.

TPG

David Warnock

Self

Wills Point, TX

Totally ridiculous for anyone other than corporate lawyers killing hard working Texans and getting by with it.

La Shon Bruce

The Fleming-Bruce Law, P.L.L.C.

Houston, TX

HB 19 SHOULD NOT BE VOTED INTO LAW. THIS WOULD NOT BE BENEFICIAL FOR TEXAS CITIZENS VOTE AGAINST THIS. THIS LAW MAKES NO SENSE. DO WE NO LONGER CARE ABOUT PEOPLE

- Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.
- HB 19 absolves companies from independent compliance with state and federal safety regulations.
- HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
- HB 19 imposes one-sided procedural barriers that delay justice for victims.
- HB 19 would make Texas roads more dangerous.

Robert Fitzpatrick, Esq.

Jim S. Adler, P.C.

Dallas, TX

If Texas HB 19 becomes law - Texas citizens would immediately be disadvantaged when forced to take reckless and negligent trucking companies to court. Texas ranks first in the United States in large truck wrecks. To protect lives of Texans – we need more safety measures – not less. Texas HB 19 would give trucking companies less incentives to follow safety measures because there would be little to no enforcement through our courts. When trucking companies are not held accountable if they violate safety standards and endanger all of us on the road – it puts all Texas citizens at a disadvantage by making it more difficult for the victims of their recklessness, who have had their lives changed forever, to hold these companies accountable for their actions.

Texas law makers should be focused on protecting the lives of Texans, not rewarding the wrongdoing of trucking companies for the lives they destroy. Texas HB 19 will only make it harder for Texas families to seek justice, leaving Texans to pay the cost.

Printed on: April 16, 2021 4:32 PM

Most deaths in large truck crashes are passenger vehicle occupants. Because of their sheer size and weight— if a person is lucky enough to survive a collision with a large commercial truck— their injuries could be life changing, leaving Texans and their families to deal with astronomical medical bills, while the at-fault driver of the large truck walks away.

The sole reason for the push behind Texas HB 19 from the trucking companies is money. There is a cost of doing business, and when your business operates on the extremely dangerous roads of Texas, this cost goes up. The trucking companies are trying to only protect their bottom line. With less safety measures required for the trucking companies to follow and less accountability in the courtroom when their recklessness causes death, serious injuries, or the inability to work – trucking companies are saving money.

The trucking companies argue their insurance rates are rising because of lawsuits involving inflated injury claims. If more safety measures were followed and enforced, we should see less injury claims due to the negligence of the trucking companies or drivers. If trucking companies were held accountable for their hiring practices – then maybe we would see fewer drivers with a history of safety violations or substance abuse behind the wheel in a position to destroy a family. Higher qualified drivers and safety accountability would lead to fewer collisions, lower insurance rates, and would keep all parties involved out of court.

A vote of no on HB 19 would be a vote for Texans, it would be a vote for families, it would be a vote for safety, and it would be a vote for a level playing field to pursue the justice that is deserved by every Texan.

Steve Garwacki

Self

Tyler, TX

Totally against this bill

Jennifer Dillingham

self - attorney

Falls City, TX

I was hit by a commercial driver in July 2019. The accident caused tremendous harm to both my livelihood and my life. I was rear-ended and suffered a severe herniation in my neck. As a result, I struggled with the inability to pick up my two year old child, my arm went numb 10-15 a day which affected my ability to type and work. This is not about putting small businesses out of business - this is about protecting people who have been hurt in an accident and making sure people like myself are compensated for their injuries --- which are lifelong and permanent.

Israel Camacho, Senior Trooper (retired)

Law enforcement

San Antonio, TX

This bill goes against every principle that I stood for in my 37 years in law enforcement. Definitely vote no!!!

Diane Teter

self

Edinburg, TX

I am vehemently opposed to HR19 which will actually allow companies that put fleets of commercial vehicles on the road to be immune from their own negligence, carelessness, recklessness and intentional bad conduct.

Like the oil/gas industry in our Texas Winter Storm Uri which did not properly winterize well heads, pumps, pipelines, etc. because it wasn't regulated, nor cost effective, HR19 will disincentivize all commercial vehicle owners, from your pool guy to the 18 wheeler semi driving through your Texas town, from implementing good safety measures to keep bad vehicles and bad drivers from being on the road.

Printed on: April 16, 2021 4:32 PM

Immunizing companies for their own bad conduct, whether careless or intentional, hurts all Texans and their families and puts the burden on state systems like Medicaid for the catastrophic life changing damages they can cause. Let's remember that Texas has refused funding for expanded Medicare as well as the high rate of poverty in most of our state and especially in South Texas where I live and Mexican/Texas trucks cross the border and further many, many times a year .

No one should get a free pass on the safety and reliability of Texas roads and transportation system. Texas residents should be primary, not corporations!

Robert Kelly

R. Kelly Consulting Services

Kemah, TX

In my opinion, this bill will give a pass to bad actor trucking companies. As a former police officer and DOT enforcement officer, I have seen the effects of companies' continued disregard of the federal regulations and placing profits over safety. Failure to allow a company's safety history and practices to be introduced is akin to not taking a criminal offender's past criminal history into account. A large portion of commercial accidents could have been prevented had the company properly hired, qualified and trained their employee as required by federal law. A company's actions leading up to a collision are just as important as the actions of the driver on the date of the collision.

Terry Reynolds

Self

Simms, TX

I Dear Texas Legislature:

My name is Terry Reynolds and I live in Simms, Bowie County, Texas. I strongly oppose House Bill 19 in its entirety.

On January 14, 2019, I was rear-ended by an 18-wheeler. I sustained severe injuries and was unable to work for an extended amount of time. As a result, my property was repossessed and my credit score was ruined. On top of that, I am now earning substantially less money than I was prior to the wreck on January 14, 2019.

I was fortunate to have received all of the settlement money in one lump sum. If I had received the settlement money in installments, I would have been forced to finance new (or used) property. Given the impact of the wreck on my credit score, however, I highly doubt that anyone would have been willing to loan me money. Assuming I would have been able to finance new (or used) property, I would have been required to pay a substantial amount of interest, which would be unfair.

Additionally, a trucking company's prior bad acts are relevant and a jury should be informed of such acts at every trial. If a company's prior bad acts are swept under the rug, trucking companies are more likely to ignore safety measures, which means families will be at greater risk on the roads.

For these reasons, I disagree with House Bill 19 in its entirety and I strongly urge you to vote against it.

Delisi Friday

Self - Marketing Director

BOERNE, TX

Texas roads are already dangerous. Please do NOT pass HB19. I do not want my family on Texas roads where federal and state safety regulations are not followed, where I don't have the ability to see if a company has dangerous past wrecks and conduct, and where there is no accountability for injuries and deaths in our state!

Do you want your family driving next to an 18-wheeler where the trucking company isn't following safety regulations? Do you want your family driving next to a commercial van where the driver has 5 DWIs? I don't!

Printed on: April 16, 2021 4:32 PM

Vote no on HB 19!

Travis Steel

self, attorney

New Braunfels, TX

I do not understand how, at this point, we are going out of our way to try and help insurance companies and big trucking companies against the common man.

Limiting discovery to two years, stopping the ability to hold big companies accountable, and making the rules one sided against the people that are injured seems to be created as an intentional attack against common sense in pursuit of the almighty dollar.

If our state has learned anything in the past month it should be that we cannot keep giving free passes for big companies to step on the little man to make a buck, yet here we are.

Gilbert Arcides

Self

FORT STOCKTON, TX

The state and individuals show know more about a company prior problems with state and federal laws.If you don't govern the people having these problems ,these people will have no values on human life or personal property.

Janis Reynolds

self

Crandall, TX

Can't believe anyone would try to pass this HB. Texas highways will be so dangerous. If a Commercial Driver causes an accident they should be held accountable. If a person is injured and dies before the money is paid the family should be given the money, not sent back to the person that caused the accident and injury and possible death of the victim!

Charles Soechting, Jr, Attorney

self- lawyer

Dallas, TX

This bill is nothing more than an unveiled attempt to reduce to responsibility of trucking companies for the death and destruction they cause to Texas residents. Residents who do nothing more wrong than utilize the Texas roadways. When a truck driver's negligence causes a crash, the resultant injuries are magnified to horrific proportions because of the size and weight. Given the incomparable stature of these vehicles and the injuries they cause this bill's desired goal to shield these companies from liability is not designed to benefit Texans. It is specifically designed to only benefit trucking companies.

Moreover, this bill would extend this liability protection to nearly every vehicle used for any commercial purposes and leave only household/residential vehicles unprotected from this shield of liability.

Additionally, this bill would impose upon the trial courts' decision making of relevant evidence without any evaluation of the evidence at issue or its merit or admissibility.

Finally, this bill would further harm those Texans who are able to show a jury the damage that was done to their family by the negligence and secure a verdict in their favor. There is no public policy incentive or benefit to delaying compensation payment but instead this is simply designed to allow the companies to hold their profits that much longer to earn more interest. And it runs counter to public policy to ensure swift and just conclusion to claims- by requiring long term payments the individuals are harmed further in the delay as well as harmed when those companies become insolvent during the pendency of the payments.

This bill has no benefit to the citizens of Texas and is simply designed to benefit only industry.

Printed on: April 16, 2021 4:32 PM

Kizzy Gore

self

Odessa, TX

All companies should be held accountable for the accidents that either their companies make due to equipment malfunction or driver error. Everyone else is held accountable when they cause an accident. Companies should not be above the standard when the rest of Texans are not.

Alexis Sefton

self, Subrogation Analyst

Hewitt, TX

Texas roads are already dangerous enough so by implementing a bill such as HB 19, victims will have an even more difficult time getting justice.

Trey Smith

Self - Attorney

Bellaire, TX

Recent data and statistics have shown Texas roads are becoming more dangerous for all of us.

HB 19 does nothing to make roads safer for Texans, so for this reason I oppose it.

Specifically, the provision in the bill relating to compliance with regulations or standards serves only to benefit bad truck drivers and trucking companies to the detriment of Texans injured or killed by commercial vehicles. It is important to note, safe responsible trucking companies and drivers who follow the rules can also be harmed by this bill.

At times in a commercial motor vehicle lawsuit, evidence demonstrates the crash was the tip of the iceberg. The immediate cause of the crash may be running a red light, failing to keep a proper look out, or other acts of simple negligence, but given the company and / or the driver's safety history, it becomes very apparent that that the crash was entirely predictable, foreseeable and most importantly, preventable.

In cases where there is a chain of repeated regulatory and statutory violations, some of these violations giving rise to this foreseeable conduct may occur within two (2) years of the crash. Often, there will be a chain of events which will extend to a period beyond two (2) years of the crash. Excluding evidence beyond two (2) years allows patterns and practices of dangerous behavior to continue unabated without accountability.

Conversely, in other cases, evidence will demonstrate the collision was a single, isolated act of negligence, with the company and driver demonstrating a long history for safety and/ or a strong corporate safety culture with training programs. In this circumstance, companies and drivers are able to present evidence of their safety programs and the driver's stellar safety record often going back more than two (2) years, and at times demonstrating decades of safety and compliance.

Trial judges are uniquely qualified to evaluate what types of evidence should be discoverable and which of that evidence should be admissible given the facts and circumstance of the specific case. This bill's attempt to strip trial judges of discretion in this regard is unnecessary.

The provision in the bill which limits the discovery and use of evidence regarding regulations or standards will do nothing to make Texans safer as they share the road with commercial motor vehicles. The current system provides incentives for trucking companies to maintain strong safety cultures and compliance while requiring their drivers to follow rules and regulations that promote safety on Texas roadways. In short, this bill does nothing but protect trucking companies and drivers who pose a danger to all Texans. Safe, responsible trucking companies and drivers have nothing to fear in our current system. A one-size-fits-all approach as outlined in this bill will lead to inequitable results for Texas citizens.

Sara Rodriguez

Wetherite Law Group

Dallas, TX

I am writing you to convey my concerns with the likely effects that HB 19 will have on Texans and their safety on our roadways. Texas is an economic force in our nation and its growth and prosperity is due to our focus on investing in our economy and emboldening businesses to flourish. At the same time, those families that the businesses serve must also be considered as their rights to travel safely to their places of employment, to their kids ballgames, to their churches, are all jeopardized by this bill. This bill doesn't just give a break to Texas companies, it would have the effect of significantly relaxing safeguards against Mexican trucking companies that ship goods back and forth across our borders. Out-of-state companies who do not directly or substantially infuse dollars into our economy will also reap the rewards of this bill at the expense of Texas families. In my understanding, our law as it currently stands without HB 19 already strikes an adequate balance between the rights of businesses to operate without undue burdens at the same time as giving the public security that they are occupying the roadways with companies that thoughtfully and responsibly manage their drivers and transportation systems. If the companies are involved in accidents that cause harm, then there should be avenues in the law for Texans to investigate whether and to which extent a company failed to reasonably hire, train or supervise its employees and to which extent any of those caused or contributed to an accident. The law already provides procedures that companies may use to dismiss claims that are not viable; what this bill does is strip the rights of Texas families to even begin to discover whether any wrongdoing led to their injuries or death. It will also have the effect of clogging up the appellate courts with disputes over whether discovery into a company's conduct should be permitted or not thereby dispensing with judicial efficiency and tying up courts unnecessarily. Just as Texas families have the responsibility to carry insurance, drive responsibly, and entrust their vehicles to licensed and competent drivers, companies that operate in and/or profit from Texans should be subject to reasonable standards of safe operation that HB 19 will surely erode.

Thanks for your time and representing us in our great State.

James Abbott

ME

Cumby, TX

My name is Chris Abbott. I live at 442 CR 1149 in Cumby, Texas in Hopkins County. August 30th 2019 I got rear-ended and I don't remember much after I got hit. I think I lost consciousness because the next thing I remember is waking up in my car on the side of the road. I got a serious concussion and now need a neck surgery that I cannot afford to have on my own. Since the accident I haven't been able to work or live my life like I did before. I didn't choose to have my life altered by a negligent driver on a Texas highway while I was coming home from work.

I think this bill is ridiculous because I will have to wait for the cost of my surgery to be paid in payments. I can't wait on payments. I need my surgery as soon as I can get it. And if I have to wait, that just means I will be in pain even longer and can't get back to living my life like was before I got hit. This bill must had been created for the big Insurance companies by their Lobbyist in order to benefit the big Insurance companies, not the Victims.

Ruth McLane

self

San Antonio, TX

This bill will clearly make our roads unsafe and allow large trucking companies to not be held accountable for their negligent actions to others on the roadway. Please vote no for this bill.

Melissa Carranza

Law Office of Melissa R. Carranza

McAllen, TX

Vote NO. This would undoubtedly lead to more deaths on our roadways. This is the not time to let companies off easy. Safety must remain a priority.

Printed on: April 16, 2021 4:32 PM

Jacob Leibowitz
Self, Attorney
San Antonio, TX

As a citizen of the State of Texas, I'm deeply concerned that this bill allows bad companies to avoid responsibility for acting in ways that cause my fellow citizens to be maimed and killed.

Companies that do what they are supposed to do have nothing to worry about.

But there are a significant number of companies for which safety is not a priority.

We cannot thrive as a society by allowing bad actors simply to get away with being bad actors for the sake of increased profits.

Please do not give in to the insurance lobby. This bill does not represent Texas.

Carman McGee
Self
Plano, TX

Beyond myself to understand why in the world would you want to make the streets unsafe with so many trucks on the road. That makes no sense to me, therefore I oppose this bill.

Oscar Cantu, Jr.
Attorney at Law
San Antonio, TX

Vote "no" on this dog of a case. Votes would be victimized twice.

Danielle Rodriguez
Self, Attorney
Palmhurst, TX

This bill absolves companies from independent compliance with state and federal safety regulations. It limits a victim's access to discovery, creates unnecessary procedural barriers, and allows responsible companies to delay compensation to victims. This bill will make Texas roads less safe!

Raul Trevino
Self
San Antonio, TX

This is a horrible bill and is clearly just a gift to insurance companies that denies victims access to justice.

David Kobilka, Attorney
Self, Attornwy
Richardson, TX

This does not serve the public of the state of Texas but rather interstate trucking companies and insurance companies. If you pass

Printed on: April 16, 2021 4:32 PM

Mr. Leach's bill we will remember your names. And we will remember Mr. Leach for this proposal.

William Doyle

Self

Keller, TX

My wife was involved in the massive wreck on I-35 in Fort Worth on February 11, 2021. I can not fathom allowing a company to have immunity from an event before even gathering the facts. Please help protect our citizens from the overreach of companies.

DAVID MCLANE, MR.

MCLANE LAW FIRM, SELF; ATTORNEY

SAN ANTONIO, TX

Please vote NO on House Bill 19. This Bill does not benefit the majority of hard working Texans who rely on the legislature to ensure they are protected from companies that violate the rules and regulations that govern commercial carriers. Texas leads the nation in accidents involving large commercial vehicles and 18-wheelers. To prevent discovery of prior bad acts by these companies, to prevent discovery of their violation of NHTSA and other rules and regulations that govern these carriers and are imposed as law to protect Texans and keep them safe, would not only thwart the entire objective of these laws, but make the legislature complicit in the deaths and injuries that are sure to follow should these bad drivers and the companies that hire them be permitted to operate without oversight and ramifications for their bad acts. **IT IS IMPERATIVE THAT YOU VOTE NO IF YOU CARE ABOUT YOUR FAMILY'S SAFETY ON TEXAS ROADS.**

Elizabeth Jones, Mrs.

Self

Gun Barrel City, TX

Oppose his bill

Sergio Contreras, President

Rio Grande Valley Citizens Against Lawsuit Abuse

Weslaco, TX

We are in support of HB 19- which will address abusive lawsuits against commercial vehicles that are hurting Texas jobs and businesses.

Hector Rios

Jim Adler & Associates

Houston, TX

As a licensed attorney in the State of Texas, I took an oath that I would discharge my duties to my clients to the best of my ability. My goal as an attorney is to make sure that clients who are injured in an auto accident receive the financial compensation they deserve. When a client is severely injured or killed in an auto accident due to the negligence of a commercial driver, it would make sense that the client or his family should receive full compensation. However, Texas House Bill 19 would essentially punish the injured victim's family by cutting payments when the injured victim dies. Not only is this wrong, but it is simply inhumane. Instead of protecting Texas motorists from poorly trained and fatigued commercial drivers, House Bill 19 will lead to an increase in commercial vehicle accidents as commercial vehicle companies will be even less likely to adhere to safety protocols as this bill will be used as a tool to limit their liability. The bill also limits how far back an injured victim can discover a commercial company's prior bad acts. By only allowing an injured victim access to 24 months of a commercial company's past, they will not be able to get a full picture of how a commercial company runs its operation. Preventing an injured victim from discovering a

Printed on: April 16, 2021 4:32 PM

commercial company's prior history of violations past beyond the 24 month mark is arbitrary and can negatively affect the outcome of a case.

Conclusion: This bill is a step in the wrong direction and will lead to severe consequences for injured victims down the line. Instead of providing Texas motorists with the peace of mind that their legislators are looking out for their safety and wellbeing, this bill strikes fear into the hearts of anyone who gets behind the wheel on a Texas road. Our safety should not be compromised for the benefit of commercial vehicles and insurance companies.

Brinton Gunter

Self

Sheridan, TX

My name is Brinton Leon Gunter and I am a resident of Sheridan, Colorado County, Texas. My whole family became a victim of the trucking industry when my wife, the mother of my son, was killed. It is my opinion that HB-19 would be a disaster for victims of 18-wheeler wrecks and their families, like mine. The part that forces victims to accept payment plans rather than a lump sum just adds insult to injury. It means that victims can never move on – they can never break ties with the trucking company that causes them so much pain. Instead the families would be reminded of the trucking company responsible for their loss with every check, making them dependent on the wrongdoer and undermining their ability to ever be whole again. And to hear that the payments stop when the person dies and the unpaid money is returned to the trucking company – that's just insulting to victims and disgraceful to the system that would tolerate it. This would just encourage trucking companies to continue breaking the rules and make our roads even more dangerous, and so there would be even more victims of trucking accidents in the State of Texas when we already have too much of this. Innocent families need protection, not the trucking companies breaking the rules.

Skip Bretz

DDL Transport

Grand Prairie, TX

My name is Skip Bretz and I live at 1658 S. Forum Drive in Grand Prairie, Texas. I have been a commercial truck driver for 32 years and I oppose this bill. Last year I was rear-ended by an 18-wheeler and injured my neck. I had never had a problem with my neck before the accident. As a matter of fact, I lifted weights and was pretty athletic. Since the accident, I haven't been able to do those things. I also haven't been able keep up with household chores. I live alone and there is no one else to do them but me. I've been working light duty as a driver, but can't do the runs I used to do. I can't do any that involve lifting. Pretty much all I can do is drive but it's getting more and more difficult to do that. I have to work. If I don't work, I don't eat. My doctor has me that I need a cervical fusion to relieve the pain in my neck. I don't have health insurance and I can't wait for the cost of the surgery to be paid out in payments. This bill would pretty much eliminate my ability to have the surgery. I'm 64 years old. The older I get the more risky the surgery is. What I don't understand is why I should have to wait to have the surgery when I didn't do anything wrong. It seems to me the only one who benefits from this bill is the insurance company.

Christopher Machart

Self

Sheridan, TX

My name is Christopher Lee Machart and I live in Sheridan, Colorado County, Texas. Not long ago, a dangerous truck driver on Texas roads took the life of my wife, the mother of my children. She was killed and taken from us, yet no criminal charges were filed. My family endures this loss while the trucking company goes about its operations and while the trucking industry treats our loss as just the cost of doing business on Texas roads. This is intolerable. More, not less, must be done to protect innocent Texans and their families on our roadways. HB-19 is an attempt by the trucking industry to restrict the rights of family members in civil court, the only place for these victims to go. If the trucking industry succeeds, the worst trucking companies can be even more dangerous, cause more catastrophic injuries and deaths, and be even less affected by it. But if there is more accountability from the trucking industry and harsher punishments to trucking companies and their drivers for violations, perhaps our roads will become safer. And right now, our roads are far too dangerous to undo any modest punishment inflicted by the civil justice system.

Printed on: April 16, 2021 4:32 PM

Sincerely

Nicholas A. Monroe

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REQUIRED NOTICE UNDER The Texas Health and Safety Code, Sec. 181.154 – HB 300

Because our law firm gathers, stores and electronically transmits medical records (Protected Health Information — PHI), we are required to post a notice to clients that their protected health information is subject to electronic disclosure.

Texas and Federal Law prohibits any electronic disclosure of a client's protected health information to any person without a separate authorization from the client for each disclosure. This authorization for disclosure may be made in written or electronic form or in oral form if it is documented in writing by our law firm.

The authorization for electronic disclosure of protected health information described above is not required if the disclosure is made: to another c

Glenn Hunter

Self. Retired Forester

Atlanta, TX

Excessive damage claims against trucking companies in my area are making survival of existing trucking companies more difficult, and discouraging those companies from investing to grow their companies. Potential new trucking company owners are much less likely to get into the business because of the added cost of lawsuits on top of already slim operating margins. It seems that the damage claim attorneys increased their focus on trucking when the liability coverage requirements were increased by the companies which are served by trucking companies. Reform is desperately needed in order to return a more legitimate and fair level of treatment of trucking companies in cases of damage or injuries. We all need trucking companies to deliver the products and services which our state and our nation requires. Thanks

Sergio Contreras

Printed on: April 16, 2021 4:32 PM

Rio Grande Valley Partnership

Weslaco, TX

In support of HB19, which levels the playing field against lawsuit tactics.

Bertha Barba

Self, Attorney

McAllen, TX

Please vote no to this Bill that will severely affect the rights of several of your constituents.

Jaime Moya

Self - Owner

Monahans, TX

Texas roads are so dangerous right now as it is, if this bill is passed, Texas roads will get worst, companies not being held accountable for their drivers actions will most definitely reflect on more accidents on the future and great losses on past accidents. This bill should not be passed! Companies not having any liability will also result in great loss for those who lost their income and/or were subject to pain for the rest of their life in an accident in which they were not at fault in any way.

Maria Teresa Rodriguez

Self - Operations Manager

San Antonio, TX

I respectfully ask our Representatives to vote NO.

Iris Castro

Self

Monahans, TX

Companies should be held accountable for the drivers they hire. The goal is to make Texas roads safer, not to bear responsibilities off those liable.

Hazel Meaux

Self

Stowell, TX

I am against this bill. I am 66 years old. When I was growing up my dad taught me that 18 wheelers (truck drivers) were always courteous drivers and helpful to stranded drivers. Unfortunately that is not always true today. I take the back roads to Beaumont from my home in Stowell because the 18 wheelers on IH10 scare the living daylights out of me. It is not just in the construction areas or IH10, it is everywhere. Most drive like they are on a mission to get to their location no matter what it takes. Most long trips my husband does the driving so it is everywhere. These 18 wheelers drive like they own the road and you better get out of their way. They are usually going to fast and if they had to stop quickly, there is going to be a crash. That is irresponsible not accidental.

If this bill passes it will open the door for these reckless drivers and the companies they work for to dodge responsibility for a wreck they are involved in.

Ask yourself, why would a responsible company not want to show that they are responsible, that they hire responsible personnel, that they provide safe trucks for their drivers and they respect the well being of the public?

Printed on: April 16, 2021 4:32 PM

Ask these companies if they want to buy trucks and trailers that they are not allowed to ask if what they are buying is safe? Any honorable business has nothing to hide. This bill will hide unsafe drivers, unsafe companies and put the public in danger.

Tanner Forman

Self, Lawyer

Fate, TX

HB 19 will impact the safety of every Texan on the roadways. Texas roadways are dangerous and the State should be doing everything within its power to make the roadways safe for our families. HB 19 will make roadways more dangerous and will allow commercial motor carriers and drivers to evade responsibility for their actions.

Texas is the world's 9th largest economy by GDP. Commercial transportation of goods is necessary to support that economy. However, supporting the economy should not come at the expense of lives. Texas leads the nation in large truck crashes and deaths. Every year, thousands of out-of-state companies make deliveries to or through Texas. Many of these companies have a total disregard for the state and federal laws that they are required to follow. As a result, countless Texas citizens are killed or seriously injured every year. HB 19 will severely limit an injured person's ability to hold these companies accountable. While state and federal authorities do their best to enforce laws, often times it is left to litigants to hold companies responsible, force safety improvements, and effectuate change. HB 19 will unfairly restrict a litigant's right to hold companies accountable through the legal system and will lead to increased deaths on Texas roadways.

In its current form, HB 19 unfairly restricts the right of a litigant to engage in discovery. This is critical discovery that will uncover evidence of safety violations. By restricting this discovery, Texas is inviting companies to come to our State, injure our citizens, and receive no real punishment for doing so. HB 19 will give commercial motor carriers a free pass to be unsafe. We cannot value business over lives.

HB 19 will restrict or delay justice to injury victims. HB 19 seeks to limit the amount that commercial motor carriers and their insurance companies pay for future damages that are awarded by a jury. Instead of a lump sum payment, payments for these damages will be made over time. This restricts the ability of an injured person to undergo a much needed surgery and further compounds that person's pain and suffering. This deprives an injured person of property that belongs to them and creates more time and expense for an already overburdened court system.

In sum, HB 19 will make Texas roadways more dangerous, will reward out-of-state motor carriers with histories of unsafe acts, and will limit the rights of Texas citizens. Please protect our families and vote no on HB 19.

Jeff Rogers, Executive Vice President

Rogers Lumber Company

Orange, TX

Commercial fleets operating in Texas are sitting ducks for those seeking to game our broken legal system. Every big truck on the road, and ESPECIALLY Log trucks and chip haulers have become targets for unscrupulous individuals who are looking for a lottery ticket type windfall through lawsuit abuse. Every commercial fleet vehicle, even a passenger car if it has a logo on the door, might as well be displaying a giant bullseye because that is reality. Our increasingly litigious society has made trucking insurance rates follow the same path that medical malpractice insurance has gone, even for those who haven't had any accidents.

Our business is 100% dependent on trucking. We receive pine logs delivered to our sawmill on contractor trucks and then we deliver chips, fiber fuel, and finished product with our own trucks. The fewer and fewer log trucks that are available to deliver logs to us have been a serious problem and it will only get worse until something changes. No one wants to haul logs because of that bullseye on your back! As for our trucks shipping our finished product, we know that each load that leaves our mill puts our entire 4th generation business in jeopardy.

I am not intending to minimize the effects that legitimate accidents have on people and families because our people are our most valuable asset. Unfortunately many people these days, including many attorneys, are just looking for a lawsuit in any truck accident. In our last big truck accident, the man who drove the vehicle that our truck scraped down the side as he was taking evasive maneuvers to avoid a potentially deadly collision with another vehicle, actually praised our driver's heroic efforts to avoid hitting either of the other vehicles at a direct impact. The man did not request medical attention at the scene and he drove that same vehicle away with only body damage down one side and a broken mirror. Several months later, we were served with a lawsuit from that same gentleman.

Printed on: April 16, 2021 4:32 PM

One of the worst parts of these frivolous lawsuits is that the insurance companies are just not willing to fight them. They settle with these people 10 times out of 10, even when the truck was not at fault. Insurance just wants to do anything they can to avoid a trial, especially a jury trial because the public has been indoctrinated by commercials and billboards to believe that big trucks are evil and negligent and out to hurt people, no matter the operator or circumstances involved. That leads to these outrageous windfall judgments that we see today, and insurance companies are willing to settle with thousands of plaintiffs rather than face even the potential of one of those judgments.

The lawsuit environment I and other Texas businesses operate in is unsustainable. Litigation against commercial vehicle owners has caused my insurance rates to skyrocket. It is not going to change unless the Legislature does something to stop the abusive lawsuits that are driving up our insurance premiums.

Rosalinda Ybarra

self

North Richland Hills, TX

The laws do need to be strict on companies that hire 18-wheeler drivers. I was in an accident in 2019 side swiped by an 18-wheeler the driver was INDOXICATED @ 5:25am. This was not the 1st offense & he was still allowed to drive an 18-wheeler. By the grace of GOD I am here. In counter pain that I did not have before!!! PLEASE I ask that you make our hwys safe for our families & hold these companies liable.

Genaro Fraustro

Law Office of Genaro Fraustro

McAllen, TX

I vote NO on this bill. This bill will make our roads much more dangerous and will lead to more crashes. There needs to be accountability.

Amos Saucedo

self

Lubbock, TX

As a citizen, a taxpayer, an almost life-long resident of Texas, spouse of a life-long Texas resident, and parent of life-long Texas residents, this bill scares me, and it should not be passed into law.

Here's why: Already, Texas roads are dangerous, and I see this everyday in my profession. Sadly, it is not surprising that our state leads the nation in large truck crashes and deaths. I have read HB 19, and I see that it excuses trucking companies from independent compliance with state and federal safety regulations. I see that it also severely restricts access to critical discovery of a company's prior bad conduct, including safety violations, and it imposes one-sided procedural barriers that delay justice for victims. This isn't fair. This isn't right. We can't allow trucking companies off the hook every time they hurt or kill someone, and especially when it is a poor record of safety that allows these injuries and deaths to continue occurring.

HB 19 would make Texas roads more dangerous for the citizens who live and work in our great state. I see enough death and destruction already, please don't make it worse by passing HB 19. Holding trucking companies accountable for safety is the only way we can make our roads safer. I have a family member and he is frequently on the road and away from home. I constantly worry for his safety. Please do not increase the risk that something bad will happen to him while he is on the road, which is what this bill is going to do. I am very disappointed that Leach hasn't introduced a bill seeking better accountability from trucking companies. This bill is absolutely shameful. Whose interests was he elected to represent anyway? From the looks of this bill, it appears to be big business. Shameful!

Thank you.

Printed on: April 16, 2021 4:32 PM

Kristin Suniga, Mrs.

self

Houston, TX

As a plaintiff's personal injury lawyer and former emergency room nurse at a Level II trauma facility, I am no stranger to catastrophic injuries and the devastating effects that can be caused by the negligence of commercial drivers. I have had the distinct privilege of holding the hand of injured victims at the both the bedside and in the courtroom, and I take my role as an ardent and zealous advocate for those injured very seriously. I thank you for the opportunity to provide comment and input on House Bill 19, as I feel this dangerous legislation promises serious deleterious effects to both the victims of crashes caused by commercial carriers and to the public at large.

It is no secret that catastrophic and often fatal crashes are caused by distracted, fatigued and poorly trained commercial drivers in Texas every day. Often, commercial vehicle companies also share in liability for these crashes when they have cut corners maintaining their vehicles, training their drivers and adhering to state and federal safety procedures and regulations. If passed, HB 19 would limit critical discovery into a company's prior bad conduct to only the 24 months preceding the crash. Not only does this one-sidedly burden the victims in these cases, it diminishes the very important public policy objectives and oversight that discovery into these bad acts inherently creates.

At some point while studying to become a lawyer I happened upon a quote that has always stuck with me, and it came to mind as poignant as I ask you to consider the rights of the often disenfranchised, underrepresented, and unsophisticated victims of commercial crashes –

“It is an honorable calling that you have chosen. Some of you will soon be defending poor, helpless insurance companies who are constantly being sued by greedy, vicious widows and orphans trying to collect on their policies. Others will work tirelessly to protect frightened, beleaguered oil companies from being attacked by depraved consumer groups.” [Art Buchwald, commencement address, Tulane University School of Law]

The point is this: negligent commercial carriers and their insurance companies aren't the ones that need protecting.

HB 19 not only fails to further any public policy goals, the effect would be to allow our judicial system to act as a shield for commercial defendants and their insurance companies. Nothing is achieved by this bill other than to further insulate negligent commercial carriers from liability and provide additional procedural barriers for victims and their families. Not only that, this bill would allow for defendant insurance companies to hold onto their money, paying judgements for future medical bills and lost wages in a “payment plan” - creating some perverse world in which not only are the rights of the victims and their families being stripped away, but also their property rights as well.

I implore you to vote against HB 19 and for the people of Texas.

johnie eads, PI, PPS, Old Lady, XPolice Officer and Tax Payer

SELF

Odessa, TX

I THINK ALL THE PEOPLE THAT WRITE AND SUBMIT BILLS, should go on the street for a week as a plain homeless person and see how life really is, in the real world. It is easy to sit at a desk and tell other people how to live and get away with not following the law, doing the right thing, a making bills that destroy lives.

Thank you

Carlos Cisneros, Attorney

Cisneros South Texas Law Group, PLLC

Brownsville, Texas, TX

It is a YES for me. I support the passage of this bill.

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This Bill will prevent Reptile Theory Lawyers from using standards, guidelines and other "made up" rules that have nothing to do with the merits of the case, nor the law of the case, in order to inflame jurors to get them to award big verdicts. Verdicts that have nothing to do with the facts of the case, nor the applicable law. Maybe this Bill would not be needed if Reptile Theory Lawyers were not trying to game the system.

Javier Estrello

Self

Lubbock, TX

Hold individuals and corporations responsible.

Crystal Almazan

Crys Clay Co

Midland, TX

This is not ok. Trucking companies need to be held responsible for all the harms and losses they cause.

Maria Lee

None

Arlington, TX

I am opposed 100%

Thanks

Maria Lee

Bryan thibodeaux

Self

Corpus Christi, TX

Vote no

Paul Wilbur

myself

Houston, TX

I have read HB 19 and am concerned by many aspects of it. I do not feel that making future installment payments for damages that have been awarded for bad behavior is the correct way to improve public safety and make the litigation process fair. What happens if an insurance carrier goes bankrupt? The victim is now sent off on another frustrating journey through the legal system to receive their compensation. A Final Judgment should be just that, final by bringing closure to the event, not prolong it and possibly create more injustice along the way.

I know of no one that would prefer to have their life altered by a commercial vehicle accident for some money. Everyone I have ever come across would pay anything to go back in time and change the course of events of that tragic day.

Debra Paiz

Jim S. Adler & Associates

San Antonio, TX

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Dear Legislative Committee on House Bill 19,

HB 19 aims to absolve trucking companies from liability except in extreme circumstances.

An accident is an event in which a motor vehicle comes into contact with a person or object, including another motor vehicle, causing bodily injury or death. Trucking companies must be held accountable for these accidents, causing bodily injury or death. After these accidents, victims are left with medical bills and future damages. Passage of this bill would allow trucking companies to withhold payment on future damages. Periodic payments would be made and terminate on the death of the recipient, unless for future loss of earnings. Providing periodic payments for future damages deprives victims of receiving immediate relief. It further makes a victim suffer through the pain of reliving through the accident.

Under HB 19, an injured victim will have limited access to a trucking company's past bad behavior. Trucking companies will no longer be held accountable to provide a history of safety violations. This includes failure to maintain vehicles and failure to provide adequate training.

Trucking companies must be held accountable for the catastrophic injuries they cause. At what point will we make the injured victims stop paying and make the trucking companies responsible for their actions?

Thank you,
Debra L. Paiz
210-253-5894

Vivian Eldridge
Self, attorney
Dallas, TX

This bill absolves companies from independent compliance with federal or state safety regulations, such as for training and maintenance on their vehicles. It also limits a bad company's prior history of safety violations to 2 years. The bill creates one-sided procedural barriers to commercial vehicle crash cases by limiting damaging evidence against the company and allowing delay tactics via mid-lawsuit appeals. Texas will become a dream venue for companies to route their trucks through because of these advantages and protections to the company. More companies routing their trucks through Texas will increase the number of wrecks and fatalities due to trucks on Texas roads. This bill puts Texans' lives in danger.

Earl Herring, Mr.
Self
Eagle Pass, TX

This Bill would be catastrophic to injured and killed consumer drivers on Texas Highways. Why would the Texas Legislature want to give negligent and careless commercial drivers a "free pass" to non-commercial travelers. Wholly unfair and illogical.

PLEASE VOTE NO.

Angie Boone
myself Attorney
Friendswood, TX

HB 19 is certainly harmful to plaintiffs, but what may not be realized, is the harmful effect it could have on to Texas drivers as well as businesses and trucking companies. Under the proposed law, trucking companies will only have to disclose up to the past 2 years of safety violations.

While at first glance, the proposed law appears to be a benefit to the trucking and commercial companies, it may end up having a more serious harmful effect in the long run. Because companies know that they will only have to disclose up to 2 years of

Printed on: April 16, 2021 4:32 PM

violations, this could very easily lead to an inadvertent relaxation in hiring practices. This is likely to result in the hiring of more risky applicants that may otherwise have been rejected. Over time this is likely lead to an increase in the total number of accidents, increasing the danger to Texas drivers as well as exposure to more litigation.

This bill would change the standards for evidence between commercial and non-commercial litigants in such a way as to be offensive to our shared notions of justice and fairness. Currently Texas law allows up to 10 years of an individual's criminal history to be discoverable and used against that individual in a civil case. To only allow discovery of up to 2 years of potential violations would place commercial entities in an extremely advantageous position when compared to all other individuals. The language of the bill does nothing to explain a reason for the limitation on discovery or how it will benefit the cause of justice in any way. This leaves us with only one obvious conclusion, that it is designed only to benefit negligent businesses at the expense of Texas drivers.

Evidence of a defendant's failure to comply with regulations or standards is commonly used in commercial auto accident cases and requiring a separate motion for discovery of this evidence burdensome and unnecessary. Further the bill would then rely on a judge's discretion to determine the time period that the discovery covers. This will almost certainly lead to varying determinations between different courts which will increase the chance that valuable evidence, which would normally be admissible, is missed or not allowed to be presented at trial. This will likely delay cases with even more evidentiary battles, increase the number of appeals and even increase attempts at forum shopping while severely diminishing an individual's right to present evidence and prove his or her claim.

The TRCP already provide protections for defendants from unnecessary or overly burdensome discovery. We must keep in mind that the ultimate goal of litigation is to get to the truth so as to provide justice to all involved. This bill inhibits that process by arbitrarily limiting what information a claimant is allowed to discover. It disproportionately benefits negligent actors while decreasing the ability of those that have been harmed by those negligent actors to receive the justice they deserve.

STEVEN WEST
SELF (RETIRED)
HUMBLE, TX

Comment:

Dear Legislative Committee on House Bill 19,

Please vote NO.

In 2019 my life as well as that of my wife, completely changed after being hit near head-on by a commercial motor vehicle in Livingston, Polk County, Texas, for reasons not attributable to us.. I am now and have been fully aware of just how dangerous and devastating these vehicles can be. Our suffering was so great that multiple occasions of therapeutic remedy was needed for each of us, along with two separate back procedures plus surgery to my wife's wrist to relieve severe tendon damage. I do not wish our agony on anyone else; please do not make it harder or any more difficult for victims such as we.

Even when cases are contested, like mine, I rely on Texas and its courts to be impartial and fair. By allowing this bill to pass, not only will you further shelter commercial vehicle companies and its drivers from their liability, but you will also prolong every victim's nightmare. As a victim, you reach a point when one just wants to move on and turn the page, even though you are in a diminished condition. By foregoing lump-sum payments and allowing partial payments, not only will you make victims forever beholden to insurance companies and lawyers, but you will forever leave them feeling victimized. Please don't. Commercial motor vehicle operators, whether they are owner-operators or otherwise, must be held fully to any liability attributable to their operations in any incident in which they are a participant. Crash victims must always know and be assured that full recourse under all pertinent liability laws of this state will always be available to them, for due recourse on their behalf.

Sincerely,

Steven L. West
5920 Kelly Mill Lane
Humble, TX. 77346

Scott Frase
Jim Adler & Associates

Printed on: April 16, 2021 4:32 PM

Houston, TX

Litigation is the proverbial canary in the mine shaft and one of the most fundamental cornerstones of our democracy. Juries are the voice of our communities. Litigation allows a single person or small business to stand-up to say I was harmed because another person or company didn't follow the rules. When litigation increases in a business sector, it is an alarm bell to the rest of the public that the sector is not following the rules.

Whether it is a contract or a personal injury case, businesses pay attention because it is economically advantageous to do so. The State of Texas benefits from litigation because it preserves the ability of its most important asset, its people, to maintain independence and the pursuit of individual liberty.

Texas currently has a big problem with commercial vehicles not following the rules. In 2019, deaths from commercial motor vehicle deaths cost Texas more than an estimated \$6.5 billion in economic losses. Fatal crashes account for only 1.5% of the crashes commercial motor vehicles are involved in each year. The economic toll on injuries sustained in non-fatal crashes has not been calculated by the Texas Department of Transportation, but must greatly exceed those of fatalities. These numbers are important for the following reasons: (1) Our state leads the nation in large truck crashes and deaths; (2) H.B. 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations; and (3) H.B. 19 would make Texas roads more dangerous.

When we create laws that excuse companies that harm Texans, the economic burden is felt by all Texans.

1. What happens to the victims of crashes that commercial motor vehicles caused?

The short answer is that they become a burden of the state. People that can't work or can't be as productive are a drain on our state's economy. Texans shouldn't have to pay for their welfare, especially when the insurance company for the responsible party has already agreed to assume that risk when they accepted premium payments.

Hospitals and doctors have to treat injured people that cannot pay for their medical treatment. Personal injury cases provide untold economic benefits to the medical community by recovery medical expenses they otherwise would not have been paid.

2. Who benefits from this proposed bill?

Insurance companies. Insurance companies are tasked with assessing the risk of their potential insured before writing the policy. They reach an agreement with their insured. They accept the risk for an agreed fee. Legislation like H.B. 19 minimize the risk for insurance carriers at the expense of Texas taxpayers.

H.B. 19 is a government subsidy to insurance companies. In a true free market, business should succeed through innovation and responsible financial planning, and not by paying for legislation that inhibits free market principals.

SAVANNAH GONZALEZ

LAW OFFICE OF SAVANNAH GONZALEZ, PLLC

EDINBURG, TX

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.

HB 19 absolves companies from independent compliance with state and federal safety regulations.

HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.

HB 19 imposes one-sided procedural barriers that delay justice for victims.

HB 19 would make Texas roads more dangerous.

Karen Halladay

Self

Cedar Creek, TX

HB19 is a brazen handout to transportation companies that refuse to take the proper measurements to ensure safety. Texas is one of the most dangerous states in the country when it comes to crashes involving commercial motor vehicles. The passage of this bill will only further the rate of collisions causing serious injuries and death because it will disincentivize transportation companies from making safety a priority. Removing direct negligence claims against transportation companies will end any concern they may have about hiring drivers they know are not qualified to safely drive or providing the proper training and supervision necessary to ensure their drivers are safe. Crashes occur because of what transportation companies do or refuse to do months or years beforehand. The entire community will suffer if victims cannot investigate and admit evidence to a jury about a transportation company's systemic failures. As written, HB19 would allow insurance companies to ration money their insureds' victims when a jury gives money for future medical treatment. It would perversely allow the insurance companies to make

Printed on: April 16, 2021 4:32 PM

money off of the victims' recovery and, when the victim dies, wipe out any remaining payments to the victims' heirs. It will unconstitutionally handcuff judges when presiding over these cases. We all drive on public roadways, so we are all in danger of becoming a victim to one of these crashes. The next time you see a driver of an 80,000 pound tractor-trailer distracted by his cell phone or a large company truck running a red light, ask yourself if immunity is what these companies need. Regulation like HB19 is antithetical to a free market system. Let the market self-regulate. If a motor carrier refuses to safely hire, train, or supervise its drivers, let a jury of its peers decide if that is right or wrong and how much will compensate the victim and deter the company from making the same mistakes in the future. Please pass laws the increase safety rather than laws that make our community more dangerous. Transportation companies should spend their money on improving safety rather than lobbying the Legislature for immunity.

Max Joplin

Self, Instructional Designer

Houston, TX

This is a two-bit grift and a handout to transportation companies that will make Texans less safe while costing us more money in attorney's fees in order to collect what's rightfully due. It is anti-consumer and anti-business. In short, HB 19 is going to make the roads less safe by allowing trucking companies to hide their own failings, like requiring drivers to use unsafe equipment or drive while fatigued, by blaming their driver for causing a crash. Value Texan lives, not the profits of out of state companies that create unsafe conditions.

John Halladay, Dr.

Self

Cedar Creek, TX

HB19 is a brazen handout to transportation companies that refuse to take the proper measurements to ensure safety. Texas is one of the most dangerous states in the country when it comes to crashes involving commercial motor vehicles. The passage of this bill will only further the rate of collisions causing serious injuries and death because it will disincentivize transportation companies from making safety a priority. Removing direct negligence claims against transportation companies will end any concern they may have about hiring drivers they know are not qualified to safely drive or providing the proper training and supervision necessary to ensure their drivers are safe. Crashes occur because of what transportation companies do or refuse to do months or years beforehand. The entire community will suffer if victims cannot investigate and admit evidence to a jury about a transportation company's systemic failures. As written, HB19 would allow insurance companies to ration money their insureds' victims when a jury gives money for future medical treatment. It would perversely allow the insurance companies to make money off of the victims' recovery and, when the victim dies, wipe out any remaining payments to the victims' heirs. It will unconstitutionally handcuff judges when presiding over these cases. We all drive on public roadways, so we are all in danger of becoming a victim to one of these crashes. The next time you see a driver of an 80,000 pound tractor-trailer distracted by his cell phone or a large company truck running a red light, ask yourself if immunity is what these companies need. Regulation like HB19 is antithetical to a free market system. Let the market self-regulate. If a motor carrier refuses to safely hire, train, or supervise its drivers, let a jury of its peers decide if that is right or wrong and how much will compensate the victim and deter the company from making the same mistakes in the future. Please pass laws the increase safety rather than laws that make our community more dangerous. Transportation companies should spend their money on improving safety rather than lobbying the Legislature for immunity.

Richard Alea, Jr.

Self

Austin, TX

HB19 is a brazen handout to transportation companies that refuse to take the proper measurements to ensure safety. Texas is one of the most dangerous states in the country when it comes to crashes involving commercial motor vehicles. The passage of this bill will only further the rate of collisions causing serious injuries and death because it will disincentivize transportation companies from making safety a priority. Removing direct negligence claims against transportation companies will end any concern they may have about hiring drivers they know are not qualified to safely drive or providing the proper training and

Printed on: April 16, 2021 4:32 PM

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Rebecca Zada

Self

Austin, TX

This will make Texas roads far more dangerous.

Stephen Minick, Director, Government Affairs

Republic Services

AUSTIN, TX

Chairman Leach and Committee Members,

Thank you for the opportunity to contribute our thoughts concerning your consideration of House Bill 19, relating to procedure, evidence and remedies in civil actions. Republic Services is a national leader in providing solid waste collection, management and disposal services in much of the United states and Texas. We are proud to play a key role in the provision of essential services that protect the public health and welfare of millions of Texas citizens. To do that job requires putting a large fleet of vehicles on the roads and streets of this state to meet the expectations of our customers, many of which are constituents of members of the Judiciary & Civil Jurisprudence Committee.

Texas has long enjoyed a reputation as a state that has found a proper balance between the rights of the public to protection from the harmful acts of others and the rights of businesses to protection from unrealistic claims or unreasonable demands for damages arising from accidents or injuries. Recent developments in the courts in Texas related to commercial vehicle liability suggest that the careful balance previously established by the Legislature may be eroding. The dependence on safe, reliable and efficient commercial transportation in our economy is growing in importance almost daily. It is critical that businesses in this state be able to put essential vehicles in service to meet the many needs of the public without fear of devastating financial losses that are not commensurate with actual damages, just as it is critical that citizens of Texas know that true damages, supported by evidence determined through due process, will be compensated when companies' actions result in harm.

House Bill 19 will help restore and ensure the balance that both businesses and the public deserve when our courts must decide issues of liability and responsibility fairly and equitably. We sincerely urge your favorable consideration of the bill and a vote to send it to the full House for approval. Thank you for your work on the committee. If you have any questions or need any additional information regarding our position on HB 19, please contact me at 512.538.4451 or sminick@republicservices.com.

Respectfully,

Stephen Minick
Director, Government Affairs
Republic Services

Printed on: April 16, 2021 4:32 PM

John Ramsey

Self

Houston, TX

Texas ranks very high in roadside accidents and fatalities. Despite those alarming numbers, some feel the need to protect companies that have failed to do what is needed to protect the motoring public on Texas roadways. I am a lawyer. Over the course of my career, I have worked at law firms who handle trucking accident cases from both sides of the docket (for plaintiffs and for trucking companies and their primary and excess insurers who insure those trucking companies). I am astonished this bill is even being considered. It protects the companies and leaves average Texans with little recourse against the employers who employ these dangerous drivers. We all hear of trucking cases where the truck driver who injured or killed people was distracted, fell asleep, was on illegal drugs, was intoxicated, was substantially over their Hours of Service, or was texting at the time of the collision. I have personally seen many of these cases, firsthand. These circumstances are beyond the control of the general public, yet, according to this bill, Texans are asked to give up certain rights to hold these companies accountable -- rights that have forever been available to them under Texas law. It's not the victims who need to pay the price for these careless acts, errors, and omissions, its the trucking companies who own these vehicles, fail to train or supervise their employees, and fail to safeguard the general public through in-house training as well as technology available to prevent such accidents. Please vote "No" to HB19.

STEVEN WEST

SELF (RETIRED)

HUMBLE, TX

Comment:

Dear Legislative Committee on House Bill 19,

Please vote NO.

In 2019 my life as well as that of my wife, completely changed after being hit near head-on by a commercial motor vehicle in Livingston, Polk County, Texas, for reasons not attributable to us.. I am now and have been fully aware of just how dangerous and devastating these vehicles can be. Our suffering was such that multiple months and occasions of therapeutic remedy was needed for each of us, along with two separate back procedures plus surgery to my wife's wrist to relieve severe tendon damage. I do not wish our agony on anyone else; please do not make it any more difficult for victims such as we.

When cases are contested, like mine, I rely on Texas law and its courts for fairness and impartiality. By allowing this bill to pass, not only will you further shelter commercial vehicle companies and its drivers from their liability, but you will also prolong every victim's nightmare. As a victim, you reach a point where one just wants to move forward and turn the page, even though in a diminished condition. By foregoing lump-sum payments and allowing partial payments, not only will you make victims forever beholden to insurance companies and lawyers, but you will add to victims feeling victimized. Please don't. Commercial motor vehicle operators, whether they are owner-operators or otherwise, must be held fully to any liability attributable to their operations in any incident in which they are a participant. Crash victims must always know and be assured that full recourse under all pertinent liability laws of this state will always be available to them, for due recourse on their behalf.

Sincerely,

Steven L. West
5920 Kelly Mill Lane
Humble, TX. 77346

Michael Clinton

Perdue & Kidd

Houston, TX

Printed on: April 16, 2021 4:32 PM

Texas roads are dangerous, due in large part to the number of large trucks on the roads and the crashes they cause. Texas leads the nation in large truck crashes, and if any action is taken, it should be to make Texas roads safer, protect Texas citizens, and make sure Texas citizens' access to justice is simpler and more fair. HB 19 does nothing to make roads any safer or protect Texas citizens. HB 19 does the exact opposite and only obstructs an injured person's ability to fairly pursue his or her claims. Periodic payments do not fairly compensate an injured individual for future damages. First, an injured person does not suffer future pain, mental anguish, disfigurement, and future medical expenses in a perfect, linear, periodic manner. A doctor, not the Legislature, will determine when future treatment is needed. Periodic payments create the certain problem of leaving an injured person with the need for treatment without funds to pay for it--the funds a jury awarded them for that very purpose. Moreover, the jury awards future damages as a present value. However, periodic payments then require the discounted present value to be paid out into the future without regard for future value. HB 19 also takes accountability off of large truck companies when they fail to comply with state and federal safety regulations. Information on this matter should be easily discoverable by a Plaintiff and seen by a jury. Shielding the jury from evidence that the at-fault trucking company failed to comply with the standards by which they are supposedly bound, removes the crucial role that juries play in keeping all large truck companies accountable. Finally HB 19 will create one-sided procedural barriers that delay justice for victims, and it will burden the courts and judges with unnecessary procedures and logistics. Judges already handle the issues within HB 19 daily with the rules and laws already at their disposal. The Legislature should not impede on the Court's ability to govern over a fair trial. The Legislature should not entertain this attempt at a one-size-fits-all "solution" when such a solution is impossible and when Courts are equipped to handle each case reasonably and appropriately.

Kathryn Snapka

Self Employed restaurateur and lawyer

Corpus Christi, TX

Texas highways are increasingly dangerous. This bill would be disastrous for the motoring public by creating exceptions for trucking companies, allowing them to cut corners with no recourse. My family and I urge the House to NOT pass this bill.

Barrett Beck

Self - Attorney

Houston, TX

Dear Texas Legislature:

My name is Barrett Beck and I live in Houston, Harris County, Texas. I strongly oppose House Bill 19 and urge the Texas Legislature to PLEASE VOTE NO.

House Bill 19's provision that forces Texans to accept an annuity for future medical expenses and future loss of earning capacity rather than a lump sum is a disgrace. If a jury awards you a sum of money for future damages, that sum of money is your personal property. If forcing a victim to accept an annuity rather than a lump sum is not unconstitutional, it is bad law that will lead to severe economic and health hardships on victims. Additionally, it is my understanding that a commercial motor vehicle entity would not have to continue making said payments if the Plaintiff dies prior to the final payment. That would be convenient for the trucking companies, but what about the Plaintiff's family and/or dependents?

Furthermore, a trucking company's prior bad acts are relevant to every civil case and a jury should be informed of such acts at every trial. If a company's prior bad acts are swept under the rug, juries will be blinded by bad law. When bad actors do not follow the rules, they need to be held accountable by a jury of our peers in order to help protect us all. If a trucking company's owner, corporate representative, and/or employee driver believes that prior bad acts are irrelevant and/or prejudicial, their defense attorney has the right to make that argument in a pre-trial motion in limine. House Bill 19 is an attempt to shield trucking companies from the judge and jury, who take an oath to be fair and impartial. We should have more faith in our judicial system, not handcuff it.

If House Bill 19 is passed, trucking companies are more likely to ignore safety measures, which means families will be at greater risk on the roads. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they

Printed on: April 16, 2021 4:32 PM

cause. House Bill 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost.

For these reasons, I respectfully urge you to PLEASE VOTE NO on Houston Bill 19.

Respectfully submitted,

Barrett Beck

Jarryd Morton

Self / Attorney

San Antonio, TX

This bill does not benefit injured Texans or their families. Instead, it seeks to insulate businesses (and insurance companies) from accountability for bad hiring, training, retention and supervision practices of its employees. It allows businesses to place unsafe vehicles on Texas highways with impunity. Texas leads the nation in commercial motor vehicle fatalities. According to the Federal Motor Carrier Safety Administration, Texas was the deadliest state for large truck and bus crashes in 2019 with the total number of crashes exceeding 12,500. That is significant. Texas had nearly 4,000 more crashes involving a large truck or bus than the second deadliest state over the same period of time, California. Rather than introduce legislation to make Texas highways more safe, this bills seeks to limit prior bad acts of companies and their drivers and extends near immunity to all commercial vehicles, large truck or not. It is too far reaching and is bad public policy.

John Ragland

Self, attorney

Austin, TX

I oppose this bill because it would allow bad trucking companies to hide their harmful conduct from the victim following a crash. Most trucking companies are good, responsible companies. This bill would protect the minority who are bad actors and are responsible for most of the deaths and injuries that result from truck crashes.

Richard Gonzales

self, attorney

Edinburg, TX

Texas roads are dangerous. Semi trucks are dangerous. To absolve these companies from compliance with safety regs is the most disgusting and egregious use of power I have seen. A vote for this bill is a vote to make Texans less safe. A vote for this bill tells us you really don't care about our lives or our family's lives. As an attorney, I have seen first hand the destruction that semi trailers can cause on the highways. It honestly blows my mind that this is even a bill. Texans deserve more than this. We deserve to feel safe when we drive. You may look at this bill right now and just see words. But what will happen, God forbid, when something happens to your family or friends. Then what? Make the right choice, for ONCE put Texans first.

Erinn Youngblood

Self/Paralegal

New Braunfels, TX

I oppose this bill

Jody Leake

Self/Attorney

Printed on: April 16, 2021 4:32 PM

Georgetown, TX

House Bill 19 is nothing but harmful to each and every Texas resident who must share the road with 18-wheelers. Its legal effect will be to paint negligent trucking companies as a small, freckled child in blue jeans, converse and a baseball cap; a tuft of hair sticking out the back. The bat at his feet where he dropped it in utter dismay of what his actions had caused. His eyes filled with tears as he looks up at the broken window of his neighbor's house. How could anyone hold him financially responsible for his actions? But the broken window is the shattered life, or death, of a Texan. The sophisticated trucking companies, who sometimes cut corners for profit margins, are far from an innocent child playing baseball in the backyard.

This bill would prevent actual evidence that should be heard by a jury in their deliberation of justice. It would require an injured Texan to prove the highest standard in the civil justice system in order for the trucking company to be held directly liable. Why should an injured Texan be paid in installments for their injuries? (As if these companies are TRULY the small child who must give up his weekly allowance for the foreseeable future to pay for the broken window.)

This bill should not be passed!

Brad Parker

self

Bedford, TX

I am very concerned about the over sweeping breadth of HB 19 and the implications of the same should it become law and ask that you oppose the same. Texas roads are already the most deadly in the United States, leading the nation in commercial vehicle crashes and deaths. This will only become worse with the passage of HB 19. Specifically, as written just some of the adverse consequences of the bill include:

- HB 19 absolves companies from independent compliance with state and federal safety regulations.
- HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
- HB 19 imposes one-sided procedural barriers that delay justice for victims.
- HB 19 would make Texas roads more dangerous. Trucks from Mexico would be operating with these protections.
- HB 19 would hide the truth about the trucking company from juries.
- HB 19 would expand the definition of what a commercial vehicle is to any truck used by a company.
- HB 19 would pass the cost of future medical care to injured victims to the government which is very leftist oriented thinking.
- HB 19 would make it cheaper to kill than to injury.

In short, HB 19 is a one sided bill that does nothing for the citizens of this State and allows commercial vehicle owners to operate with little to no accountability for the harms that their drivers cause. I urge voting against HB 19.

Thank you,

John Kitchens, Mr.

Kitchens and Associates

Austin, TX

I am wholeheartedly opposed to this legislation, which will make Texas highways more unsafe, and send the wrong message to owner/operators of commercial transport companies that they can cut corners without fear of accountability.

Shawn Bowdler

Morrison and morrison

Allen, TX

Printed on: April 16, 2021 4:32 PM

Oppose bill because it makes our roads less safe

Chaile Allen

Self, Attorney

Abilene, TX

Texas leads the nation in large truck crashes and deaths. I have personally witnessed numerous commercial motor vehicle accidents. This bill seeks to absolve companies from independent compliance with state and federal safety regulations. Did we not just witness what deregulation does to this state? When the entire state lost power and many lost their lives. Regulations over these companies are necessary to ensure safety of individuals. The citizens of this state are more important than the commercial trucking companies that want to make Texas more dangerous.

Ralph Barron

Ace Body Shop since 1945

El Paso, TX

Vote No on HB 19 Insurance companies have way too much influence and power over elected officials. What is the price of losing one of your children to a Trucking company?

David Keith

Self, IT professional

Houston, TX

HB 19 is going to make the roads less safe by allowing trucking companies to hide their own failings, like requiring drivers to use unsafe equipment or drive while fatigued, behind blaming their driver for causing a crash. This is wildly irresponsible.

Rachel Montes

Self.

Irving, TX

I am writing to ask that you protect the lives of motoring Texans on our streets and highways, and vote NO! on HB19, sponsored by Jeff Leach. It is bad for the many, good for a very chosen few, and bad for Texans and their families.

HB 19, effectively, is a commercial vehicle and Trucking Co./Insurer Corporate Welfare Act.

1. Thank you for having the best interests of Texans and their families at heart. As a lawmaker, the question to ask yourself about this bad bill is: "Would this bill make it more safe or less safe when you put your kids/family in your car and get out on our public highways?" If we are going to truly have any public safety consideration in this bill, that focus should be the starting point because that is the lens that all of us that are your constituents view this through.

2. From a public policy standpoint, this bill gives you 2 options:

1. If your public policy goal is to put up as many obstacles to protect trucking companies and their insurers after there is a crash that maims or kills someone, then this is a very effective bill to accomplish that policy goal.

2. If your public policy goal is to save lives, improve safety for everyone that travels on our public roads (which if of course all of us), have laws that encourage responsibility and accountability, then this bill is a complete failure.

3. This bill is designed to allow trucking companies to hide their misconduct and bad acts behind their driver and this wall of secrecy built into the bill. The trucking industry and insurance industry want to only ever have a trial that asks the jury to compare the conduct of the two drivers and nothing else. They want no accountability for any wrongful conduct other than what a jury thinks about a split-second mistake during a crash sequence that usually lasts just a few seconds by a driver that is usually just trying to feed his family; as opposed to any accountability for the company's actions that were deliberate and made over time running an operation that puts drivers in positions that they shouldn't be in based on their lack of training or inexperience or because they had indications that they were reckless drivers that shouldn't have been given the keys in the first place.

Printed on: April 16, 2021 4:32 PM

4. This bill is designed to facilitate trucking companies and their insurers to privatize their profits and socialize their liability. Look no further than the option to have future damages that a jury finds were caused when the truck driver maimed or killed someone to be “funded by...an obligation of the United States” (i.e., the taxpayer funded Medicaid, Medicare or SS Disability programs).

5. Compensation for the taking of health and quality of life for injured victims or survivors of people who were killed is not the sole purpose of the civil justice system in a tort action:

A) Even apart from punitive damages, deterrence of the wrongful conduct is an important goal in a negligence case. Deterrence results from being held ac

Frank Robertson

Self and Attorney

Kingwood, TX

Requiring periodic payments of future damages under HB 19 will work an absolute injustice for injured people. This portion of the new law will only apply to plaintiffs who have already been successful at trial, i.e., parties who have legally proved they are indeed entitled to an award of future damages, yet it will increase the time and costs for these very people after they have already proved they have meritorious claims.

First, if an insurance company is on a payment plan, what happens if the insurance company misses a payment? Does the court maintain its plenary power until the conclusion of the payment plan? I would think not. Therefore, a plaintiff’s only remedy for a missed payment will be to bring a breach of contract case against the insurance company. Yet if courts do retain plenary power, then they will be forced to keep their files open and constantly monitor these payments, thus further clogging their dockets and taxing the judicial system even more.

Or consider if an annuity is created and the plaintiff dies in the middle of the payment plan—who is going to decide how much should go to the Plaintiff’s estate for future loss of earning capacity versus back to the insurance company for the remaining future damages? Putting the insurance company and the Plaintiff’s family members as dueling beneficiaries in an annuity plan is a recipe for protracted litigation.

The bottom line is this. HB 19’s periodic payment provision unabashedly weaponizes the time-value of money. It allows defendants to unilaterally delay payment of damages a jury has already decided the plaintiff is presently entitled to receive (the Pattern Jury Charge asks juries to award an “amount, paid NOW in cash” for future damages). And this can only result in defendants reducing their settlement offers pre-trial, on the grounds that plaintiffs should “take what they can get” now. This will undercompensate the plaintiffs who accept these low ball offers, and increase the likelihood that cases will need to be tried in the first place (with all the time and costs that entails). Neither result is good for Texas justice. Vote "No" to HB 19.

Sean Schumacher

Self

Bryan, TX

In our age of instant gratification, instant sending, instant packages, and instant transport of goods, our highways and roads are becoming more dangerous. Texas leads the nation in large truck crashes and deaths in several reports from 2014 to 2018. HB 19 would arbitrarily and severely restrict access to the discovery of a company's prior bad conduct, including safety violations. Also, HB 19 would impose one-sided procedural barriers that delay justice for victims in search and need of compensation for a horrendous wreck. Texas roads are already dangerous, and if this is made into law, it would make our roads worse for anyone injured and seeking due compensation.

Iyman Strawder, Esq.

Self; Attorney

Dallas, TX

Texas roads are extremely dangerous and Texas leads the nation in large truck crashes and death. Trucking companies large and small continue to disregard the Federal Motor Carrier Safety Regulations and Texas Rules of the Roadway, constantly putting the motoring public at risk. This bill severely restricts access to important discovery of a company's prior bad conduct, including safety violations, if it were passed. HB 19, would make the Texas roads even more dangerous.

Printed on: April 16, 2021 4:32 PM

Rob Loar

Self.

Richardson, TX

It's insulting to hear that you don't trust your fellow Texans to be fair jurors after hearing the evidence determined to be relevant by a trial judge. The 7th amendment is just as important to our safety and independence as the 2nd, yet you seem to have no problem stepping all over the 7th. You sell yourself as a constitutional conservative, yet you push this bill that erodes a pillar of our constitution. Don't neuter the 7th amendment with this bill in the name of helping out small businesses. It protects Amazon, Wal-Mart, FedEx, large interstate motor carriers. They need to operate safely and be held to account when they don't, they don't need to get bailed out when they come into your state and destroy the lives of your constituents with their safety compliance failures.

Nick Morrell

Attorney

San Antonio, TX

HB19 rewards drivers and companies with poor safety records, and will allow them to escape responsibility for their unsafe acts, making Texas roads more dangerous. Among other provisions, the proposed law prevents Texans from learning about a company's poor safety performance record, poor training, or even history of failing to maintain their trucks properly by making a company's safety violation history or its negligence irrelevant in a lawsuit. At most, after clearing several procedural hurdles, up to two years of a bad driver's past performance or a company's history of violating safety rules can be introduced. But what if a company only got caught failing to maintain its brakes three years before their truck almost killed a Texan driver? Why is it in Texans' interest to prevent an injured person from exposing that the company that injured them has a long history of safety violations?

And why are we protecting and rewarding companies that have a long history of safety violations over companies that have spent time and resources trying to stay safe? By shielding a bad company from its past history of rules violations, you punish companies that are responsible, that spend money and time on safety training and disciplining poor driving, and that maintain their vehicles properly. With this bill, trucking companies will have less reason to spend money trying to have cleaner safety records, better safety training, or better maintained vehicles than their competitors, because none of that is going to come to light even if they injure or kill someone.

I think that with the freedom to run a company as you see fit comes with responsibility. If you mismanage your safety record, hire poor drivers because they're cheaper, and want to save money on the backs of other drivers you endanger, you should have to face the consequences of a Texas jury judging you for that.

Talia Jaryszak

self

Abilene, TX

Why on Earth would anyone vote FOR this when all it does is make our roads even more dangerous than they already are!?! Giving trucking companies a pass on the qualifications of who they hire to drive their trucks is negligent to say the least! I guess you're willing to throw out the state and federal safety regulations on EVERYTHING since you're willing to for this! Unbelievable!! DO BETTER AND BE BETTER!

Raul Guajardo

Law Office of Raul A. Guajardo, P.L.L.C.

EDINBURG, TX

Printed on: April 16, 2021 4:32 PM

This bill does not look after Texans. It is eroding away the rights of the less fortunate. Texans deserve better and deserve to be protected. Vote against this bill and preserve our rights.

Erica Brittain-Winn

Erica Brittain-Winn- Paralegal

Amarillo, TX

This bill is going to make our roads more dangerous. Commercial vehicles need to be held accountable. What good does it do for the citizens of Texas to let wrongdoers HIDE their misdeeds and avoid paying for the bad things they have done? Please vote no to this bill!!! The safety of our roads depends on it!

Annagae Hernandez Rose

SELF

DALLAS, TX

I am your constituent and your action on this bill will determine my vote next election. I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. VOTE NO on HB 19!

If you are involved in a commercial vehicle crash, you are more likely to be injured or die than the truck driver. 72% of people killed in commercial motor vehicles crashes are occupants of other vehicles, meaning families die while the at-fault truck driver walks away. These large trucks can weigh up to 20 times more than the weight of an average car. If you survive a truck wreck, medical bills pile up quickly from the catastrophic injuries they cause. You might not be able to work, and your family pays the price.

If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19.

Ketan Kharod

Self - Attorney

Austin, TX

I am writing to oppose HB 19 and would urge all legislators to oppose this bill as well. Instead of focusing on safety and reducing injuries caused by unsafe driving practices, this bill is nothing more than a liability shield and a handout to the commercial trucking industry. In particular, the bill would allow a company to hide past pattern/practices of unsafe conduct (including violation of safety standards) and would create an arbitrary structure to limit how injured Texans are compensated by negligent -- and often grossly negligent -- commercial vehicle operators. Texans of all stripes believe in the Constitution and limited government. But this bill would subvert the Constitutional principle of right to trial by jury (by taking questions away from the jury and allowing companies to hide relevant evidence from the jury's eyes) and creates an unnecessary one-way protection for truckers and commercial vehicle operators, as opposed to protecting ordinary Texans injured by unsafe practices. Please vote no on this bill.

Printed on: April 16, 2021 4:32 PM

Osiris Gonzalez

self/attorney

Mission, TX

We, as Texans, want our families to be as safe as possible when traveling on public roads. We expect our legislators to pass laws that will protect all those who travel on our roads. Proposed HB 19 does the exact opposite; it makes our roads more dangerous by allowing trucking companies to hide their bad, negligent, and irresponsible behavior.

Instead of making trucking companies accountable for their actions, this bill would enable trucking companies to keep their misconduct out of the public eye and out of public jury trials. Texas citizens and juries have the right to hear the whole story when an innocent person is killed or seriously injured by a trucking company's unsafe behavior. When trucking companies choose to take short cuts in their hiring, training and supervision practices to save money it is the public that is put at risk every time a Texan travels on our roads.

There are thousands of examples that can show how unfair it would be to deny a person or family justice because Texas legislators decided to pass a law that protects trucking companies and shields them from their bad and unsafe behavior rather than protect Texas families.

We teach our kids about accountability and responsibility everyday, yet here is this bill that gives trucking companies a free pass to act irresponsibly and dangerously without fear of being held accountable by Texas juries.

For the safety of all Texans on the road, I urge our legislators vote NO on this bill.

Travis Grefenstette

Self / Attorney

Houston, TX

March 8, 2021

Public Comment on Texas House Bill 19

The Texas Legislature should vote "No" to Texas House Bill 19 as it punishes Texans who have already suffered enough. As written, HB 19 seeks to force Texans, and other users of Texas roadways, injured by commercial motor vehicle collisions to accept an annuity for future medical expenses and future lost wages rather than a lump sum. Moreover, the liable commercial motor vehicle entity would not have to continue making payments of future medical expenses if the Plaintiff died prior to the final payment. This is quite simply, unconscionable.

HB 19 severely limits a plaintiff's ability to obtain a fair and just resolution to one of, if not the worst, moments of their lives. By allowing partial and recurring payments, a plaintiff is at the mercy of the commercial motor vehicle's insurance company to timely make said payments. Even then, a plaintiff may not have the requisite cash flow to afford any future medical procedure due to his/her injuries at a given time and would have to wait until the recurring payment to have the procedure performed. This is not just.

Furthermore, HB 19 all but excuses a company's liability for non-compliance with federal or state safety regulations including evidence the company did not properly train their drivers or perform the necessary pre-hire vetting. Indeed, the passing of HB 19 would hinder a plaintiff's discovery into a company's past safety violations, behavior and bad acts. In other words, a jury would never hear evidence of a company's safety violations that if followed could have prevented the accident and significant injuries. This is not equitable.

Based on personal experience with injuries sustained from a commercial motor vehicle accident, HB 19 does not afford the deserved protection to Texans. As discussed above, instead of allowing injured Texans, and their families, to recover for wrongs committed against them, HB 19 provides shelter for commercial vehicle companies and their operators to not conform to best practices. HB 19 further does not allow injured drivers closure by forcing them to accept an annuity. This law will no doubt cause

Printed on: April 16, 2021 4:32 PM

further traumatic collisions and injuries in the future on Texas roads. In short, HB 19 does not provide injured Texas proper recourse.

Sincerely,

Travis J. Grefenstette

Michael Carré, Attorney

Carré Law Firm, P.C.

Brownsville, TX

This bill would kill many many Texas jobs in the legal & medical fields.

Luis Perez, Mr.

Jim Adler & Associates

Dallas, TX

Dear Committee,

Please vote No on House Bill 19.

Commercial vehicle companies need to be held accountable for violating their regulations. One line of public oversight are attorneys who hold them accountable via civil lawsuits against companies that do not comply.

Attorneys help the Texas Attorney General's office with the enforcement of Texas Deceptive Trade Practices Act by bringing lawsuits against companies for alleged deception of consumers. In the same fashion, attorneys help regulatory motor vehicle agencies by bringing lawsuits against companies for their alleged endangerment of public roads. Foreclosing discovery into the regulatory violations of companies would effectively put an end to this oversight.

As matters currently stand, Texas has the highest number of truck wrecks in the country. After all, there is a reason why regulations exist in the first place: simple physics establishes the sheer potential force and risk that bigger and heavier (commercial) vehicles can exert on non-commercial vehicles. From my practice as an attorney, I am constantly astonished upon comparing non-commercial vehicles involved in wrecks with commercial vehicles. The non-commercial vehicles are normally beyond repair, often times an origami paper version of their pre-collision state, whereas the commercial vehicles have little to no damage, often times only with simple cosmetic scratches.

I was formerly an intellectual property litigation attorney. Once I switched to personal injury and started seeing the true devastation that commercial vehicles can have, not only did I develop more respect for them on the roads, but I now drive with a heightened sense of caution each time I see one on the road. Despite a longer commute, my wife and I now choose traffic routes based on roads with less 18-wheelers. Doing so sometimes includes paying tolls, but that is a premium we are willing to pay.

Removing discovery altogether for violations of regulations will only further endanger the public. Commercial vehicle companies will have a greatly diminished threat of litigation harming its financial books, where a jury of the public could hold it accountable for its safety violations. By removing that threat, these companies would be disincented to comply with regulations because that added level of oversight by thousands of attorneys would be removed. In turn, the likelihood of companies having to pay society for their violations would be reduced. Thus, upon creating such law on the books, these commercial vehicle companies would operate even more care-free than today. This is an added premium that the Texas public should not be forced to pay. There is too much death on Texas roads as it is.

Sincerely,

Luis A. Perez

Printed on: April 16, 2021 4:32 PM

Robert Medina

Self / Attorney

Houston, TX

No sane person in Texas asked for this law - only a handful of corporate entities could have. This is what lobbying gets us - trucking companies trying to get a free pass for death and devastation caused by their drivers. All real Texans should vote no on this bill.

Maxine Breedlove

Self/Law Student

San Angelo, TX

I oppose this bill.

Brent Walker

Self

Dall, TX

HB 19 should be rejected. The Bill is bad for business, bad for the citizens of Texas, and it is a bad affront to our Constitutional rights and structure. There's only two entities that benefit from this bill: insurance companies and a single-issue interest group, Texans for Lawsuit Reform. TLR needs a bill passed so they can fund-raise off of their success. But they are asking the Legislature to put TLR's interest over the citizens of Texas. That is wrong.

The federal and Texas constitution guarantees all citizens a right to trial by jury which lets the free market of juries hear all the facts and decide disputes. TLR is trying to destroy Texas's citizen's constitutional right guaranteed by the 7th Amendment to trial by jury, and that harm to our constitutional rights is every bit as offensive as those who would try to take our 2nd Amendment's rights. The 7th Amendment should be as fiercely guarded as the 1st Amendment or 2nd Amendment. Our constitution also establishes that the judicial branch is separate and co-equal. Our Founding Fathers did not envision that the legislature would concern itself in the inner workings of the judicial branch to the point that the legislature makes laws about what evidence should be admitted in a case.

The bill is bad business because it is overly broad in scope due to the definition of a commercial vehicle and its unintended consequences. Responsible businesses who go through the extra effort to train their drivers do so because it is the right thing to do and because it provides them an advantage. This bill limiting the corporate responsibility for bad drivers eliminates an important check that motivated companies to be safety-conscious. So bad companies with no efforts to safety now have a competitive advantage of being cheaper because they do not engage in safety practices without a check on them of lawsuits. This harms the good companies in terms of a cost and competitive advantage, and it can harm good companies when their trucks are hit on the road by bad trucking companies.

This bill is of course bad for citizens. The ones who are victimized are left without the ability to get full justice. Overall the safety of our roads will be compromised.

There is no crisis in this state. TLR told that lie in 2003 when it advocated for HB 4 to cap medical malpractice cases. Study after study has shown that the medical malpractice law has not benefited good doctors and only benefits the insurance companies who have made record profits. TLR is now making the same false claim about a crisis requiring the protection of trucking companies. That is not true. This issue was brought to the fore for one reason: TLR needed an issue to advocate so it could fund-raise.

We should not jeopardize our citizen's lives, interfere with constitutional rights, and make Texas a worse business state just to give TLR a feather for its cap.

Ryan Tibbitts
Self, Videographer
Bryan, TX

This bill exists SOLELY to protect insurance companies from having to pay claims to clients who have been injured as a result of a negligent party, and benefits ONLY those insurance companies and the politicians whose pockets they pad with continuous campaign contributions. It's outrageous, unfair, and only further tips the balance towards big business. Large insurance and trucking companies will spend millions trying to get this bill passed - that's how much they know it will save them.

Fair is fair. If a truck driver acts irresponsibly and injures an innocent driver, that driver has every right to pursue justice. We've all known someone injured in a car crash that wasn't their fault. It's a life altering event, and for many, substantially reduces quality of life moving forward. The thought of further restricting victims from having access to compensation for medical expenses is nothing short of disgusting. It's appalling that the legislature is even considering this legislation. Any yea vote for this bill is a clear signal that the representative casting it puts greater value on campaign donations lobbying dollars than he or she does protecting hardworking Texans.

To make matters even worse, Texas leads the country in large truck crashes and deaths. It is literally the most dangerous state to drive in regarding large trucks. This bill puts in place procedural barriers that only limits the insurance company and do nothing but harm victims. It literally makes it more dangerous to drive in Texas. Plain and simple. The odds are already tilted in favor of big insurance and trucking companies when it comes to lawsuits. HB 19 would only make things worse. It can't be allowed to pass.

Baylee Vasquez
Myself.
Post, TX

VOTE NO. I am a Texas citizen who works approximately 45 minutes from my job. Majority of my job requires me to drive on a MAJOR highway (US Highway 84) to get from my home town to my work. I have seen COUNTLESS wrecks on the way to and from work over the years, and I guarantee MOST of them are semis. I live on an FM road out in the middle of oil country where semi's and cotton haulers are quite common. What happens to me if one of the oil tankers or farm trucks slam into me or my family? What happens if one of them runs a stop sign on my own street, (WHICH HAS HAPPENED ON MORE THAN ONE OCCASION). I don't understand why this bill would even be presented to be good for the people. Please vote no.

Fidel Rodriguez Jr, Attorney
Rodriguez Trial Law
San Antonio, TX

I appreciate the opportunity to make these comments and am writing for those clients that do not have the education or knowledge to respond to the unfairness of this bill.

Bad things happen to good people. A person, regardless of their position in life, is susceptible to being injured by an employee of a trucking company on our highways.

This bill, in the end, will not provide relief to small companies who properly hire and train their employees.

Rather, this bill will reward those companies that do not properly hire or train their employees and skirt their responsibilities and accountability.

And there are plenty of companies that want the benefits and profits of a business while cutting corners with safety and not worrying about the families that they destroy or permanently injure.

The biggest winners will be the insurers for the trucking companies and small commercial companies who will save vast amounts of money without reducing premiums.

Those of your constituents without political power truly deserve to travel safely on our highways in the great State of Texas.

Please consider the entire population of Texas when considering this bill, not just the special interest groups.

Fidel Rodriguez Jr

Printed on: April 16, 2021 4:32 PM

Debra Fox
Self/store manager
San Antonio, TX

I vote no on this bill

Daniel Perkins, Mr.
SELF Attorney
Greenville, TX

I have spent my life representing people who have been injured or killed in car crashes. The most terrible are those involved with commercial trucks, due to their size. When they make a mistake, the results are many times catastrophic. Texas Highways are dangerous. My wife was commuting from Greenville, Texas to Dallas, Texas. She was in the left lane, when an 18 wheeler suddenly moved into her lane sending her across the median, and into oncoming traffic. She survived that incident, but it has impacted her forever. HB 19 encourages bad driving and protects irresponsible companies and drivers. I urge you to oppose this bad law.

Jaclyn Monroe
Self, homeschool teacher, stay at home mom
San Antonio, TX

Vote no to keep our families safe on the road!

Michael Carré
Self Employed Lawyer
Brownsville, TX

This bill would result in many deaths on Texas roadways. Many trucking companies would use these proposed laws to fail to ensure safety regulations are followed by their drivers. As a direct result, many innocent people on Texas roadways would die as a result of these proposed laws. These large trucks are already dangerous enough. Please do not pass HB 19.

Cindy Byrd
Self Retired Nurse
Mabank, TX

No to House bill 19. This bill serves no purpose but to make our highways dangerous, more dangerous. commercial trucks need to be held in compliance with the state and federal laws and their past records are relevant and need to be looked into by the courts. The very thought that money could be returned to the person who caused the accident if the victim passes away before payment is complete is completely repugnant and is wrong. Please do not pass this bill.

Kanice Spears
Self
Pflugerville, TX

This is the wrong way to make Texas Highways safer. I traveled to Dallas this weekend with my family and wondered which one of these 18 Wheeler operators might have needed a break but did not take one because of fear of their jobs! Do not pass this bill!

Printed on: April 16, 2021 4:32 PM

Lucy Smith
self retired
Gun Barrel, TX

This shd all be put as public vote. Don't sneek in, just make special vote.
Lucy Smith

Latricia Morris
Self Paralegal
Midland, TX

This is dangerous for all on our Texas roads. It will give the companies a freedom to break the rules and pressure good CDL drivers to seek other employment. Please vote NO. Thank you.

Melissa Dennis
Self - Attorney
Mont Belvieu, TX

This bill should be opposed. This bill would effectively place all the blame on a company's drivers, who are just trying to make a living. It would allow the trucking companies to prevents the truth from coming out about its own safety shortcuts and dangerous conduct. Things like continued use of faulty equipment, pushing drivers beyond the legal limits, using unqualified drivers, the company's crash history, lack of training, lack of safety meetings, and the lack of a safety program would automatically be off-limits in the case. This bill is not good for our area. Our area is one of the fastest growing areas in Texas at this time and allowing this bill to pass will make our highways and roads more dangerous for everyone and make it extremely more difficult for victims in our area to seek reparations when they are injured by these big trucks.

jordan hoffnagle, mr
self
dallas, TX

this bill is ridiculous. as someone who worked as a logistics brojer for 2 years i can tell you that trucjers regularly and consistently alter/cook their books. this is not solely by the trucker. this is done by the dispatcher over scheduling their truck for company profits

releasing trucking companies from thsi burden is an astonishing let down by legislatures to hokd companies responsible for breaking the rules.

in the event a trucking company goes bankrupt from a lawsuit. they often dont pay up. they release their license and appky under another coowners name re-establishing a mew clear MC number and operate in the same way they did before until they get in trouble again.

do not give them an easier way to pass the buck for bending the rules in place to keep drivers safe on the road

Nicole Taylor
Self/Attorney
Cedar Hill, TX

Texas roads are dangerous and our state leads the nation in large truck crashes and deaths. HB 19 relieves companies from

Printed on: April 16, 2021 4:32 PM

independent compliance with state and federal safety regulations. It arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. If enacted, it will impose one-sided procedural barriers that delay justice for victims and would make Texas roads more dangerous. Please do not adopt HB 19! Your family's life could depend on your vote!

Nicholas Monroe

Jim Adler & Associates

Houston, TX

I am licensed attorney in the State of Texas and have worked on cases involving horrific injuries and deaths caused by negligent operators of commercial vehicles on our Texas roads. I oppose HB-19 because it makes our roads less safe by excusing the conduct of bad actors, allowing the trucking industry to push profits over safety at the public's expense. Repeated bad acts and actors must be identified and punished severely so that the trucking industry can improve as they desperately need to do.

The two-year limit on discovery of prior bad acts is an arbitrary cap that will hurt the trucking industry in its quest to improve. Bad apples need to be cast aside. There is no room in an industry for bad actors driving 80,000-pound vehicles on our roadways. Moreover, a dangerous driver that takes a two-year break from driving doesn't suddenly become a safe driver after two years, and this much is known by the company who checks his driving record and hires him as a driver. But HB-19 will shut off discovery so juries are kept in the dark, accomplishing nothing other than increased savings for these bad actors.

The proposal in HB-19 for periodic payments of future damages that are forfeited upon death is also inequitable because it gives the wrongdoer power over the victim. The result will be victims voluntarily forfeiting part of an otherwise just award just to get closure on their cases. The tortfeasor trucking company's strategic position will be advanced by this kind of litigation gamesmanship and this should not be incentivized by our system of justice.

Laura Smith

Self

Midland, TX

Please vote no!!!

Christopher Branum

Self - Oil & Gas worker

Midland, TX

Please oppose this bill, it is reckless to not expect companies of employees to be held accountable in certain situations.

Kyle Webb

Self - Attorney

McAllen, TX

I am strongly opposed to HB 19 and its implications for anyone that could be injured by a commercial vehicle. I believe the proposed changes in the law would: lower the bar for commercial vehicle companies in allowing them to avoid state and federal commercial vehicle safety regulations, unlawfully limit those seeking just compensation from showing a company had knowledge of a commercial driver's poor record of preventing collisions and injuries in the past allowed under the current Rules of Evidence, and unnecessarily delay paying those who are injured. In other words, the proposed changes would make our roads more dangerous for everyone.

Pamela Riggs

Self, Former IT training specialist prior to accident

Printed on: April 16, 2021 4:32 PM

Georgetown, TX

My name is Pamela Jeanne Riggs and I am a resident of Georgetown, Williamson County, Texas. I was severely injured when a commercial motorist violently struck my vehicle from behind and forced me into a concrete barrier. I broke my middle back and fractured my neck requiring spinal fusion. I had to relearn how to walk and how to take care of my daily needs like bathing and making food for myself. I still suffer from daily back and neck pain. I continue, and will continue, to suffer from arthritis due to the accident and surgery in my neck and back for the rest of my life. I may need additional surgeries to repair additional damage to my back and neck. I also suffer from PTSD as another lingering consequence of this accident. Moreover, I had to resign from my employment because I could not perform the necessary duties due to my injuries.

Without immediate access to the settlement funds I received, I would not be able to obtain the necessary medical care to treat my continued injuries. I do not believe that individuals who share an experience similar to mine should be forced to accept periodic payments from commercial vehicle insurers in lieu of a lump-sum payment for future damages. If applicable at the time of my accident, Texas House Bill 19 would have severely curtailed my freedom of choice in medical care. Accident victims need to be able to make choices for ourselves on how and when we can spend money awarded in a lump-sum that works best for taking care of our health needs. We should not have to ration our care based on when we receive a settlement payment. Because I received a lump sum settlement, I was able to move to a community that caters to helping people with my unique physical impairments. Moreover, I am able to feel secure that I will not be forced to move from my home because I cannot work and pay for a place to live. This has allowed me to manage my money so that I will not have to depend on the State or insurance companies to take care of me. This is a benefit to me, and to the Texas community as a whole.

Another issue with House Bill 19 exists in the legislation's revised evidentiary standards related to claims like mine. The driver of the commercial vehicle who struck me was using his cell phone at the time of the accident. I have been informed this fact may not be presented to a jury, or potentially even discovered, should House Bill 19 pass. This is extremely unsettling to me as I was severely injured by the ineptness of this driver and the commercial vehicle company. Absent this type of evidence, claimants like me may find themselves without sufficient evidence to seek legal redress in a court of law and therefore fail to be adequately compensated for their injuries. Such a result would be severely inequitable. Moreover, this type of evidentiary standard would diminish the incentive for owners of commercial vehicles to implement and enforce policies related to safe vehicle operation. The only training the driver that hit

Daniel Warren, Attorney

Jim Adler & Associates

Dallas, TX

Texas roads are some of the deadliest in the nation. As a Texas attorney for more than 15 years, I've represented Texans and their families whose lives have been forever damaged and broken on those roads. I've stood by the hospital beds of severely injured clients who were unable to move or speak, their families looking on helplessly. I've heard the stories of clients who can no longer support themselves or their families and seen the guilt and shame on their faces as they struggle to find a way forward. Texas House Bill 19, if passed, would make it more difficult for seriously injured Texans to get the compensation that they so rightly deserve while making Texas roads even deadlier.

The passage of Texas House Bill 19 would make Texas roads more deadly by limiting the incentives of trucking companies to adequately train their drivers, to inspect their trucks, and to implement the regulations of federal and state transportation agencies. By limiting discovery of violations of these and other safety precautions and regulations, this bill effectively gives trucking companies a free pass when it comes to the safety of others on the road. This, in turn, will result in more seriously injured Texans and make Texas a haven for companies looking to protect their bottom line on the backs of the seriously injured.

This bill, by allowing the trucking companies to defer payment of future damages, unfairly limits the ability of seriously injured Texans to get the future medical treatment that they need to fully recover from their injuries, only further protracting their pain. If an injured driver or passenger needs a future surgery, should he or she have to wait years until all of the deferred payments have been received before the surgery can be performed? According to Texas House Bill 19, the answer is yes. And if that person dies before the payments are received? According to this bill, those payments are forfeited and no further payments are owed.

Texas House Bill 19 is nothing more than a heartless attempt to line the pockets of trucking companies and their insurers at the expense of the public by making already dangerous and deadly Texas roads even more so and by limiting the protections afforded to those who are seriously injured on those roads, those who most need our protection.

Printed on: April 16, 2021 4:32 PM

Kathleen Sullivan

Self

Midland, TX

This will only help companies put more people at risk driving on the streets of this state. Companies should be held responsible for the people they put in giant rigs and this bill will make that unenforceable. The people of Texas deserve the safest driving conditions as possible and this bill will put everyone at risk

Kevin KORNEGAY

self

Hearne, TX

I am your constituent and your action on this bill will determine my vote next election. I believe Texas needs #SafeRoads, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules. VOTE NO on HB 19!

If you are involved in a commercial vehicle crash, you are more likely to be injured or die than the truck driver. 72% of people killed in commercial motor vehicles crashes are occupants of other vehicles, meaning families die while the at-fault truck driver walks away. These large trucks can weigh up to 20 times more than the weight of an average car. If you survive a truck wreck, medical bills pile up quickly from the catastrophic injuries they cause. You might not be able to work, and your family pays the price.

If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19.

Rebecca Zada

Self

Austin, TX

HB19 is essentially the trucking industry's attempt to avoid fault for the accidents and deaths their drivers cause on Texas roadways. This bill should not be passed as it would encourage transportation companies to invest less in enforcing proper and necessary safety measurements and would allow for hiring drivers who are not qualified to safely drive. Not only are the roads already dangerous, but this bill would also only further the rate of collisions causing serious injuries and death because it directly disincentivizes transportation companies to make safety their number one priority. Victims should have access to justice and negligence by the trucking industry should not be tolerated. Let's keep our roads and our community safe.

Rachael Ray

Self

Fritch, TX

Printed on: April 16, 2021 4:32 PM

I am baffled that HB 19 is even a thing. Texas leads the nation in large truck crashes and deaths and that is without HB19. If you have never had to sit on the phone and listen to a widow, daughter, father, sister, brother, grandparent, or friend weep hysterically because a semi truck just took the life of their loved one, you should consider yourself extremely blessed. If you have never seen images of mangled bodies, decapitated bodies, burnt bodies etc, you again should consider yourself very blessed. The truth is the people that are for HB 19 have never dealt with the deadly reality of what really happens on Texas roads. In a way, I am jealous of those people, but at the same time what they have not seen is what makes them so oblivious to the real dangers of our roads. If they were forced to see 1% of the things I have seen there is no way they would be in favor of this bill. One picture of a mangled or charred to death innocent child (due to the negligence of a semi truck company) would change their prospective real quick. In the event that it would not change their prospective, one should question what benefits or kick backs are they getting out of this bill? There is no human with any type of compassion or heart, especially in the great state of Texas, that would be okay with HB 19 after seeing images and hearing stories of the numerous love ones lost due to the semi company's negligence. This bill makes our roads in Texas more dangerous than ever and gives trucking companies the go ahead to act negligently, violate safety regulations, continue bad conduct, etc and have no accountability for what happens because of it. I was raised, like most Texans, to take responsibility for my own actions. We, as a state, need to hold trucking companies responsible for their negligent actions and protect the tons of innocent lives that are lost due to their actions. If you have a heart at all, you have thought about your loved ones while reading the above message and you will vote NO to HB 19.

Michael Reiton
self, Delivery Driver
San Antonio, TX

Vote NO on HB 19. As a delivery driver, I spend a lot of time on Texas roads. I strongly oppose this bill because I care for the safety of myself and other Texans.

Amber Mostyn
Self, attorney
Houston, TX

Texas had the most deaths in the US (658 deaths) from large truck crashes in 2018 (the most recent year for which data has been compiled and reported by NHTSA). That same year, there was a 51% increase in the involvement of large trucks in fatal crashes as compared to 2009.

Every year, the number of commercial vehicles on the road increases. We should be looking for ways to protect Texans from dangerous and overworked drivers instead of making it easier for unscrupulous trucking companies to avoid paying for the damage they cause. That includes holding trucking companies responsible for their actions in the courtroom. HB 19 lets trucking companies and their insurance companies off of the hook by reducing their exposure in court.

I oppose HB 19.

Kenneth Hodges
Self / Business Owner
Baytown, TX

I oppose HB 19. Please do not let this Bill be passed. We must try to do whatever is necessary to keep our roadways safe, and that means that Trucking companies, or any kind of delivery and shipping companies, large and small, must have and should have some type of Safety Regulations, Inspections, and even some type of Safety Meetings held on a regular basis to help with keeping themselves, and everyone around them on our roadways clear of danger. And if there is no safe practices within these organizations, then they should be held accountable for the actions that were not taken. Again, I oppose HB 19. PLEASE DO NOT LET THIS BILL PASS!!!!

Susan Cupples

Printed on: April 16, 2021 4:32 PM

Self

Corpus Christi, TX

I vote no

Scott Sullivan

Self

Midland, TX

Don't.

Owen Sullivan

Self

Midland, TX

Pwease no??

Isaac Perales

Self

La Vernia, TX

Dear Legislative Committee on House Bill 19,

Please vote NO.

My family and I were involved a horrific accident in 2019 with a commercial vehicle. My wife and I had our five children in the vehicle with us and I can't express how scary and devastating this was for all of us. The HB 19 is a way for the commercial companies to get off easily and not be held fully responsible for the immediate damage they have caused. My wife and I suffered serious injuries and needed surgery from this accident. The fact that they want to pay families over a series of time is ridiculous. If we have to wait on payments and consistently communicate with these insurance companies, it just reminds us of the accident and almost makes it never ending. This is something my family and I needed to put behind us. I can't imagine another family, like ours, having to go through this waiting on payments. I strongly appose the HB 19, as it only benefits the commercial insurances' pocket and does not provide justice to the families immediately affected by this.

Sincerely,

Isaac Perales

(361) 222-0239

Mary Beth Taylor

Taylor Damily

Austin, TX

Please protect Texas Families from big rigs huge companies who don't want to be held accountable. Please do NOT pass this Bill. Voters will hold you accountable when you are up for re-election.

Janet Cox, Cox

Self

Printed on: April 16, 2021 4:32 PM

Fort Worth, TX

This Bill places the interest of foreign trucking companies ahead of the rights of Texas citizens who are injured by reckless truck drivers. There is no justification for protecting these big trucks who terrorize our highways. Stop this Bill NOW! Save Texas Lives!

Tadarious Hawkins

Chad Jones Law

Bryan, TX

VOTE NO on HB19!!!

I am your constituent and your action on this bill will determine my vote next election. I believe Texas needs SAFE ROADS, and I ask you to OPPOSE HB 19. This bill will make it harder to hold trucking companies accountable when they violate safety standards and commercial law regarding the operation of commercial vehicles. This bill will allow commercial trucking entities to have little to no accountability, endangering all of us on the road.

Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement of the law through our courts. Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable to the degree that trucking companies should be held accountable.

HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court. The legislation would be disastrous for road safety in Texas. Texas already has the worst record in the nation for large truck crashes. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules.

If you are involved in a commercial vehicle crash, you are more likely to be injured or die than the truck driver. 72% of people killed in commercial motor vehicles crashes are occupants of other vehicles, meaning families die while the at-fault truck driver walks away. These large trucks can weigh up to 20 times more than the weight of an average car. If you survive a truck wreck, medical bills pile up quickly from the catastrophic injuries they cause. You might not be able to work, and your family pays the price. This bill needs to take into account the true value of a catastrophic commercial trucking collision. Some people involved in these types of collision go through a plethora of issues in their life due to their injuries and the true value of that should be covered by commercial trucking companies who fail to follow the law to help avoid motor vehicle collisions.

If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable. Our government should be focused on protecting life, not rewarding corporate wrongdoers for the harm they cause. HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost. I urge you again, PLEASE VOTE NO on HB 19.

Veronica Castro

Dan Linebaugh

Cleveland, TX

I feel its unjust that any trucking company can place the blame on its drivers without taking responsibility for any action or order given. Unble to gather information during an investigation for an accident in pursuit of civil action is an easy way of saving money and face and that is unacceptable for the individual and their families.

Hannah Pruitt

Self

Austin, TX

This would disproportionately harm private citizens being injured in commercial vehicle collisions. I am strongly opposed to it.

Printed on: April 16, 2021 4:32 PM

In a world where private healthcare is already so expensive and inaccessible, the ability to hold commercial drivers and corporations accountable for death & harm to private citizens is one of the only ways David can strike back against Goliath. I am telling all my friends and family to be vocally opposed to this bill. This would harm Texans, plain and simple, and it is unacceptable.

Elena Urias

self

Monahans, TX

My name is Elena Urias. I work for the Monahans-Wickett-Pyote Independent School District, and am the mother of three young boys, ages 7, 13, and 17. I am also a widow. Because of my personal experience with a negligent commercial truck company, I strongly oppose House Bill 19.

In August 2002, I met The Love of My Life, Jessie Urias. We married two years later, and started a family. On December 21, 2015, a truck operated by a Schlumberger entity inexplicably rear-ended another Schlumberger truck at highway speeds. The truck then entered into oncoming lanes of traffic, struck my husband head-on, and he burned on the side of the road.

I ask each of you to go home, hug your spouse or a loved one, and hold them tight. While you're doing so, close your eyes and imagine getting a sudden phone call informing you they were killed. Gone. Forever ripped from your arms. With your shared dreams ahead of you, imagine the heartache of learning the life of your soulmate, your co-parent, the backbone of your family was stolen because a company didn't do basic things a company should do. Then imagine lawmakers, elected officials sworn to protect you, stripping you of your recourse against the company.

In the case of Jessie's death, it was only because of civil legal action against Schlumberger I learned the company helped hide evidence the driver was using his cell phone while driving, after first denying its driver was using the phone. Further, we learned Schlumberger first issued a road test to its driver two years after he began driving trucks for the company. Once the road test occurred, Schlumberger discovered twelve areas "need[ing] improvement" for the driver. Despite the fact Schlumberger's driver failed the road test six months before Jessie was killed, it neglected to terminate or re-train its driver. Schlumberger instead allowed its driver to continue operating trucks, without interruption, amongst the families and citizens of Texas. Were it not for my family's legal action, the corporate representative would never have admitted the company violated its own policies in allowing its driver to be on the road with Jessie that fatal day.

Perhaps it takes the daily grief inflicted upon my family to truly see the potential catastrophic effect HB 19 would have upon Texas families. I, however, believe it only takes lawmakers who really care for families, and understand negligence by trucking companies takes lives and destroys those families. In my instance, the courts provided the only route to truth, answers, and recourse for Jessie's unnecessary death. He must not die in vain.

We need incentive for accountability and change in the trucking industry. Each day, my fellow Texans and I travel by countless crosses on the side of road left by families of trucking victims. I urge each of you to do right, and join with me in opposing a bill that will only facilitate the planting of even more crosses in our state.

Greg Cox

SELF

Fort Worth, TX

This proposed law is nothing but an attempt to shield out of state trucking companies from responsibility when their drivers kill, injure and maim TEXANS. Big trucks are a constant menace on our roads and highways. They need more regulation not less. The sole purpose of this Bill is to give a free pass to truckers and trucking companies when they harm average citizens through their own reckless driving. Even if the truckers are high on drugs or speeding. Why are you trying to protect them? Maybe someone should follow the (lobbyist) money!

Salvadore Maida

Self

Printed on: April 16, 2021 4:32 PM

Sugar Land, TX

I would like to express my sincere opposition to HB-19. This bill only makes our roads and highways more dangerous and will result in even more unnecessary catastrophic injuries and deaths. Trucks share our roadways with our Texas families, which includes children, mothers, fathers, grandmas and grandpas, sisters and brothers. They also are extremely dangerous and must remain safe! These trucks are massive and must be operated with caution and care. This bill only lowers the incentives for large corporations and other truck operators to ignore safety in favor of profits. That makes no sense and will result in more victims. Responsible trucking companies do not need this bill to be competitive. Only bad truck operators will benefit and at the expense of families who fall victim and have their lives, both physically and financially, destroyed. . If trucking companies follow the rules that come along with such significant responsibilities of operating large truck (a small thing to ask), then they have nothing to fear. It's a bad bill for Texas and its citizens.

Jake Phiffer

Self

Midland, TX

Companies should be responsible for their actions

Monica Rogers

Self

Houston, TX

There can not be a law that protects negligent trucking companies from being punished for unlawfully running their companies. Too many people have died because a driver fell asleep, or was on drugs trying to stay awake.

Penny Fortune

self

DeKalb, TX

I understand that you want to let company's shirk their responsibility by relieving them of their liability. **THIS IS WRONG. DON'T DO IT.** I've had friends who have suffered severe injuries as a result of trucking companies. They don't want to abide by the laws, falsify their log and safety records. How dare you let them off the hook!!!

Valerie B Cortez

Cowen Law Firm

Orange Grove, TX

We were at a light one afternoon and out of no where this truck runs into my family and I from behind. The impact of it was scary and my children were so frightened. I don't wish an accident on my worst enemy. It can take your life and leave you hopeless.

Mark Williams

Self

Weatherford, TX

Thus Bill should be titled, "A Bill to allow trucking companies to get away with murder." This is an affront to justice! It appears Mr Leach has only the interest of abusive commercial trucking companies in mind.

Patricia Warden

Printed on: April 16, 2021 4:32 PM

self

Arlington, TX

I disagree

Chuck Pool, co-owner

Main Street Lumber Company

Denison, TX

As a family owned business in Denison, Texas for over 50 years, we have been supplying building materials and serving independent home builders, remodelers, repair trades and DIYers since 1970. We rely on our drivers and 10 trucks to deliver materials every day and we do with a commitment to safety. As owner of MAIN STREET LUMBER COMPANY I ask for your support of House Bill 19 by Chairman Leach.

Thank you, Chuck Pool

Julie Blackmon

Self

Dallas, TX

I do not support HB19. Further immunity for organizations is neither necessary nor good for our society. Organizations and people need to be held responsible for their actions or, in some cases, lack of actions. This bill would limit the ability of people to receive justice.

Malorie Peacock

Self; attorney

San Antonio, TX

Please vote NO on HB 19. This bill will let companies off the hook from following state and federal commercial vehicle safety regulations by preventing access to discovery on a company's prior bad conduct, including prior safety violations and violations of those regulations and other laws. Ultimately it will delay justice for victims of truck crashes and make Texas roads even more dangerous. Texas already leads the nation in large truck crashes AND deaths. This bill is an attempt to prevent the jury system from working the way it should. The bill disallows jury of our peers from standing in judgment of ALL the evidence and making a fair and just decision.

Stacey Barrus

Self, businessowner

San Antonio, TX

I request that you vote NO on HB19. This is a horrible Bill that, if passed, puts big business and their insurance companies ahead of people, and will end up hurting ordinary Texans, and ultimately will make Texas roadways even more dangerous than they already are. Please vote NO on HB19.

Stacy Elms, Vice President

Housley Group

Carrollton, TX

We SUPPORT House Bill 19. The climate in Texas for commercial fleet operators continues to deteriorate. Increases in Auto Insurance premiums are becoming unsustainable. The primary cause is out of control verdicts by Plaintiff's attorneys using tactics

Printed on: April 16, 2021 4:32 PM

that are, at best, specious. At worst, they use outright falsehoods to sway juries. While no reputable commercial fleet operator wants to deny justice to actual injured claimants, we cannot continue to pay verdicts for Plaintiffs that sue simply looking for an easy payday.

Teresa Shield

self

Arlington, TX

I have also been affected by a company's clear negligence. In my case it has been extremely hard to hold them accountable. This needs to change. It seems to me that the deck is stacked against the "little guy". The corporations do not want to be held responsible for their negligence.

I implore you to not make it any easier on them. People will get hurt. If someone has been injured by a company, they should have recourse to hold someone accountable. It is already hard enough to do that.

Pepper Thompson

Self retired teacher

Fort Worth, TX

HB 19 would make Texas roads even more dangerous. If companies are not accountable for their truck driver employees' accidents, they will be much less worried about making sure these employees follow the rules. Texas roads are already scary enough and the last thing we need are truck drivers acting more reckless. Texans deserve better protection than this. HB 19 is a bad idea and can only lead to more accidents, injuries, and fatalities. We need to make sure that truck drivers take every precaution to keep Texans safe.

Linda Estrada

Self

El Paso, TX

As a law enforcement family we strongly oppose this bill. We have seen first hand the devastating effects crashes involving commercial motor vehicles leave behind. These victims already go through a traumatic experience with life-altering injuries or even without a family member. As a Texan family we are disheartened further injustice may occur by the passing of this bill. This bill will hinder many Texans in more ways than one.

Ryan Teel

The Stewart Law Firm

Austin, TX

As a proud Texan, I can appreciate our state's track record in encouraging business, industry, commerce, etc. It's part of what keeps our state flourishing.

In that same vein, I can understand the urge to pass legislation that eases the burden on motor carriers in matters of litigation. "Perhaps motor carriers will be less hesitant to do business in Texas if they knew that they would have certain procedural safeguards/advantages during the litigation process."

However, as a proud Texan, I also have to acknowledge the fact that our state, for as long as I can remember, has led the nation in large truck crashes and deaths.

I've become more intimately familiar with this fact as a personal injury attorney. Every day, I speak with people who have either been involved in truck crashes, or have lost loved ones to them.

Often, these crashes are caused by the negligence of individual drivers. However, it is also often the case that these crashes are found to have been enabled by negligent hiring, training, supervision, or retention by trucking companies.

HB 19 would impose a one-sided procedure barrier for innocent victims by severely restricting access to critical discovery during the litigation process. (Anyone familiar with the litigation process would tell you that trucking companies are not the ones who need legislative help.)

There are ways to encourage commerce without making our roads more dangerous. We have figured out how to do it so far, and we can continue to do so without passing this harmful bill.

Thank you.

Chad Montgomery
Self - Business Owner
Dallas, TX

I oppose HB 19, which will take away an individual's right to preemptively fight trucking companies in court if injured. This bill favors certain businesses unfairly, and should be rejected.

Barry Benton
Self
Brownsville, TX

When 18-wheelers are ubiquitous on our roads, why would we change the law to protect bad drivers and companies from responsibility for wrongdoing? Please vote "no," and urge your colleagues to do the same. Let's not have another instance in which business interests in Texas control our laws to the detriment of the people.

Denise Martinez
Self
SAN ANTONIO, TX

I VOTE NO TO HB 19 BILL..

Karen Anderson
Self
Baytown, TX

Dear Honorable Committee Members:

I am writing to express my opposition to HB 19, a bill which, if passed, will put Texans and those traveling on Texas highways in grave danger by shielding commercial motor vehicle companies from liability when their drivers injure or kill members of the motoring public. Despite strict federal and state regulations governing the commercial motor vehicle industry, trucking companies often cut corners when it comes to hiring, training, and properly maintaining their trucks before putting them on the road; and the trucking companies MUST be held INDEPENDENTLY liable for those shortcomings. Otherwise, by limiting trucking companies' exposure to liability, they will have no incentive to abide by the rules and regulations governing the industry. Moreover, HB 19 will have an adverse effect on Texans' ability to be compensated when harmed by a commercial motor vehicle. As you consider HB 19, I ask you to think of your own family members who travel on Texas highways on a daily basis and what a devastating effect its passage would have on their safety. Thank you for considering my opposition to HB 19.

Jonathan Bush

Printed on: April 16, 2021 4:32 PM

self/ truck driver

Waxahachie, TX

This bill would be more detrimental for our highways if the defendants' equipment is not up to par or he has failed to comply with a regulation and these items are not admissible into evidence. I am a semi truck driver and was recently involved in a tragic accident that left me with TBI (traumatic brain injury), as well as herniated discs in my neck and back that could possibly cause me paralysis. The driver of the other vehicle was also in a semi truck with trailer and pulled out in front of me to cross the road to the other side and didn't calculate his distance. He failed to yield right of way to me and just wait for me to pass. For him to be behind the wheel in the first place should be reviewed to make sure he is in compliance, as well as all other drivers that cause accidents. The roads will be less safe if this aspect is not reviewed. More and more truckers, as well as people who drive cars will just drive without thinking they will suffer any consequences. My injuries, damages, etc are severe and the road to recovery will be very long. More stress would be added to me and my family if defendants are not held accountable without having to prove they should be on the roads in the first place.

Emma Gutierrez

Self

Houston, TX

“We should be looking for ways to protect Texans from dangerous and overworked drivers instead of making it easier for unscrupulous trucking companies to avoid paying for the damage they cause. That includes holding trucking companies responsible for their actions

Scott Snellings

Self

Celina, TX

This bill does nothing to serve Texans who are out on the roads everyday with these trucks. It only increases the trucking companies' ability to continue to hire dangerous drivers, fail to adequately train/supervise them, ignore safety violations, and allow their drivers to disregard regulations - all without fear of having to answer for the damage they cause. This bill does nothing but serve the interests of the insurance companies.

Jacqueline Brazil

Self

Arlington, TX

Because if a truck driver that was not paying attention, I now have a permanent disability. Some days I am in so much pain that I can't function. I have on pain medication for the rest of my life. It is totally unfair and my life has forever been changed for the worst.

Teresa Burke

Self

Houston, TX

I oppose HB 19. Trucking companies should be held fully responsible for their and their drivers negligence.

Diane Easter

Self, physical therapist

Midland, TX

Printed on: April 16, 2021 4:32 PM

In basically all businesses the company is held accountable for wreckless behavior of their employees and it certainly should be the same with trucking companies who put so many at risk.

Nicholas Manfredini

Self

Corpus Christi, TX

Vote no to HB 19. Accountability needs to be maintained!

Guadalupe Candanosa

Self

Corpus Christi, TX

Vote no to HB 19!

ORLANDO VENTURA

Self

PEARLAND, TX

Vote No To HB 19. Insurance companies need to be held accountable just like everyone else! Quick to collect premiums but gets protection to payout!! Needs to Stop!

Kevin Stouwie

Self counselor

San Antonio, TX

This bill is an absolute disgrace. Insurance companies own the legislators. Prove me wrong for once.

Ben Newman

Self

Austin, TX

This bill poses a danger to all Texans. It will incentivize cutting corners in virtually every facet of the trucking and commercial-transportation industries that pertains to safety. Inevitably, an increase in transportation-related injuries and fatalities will follow.

Joseph Camacho

Self

Harlingen, TX

The people should know the behaviors of companies who own big rigs. Yea, time is money for the big companies but at what risk? I was involved in a major big rig accident and honestly it seemed like rushing to meet a deadline is more important than everyone else on the road. I had two major procedures done and these companies need to be held accountable for their actions.

Colleen Fuglaar

Self real estate

Printed on: April 16, 2021 4:32 PM

Austin, TX

Oppose this bill vehemently Texas is already too business friendly at the expense of employees and consumers

Joan Linebaugh

self

Houston, TX

I am against this bill because it will make our highways more dangerous and give special privileges to trucking companies that other companies do not have.

Manuel Juarez

TEXCAZ

Leander, TX

It is only the plaintiff's attorneys who are getting rich at the expense of the trucking industry and the general consumer. The unreasonable demands for payment, even for minor accidents has reached the level of abuse. Everyone needs to be protected, but why should the trucking industry continue to line the pockets of legal professionals who end up keeping the bulk of awards?

Renee' Jackson

self

Fulshear, TX

This is not a good bill because it will make our highways more dangerous and will not hold trucking companies accountable to make sure that their drivers are truly safe to be on the road. Please stop this bill from going forward.

Mathew Mendoza

Self -attorney

Houston, TX

I oppose HB 19

Ryan Toomey

Zinda Law Group

Austin, TX

This bill is dangerous and will do nothing more than endanger Texas motorists. This will strip all recourse from Texas drivers to hold commercial motor vehicle carriers responsible for their malfeasance

Willie Morris, Texas Resident Attnys Client

Jim Adler & Associates

Dallas, TX

I do not agree with the bill, HB19

Frank Arevalo

Printed on: April 16, 2021 4:32 PM

myself

Katy, TX

Honorable Texas Legislators,

My name is Frank Arevalo and I have been Police Officer for over 22 years. During that time I have served as a Patrolman, Detective and K-9 handler. I have a great deal of experience in patrolling our communities and roadways. I have read the proposed bill and am very concerned of how it will negatively impact your constituents and Texans as a whole. In my over two decades of Law Enforcement experience I have responded to numerous serious traffic accidents involving and caused by 18 wheeler trucks. Often these accidents have been caused by the aggressive driving or negligence of the 18 wheeler truck driver. These drivers have shown blatant disregard and reckless behavior resulting in serious injury or death to motorists.

Last year I myself was the victim of a reckless and negligent truck driver, who struck my patrol vehicle. I was attempting to stop traffic, due to a nearby traffic accident caused by a stolen. I had my lights and sirens on and all traffic stopped, except for the truck. The truck passed all stopped traffic, disregarding my emergency lights and drove into the front end of police patrol vehicle. As a result my patrol vehicle was totaled. I suffered severe physical injuries. I suffered a severe concussion, broken jaw, severe contusions to both my legs and multiple abrasions. I now suffer from constant headaches and memory loss.

The proposed bill would seriously harm victims of negligent and reckless truck drivers and companies, who hire repeat traffic offenders. I hope you vote against this bill to hold these reckless companies and drivers accountable. Thank you.

Akeisha Henry

Mostyn Law Firm

HOUSTON, TX

I oppose HB 19

Joan Wallace

self

Katy, TX

Please do not let this bill move forward. It will not make the roads safer because It does not hold trucking companies accountable as they should be.

Laura Sharp

The Sharp Firm-self

Austin, TX

For the front line workers, who regularly investigate trucking fatalities and injuries that are caused by the rigs/drivers, there is no question but that there are systemic problems that exist in the hiring, training, supervision, requirements for scheduling or maintenance of the vehicles which cause the injuries and death of our citizens and guests in Texas. If there is any area where there should be more, rather than less regulation, it is with these killing machines. If you have not seen up front the destruction that a truck/trailer can cause if it cannot or will not stop in time, the freezing overpass multi car and truck accident covered nationally a few weeks ago in Ft. Worth is a visual education about destruction that can happen in seconds. However, it is the requirements that are heaped on drivers by their companies to push the envelope of safe driving--or the lack of training and supervision to ensure they are following rules of the road which we all expect -- which is the cause of these accidents. With increasing numbers of people moving to this state, we will continue to have a rise in accidents if safety is not the number one priority. If there is no legislation which will take care of this for Texans, then you must allow the free market, controlled by other concerned citizens who give up their time to participate in a jury trial in this great state to monitor and deter those that can't abide by prudent conduct.

Printed on: April 16, 2021 4:32 PM

Akeisha Henry
Self - Accounting
Humble, TX

I oppose HB 19

Toshiro Abley, Mr
Self
Mesquite, TX

I was hit by a truck who wasn't paying attention shortly before I moved to the UK. If it weren't for the hard work of my lawyers and the rules governing trucking companies to hold them accountable for their employees actions. Justice wouldn't have been served, the company and driver wouldn't have been held responsible and I would've been stuck with impossible medical bills and the loss of my car. These rules are important and even more so that they are written to be ethical, fair and not self serving for those who write them and at the top of the financial ladder. The driver didn't want to give me his information after he hit me and had attempted to drive away with his son in the passenger seat. What kind of an example is that to show kids and generations younger and learning codes of conduct from us adults. I call for this bill to be repealed and I call on law makers in TX to consider that if ones intentions in public service is self-serving. Then one those individuals should resign but should consider that those at the top earn and gain greater wealth (morally and financially) when more people, if not, everyone is growing their wealth and succeeding financially in their life. Otherwise the ladder is what's currently happening in the US. A 2 trillion dollar budget and there's so much poverty, disenfranchisement, shameful condition of infrastructure and more I could elaborate on. Doing the right thing isn't hard. Trying to do what's right and morally honest is only hard when one is doing wrong and hoping for positive results without putting in the effort and laying down the foundations for good things to take root. It's not hard. If we all succeed, the top succeeds exponentially.

Rachel Cordero
Self, paralegal
SAN ANTONIO, TX

Opposed to HB 19

TCollin Hampton - Kelley, Mr.
Self
Edgecliff Village, TX

Strongly consider not passing HB 19

Tom Gehring
self
Austin, TX

Texas roads are not getting safer, but more dangerous. I have been driving up and down I-35 between Austin and Oklahoma City for the past 3+ years visiting my daughter in college up in Oklahoma. The amount of truck/big-rig traffic/congestion is prolific. Whenever my daughter drives to and from school, I am scared to death that something may happen to her. Any parent would understand this.

Unfortunately, we know that the only thing that companies respond to is a hit on the bottom line. Insulating trucking companies from being held accountable would only increase the crashes and carnage caused by commercial trucks. Please do not immunize trucking companies in this way.

Printed on: April 16, 2021 4:32 PM

Belinda Tucker

Self Disabled

Dallas, TX

I'm Belinda Tucker. I had a car accident here in Dallas in 2019. I was hit in the rear by a glass company and injured my neck. I saw so many physical therapist and orthopedic doctors and was finally told I needed surgery on my neck. At first I didn't want the surgery but the pain became too much too handle. And I don't have the financial resources to get the surgery on my own. This bill would mean that I can't get the surgery, period. Because I can't pay out of pocket for it. Nobody can. And doctors don't wait for payment and don't take payment plans. It's not lay-a-way. They want their money up front. This bill is crazy. It would hurt me and everyone who gets seriously hurt.

Veronica Coile

Self

Denton, TX

Good evening, I respectfully OPPOSE this bill. This will affect a lot of innocent Texans! Thank you, Veronica Coile

Caitlin Zinda

Self

Austin, TX

Why I am against this bill:

- Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.
- HB 19 absolves companies from independent compliance with state and federal safety regulations.
- HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
- HB 19 imposes one-sided procedural barriers that delay justice for victims.
- HB 19 would make Texas roads more dangerous.

Texas driving companies need to held to the the highest standards - no exceptions! Texas lives matter!

Mildred Arnold

self

Mesquite, TX

I am requesting to vote down HB 19 since I am a victim of being run over by a pick up truck over a year ago. At the age of almost 72 I will likely have pain to my injured foot the rest of my life. This injury is not near as severe as some due to truck injuries that have even resulted in deaths. There must be accountability for severe physical injuries due to truck accidents. This bill would limit accountabilities by the trucking industry.

Lewis Chandler

Self

Bellaire, TX

Dear Committee Members,

HB 19 would create situations situations were costs are shifted from the responsible party to the injured party. It would create a

Printed on: April 16, 2021 4:32 PM

system where insurance companies receive a windfall instead of paying. to cover damages caused by a companies negligent practices. Further, it creates a disincentive to companies to implement safety procedures. Why bother to create a safety program if there no ramifications for the failure. HB 19 creates an environment where there is no downside for failing to follow safety protocols and practices. A business will not create and follow safety programs without a an economic reason, such as belong held financially responsible for their negligence. Businesses failing to follow federal and state safety regulations and lowering in house safety practices would make the roads more dangerous and injured parties incurring the expenses for other's negligence. Indeed, medical providers be left with little recourse for treating uninsured commercial vehicle crashes. Shielding negligent businesses and insurance carriers while shifting the costs to the injured party and the public at large while making the roads less safe is not a conservative policy. It is It is corporate welfare. Please table HB 19. It harms citizens and rewards incompetence and reckless decision making while making the roads less safe. A negligent party should be held accountable not encouraged to be incompetent. Importantly, I have spoken to numerous people about HB 19. No one has been able to articulate a valid reason for its passage. The costs of passing HB19 far exceed any claimed benefit. Businesses will not receive a reduction in premiums but will being paying for unnecessary coverage as HB19 will really merely shield insurance carriers. A company is responsible for its employees negligence. In Texas we don't coddle and unable the incompetent and reckless we hold them accountable. HB 19 encourages incompetence and recklessness. I appreciate your consideration. Sincerely, Lewis M. Chandler typed on my iPhone.

John Feist

Self

Wallisville, TX

I would like to express my opposition to House bill 19 which is pending before a legislative committee in Austin. I believe passage of this bill would directly effect safety on our roads and highways. If trucking companies have no accountability when their trucks are involved in accidents there will sadly be little incentive for them to make safety a priority in their companies. This would quite possibly result in more serious trucking accidents and leave victims with no way to find out any details about the trucking companies standards and practices when it comes to safety training, equipment maintenance, etc. Imagine if a similar bill was passed for the airline industry!

Raul Rodriguez

Self attorney

Edinburg, TX

Vote no!!!

Bailey Phiffer

self

Midland, TX

mhmm

Benny tamayo

Self

houston, TX

My family and I were in a accident with a trucking company known for there negligence . I'm in treatment at present . There's a possibly ill be dealing with neck issues for the rest of my life . My life has changed thus far and I can just imagine if I didn't get the help I needed and deserve due to a bill that Shelds trucking companies are any company that have big dangerous vehicles on the road that failed to up hold a standard of safety . As a hard working Texan we need to be ones being protected and giving a chance to heal ..

IM AGAINST THIS BILL .

Printed on: April 16, 2021 4:32 PM

Thank you for your time .

Chelsey Ramos

Self

Seguin, TX

My name is Chelsey and I was in a severe accident with an 18 wheeler in 2019. On this particular day, my husband and I were on our way to San Antonio to visit our premature new born in the NICU. This accident couldn't have come at a more delicate time for us. The severe impact was a horrible experience for myself and my boyfriend. I feel this is unfair to the injured party, because if they are going to attempt to pay money over time to us we have to constantly be waiting on this money to use for what we need. Not only would we have to wait on each payment of the funds, but we would be stuck being reminded of this horrible accident we were in. I feel like it would keep us from moving forward from what happened. I feel it's wrong for them to not take into consideration of the commercial driver and companies' history of driving and accidents. If there is a pattern, they should be aware of it and not brush it off. I still deal with back pain, especially when picking up my little one. This accident has changed my life and it's crazy to think they wouldn't want to compensate me or anyone else for the damage that they have caused, right away.

Sincerely,

Chelsey Ramos

(830) 263-9939

LARI SMILEY

SELF

ATHENS, TX

OPPOSE HB 19

Vantrese Harvey-Otunbanjo

Self

Houston, TX

I strongly oppose HB 19. I feel that more protections should be put into place to protect Texas drivers rather than placing more insulation on the already heavily insulated and protected trucking companies who disrupt the lives of the people their drivers injure on the roadways. Trucking companies and their insurance should be held accountable and not be allowed off the hook in our Texas Courts. They are no different than criminals. If a criminal can walk into a court room and have all of their prior convictions, character and other unflattering bits of information exposed then so should trucking companies and their insurance companies.

david sheller

self

houston, TX

This bill protects trucking companies with terrible maintenance records and the companies that hire them. Federal Law does not

Printed on: April 16, 2021 4:32 PM

allow the carrier to avoid liability for an independent trucking company for this reason. Trucks with no ABS systems, no brake lights, no automatic brake adjusters are allowed to continue driving year after year. Drivers are forced to drive and miss their required 30 minute break in 8 hours and often drive more than 12 hours in a day. The \$1 million in insurance often won't take care of the losses. I have a friend who has over \$ 2.2 million in medical bills right now. He is projected to have future medical of \$4 million. If the trucking companies do not have to pay the taxpayers and your constituents have to pay the bills. It takes less than 2 minutes to check the Federal Government Safer System for the inspection reports and it is free.. Companies do not do it, because they are let off the hook. Side underride guards are like the metal bars on the back of a truck to keep people from going underneath where the car safety systems do not protect them above the windshield. The NHTSA and the Insurance Institute for Highway Safety all state that side underride guards save lives. Check out the Angel Wing side underride guards on the internet. This bill costs lives and taxpayers. It is not the solution. Your bill should make it easier to sue trucking companies and require them to comply with federal law. That would reduce the number of lawsuits. This bill will have the opposite effect. Texas already has the most trucking wrecks of any state. We are number 1. This bill does not address the real problem. Making sure trucking companies do proper maintenance. A Michigan study finds that poor maintenance leads to increased chance of a crash. Thank you.. I hope this bill is stopped. Make the wrongdoers pay not the taxpayers

Mike Appling
TNT Crane & Rigging, Inc.
HOUSTON, TX

I am for this bill. The lawsuit awards are out of hand and harming commerce.

Derek Hilley
Self
San Antonio, TX

Vote no! Bill affects individual constituents each time they are injured.

Wilma Binz
Self
New Braunfels, TX

I want to share my personal experience with a commercial truck accident. My lawyer was able to find facts about the driver, time he spent in safety training, the amount of time on the road and other necessary information. These facts were needed in order to present a clear fact driven case. If we were not given the right to these facts he would not have been able to present a true case. The records of the trucking company revealed many issues and the company was negligent. I use to travel up to 150 miles a day mainly on the 1-10 interstate. This interstate is the most travelled by truckers and the fastest route for all people to major destinations in Texas. Please help maintain the safety of our Texas roads by keeping commercial companies accountable for their workers actions. The safety of the Texas roads is important to me and my family. Thank you

Marissa Brooks
Self
Corpus Christi, TX

Vote NO to HB 19

Rickey Brooks
Self
Corpus Christi, TX

Printed on: April 16, 2021 4:32 PM

Vote NO to HB 19

Aileen Meador

Self

Katy, TX

I oppose HB 19 because it would make Texas roads more dangerous. HB 19 relieves companies from complying with federal or state safety regulations, such as for training and maintenance on their vehicles, and they need to be held accountable. HB 19 also limits an injured victim's access to vital discovery to only 24 months of a company's prior bad conduct (including safety violations), which results in putting Texas residents at risk anytime they are on the road. Vote NO to HB 19.

Mary Robinson

Self

Plano, TX

I am a senior and was hit in a parking lot by a lady who had a stop sign and wasn't aware for some odd reason I was crossing a lane. She accelerated and ran right into me. I know this doesn't pertain to truck rules, but I want you to know what an accident can do to a person's life. I had broken and fractured bones and in a wheelchair for 3 mos. and then another 3 mos. of out of the house PT learning to get around again. I had PT also at home and the weeks I spend in rehab after surgery. We had to cut out walls to get the wheelchair into the loo room and had to buy medical equipment. This all from an impact where the car that hit me wasn't going very fast. Imagine the pain and suffering and even death of people who are hit by a truck not following safety rules. To make the TX roads more unsafe will not win votes and cause a lot of suffering. Please show empathy for us Texan and other U.S. travelers and keep safety laws for trucks in place..

Virginia Rangel

Self

Laredo, TX

“Vote no to HB 19”

Shanna Wood

Self

Corsicana, TX

My name is Shanna Wood and I am from Corsicana, Texas in Navarro County. Please do not approve House Bill 19.

At 39 years old, I was a victim of a commercial vehicle collision in 2018 when I had just picked up my daughter and her friend from cheerleading. As I drove them to dinner, an 18-wheeler tractor unexpectedly reversed from an adjacent street onto the highway, causing my truck to slam into its side, end up on the opposite highway lane, and then be hit again by another car. Fortunately, emergency helicopters came to our help and we all lived.

However, I suffered and endured years of horrendous pain, injections into my spine, and had a shoulder surgery. And I still suffer from recurring foot pain and shoulder pain. Not only is this tragedy engrained in my family's and my town's collective memory, but it also started an over 2 year effort for me to obtain any monetary relief for my injuries and pain and suffering. And now I find out that the insurance companies want to extend this even further through partial-payments! This is non-sense. Please stand up for victims of accidents from these beasts of the road. Vote No.

Yours Truly,

Printed on: April 16, 2021 4:32 PM

Shanna Wood

Charles Flowers
InTech Publishing
Midlothian, TX

I do not agree with this legislation as it totally releases a company for any liability for their careless or reckless actions by them or an employee. This sounds like a company bought a state representative and state senator.

Faith Wood
Self
Corsicana, TX

My name is Faith Wood and I am from Corsicana, Texas in Navarro County. Please do not approve House Bill 19.

I was 15 years old in 2018 when I was in a car accident with the tractor of an 18-wheeler. My mom was driving her truck and I had just finished cheerleading practice, when the tractor came out of nowhere onto the highway and we crashed into it. We then ricocheted onto the incoming lane and yet another car hit us. Fortunately, help immediately rushed to us, and even people from my high school went to the scene, and I was helicoptered for emergency care.

This crash is a significant part of my high school years. I hit my head hard, suffered a forehead laceration, and had many nightmares. When I think of my time in high school, I cannot but think of this crash. Unfortunately, the other driver reversed when unsafe to do so. But even worse was that the company that employed, and supervised, the driver did not train him to even check brake lights or reverse lights. In the first half of 2018, this company also had over 1515 safety violations, over 800 of which that related to lighting devices. This tragedy could have been avoided. Companies that violate regulations need to face consequences.

My family and I are finally moving on from this crash, but my mom still suffers from a lot of pain and I still have nightmares. Allowing the culprits to make partial payments is like allowing them to pay on a lay-away plan. It would be a constant reminder of past wounds and that I am not important enough to be paid for all my pain and suffering at once. Please vote No.

Yours Truly,

Faith Wood

Luis Cabrera
Self
San Antonio, TX

Dear Legislative Committee on House Bill 19,

I vote NO to the HB 19.

I feel it's better to be compensated at once because that's what we deserve! It feels unfair that they are not going to be responsible to provide us with immediate help. It's not fair for them to hold off on us as they please. Why should our needs be on hold until they see fit. I am 30 years old and since I was hit by an 18 wheeler in 2018 I still suffer from back pain. I will forever be affected by this accident and I expect immediate justice for their negligence. The guy that hit me messed me up and I wasn't prepared for all the impacts this made in my life. When I received my settlement, I was was able to treat with my private doctor on my terms and continue to try and heal myself on my time. I wake up every morning and I have to live with this pain. I don't believe it's fair for them to choose when they pay us and dictate when we need the help. It's also not fair that they aren't not training their

Printed on: April 16, 2021 4:32 PM

employees correctly. The commercial companies should be held responsible for their drivers' driving history and placing responsible good drivers on the road to keep everyone safe. Please do not pass this bill. It is very unfair and does not hold these companies responsible for their neglectful actions.

Sincerely,

Luis Cabrera

Beverly Rodriguez
Self home healthcare
San Antonio, TX

Dear Legislative Committee on House Bill 19,

Please do not pass this bill! My son and I were involved in a motor vehicle accident a year and a half ago and it was devastating. I can't imagine having to wait on the insurance company to pay us for our continued treatment and care. My son was only 17 and he is left with injuries that will change his life. The 18 wheeler lost control when he hit us. He wasn't being safe. It's these commercial companies responsibilities to train their drivers and know their driving history. This is something that we should have the right to know. We have the right to know we are safe on the roads. We should know that they are hiring safe and responsible drivers. My son and I still suffer from the serious injuries this accident caused us. If you've been in an accident, then you know of all the different issues it causes in your life. People deserve to be compensated when their lives are interrupted in such an unexpected cruel way. Please do not pass this bill and make things easier for these companies! It will only leave them more liable for neglect and carelessness.

Say No to HB 19!

Sincerely,
Beverly Rodriguez

Margaret Wallace
Self - server
Porter, TX

I was injured by a trucker and I believe truckers and companies need to be held liable when they are negligent.

Alex Linebaugh
Self
PLANO, TX

Hi, I would like to express my opposition to house bill 19. it provides trucking companies special privileges that no other company is afforded. I also believe that it will make traveling much less safe.

Angela Joyeux
Self
Dallas, TX

I oppose the HB19. Commercial vehicles should not be exempt from responsibility.

Printed on: April 16, 2021 4:32 PM

John Harper
Self - Attorney
Spicewood, TX

This bill would place all Texas motorists in extreme danger, and strip those who are severely injured by commercial vehicles on our roads the opportunity to hold those responsible accountable.

Texas roads are becoming increasingly busy. Commercial motorist employers must be held to a higher standard when selecting their employees and should be found responsible for their employees' negligence when it occurs while they are acting within the course and scope of their employment. Further, Texas courts are already backed up due to the pandemic. The bifurcated proceedings proposed in this bill will only cause further delays. Lastly, when defendant companies are found responsible, it makes no sense to allow them to forfeit settlements over time as opposed to in one lump sum. It can be assumed this installment method is proposed to prevent bankruptcies. However, this needs to be analyzed in two parts - (1) large corporations; and (2) small companies. Regarding large corporations: There are an increasing number of large corporations who employ commercial motorists operating in Texas. These large corporations are very unlikely to go bankrupt when a large judgment is rendered against them. This is because they have sizable cash flow to afford lump sum payments and should be required to forfeit these funds at one time, rather than having the opportunity to earn interest on the money they delay payment on. Regarding small companies, no one wants to see small businesses go bankrupt due to one negligent incident. However, properly run businesses will properly insure against these rare events and will persevere. It is the small businesses who fail to operate safely that pose a major risk to Texas motorists. These companies that are poorly managed will have no option but to increase their risk to pay for installment payments. This increased risk will lead to more injured Texans, and will eventually bankrupt these companies, who would have done so sooner if required to pay a lump sum, and ultimately leave multiple Texas motorists injured and uncompensated by the defunct responsible party.

I am staunchly opposed to this bill, as it is bad for Texas.

Jennifer Baggett
Self/homemaker
Keene, TX

I oppose this bill!

Simon Segura
Micheal Coeen/ Robert Salazar Law Office
Elsa, TX

I Simon Segura, & my Family say NO to the House Bill 19.

I & my Segura Family were involved in a very severe horrible accident that occurred on July 11, 2015 in Hardwood, Tx on Mile Marker 638 W. Expressway I-10 by the fault of an irresponsible & careless Truck Driver. In the accident it injured my entire family in our SUV vehicle while waiting on the Expressway for an accident in front of us to be cleared off to open the Expressway again for traffic to pass. When the accident occurred. It also killed my middle son Anthony Jade Segura & injured my whole family with severe injuries & broken legs & ribs. I also was killed by the impact but I was survived on the 3rd time. Then my Segura Family & I were all flown the San Antonio, Tx Hospitals & my Angel Baby son Anthony, was taken to a funeral home. When my family & I were flown to the San Antonio, Tx Hospitals. I was at the University Hospital & I was in a coma for 5 weeks. I wasn't able to attend my Angel Baby Anthony, funeral after 9 days of the accident cause I was in a coma.

This accident happened to my Family due to an irresponsible careless Truck Driver while texting & driving . This is why I & my Segura Family don't agree on this House Bill 19 & SAY NO.

Now I will Grieve my entire life for the irresponsible & careless Truck Driver due to Companies & Brokers that hire these inexpensive Truck Driver that harm people while driving a vehicle. We need safe Drivers Nationwide & in the state of Texas... So I SAY NO THE THE HOUSE BILL 19... SIMON SEGURA, in Loving Memory of my Lovely Angel son Anthony Jade Segura. I SAY NO FOR THE HOUSE BILL 19....

Printed on: April 16, 2021 4:32 PM

Trevor Robinson

self

Austin, TX

The State of Texas leads the country in trucking crash injury and death accidents, and this bill would only make that situation worse. Rather than protecting Texas residents and voters, it represents a blatant back-room lobbying attempt by trucking and insurance companies to save money at the expense of public safety. The entire premise of this bill is shameful, and it should be abandoned with prejudice.

Bryan Green

my family

Dallas, TX

HB 19 is a BAD bill that needs to be OPPOSED. I've witnessed the devastating injuries & losses people can suffer due to negligence & safety violations by trucking companies & big trucks. Everyone knows trucking is important work. But everyone also knows that it's critically important that it's done SAFELY.

The trucking industry's largely left to "police itself" to ensure safety rules & regulations are followed. There are not enough state or federal resources for widespread government enforcement. B/c of the sheer size/weight of commercial vehicles, the magnitude of harm that results from big truck crashes is exponentially worse than if only passenger vehicles were involved.

What HB 19 does is GUT the most effective enforcement tool & deterrent to unsafe operations—the civil judicial system (jury trials).

What's the real reason behind lawsuits & jury verdicts against trucking companies? It's their unsafe acts that injure Texans in crashes! Yet, the solution HB 19 offers is NOT to encourage or increase safety on our roadways in an attempt to reduce big truck crashes or enact heightened safety measures. No, no... HB 19 allows companies to CONCEAL their past safety violations, AVOID accountability, & instead to allows them to HIDE behind their drivers as scapegoats. That is bad law & bad policy.

The fact companies supporting this bill want to be able to only blame the drivers while evading any inquiry or investigation into the COMPANY's own culpability & bad acts is telling. This is not just a bad bill for the public & the safety of Texas roads; it's a bad bill for truck drivers too. The reality is unsafe company policies & practices are often what sets the driver up in the first place. When it does, justice requires holding the COMPANY accountable for its own actions & safety violations that lead to crashes & injuries to motorists.

Texas employs a "comparative" responsibility system, which means in a civil trial, the jury considers the actions of all at fault persons or entities & divides the percentages of responsibility accordingly. In other words, if a plaintiff is partially at fault, then the jury will consider that & assign the plaintiff's % share of responsibility. If a truck driver is partially at fault, the jury will assign the truck driver's % share of responsibility. Etc. It makes no sense to have a law, like HB 19, that prohibits the jury from considering the conduct of a company that partially caused a crash. It makes no sense to shield companies from having to answer for their OWN safety violations that lead to a crash, to allow a company to negligently maintain a truck & avoid having to answer for it when a crash results, or to allow a company to negligently hire an unsafe driver & then let it escape all scrutiny & accountability.

Two recent states to enact similar laws are California & Colorado. Two recent states to reject similar laws are Alabama & Georgia. When did Texas become a follower of California's lead??

ANDREW DAO

Self, Attorney

Houston, TX

Our state leads the nation in large truck crashes and deaths. That (and not the current rules) is the reason for the number of insurance claims. If there are additional procedural barriers in lawsuits and a restriction on critical discovery of a company's prior bad conduct and safety violations, this will also affect victims' abilities to hold parties accountable.

This bill would make it harder for victims of truck wrecks to hold responsible parties accountable. This will have a cascading effect, leading companies to place less of an emphasis on safety, which will lead to more accidents (and claims).

Printed on: April 16, 2021 4:32 PM

Charles Egbon, Dr

Self

Mansfield, TX

I absolutely oppose Trucking Bill HB19

April Haynes

Self

Houston, TX

I oppose HB 19.

Doris Nelson

Self

Anahuac, TX

I ask that HB 19 not become law. Please don't allow trucking or commercial vehicle companies another loophole to hide behind when they put unsafe vehicles on the highways. I have experienced this personally through the loss of my son in 2015. Companies hide behind their drivers and put them out there in the courtroom to answer for the lack of safety standards of the company. Please don't allow trucking companies that don't follow the rules to burden the companies that safety matters more for than the "dollar". Keep your loved ones safe. You don't want to receive that phone call informing you about your loved one. Please vote NO to this legislation.

Carl Ogren

former owner/operator

Burleson, TX

With the passage of HB19, accountability is affectability removed from the trucking industry. Laws are already in place to help insure all motorist, including trucking firms, are legally protected against unfortunate accidents and the legal proceedings that come out of them. This bill must not move forward.

Cody Champagne

Self

Fort Worth, TX

Removing liability from companies is a direct incentive to make riskier decisions and places the state at fault for any company's negligence.

Cyrus Reed

Sierra Club, Lone Star Chapter

Austin, TX

The Lone Star Chapter of the Sierra Club is signing up against this proposed legislation by Chairman Leach. HB 19 is an overreach by trucking companies to shield themselves from liability for the catastrophic injuries and deaths they cause on Texas highways. In 2019, Texas had more than 39,000 commercial vehicle crashes and 613 deaths. Texas leads the nation in large truck crashes

Printed on: April 16, 2021 4:32 PM

and the trend keeps continuing upward. Now is not the time to make Texas roads less safe.

The bill excuses company liability in all but the most extreme circumstances. It absolves companies from any independent compliance with federal or state safety regulations, such as for training and maintenance on their vehicles.

The bill severely limits an injured victim's access to crucial discovery to only 24 months of a company's prior bad conduct. This includes evidence that the company ignored falsified driver's log books, failed to maintain their vehicles, and did not provide adequate training, among other things. It also restricts the Texas Rules of Evidence and ties the hands of the judge in allowing the jury to see a bad company's prior history of safety violations.

The bill expands the terms used in commercial vehicle crashes and encompasses much more than tractor trailers or other traditional commercial vehicles. Under this bill, the only excluded vehicles are ones used primarily for household, family, and personal use. The bill creates one-sided procedural barriers to commercial vehicle crash cases by limiting damaging evidence against the company and allowing delay tactics via mid-lawsuit appeals. It allows a company to slowly dole out compensation to victims and creates a perverse profit incentive for the victim's death. How does it make sense to give a company a "get out of jail free" card when the company admits the driver is an employee furthering its business at the time of the crash? The Sierra Club strongly objects to this one-sided legislation.

Kathy Coulehan

Self

New Braunfels, TX

It goes against logic to even author a bill like HB 19. In a state with more 18 wheeler fatalities than any other, where these senseless deaths are increasing and where huge distances cause driver fatigue, passage of this bill would be an attack on any of us who drive our states freeways. It also smacks of greed on the part of attorneys defending trucking companies. Please don't pass this worthless piece of law garbage.

Bill murphy

Citizen

Port Aransas, TX

Plea se vote no on HB 19 ..

Mark VanCleave

Self

Beach City, TX

I would like to express my strong opposition to HB 19. As a lifelong conservative I find this bill outrageous. It will give trucking companies special benefits under the law that no one else gets. It will make our roads far less safe. It will basically operate to hide the ball from a jury and allow bad actors to conceal poor maintenance, safety violations, lack of a safety program, negligent hiring, negligent training, negligent retention, etc. Why should such conduct be hidden from a jury? It is also ridiculous to need a court order to conduct discovery on various safety violations or past bad actions. Limiting discovery of violations to two years before an accident will reward repeat violators and companies with the worst safety records. These are the very companies that should be subjected to scrutiny as a matter of public policy. It may also exclude highly relevant information. Given the number of trucks being brought into Chambers County, this bill will have an extreme impact on Chambers County families who may be seriously injured in an accident. I urge the committee against this bill. I would also urge each member of the committee to put on the record during the debate of this bill how much each representative has received from TLR and affirm whether you work for TLR and insurance companies or the citizens of Texas. Thanks

George Kelemen

Texas Retailers Association (TRA)

Austin, TX

The Texas Retailers Association registers its support for HB 19.

Geoffrey Curtin

Self

Houston, TX

Why are we thinking of passing HB 19? Better yet, why is this even a bill? Corporations are gaining more power everyday. Citizens are losing more power everyday. This will just make corporation less responsible for their actions when they commit a crime or traffic violation. If a company has a history of noncompliance throughout their existence it needs to be know it needs to be know.

Skip Simpson, MR

self

Frisco, TX

I am oppose to HB 19. It is intended to protect big-business and bad drivers, and further harm victims of unsafe driving. How does this protect Texans traveling on our roads and highways? I sincerely hope someone will remember families on the road who need safety and if harmed a chance to hold bad decisions by companies liable.

Kaitlin McDermott

self

Addison, TX

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths. I was hurt badly when a commercial truck illegally turned into me.

HB 19 absolves companies from independent compliance with state and federal safety regulations.

HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.

HB 19 imposes one-sided procedural barriers that delay justice for victims.

HB 19 would make Texas roads more dangerous.

We shouldn't make it harder on people like me, who just woke up and drove safely. Companies and their drivers should be held to the highest standards because they are driving huge dangerous vehicles. They should know the stakes are high when they hire drivers to get behind the wheel.

Chris Lowery

Self

Richmond, TX

I oppose HB 19

Vote NO to HB 19

Christopher McKinney

Self

San Antonio, TX

Please VOTE NO on this legislation. Commercial trucking companies have plenty of protections already. The idea of protecting them when they are not following federal regulations is terrible. Please don't do it.

Piper Nelson

Printed on: April 16, 2021 4:32 PM

self

Austin, TX

In 2014, an 18-wheeler hit my car and killed my boss and friend, Grace Garcia. The 18-wheeler was driven by a man who had complaints filed against him previously, and in fact was at the time on his phone discussing one such complaint. Grace was killed instantly, and I was cut out of the mangled car and medevaced to a Dallas hospital for emergency surgery.

Texas had the most deaths in the US (658 deaths) from large truck crashes in 2018 (the most recent year for which data has been compiled and reported by NHTSA). That same year, there was a 51% increase in the involvement of large trucks in fatal crashes as compared to 2009.

Every year, the number of commercial vehicles on the road increases. We should be looking for ways to protect Texans from dangerous and overworked drivers instead of making it easier for unscrupulous trucking companies to avoid paying for the damage they cause. That includes holding trucking companies responsible for their actions in the courtroom. HB 19 lets trucking companies and their insurance companies off of the hook by reducing their exposure in court.

I oppose HB 19.

Joaquin Ramirez

Myself

Weatherford, TX

I was in an accident involving an 18 wheeler awhile ago. Thanks to my lawyers I was able to get money for future medical needs. I worry that with the HB 19 that it will make it hard for people like me when injured due to a car crash to get medical care at the time of the accident and future needs from there.

Thomas Hall

self

San Antonio, TX

I oppose this bill for a number of reasons

Beverly Perez

Self

Conroe, TX

I oppose HB 19. Texans must be protected from dangerous and overworked drivers and trucking companies should always be responsible for any damages their drivers cause.

John Ament, Mr.

Self

Atlanta, TX

I am a small town lawyer and have been for over 50 years. I have never advertised on t.v. Or radio. I do and have for years represented victims of vehicle wrecks, including commercial motor vehicles. Because of the size and weight of cmv's, they pose special hazards to the motoring public. Most cmv drivers are very careful and conscientious of safety rules and regulations. As always, there are exceptions. Those exceptions are the ones creating the problem of increased insurance costs, if that is truly the situation.

There is a scarcity of qualified CDL drivers. Just drive around and look at the number of signs saying CDL drivers wanted.

Printed on: April 16, 2021 4:32 PM

Perhaps more training schools should be considered.

Eatery legislative session I can remember, and there are many, some group or entity seeks immunity from responsibility from its negligent conduct. This is no exception. I have represented and am currently represented victims of reckless conduct of trucking companies and drivers. Yes, we find frequent examples of egregious conduct on the part of drivers, but that conduct is fostered by the companies who are pushing the drivers to not just bend the rules but to blatantly disregard them. I've had drivers testify that the boss helped him prepare false logbook entries and when caught, could not even tell me where he spent the night before. Yes, when jurors hear and see such facts, they get angry and return large verdicts.

We hear a lot(probably too much) about regulations today. It is my observation that the greatest regulatory body the world has ever seen is an American jury. It is not a bureaucratic, governmental body, nor is it expensive to operate. It is a reflection of the community standards of our state and nation. We in Texas revere local control...a jury is the epitome of such. HB 19 essentially removes the American jury from its place of time honored importance. The framers of the U.S. and Texas Constitutions recognized and embraced the right of trial by jury in civil as well as criminal cases. Please, do not tamper with the wisdom of those framers in favor of a special interest group.

HB 19 would create a procedural nightmare for our courts and for the victims of tortious conduct. There are too many scenarios that prevent going into detail, but just think of having to deal with the defendant or, more likely, it's insurance carrier for years after a case is tried. Any protections for the tort victim if the responsible entity goes out of business or bankrupt, say 20 years after judgment?

For this proposed legislation to be really effective, our federal rules will require amending, as those rules govern the interstate trucking industry. HB19 will further complicate the equation for truckers and create more headaches and expense.

Recoveries by victims of egregious, harmful conduct by tortfeasors is not the problem.

Defeat HB 19, Please!

Mollie Colvin

self

Ennis, TX

This is nothing more than continuing the big business protections and not helping the working class of Texas. Texas is better than this. I urge everyone to vote against this bill.

Josh Condon, General Counsel

Lone Star Paving

Austin, TX

I am writing to you regarding HB 19, filed by Chairman Jeff Leach and being heard in the House JCJ Committee this morning. I urge you to support HB 19, and believe this legislation is critical to the future of any industry that relies on trucking.

Zachary McArthur

Self-Criminal Attorney

Sugar Land, TX

Having read the text of the bill and considered its potential effects I am discouraged that such a bill should be considered in the Texas legislature. It makes no sense to me that a company could be severed from a lawsuit by stipulating that a driver was acting in the course and scope of their employment. Additionally, while it appears there are some "driver friendly provisions" the carve out related to photos or video of the evidence is a red herring. As a trial lawyer, in a different field, I have a hard time contemplating when a judge could reasonably exclude such photos or video when they relate to the cause of the accident or the extent of the injuries. It makes the appearance that the bill is being friendly to drivers, without actually having any practical effect to that end.

Please do not pass this bill as written.

David Gray

Printed on: April 16, 2021 4:32 PM

Self/ Warehouse Manager

San Antonio, TX

Dear Texas Legislature:

All yesterday, I feel that taking away the lump sum settlement from victims would only increase the burden, and anxiety, placed on them due to their situation. Bills do not stop when you are injured in a wreck, however your income does. Sometimes these cases can take several years to settle, and in the meantime, the bills, and sometimes interest on these bills keep growing. The bill collectors want full payment, and they do not stop the calls until they are paid, which just adds to the list of issues that you are dealing with when you are the victim.

The second issue I have with House Bill 19 is the inability of discovering, by the plaintiffs legal team, of any questionable acts by the trucking company, prior to the wreck. Are they hiring qualified drivers? Are they training their drivers? Are they keeping accurate records, and ensuring the drivers are doing the same?(Drivers logs). Is there a history/pattern of violations with the company which may have had an impact on the wreck? These are important issues for the legal team to discover in order to prevent futures incidents from happening.

This bill will have no bearing on my case, as mine has been settled as far as the legal matters go, and I will live with the physical pain/scars for the rest of my life. However, if by defeating this bill, it helps one victim, then it is indeed a worthy cause. I pray that no one has to go through what myself, and my family went through with my wreck, but I can tell you, from personal experience, that this bill would be detrimental to anyone who has to go through the ordeal I did.

Thank you for your time.

Sincerely,

David W. Gray

Moises Morales

Kherkher Garcia LLP

Houston, TX

This bill is outrageous.

Caty Schexnaider

SELF

Houston, TX

This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road. HB 19 stacks the deck against Texas citizens when they are forced to take trucking companies to court, limiting access to critical discovery and delaying justice for victims. If this bill becomes law, this will provide even less incentive for trucking companies to follow the rules and will make Texas roads more dangerous. Vote NO to HB 19.

Kolter Jennings

self attorney

Fort Worth, TX

No one should have to bury their child and spouse because some trucking companies refuse to follow the rules. If you die after receiving a jury verdict, the award (other than loss of earning capacity) reverts back to the negligent Defendant Company (and

Printed on: April 16, 2021 4:32 PM

really the insurance company). Let that sink in. It does not go to a charity. It does not go to your family. The newly mandatory periodic payments decided by the judge--not the jury that heard all the evidence and decided on the amounts--revert back to the original wrongdoer. Let that sink in. Ask yourself, does this proposed law make the roads safer? This will make so much extra confusing work for judges. What if 5 years after a trial an injured victim's injuries require an amputation? What goes into updating the periodic payment schedule? Does the judge still have plenary power? Who pays for the plaintiff's attorney fees in trying to update the periodic payments? In 2019, Texas had more than 39,000 commercial vehicle crashes and 613 deaths. Texas leads the nation in large truck crashes and the trend keeps continuing upward. Now is not the time to make Texas roads less safe. The bill excuses company liability in all but the most extreme circumstances. How does it make sense to give a company a "get out of jail free" card when the company admits the driver is an employee furthering its business at the time of the crash? It absolves companies from any independent compliance with federal or state safety regulations, such as for training and maintenance on their vehicles. The bill severely limits an injured victim's access to crucial discovery to only 24 months of a company's prior bad conduct. This includes evidence that the company ignored falsified driver's log books, failed to maintain their vehicles, and did not provide adequate training, among other things. It also restricts the Texas Rules of Evidence and ties the hands of the judge in allowing the jury to see a bad company's prior history of safety violations. The bill expands the terms used in commercial vehicle crashes and encompasses much more than tractor trailers or other traditional commercial vehicles. Under this bill, the only excluded vehicles are ones used primarily for household, family, and personal use. The bill creates one-sided procedural barriers to commercial vehicle crash cases by limiting damaging evidence against the company and allowing delay tactics via mid-lawsuit appeals. It allows a company to slowly dole out compensation to victims and creates a perverse profit incentive for the victim's death. Texas Ranks 1st for MOST large truck crashes nationwide in 2020, 2019, 2018, 2017, and 2016. In 2019, Texas had more large truck crashes than: Colorado, Oklahoma, Louisiana, Arkansas, Arizona, Mississippi, Nebraska, Kansas, and New Mexico COMBINED. The number of truck crashes in Texas increased 27% from 2016 to 2019. Texas tops others states in number of truck wreck fatalities (2019): Texas = 685.

Rory McAnelly, Mr.

Self - Attorney

Plano, TX

It would be a horrifying perversion of justice if Texas House Bill 19 is allowed to become law. The Bill adds additional burdens to a claimant's right to recover future expenses by creating a system of periodic payments instead of a traditional lump sum payment.

Requiring future damages to be paid through monthly payments from options such as an annuity is a grossly perverse method of compensating an injured party. Large insurance companies generally offer annuities as financial products to their clients. An insurance company that loses at trial could put future damages into its own annuities. The insurance company will then profit off a recipient's awarded damages through the financial compensation it collects from management of the annuity.

Periodic payments would make it financially difficult for a recipient to pay for future surgeries or other large medical costs. Medical payment plans are not always offered by a provider and may require the recipient to take out personal loans or pursue other options that add greater financial hardship. A recipient could also be forced to postpone a much needed surgical operation in order to save enough of the periodic payments to pay the required fees.

Cutting off the payments upon a recipient's death will harm the recipient's surviving relatives. There is no guarantee that future medical bills incurred by the recipient will be completely paid off by the time of death. Payment of these bills would then fall upon the recipient's estate creating further emotional and financial hardship.

Conclusion:

This bill proposes a system that financially harms Texans who have been injured by commercial vehicles. It will restrict the injured party's right to recover damages and leave them and their relatives more financially and emotionally harmed after litigation has concluded.

Mark Mandel

Self

Alice, TX

I feel this is not good, how can just the driver be the only one liable when he is working for a company. That is what these companies have insurance for.

Printed on: April 16, 2021 4:32 PM

Elizabeth Garza
Self
Brownsville, TX

VOTE NO!!!

Amanda Pallanez
self
Cypress, TX

I vote NO to this Bill. We have to make truck companies responsible for their actions and protect truck drivers from being over worked.

Daphne Grier-Payne
Myself
GARLAND, TX

I strongly object to this bill. Texas legislature is constantly taking away the rights of Texas citizens! First with that catastrophic medical bill that passed 51-49 that took away the rights to sue health care providers for egregious malpractice. That was purportedly aimed to lower malpractice insurance for doctors but instead it gave the insurance companies for money and leverage. Now you want to take away our rights from truck companies that negligently hire or run trucking companies and cap that?!? No! If they want to do business in Texas they need to do all they can to safely run their companies and if they don't, they need to pay! It's the only thing we can hold over their heads for violations or else they will take advantage and cut corners.

Walter Foxworth
Foxworth-Galbraith Lumber Company
Plano, TX

This action is greatly needed because our liability insurance has increased 69% and we have had no accidents.

Wesley Allison
self, manufacturing manager
PARIS, TX

We need stricter laws concerning vehicles used in the transport of goods and materials in the state of Texas. The roads are now so congested mostly due to the trucking industry. I would actually like to see legislation that limits when trucks can be on the roads to reduce congestion.

Saharazard McCray
Self
HOUSTON, TX

I oppose this bill because it makes our roads unsafe

Daniel Gonzalez
Houston Trial Lawyers Association

Printed on: April 16, 2021 4:32 PM

Bellaire, TX

For the past 8 years, I have represented individuals and families who have suffered serious injuries in catastrophic accidents. Occasionally, I represent families whose loved ones have passed away in these accidents, most commonly because of 18-wheeler accidents. I have sat across these families and told them that we would fight for them knowing full well that we will never be able to make them whole again. A major part of my job is to investigate these 18-wheeler accidents. Too often I have had to look at mangled steel and broken glass and think, "how could anyone have survived that?" Even when the drivers involved in the wreck do survive, their lives are usually completely altered due to the severity of their injuries. Husbands can no longer provide for their families, or walk their daughters down the aisle, or pick up their young sons over their head. I understand that 18-wheelers are necessary to fuel our businesses and industries, however we should hold them to the highest safety standards and should not give them higher protections from valid injury claims. Too many Texas families suffer every year due to 18-wheeler wrecks; we should not burden them further by making it more difficult to recover after a catastrophic wreck. Our neighbors and fellow Texans are counting on you to protect them.

Michael Downey, Mr.

SELF

Richmond, TX

It's time we put Texans interests above the interests of foreign insurance companies and out of state trucking companies. This bill hurts Texans when they are already hurting.

No to HB 19.

Garrett Mize

Self. Attorney.

Wylie, TX

There are many parts of this law which are harmful to an injured Texan or their family's ability to access justice in court, but there are two that are particularly disturbing from any political perspective. This bill seeks to deprive injured Texans from money awarded to them by a jury of their peers to pay for future medical treatment. Instead of simply paying the injured Texan as a result of the jury verdict, closing the case, and moving along, the trucking companies would be able to insist upon the implementation of an extremely complicated system of "periodic payments" that the court must expend precious time (and therefore tax payer dollars) overseeing and administering.

First, this is a classic example of government-overregulation and a deprivation of private property rights. Instead of letting Texans decide how to use their property, which in this case is money that has been awarded to them, now the state may tell them when and how they may spend it rather than leaving it to the injured Texan and their family to decide how best to spend the money on future medical treatment. Which is often very difficult to predict in advance and changes dramatically overtime. Our state lawmakers should be looking for ways to keep government out of telling Texans how to use their property, not the other way around. Additionally, if the injured Texan dies before all of the funds for future medical treatment are used, the remainder of the money is not given to them. This is effectively a government-taking and deprives the families of injured Texans their private property rights when they are at their most vulnerable. This is not how the awesome power of the state should be used. The immense power of taking private property should be reserved for only the most important purposes that benefit the public as a whole. HB 19 is not one of these instances.

Second, this bill is a prime example of judicial inefficiency. Our state legislature has always sought to increase judicial efficiency by making lawsuits efficient means of seeking justice and disposing of legal claims. However, under the periodic payment scheme proposed in HB 19, courts would now be forced to wade into a complicated system of determining what amount of medical expenses should be allocated in a periodic fashion, selecting annuities and other financial instruments to park the money in rather than give it to the injured Texan to whom it belongs, and ultimately oversee the distribution of these funds over years or decades if disputes arise regarding this proposed scheme. It would be much simpler, more fiscally conservative, and much more efficient to keep courts out of this byzantine process that is proposed by HB 19 and simply leave things the way they are. Funds designated for future medical treatment should be given to injured Texans to use for future medical treatment. This is the current

Printed on: April 16, 2021 4:32 PM

system created by our state legislature and judiciary and it has served Texans well.

Kendra Ezeb
self - case manager
Houston, TX

I oppose HB 19. Texas roads are among the most dangerous and deadly in the country. Trucking companies should be held accountable for their actions. It's unconscionable to pass legislature that would make it easier for the trucking industry to avoid penalty. How does this bill benefits the millions of Texans who take to the roads everyday?

Eliot Tucker
Retired Lawyer
HOUSTON, TX

Please defeat this bill. Texas needs more safety on our highways and roads and not less. HB 19 will be a disincentive for highway safety for trucking companies and truckers. Thank you.
Eliot P. Tucker

marisa Segovia
Self
San Antonio, TX

Texas roads are dangerous. Our state leads the nation in large truck crashes and deaths.
HB 19 absolves companies from independent compliance with state and federal safety regulations.
HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations.
HB 19 imposes one-sided procedural barriers that delay justice for victims.
HB 19 would make Texas roads more dangerous.

JUAN SILVA
SELF ATTORNEY
ODESSA, TX

HURT FAMILIES UNCONSTITUTIONAL CANT TAKE THE RIGHT TO A JURY TRIAL

Cesilia Montanez
self
Dallas, TX

This is absolutely absurd. Once again you are protecting the big companies and not using your position to help the people. These commercial vehicles can essentially get away with murder if this bill goes through. They won't have reason for following safety procedures because they won't be held accountable if they injure or kill anyone. All the information needed to prove negligence would not be able to be used and it favors only the big companies. There is no justice if not all the information can be presented so the jury and judge can make an informed verdict.

Maary Moreno
Self/Retired Educator
Houston, TX

Printed on: April 16, 2021 4:32 PM

There are already a lot of reckless drivers on our roads today. The worst are those on their phones creating wrecks, injuries and deaths. Please, do what is right and moral.

joshua Venegas

self

san antonio, TX

It would be bad for the state of Texas. It would immunize trucking companies and remove protections from other drivers. It would be a pay out to insurance companies and leave injuries people without any assistance.

Grant Boston

Hamilton Wingo

Dallas, TX

It is difficult to fathom a more dangerous bill, giving trucking companies cart blanche to drive recklessly without fear of consequences. Texas is already among the national leaders in trucking fatalities. Texans deserves laws that make the roads SAFER, not less safe. The recent failures of the power grid should be a lesson in the dangers of valuing corporate interests and lobbying dollars over human lives.

Roderick Lopez

Self

LAREDO, TX

This legislation is wrong for Texas. The procedural changes are incongruent with the right to a trial by jury. I represent injured parties who have suffered profound and tragic losses. Most of these tragedies could have been prevented. I currently represent a young lady who was involved in a collision with a tractor. The driver of the tractor had a blood alcohol level of .217, almost three times the legal limit. An investigation of the trucking company has revealed that the trucking company had no written policy on misuse of alcohol and controlled substances. Further the company commonly misrepresented pre-employment driver checks mandated by federal law that drivers had received negative pre-employment drug tests.

Under the proposed legislation, these violations would not be made apparent to a jury and the tractor trailer carrier with the mandate to follow the rules would never be held to account for this irresponsible behavior. Texans deserve the TRUTH! Holding back relevant information amounts to misrepresentation. This legislation will not result in safer roads for the motoring public.

Edwina Klemm, Ms.

SELF

Houston, TX

Texas roads are dangerous enough as is; we lead the nation in large truck crashes and deaths. HB 19 absolves companies from independent compliance with state and federal safety regulations; it arbitrarily and severely restricts access to critical discovery involving a company's prior bad conduct, which includes safety violations. HB 19 imposes one-sided procedural barriers that only serve to delay justice for victims.

In sum, HB 19 would make Texas roads more dangerous than they already are.

Coby Arnsworth

The Arnsworth Law Firm, PLLC

Houston, TX

Printed on: April 16, 2021 4:32 PM

As an attorney that represents injured victims in Texas, this law is completely against protecting the motoring public who do not drive an 80,000 CMV. It is one-sided against a victim of a motor carrier's negligence and limits a victim's ability to provide evidence of a motor carrier's gross negligence by limiting discovery in favor of the motor carrier. HB 19 erodes the basic fundamental right to a jury trial and prevents a judge from determining what evidence is relevant. HB 19 is antithetical to the federal regulations and is an effort to deregulate motor carriers, which does not emphasize safety for all citizens of the State of Texas. How is HB 19 in the interest of justice for ALL Texans? Simply, it is not.

In the interest of safety, accountability, and justice for ALL Texans, I would respectfully ask that you vote in opposition to HB 19.

Zeke Fortenberry

Self - Attorney

Dallas, TX

This bill is awful. I am an attorney and I represent people who are injured in wrecks. I have one case where my police officer client was on his way to work, and he was hit by a commercial vehicle truck and trailer. My police officer client had to have back surgery as a result of the wreck. The crash investigation revealed the the commercial vehicle truck and trailer were at fault, and the driver had NO DRIVERS LICENSE. In cases like this, the employer company must be responsible if they are allowing their employees to drive commercial trucks with trailers without a drivers license. The only way to ensure safe roads to hold people accountable when they cut corners and don't follow the rules. Please do NOT pass HB 19. Keep people like my police officer client safe, and when tragic wreck occur, allow them to hold companies accountable.

Deborah Riebe

Self

San Antonio, TX

I oppose this bill because Texas leads the nation in large truck crashes and deaths. This bill does not hold companies responsible for complying with state and federal regulations. This bill will delay justice for victims .

James Bagby

self

San Antonio, TX

This bill does not protect Texans, it protects insurance companies. If you vote "yes", it is a clear indication that you prioritize campaign contributions over the safety of the people you represent. There is no justification for limiting access to a company's prior safety violations. There is no justification for delaying compensation to VICTIMS of negligent companies. Please protect our community by allowing negligent companies to be held responsible. Strike this bill down.

Ray Moore

Home

Dallas, TX

I don't want to give trucking companies the right to klll on our roadways.

Averie Maldonado

Self

San Antonio, TX

Please DO NOT vote in support of this bill. It is meant to protect insurance companies over the safety of the public.

Printed on: April 16, 2021 4:32 PM

David Krukiel

Self

Dallas, TX

To whom it may concern: Please make note that I oppose this bill because it makes our roads less safe. Thank you.

Valeri Malone

Self

Shallowater, TX

This is disturbing. How can less accountability ever be better? Everyone should be held responsible for their actions, including large trucking companies. The citizens of Texas are trusting you to take care of us and to keep us safe. Our roads are already so dangerous, and we lead the Nation in large truck crashes and deaths. Can you imagine what it will be like if this legislation becomes the law in Texas? Honor your purpose as our representatives, our leaders. Please don't do this. Please say no to HB 19.

Paola Godoy

Self

Midland, TX

Trucking companies need to be held responsible.

Michael Garcia

Texas Association of Manufacturers

Austin, TX

For the bill!

Courtney Graham

Self

Bastrop, TX

I write to express my vehement opposition to HB 19.

In short, HB 19 makes Texas roads more dangerous. As it currently stands, Texas leads the nation in large truck crashes and deaths. HB 19 essentially absolves companies from independent compliance with state and federal safety regulations and arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. HB 19 further imposes one-sided procedural barriers that delay justice for victims. We as Texans cannot stand for this.

Jennifer Boyd

Self

Shallowater, TX

Hello,

I plead with you not to sign this bill into law. I, (along with the majority of my family) have happily lived in Texas my whole life. Driving on Texas highways, however, is scary and dangerous. Mix regular drivers and sleepy, stressed or just plain distracted semi drivers and it's even more dangerous! I can't tell you the number of times that I have had a near miss with a semi while

Printed on: April 16, 2021 4:32 PM

driving- and I am an impeccable driver. You, as elected representatives of the people must NOT pass legislation that would remove the right of the driver in the instance of a crash with a semi. It's the only protection Texas drivers have against the huge trucking companies. This is unjust, unfair and should not be passed by any means. Thank you.

Jennifer Boyd

Jared Fisher

Myself

Wichita Falls, TX

Little help here ... Can you explain to me how this would help the general public?! The way I'm reading this is the bill does nothing to further public policy and just insulates insurance companies. I'm hoping you can clear up my concerns. Thank you for your time .

Anne Sheridan

Self

Alvin, TX

I am writing to OPPOSE HB 19. Three days before Christmas 2015, my husband, best friend and love of my life, Billy Sheridan, was killed by a commercial driver and his company. Billy was driving home to cook me dinner when a company supervisor chose to allow an worker to drive his company truck while they smoked methamphetamine. The impaired driver crossed the double line and hit Billy head on, killing him and forever changing my life. I miss Billy and his excitement for life. Billy loved animals, was an avid fisherman and loved the outdoors. He had worked for over 20 years at the same company and is missed by all who were blessed to know him.

Before this tragedy, the company had never done any drug testing, performed background checks, nor or conducted safety meetings. The company asserted no control and took no responsibility for the drivers it put on the roadways. Had HB 19 been in place, we likely would not have been allowed to discovery the poor corporate conduct or gone in to their long history of inadequate hiring, training or supervision. It is vitally important for Texas citizens to be able to not only learn the facts about the driver and the incident, but about the company and its failures in order to obtain justice and change corporate behavior. HB 19 would shield corporations from responsibility and accountability for their own wrong doings and perpetuate a lie. Our judicial system plays an important role in corporate accountability. Please protect the lives of Texans rather than eroding our rights, our roads and our laws.

Anne Sheridan

William Rossick

Self/Attorney

Austin, TX

The premise of this bill that the trucking industry is economically threatened by lawsuits and that the bill does not prohibit access to justice is a false foundation. The real reason the trucking industry is taking a black eye by an increase of litigation in the past decade is, in my experience, because of the unsafe practices by the trucking industry, not unfair rules of procedure that apply to every other civil case in Texas. The procedural hurdles this bill puts in place stacks the deck in favor of the trucking industry. The effect of the procedural hurdles are similar in effect to the procedural hurdles enacted for medical malpractice cases-- medical malpractice procedural reforms have denied access to justice to countless Texas citizens.

Chad Ingram

self

Tyler, TX

Printed on: April 16, 2021 4:32 PM

As someone who travels all over the state to work it is imperative that this bill not be allowed to pass. From first hand experience of the constant dangers of driving around commercial vehicles it makes no sense that we would allow commercial transportation companies essentially regulate themselves and put Texas drivers and their families in danger of being financially ruined by this asinine bill.

Judson Waltman

self

Spring, TX

This bill is grossly unfair to Texas citizens seeking redress for negligence. As I can tell there is no reason for it other than to protect the interests of big business and insurance companies to the detriment of our citizens. If the legislature is at all concerned about governing in a way that is actually helpful to our citizens and faithful to our Constitution, it will reject this bill in its entirety.

aspen dunaway

Self, Lawyer

austin, TX

This bill is bad for ordinary Texans, they will bear the brunt of the changes, please find a better way and defeat this bill.

Benjamin Kemmy

Self

San Antonio, TX

Please prioritize public safety. Do not make give the worst trucking companies a free pass. Most trucking operations try to operate legally and safely, but not all of them. The worst offenders (repeat offenders) allow drivers to cheat log books, hire unqualified drivers, do not train drivers at all, and encourage or look the other way on dangerous driver behavior. Because it's more profitable to ignore safety. This bill makes sure that these worst offenders will be able to continue to operate this way without accountability. And many of these worst offenders are out of state companies who want to use our legislature to get a free pass on our roadways. No court, no legal process, will be able to expose any company's long record of dangerous, reckless conduct if you pass this bill. That means they won't stop, and we will all be less safe. These worst offenders give other trucking operations a bad name. As citizens, jurors, we should be permitted to hold these accountable in our own communities -- and not have to rely on a Washington bureaucracy to do the job instead. Vote no on HB19.

Jason January

Jason January, P.C.

Dallas, TX

I served a Dallas County Assistant District Attorney for 15 years. I was hired by Henry Wade. I have prosecuted cases including negligent homicides including large motor vehicles in addition to capital murder cases. I have been helping victims of crime and negligence in the civil courts for over 20 years. Recently, I represented two families that had their fathers killed by an 18 wheeler on the highway near Greenville, Texas in the same incident. The victims (Good Samaritans) had stopped on the highway to help a stranger - who was stranded on the side of the road. While the families (wives, kids, other relatives) watched, the two fathers bodies were hit - resulting in the gruesome deaths by an 18 wheeler being driven by a 65-year-old grandmother who veered off the highway. Only by discovery that would be prohibited by this proposed bill were we able to learn that the driver was part of a husband/wife team from Las Vegas that literally had been driving across the country non-stop for 5 years without a break for even 1 hour or 1 day! The limitations in this bill simply hide facts from a jury to the benefit of trucking companies. If the trucking industry has nothing to hide- then, don't hide the facts. This bill would be devastating to many victims by arbitrarily hiding facts only to the benefit of trucking companies. Trucking companies are NOT going out of business- that statement is ridiculous - just

Printed on: April 16, 2021 4:32 PM

go on the highway and tell me trucks aren't on the road. Texas needs trucks that are safely run. Hiding facts from discovery and juries is not right, fair or democratic.

Christopher Anderson

Self

Tyler, TX

This bill is extremely dangerous for everyday Texans that our elected officials represent. I have personally seen severe injury and multiple deaths as a result of commercial vehicle collisions. Many of these collisions were completely avoidable not only by the employee's actions, but the conduct of the employer. These vehicles are dangerous moving weapons of mass destruction when any amount of negligence occurs, the death and destruction can be devastating. This state already leads the nation in large truck crashes and deaths. HB 19 absolves companies from any independent compliance with state and federal safety regulations. Trucking companies already, shockingly, will choose to avoid these regulations in the pursuit of saving cost or profits, while people are injured or die as a result. HB 19 arbitrarily restricts KEY discovery of a company's conduct, including multiple bad actions, prior safety violations. This will result in nothing less than a delay in justice for victims of negligent trucking companies who cause serious injury and death in their negligence. Put simply, **THIS BILL IS WILL MAKE TEXAS ROADS MORE DANGEROUS**. The committee must reject this bill and the serious danger it will pose to the people that our elected officials represent.

Ware Wendell

Texas Watch

Austin, TX

March 9, 2021

Via electronic submission

Texas House of Representatives

Attn: House Committee on Judiciary and Civil Jurisprudence (E2.120)

P.O. Box 2910

Austin, Texas 78768-2910

Re: Written comments in opposition to HB 19

Dear Members of the Committee:

We write to ask you to please protect your constituents by opposing HB 19. We need #SafeRoads in Texas.

We know trucking lobbyists are trying hard to convince you that special interests need special privileges. The undeniable fact is Texas has the most dangerous roads in the country when it comes to large truck wrecks. Our deep concern is the legislation will only make our roads more dangerous by effectively removing incentives for trucking companies and other commercial vehicles to follow the rules.

Please hear the Rosenberg family's story. Listen to Jerome Ingle. Consider the road ahead for Martin Mata. You can learn about these family's stories at www.TexasWatch.org/saferoads.

They don't have lobbyists. They have you.

Respectfully,

Ware Wendell

Executive Director

Texas Watch

Printed on: April 16, 2021 4:32 PM

Olegario Garcia
Self
MCALLEN, TX

Please Vote NO to this House bill.

Elva Salinas
self
Corpus Christi, TX

Texas Roads are dangerous, Texas leads the nation in large truck crashes and deaths. HB19 absolves companies from independent compliance with state and federal safety regulations. HB 19 imposes one sided procedural barriers that delay justice for victims; it will severely restrict access to critical discovery of a company's prior bad conduct, including safety violations.

Speaking as a wife of a man that was rear ended while waiting for the green light, and through no fault of his own, he was rear ended by a driver of a trucking company. He suffered great pain and anguish. He required surgery, thus putting him through extreme pain and it put him out of work for 5 months.

He suffered through depression, a man who goes through life as a happy go lucky guy. We went through hard times, going from a 2 salary household to a one person salary.

Although his job held a position for his return, it was not the same position that he was hired for and he again went into depression. We are living this today, he's only been back to work for the last 2 months. He still has pain and movement is slow.

We ask that you VOTE NO TO HB19

Kathleen Kearney, RN, MSN, JD
Self / Registered Nurse and Attorney
Dallas, TX

As a registered nurse licensed in Texas for 20 years as well as an attorney, I respectfully request you oppose HB 19. Before attending law school, I worked as a pediatric nurse and took care of children severely injured in wrecks with commercial vehicles in Texas. As an attorney, I represent the children and parents of those who died in wrecks caused by commercial vehicles on Texas roads. Our state leads the nation in crashes and deaths caused by large trucks. But HB 19 absolves companies from independent compliance with state and federal safety regulations. And HB 19 arbitrarily and severely restricts access to critical discovery of a company's prior bad conduct, including safety violations. Further, HB 19 imposes one-sided procedural barriers that delay justice for victims. Most terrifying, HB 19 would make Texas roads more dangerous than they already are.

Bill Wagner
Self CTO
Lewisville, TX

I am not a fan of this bill. It does not protect families of the great state of texas from the negligence of trucking companies. We are already the worst state in the union for safety in the trucking industry and I dont see how this will make it better in anyway. I also am concerned for how families will be able to pay for medical related expenses and ither burdens in such an accident. I respectfully request that you not move forward with this bill.

Courtney Walton
self, legal assistant
Jersey Village, TX

Printed on: April 16, 2021 4:32 PM

I am not in support of this bill; this will be incredibly detrimental to Texans if passed.

Natalie Armour
Self, Attorney
Cypress, TX

I am NOT supporting this bill.

Jonathan Armour
self
Cypress, TX

ARE NOT IN SUPPORT OF THIS BILL.

Tiffany Perkins
self
Houston, TX

I am NOT in support of this bill!

Karen Serrano
SELF
Houston, TX

ARE NOT IN SUPPORT OF THIS BILL

Rebecca Phillips
Self - lawyer
Houston, TX

I am NOT in support of this bill.

Angela Woodward, Mrs.
Self
HOUSTON, TX

Please note that I am not in support of this bill. Please do all you can to not pass this bill.

AUSTIN TAYLOR
self
Spring, TX

I DO NOT SUPPORT THIS BILL.

Printed on: April 16, 2021 4:32 PM

Maura Kolb

Self

Houston, TX

I am not in support of this bill.

Kevin LaMarca

Self

McKinney, TX

I am not in support of this bill. This bill, if passed, would have a detrimental impact on Texas families and their ability to seek justice if wrongly harmed. Please do the right thing.

Jennifer Cabrera

Self

Tomball, TX

I am opposed to this bill.

RON `BARFIELD, Individual

Myself

Arlington, TX

According to my understanding of HB 19, currently under consideration, the legislature is attempting to eliminate a party from collecting damages from trucking companies involved in traffic accidents. This is not a positive effort on the part of the legislature. Let me site an example: I am a married man with a living spouse. Suppose I am carefully and lawfully driving on a Texas highway, or other Texas State roadway and through no fault of my own I am involved in an accident with a vehicle owned by a trucking company that crosses the road line of division, or clearly comes to my side of the road and strikes my vehicle head on.. Also consider, my spouse of 48 years is killed as a result of this incident. Shouldn't I have the right to go after the trucking company that employed the other vehicle driver? of course I should. The company may have been negligent in hiring the driver. Additionally the driver may have had other offenses of similar nature in the past. The trucking company should be liable for anything and everything the vehicle driver does. There may also be faulty equipment in the other parties vehicle. The trucking company is responsible for the proper maintenance of their equipment. Additionally, none of these facts will be admissible under HB 19. I know that as a driver on Texas State roadways I am responsible for maintaining the proper maintenance of my vehicle. Considering I have lost my wife of 48 years, how will I ever recover personally from that tragedy. I am a a very PROUD Texan and believe in our Texas Constitution. This House Bill closes the door to all Texas citizens and denies any right to a fair trial. NOW, suppose my wife was your wife and this all happened to you instead of me. Please do not pass HB 19.

Belinda Lower

Self

CANYON LAKE, TX

I AM NOT IN SUPPORT OF THIS BILL"

Sam Taylor, Mr.

Lanier Law Firm

Stephenville, TX

Printed on: April 16, 2021 4:32 PM

I strenuously oppose HB 19. Further restrictions on open courts and the civil justice system unfairly limits the rights of citizens to seek redress for injuries and damages they have suffered at the hands of tortfeasors.

Mary Thoede

Self

Houston, TX

I am not in support of this bill

Katie Budinsky

Self

Houston, TX

NOT IN SUPPORT OF THIS BILL

melissa salmon

self

Tomball, TX

I am not in support of this bill

Charles Mickey

Self

Spring, TX

I am NOT in support of this bill!

lezie armour

self, missions minister

cypress, TX

I AM NOT IN SUPPORT OF THIS BILL!!!

Jeff Boldt

Self

Tomball, TX

I do not support this bill

John Landers, owner

Self

Friendswood, TX

ARE NOT IN SUPPORT OF THIS BILL. THIS BILL WILL DEPRIVE TEXAS CITIZEN'S THEIR FUNDAMENTAL RIGHT TO JUSTICE IN OUR COURTS WHEN THEY HAVE BEEN HARMED.

Printed on: April 16, 2021 4:32 PM

Suzanne Kolb
self
HOUSTON, TX

Not in support of this bill

Kenneth Locke, Mr.
Myself
Frankston, TX

1. Absolving trucking companies from federal (I don't believe the state can do this.) and state regulations is ridiculous. Especially in light of the Texas power grid disaster when a very reasonable amount of regulation would have saved the citizens from losing power. 2. To allow a company or individual to hide their continual safety violations and their disregard of regulations is absolutely WRONG.

shelly Thornton
Self
Houston, TX

I AM NOT IN SUPPORT OF THIS BILL.

Christopher Phipps
Self
Tomball, TX

Vehemently against this bill. It would allow commercial trucking companies to escape their true liability for negligently injuring people.

Lynette Adam
Self
Cypress, TX

I do not support this bill.

Lindsay Santos
Self
Cypress, TX

I do not support this bill.

Andy West
self
Houston, TX

I am NOT in support of this bill. It's detrimental to the rights of those injured by commercial drivers and the companies that
Printed on: April 16, 2021 4:32 PM

employ them to seek remedies for negligence.

Fred Adam

Self

Cypress, TX

I do not support this bill.

Kevin Parker

Self

Houston, TX

I am opposed to this bill.

Sharon Coleman

Self

Lufkin, TX

NOT in favor of the bill.

Melissa Van Houten, Mrs

self

dallas, TX

I do not support this bill

Carolyn Gtisbee, Mrs.

Self

Cat Spring, TX

I am not in favor of this bill.

Jeff Weinstein

Self

Athens, TX

This bill is so poorly drafted that the damage it creates may never be able to be fixed. Limiting discovery by statute assumes Judges are not wise enough to make good decisions. Each case is different. How can a statute be a fix all to a Judge who is seeing the case based upon the facts of each unique circumstance? Why would we invite appeals into every commercial car wreck case? Talk about wasting judicial resources. Our state has no input from the potted plant agency known as the Texas Insurance Commission. If this is about rates, then allow the Insurance Commissioner to actually do their job and consider rates. It isn't about rates when the proposed bill gives future annuity payments back to the "defendant." A drunk driver (from any state or even another country) causes a wreck in a commercial vehicle (btw studies show 20% of truck drivers acknowledge they have used illegal drugs while driving) and a jury hears the evidence and awards damages to an injured Texan. Then the Texan dies. The way the bill is worded, the future payments are returned to the Defendant. We can read between the lines that the money was to go back to the insurance company but that isn't what the bill says. It seems grossly unfair that the injured client already has to hire a lawyer and have a trial since insurance companies have no oversight to then return the money after the family and the

Printed on: April 16, 2021 4:32 PM

injured party have to work their rear-ends off to get justice. Any legislator that votes in favor of this bill is saying I don't care about my constituents. Blaming this issue on rates is a complete cop out. We have heard all of this before with medical malpractice insurance rates and Doctors are still waiting for their reduced rates. If we really want to help mom and pop businesses, the cap should be on the rates - not the injured Texans that give their health and their lives for companies that hire incompetent drivers.

Renee Holley

Self

Spring, TX

I am not in support of this bill.

Valerie Bergstrom

Self

Carrollton, TX

I do not support this bill

Joyce Mattern

Self

Mabank, TX

No to HB 19

Miriam Carreras

Self, attorney

Houston, TX

I am not in support of this bill.

Victor Grisbee, Mr.

Self

Cat Spring, TX

Not in favor of this bill.

Kellie Martin

Self

Lubbock, TX

I do not support this bill.

Daniel Regner

Self

Houston, TX

Printed on: April 16, 2021 4:32 PM

ARE NOT IN SUPPORT OF THIS BILL

Tracy Regner

Self

Houston, TX

Am not in support of this bill

Beth Diddle

Self

Cypress, TX

I am opposed to this Bill.

Kevin Roberts

Self

Spring, TX

I strongly OPPOSE HB 19 because of the detrimental impact it could have on impacted Texas families.

Martha Urwiler

Self

Kingwood, TX

Not in support of this bill.

Harold Coleman

Self

Lufkin, TX

Not in favor of this bill.

Richard Hicks

Self

Montgomery, TX

Are not in support of this bill

Debra Reynolds

Law Offices of Reynolds & Reynolds PLLC

Frisco, TX

I oppose HB19. I am a daughter, sister, wife, mother, friend, and attorney. Everything about HB19 has the potential to have a harmful impact on the people we know and love by allowing BIG trucking companies to earn BIG money all the while shielding themselves from the negligent acts of the very people they hire to work for them. HB19 requires no accountability for the BIG

Printed on: April 16, 2021 4:32 PM

trucking company's actions that were deliberate, long in place, and deeply established over time, including running an operation with inexperienced, inadequately trained drivers or ignoring indications of recklessness in their drivers, but handing them the keys nonetheless. Accountability starts at the top and HB19 will essentially reverse this, leaving the public to suffer - throwing public safety considerations out the window for the benefit of BIG trucking companies and their insurance companies. The negligent employee drivers are only a symptom of the real cause - direct corporate failures that repeatedly do not appropriately vet, train, supervise, monitor, and discipline its drivers who do not conform to the rules of the road. The road is dangerous enough. Why reward the BIG trucking and insurance companies with HB19 and leave the general public to suffer at the hands reckless negligence?

Tito Breedlove

Self

San Angelo, TX

I oppose the bill

Mark Linder

Self

Houston, TX

I am OPPOSED to this bill. The State of Texas should not be wasting its time eliminating the rights of its citizens, yet this proposed bill would do exactly that, in addition to substituting accountability for all with convenience the be enjoyed solely by special interests. VOTE "NO" TO THIS BILL.

Jackson Waltman

Self

Spring, TX

Not in support of this bill.

Robert Waltman, Mr.

Self

Lufkin, TX

HB 19 oppose

Norma Waltman, Mrs.

Self

Lufkin, TX

Oppose this bill

Will Roberts

Self

Cypress, TX

I DO NOT SUPPORT THIS BILL

Printed on: April 16, 2021 4:32 PM

Karen Denton, Mrs.

Self

McKinney, TX

Please ensure our roads are as safe as possible for each of us to drive on. The large trucks are the ones that can do the most damage to the average driver. It seems like, in my area, they are becoming the majority of vehicles on the road.

I was involved in a very serious accident involving a truck about 7 years ago. Because of my injuries, my life will never be the same. I am in debilitating pain almost every day. Almost any activity causes nerve pain in my chest that lasts for hours. It feels like iMm on fire and being stabbed at the same time. I had to give up my job which I loved and where I had finally reached the peak of my career. I was 47 years old. I was finally newly engaged to my high school sweetheart.

We cannot count of the trucking companies and their drivers to self regulate their industry. I hope we have learned from the recent electric and gas grid failure. We need our leaders to look out for us and ensure there are laws and regulations that protect the average driver on the road.

Please remember my story and those like me when you are asked to vote on HB 19 and other bills that deal with keeping drivers safe on our roads. When it comes to road safety, I hope you will side with the "little guy" and put reasonable limits on trucks and their industry. Business and economic growth are also important, but not more important than our lives and health.

Thank you for your consideration

Carl Woodward

Self

Houston, TX

I oppose HR 19, for the bill would have a detrimental impact on Texas families and their ability to seek justice if wrongly harmed by the negligence of commercial vehicle drivers and trucking companies.

Alex Brown

Self

Houston, TX

This is one of many attacks across our great nation against the rights of ordinary citizens to seek justice. Why place more hurdles when ours is already a tempered justice system based on sound and robust jurisprudence and trial by jury. The courts are the last remaining place where citizens have a chance to even the playing field with corporations that dominate our society in every respect. Do not let them take that away from us as well.

Ric Santos

Self

Cypress, TX

I do not support this bill

Ben Pyle

Self

Houston, TX

I am not in support of this Bill.

Printed on: April 16, 2021 4:32 PM

JESSICA HERNANDEZ

SELF

CORPUS CHRISTI, TX

VOTE NO TO HB 19

LaShaunté Henry-Steele

Self

Cypress, TX

No law should absolve companies from independent compliance with state and federal safety regulations. No law should arbitrarily and severely restrict access to critical discovery of a company's prior bad conduct, including safety violations. Even federal statutes and regulations do not do that. Any member of the public can gain access to the Federal Highway and Safety's records on common carriers. No state bill should permit companies to hide important records from jurors such as dash cam videos. Even I have seen 18-wheeler truck drivers texting while operating semi's carrying dangerous chemicals. When we travel out of state, my little girl loves to make the honking sign with her arms but far too often, truck drivers don't even see her little arms pumping up-and-down because their cell phones are in their faces! If they cause accidents then jurors need to see such dash cam videos and their cell phone carriers records to proof texting while driving. No law should impose one-sided procedural barriers that delay justice for victims. Texas roads are already dangerous. Our state leads the nation in large truck crashes and deaths. HB 19 would make Texas roads more dangerous and should be voted down.

Veronica Nelson

Self

Corpus Christi, TX

HB 19 should not be implemented. It serves no purpose for those individuals who are merely sharing the road with such large vehemoths as 18 wheelers but yet the trucking companies are to be absolved from compliance with state and federal safety regulations. What kind of bill is this? The only ones that benefit are the trucking companies. This is just altogether horribly written and a mistake if it is passed. Someone needs to be liable.

Hollie Roberts

Self; Chief Development Officer

Spring, TX

I am not in support of this bill.

Stephen Adolph

SELF

Spring, TX

I'M NOT IN SUPPORT OF THIS BILL.

George Lunsford

TNT Crane & Rigging

Houston, TX

Printed on: April 16, 2021 4:32 PM

I support HB 19 so that we can bring back balance to the relevant proceedings by eliminating misleading evidence being presented to juries, utilization of inflated medical bills and prejudicial evidence about a commercial vehicle operator's conduct. This should ensure that we award fair compensation to Texans who are injured by the negligence of a defendant and ensure the litigation playing field is level for all players.

Brittany Boldt

Self

Carrollton, TX

I do not support this bill.

sharon schmidt

self-retired teacher

new braunfels, TX

NO to HB 19

Juanita Polo, Safety Director

Terrier Transportation Inc

Houston, TX

I urge you to support Senate Bill 17, Senate Bill 207, House Bill 19 and House Bill 1617.

This legislation is critical to the future of my business and critical to maintaining a strong, job-creating economy in Texas.

The lawsuit environment I and other Texas businesses operate in is unsustainable. Litigation against commercial vehicle owners has caused my insurance rates to skyrocket. It is not going to change unless the Legislature does something to stop the abusive lawsuits that are driving up insurance premiums.

Every dollar I spend on insurance is a dollar I can't use to pay to my employees, hire new employees or invest in my business. Some companies are even going out of business because of this lawsuit abuse. I do not want that to happen to my employees.

Noel Jhagroo

Self

Houston, TX

ARE NOT IN SUPPORT OF THIS BILL

Donald Murray

989-205-1971

Lewisville, TX

HB 19 must be passed. Billboard Attorneys have used the legal system gain profit on the backs of Texans. They have used chiropractors to extend injuries in many times do not exists. They have escalated claim amounts by rising the cost of medical cost. The cost of truck / car accidents in Texas has escalated far too high. Many trucking companies can not longer compete due to the cost of insurance. At the end of the day Texans will end up paying for the high the bill for higher transportation cost.

Caroline Whaley

Printed on: April 16, 2021 4:32 PM

SELF

Sugar Land, TX

Vote NO to HB 19

Cathy Morris, Investigators

Heart of Texas dot consulting

Liberty hill, TX

Necessary Bill to stop lawyers from closing down companies that are small

Christine Grisbee, Self

Self

Cypress, TX

Not in support of this

Cathy Johnson, Ms.

self

Houston, TX

I am NOT supporting HB 19 Leach. This would hurt families trying to seek justice in the courts.

Cathy Armour

Self

Cypress, TX

I do not support this bill.

Gwendolyn Enright

Self

Houston, TX

Please vote no!

Russell Jurk

BOBBY LEHMANN TRUCKING a TXTA member

LEDBETTER, TX

Members of the Committee,

I urge you to support HB 19. This is an opportunity to level the playing field for trucking and freight Companies, as well as any business operating a vehicle for commerce in Texas,

The Trial attorneys have reached a point in their abuse of the system that is unsustainable for the commercial insurance markets to support. This will bring down many business operations in Texas and already has. We are a small business that supports 50+ families in central Texas. If we cannot find or afford insurance, we will be out of business. The legal climate in Texas is not good. Please support this Bill.

Printed on: April 16, 2021 4:32 PM

Russell Jurk

Sharron Empey

Institute for Safer Trucking

Wylie, TX

House Bill 19 would make it much more difficult for survivors of truck crashes and families of victims to hold the trucking company involved in their crash accountable in court by creating unnecessary procedural barriers and limiting the information that can be viewed by juries. Not only is this unreasonable, but it is also unsafe. Limiting liability for a private sector that operates predominantly on public roads will greatly diminish safety for the motoring public.

A main function of this bill is to allow trucking companies to hide their misconduct while placing the burden on trucks drivers. Instead of taking responsibility for their safety records as well as hiring decisions, training, and a slew of other responsibilities that fall to them, these corporations are hoping that the truck driver will be the only party that the public can hold accountable for a crash. While this may benefit some companies' bottom lines, the cost to the rest of us is far too great. More Texans involved in large truck crashes will face financial devastation as they fail to secure adequate recovery for their injuries (like quadriplegia, paralysis, and others requiring lifetime care), and ultimately require public assistance to live – supported by taxpayers.

Aside from the negative consequences of passing this bill, the justification for it is baseless. There is no proof to back up the erroneous claim that lawsuits are causing insurance premiums to increase. Instead, we urge lawmakers to look at the troubling trends in Texas. Since 2009, truck crash deaths have gone up 105 percent, far outpacing the nationwide increase of 48 percent. The problem is even worse on high-speed roads. According to our analysis of truck crash fatality data from the National Highway Traffic Safety Administration, between 2012 and 2019, truck related fatalities on roads with 75mph or more in Texas increase 116 percent compared to a 3 percent decrease in deaths on roads with speed limits of 70 mph or less.

The fact that truck safety is getting worse on higher speed roads is not a surprise, but it also might help explain why truck crashes are costing more. According to Texas A&M Transportation Institute (TTI), which looked at approximately 2,800 commercial motor vehicle (CMV) crashes in 20 counties across the state of Texas, "speeding" was one of the driving behaviors that "had the most impact on CMV-at fault crashes," and resulted in greater injury/fatality risk per crash than crashes where it was not a factor. This study also found that truck crashes involving speeding had approximately 20 percent higher estimated crash costs.

Given Texas already has statutes, procedures, and rules that allow its civil justice system to fairly handle truck crash cases, we hope lawmakers will abandon this misguided effort in favor of advancing policies that will improve trucks safety in their state.

Institute for Safer Trucking

Denise Carter, Defendant

Missy Bolland

Midland, TX

I am a victim in a tracker trailer rig wreck the company did a lot of separate thing's. The driver contributed to the wreck they shouldn't get away with it they should own responsibility for there actions

Mark Enright

Self

Houston, TX

Vote no!

Christopher Fletcher

Self

Houston, TX

Printed on: April 16, 2021 4:32 PM

ARE NOT IN SUPPORT OF THIS BILL

Yuriko Sanchez

Self

Houston, TX

Are not in Support of this bill.

Kayla White

Self

Pearland, TX

ARE NOT IN SUPPORT OF THIS BILL.

Priscilla Hernandez

self

Cleveland, TX

are not in support of this bill

Meagan McCoy Jones

McCoy's Building Supply

San Marcos, TX

We are a family owned business operating 76 locations in Texas and with our own fleet of over 500 trucks and truck drivers. Speaker Moody and Rep. Middleton represent two of our locations. We delivery over half of what we sell as part of the construction supply chain in Texas, and we ask for your support on HB 19 by Chairman Leach.

Angie Todd

Self

Houston, TX

I am not in support of this bill.

Leslie Hernandez

Self - Trucking Co

Brenham, TX

I am a supporter of Quit targeting trucking companies and stop expensive lawsuits against trucking companies just because you can. There needs to be some rules and regulations. Also needs to be taken into consideration the actual events that happened. It is not always the truckers fault. Millions of dollars are paid every year when the 4 wheel car was at fault but it has become too easy to sue the trucker. Often times the 4 wheel car driver is not even legal but still wins a lawsuit. The cars need to follow the same rules as professional drivers. STOP the over abuse of suing a trucking company. Make it harder for them that way only the people that are really entitled will be able to. Stop blaming truckers for all accidents when it is most of the time the car that caused the accident!

Printed on: April 16, 2021 4:32 PM

Beth Sanders

Self

Houston, TX

I VOTE NO - I am not in support of this Bill.

Chris McCarty, President

Warriner Solutions LLC

Houston, TX

Cost to trucking companies have skyrocketed due to out rages claims and inflated medical bills just so Plaintiff attorneys can line their pockets. There has to be change as the trucking industry cannot keep absorbing theses cost.

Carley Kuehn

Self

Cypress, TX

I am not in support of this bill.

Kevin Gallagher

Self

SUGAR LAND, TX

ARE NOT IN SUPPORT OF THIS BILL

Zoe Boyer

Self

Houston, TX

NOT IN SUPPORT OF THIS BILL

Lisa Flores

self

AUSTIN, TX

It is completely inappropriate and unethical for Chairman Leach to chair this committee for this bill, which would directly benefit him in his private professional life.

Beverly Boldt

Self

Flower Mound, TX

I am against this bill

John Rojas

Printed on: April 16, 2021 4:32 PM

Del Mar College Transportation Training Services

Odem, TX

Passing House Bill 19 is crucial to the trucking Industry's small business owners. The majority of trucking companies in Texas are small business owners and the lawsuit abuse that is occurring is causing many companies to close. Every other commercial on TV is a negative Ad from lawyer firms promising to make people rich if they were involved in an accident with a commercial vehicle. This abuse is also distracting potential new drivers seeking employment opportunities. The trucking industry is an essential job, and the COVID 19 Pandemic has definitely highlighted the need for drivers as well as the winter storm a couple of weeks ago that our local grocery stores depend on trucks to provide our communities our basic needs.

Please pass HB 19 and give small businesses a chance and stop these lawyers from spreading false information of all drivers are bad, untrained, and fatigue. This has been their gravy train for years and needs to be limited

Stephanie Quinn, Ms.

Simmons & Fletcher Attorneys

Houston, TX

Oppose this bill.

Sheila Lazzara, President

Business

Flower w, TX

This is a bill that will allow trucking company's the ability to kill individuals or secretly injure people and get away with it. Please vote against this bill!

Deborah Gilstrap

self

Cypress, TX

I am not in support of this Bill.

Philip Yang

Self

Houston, TX

NOT IN SUPPORT OF THIS BILL

Benjamin Major

self

Porter, TX

I am NOT IN SUPPORT of this bill. Specifically, it reduces the incentive to keep Texas roads safe and will lead to more wrecks while shifting the risk of those wrecks to the victims.

Erica Lisenbe

SELF

Printed on: April 16, 2021 4:32 PM

MESQUITE, TX

This bill severely limits an injured victim's access to crucial discovery to only 24 months of a company's prior bad conduct. This includes evidence that the company ignored falsified driver's log books, failed to maintain their vehicles, and did not provide adequate training, among other things. It also restricts the Texas Rules of Evidence and ties the hands of the judge in allowing the jury to see a bad company's prior history of safety violations.

Kaleb Osborne, 728.

My self

Houston, TX

728 days... Two years was the time it took to get my case done. During that time the normal remains consistent, depression, pain, and hopelessness. To go from a working young man to a man in need of funds, mental, and physical support is simply demoralizing. I've lost everything from loved ones to my own favorite attributes. This process I wish upon no woman and no man. No one in this scenario should get their backpay of their losses in payments. The time we lost and emotional distress has almost lead us to death. We need our lives and just as important, we need our funds back. To be paid little by little while attempting to fix your debt and bad credit is ridiculous. The pain suffered in between the time to get this case done has been enough. Without family or friends the victim of this outcome will be lead to homelessness, if not they will be living pay check to pay check. We have families to take care of. Mothers and fathers that are simply dying in front of our eyes. The opportunity to treat them to a better life that you were able to afford them before the accident/case is slim. We need our life and our funds back, not later, but sooner.

Roy Smith, VP/SAFETY DIRECTOR

Thigpen Trucking, Inc.

Chilton, TX

The outrageous claims that plaintiff attorneys give in most lawsuits go way beyond what should be settled on. They go off the beaten path and flood the court with an overwhelming amount of claims to just try and see what will stick. In turn the insurance companies spend way too much time and money countering all these claims, so all that gets passed back down to the company paying the insurance and trying to survive.

Amber Baskin

self Accountant

Spring, TX

Please protect Texans on our roads, and vote against this bill

Sally Noyce, HR Manager/Owner

Panhandle Express, LLC

Hereford, TX

Please limit the over reach of plaintiff attorneys who stray off track and decide to try the Carrier's business practices instead of the facts of the accident which is under litigation.

Danny Schnautz

self - manager

Pasadena, TX

The injury lawsuit process is too often being abused by plaintiffs, and they are gaining in sophistication, funding, and success.

Printed on: April 16, 2021 4:32 PM

From rules of discovery to attorney funding to appeal, well-run businesses can be destroyed because of a circumstance which can be exploited. Other states have headed this off and continue to have more balance between the plaintiff and defendant. Overall, our current environment isn't good for even honest plaintiffs, who are engaging in a broken system.

deborah Hensley loewe

Hensley Law Firm

austin, TX

As an attorney that handles Personal injury and trucking cases I see the devastation these wrecks cause to everyday people, HB provides protection to negligent drivers and companies at the expense of Texas citizens. HB19 does nothing to address why does Texas lead the nation in commercial truck collisions and injury and death? Why should negligent companies get to kill and injure people on the roadways? This is crazy, people die every day because of trucking wrecks, Texas is one of the nation's leaders, we should be making the penalties higher to discourage this behavior, not encourage the behavior of these companies, and their drivers. They need to train and monitor drivers closer to keep them safe.

Why do lawmakers want to make our streets more dangerous, Texans have a right to be protected from the negligence of these drivers and companies, and they have a right to sue for compensation if these companies are negligent.

HB19 encourages noncompliance with existing state and federal safety regulations and limits Texas citizens' valuable legal rights. HB19 is certain to make Texas roadways more dangerous by restricting citizens' ability to hold these negligent drivers and companies responsible

Alissa Roberts

Self

Cypress, TX

I do not support this bill. My family was hit by a drunk driver in a commercial vehicle. The driver hit us and took off. My husband and 2 children were in the car. We later learned that the same commercial vehicle hit 3 cars on that same day. He finally stopped because the trucks tire blew out. He was arrested for a DWI.

Leila Ayachi

self

Cypress, TX

I AM NOT IN SUPPORT OF THIS BILL

Dwana Waltman

self

Spring, TX

I am not in support of this bill. Why are we making it harder for our Texas citizens to travel the public roads safely? This will be the EXACT result of this legislation. We count on our legislators to protect us as citizens. Their job is NOT to protect trucking companies and insurance companies.

Kimberli Burrage

self

Magnolia, TX

ARE NOT IN SUPPORT OF THIS BILL

Maxine Major

Printed on: April 16, 2021 4:32 PM

Self/retired

Hockley, TX

I oppose HB19

Carolyn Ostovich

Self, Attorney

Wichita Falls, TX

This bill eliminates personal responsibility for companies that operate commercial vehicles. As a small business owner, this seems unfair that these companies are not held accountable for their own negligence. Are some people more equal than others? What I see as the purpose of the law as it now stands, is that all people, and corporations, should be accountable for their own actions. The complaints this bill makes would change that. I believe that all people and corporations should have to answer for their actions, that is the Texas way.

The bill also misses the mark when it seeks to change rules of evidence. Courts are always faced with unusual fact scenarios, and judges should be allowed to be the gatekeepers, as they do this as part of their duty, and the decisions they make are subject to review and scrutiny.

Bifurcated trials kill judicial economy and are impractical. This tells the jury you do not trust them with all the facts, and you do not trust them to follow instructions and do the right thing. This would also result in additional cost to litigants, and potentially delay settlements until the bifurcation phase begins.

Conscientious commercial vehicle operators will not be affected by the passing of this bill; it will reward the few bad apples, at the cost of making justice more elusive for Texas families.

Richard Meadow

Self-Lawyer

Houston, TX

I am strongly opposed to this bill. Every citizen has the right to a fair and impartial trial by their peers.

Jan Manning

Self

Pasadena, TX

I am NOT in support of this bill

Erin Graglia, Owner

Wallport Transit Xpress (WTX), Inc.

La Porte, TX

I just sat in on the hearing on-line. I own a container drayage company with 18 W2s and 55 Owner-Operators. Even while our safety rating and loss run history is good, our insurance premiums have gone up 40% in the last three years. This year I had to bid with two brokers, 14 underwriters and one captive. The process was full time 8 hours/day for 45 days. When I ask why, the response was "the unfriendly courts in Texas." Four years ago I installed dashcam cameras in all trucks. I have to pay an office clerk to make sure all cameras are up and running at all times, shutdown any units with non-working cameras and trouble shoot to get the camera running before the truck can resume activity. The footage has helped tremendously in getting plaintiff attorneys to "go away." I can't imagine an accident going to court and having a judge not allow our footage to be seen by the jury. If any of

Printed on: April 16, 2021 4:32 PM

you are interested in watching the library of footage we've collected in the last years, please let me know. You would be appalled to know the folks in the footage had the audacity to claim damages. They do that because our legal culture (of nuclear verdicts and plaintiff attorney billboards and TV commercials) essentially says, "why not, we have nothing to lose, only potential for a big payout." And the relationship between the attorneys and the doctors... resulting in unnecessary surgeries... it's just awful. And the trumped up medical expenses. When I started in this business I was introduced to the term gross negligence. As long as I run a clean company, I will never be grossly negligent. I tell folks today that the simple act of getting out bed in the morning can be twisted into gross negligence by the plaintiff attorneys. Look, I really love my job. I love creating employment opportunities and guiding the continuing education and skill set development of both staff and OO partners. It is my sincere hope that my legislature can enact this legislation and create a fair play field for commercial vehicle litigation in Texas.

Bobby Ervin, General Manager

Alamo Crane Service Inc

Selma, TX

We can't continue to drive around with a target on our backs. Regardless of whose fault it may be, it ultimately comes down to the large trucks on the road. You can be as careful as you can be and it can still become your fault. There has to be some way to better protect our industry.

Jared Culotta

Self

Houston, TX

ARE NOT IN SUPPORT OF THIS BILL.

Jaime Culotta

Self

Houston, TX

ARE NOT IN SUPPORT OF THIS BILL

Caroline Allen

self

Houston, TX

I oppose this Bill.

Paul Culotta

self

Houston, TX

ARE NOT IN SUPPORT OF THIS BILL

Rosa DeMauro

self

Dallas, TX

This seems one-sided in favor of trucking companies when those vehicles have the ability to ruin someone's life and SHOULD be

Printed on: April 16, 2021 4:32 PM

held to a higher standard of safety.

Elizabeth Culotta

Self

Houston, TX

ARE NOT IN SUPPORT OF THIS BILL

Jonah Starz

Self

Houston, TX

Are not in support of this bill

Travis Mulder

Self

Katy, TX

Are not in support of this bill.

Walter Tucker, Mr.

Self

Odessa, TX

I was struck from behind while stopped at a red traffic light by an 18 wheeler hauling fuel and pushed into another pickup in front of me. Injuries suffered include knee injury, ankle injury, neck and back injury (that required surgery on both), hip injury, TBI in addition to being diagnosed with PTSD because of the accident. My case is currently in litigations and I shouldn't be punished by the State of Texas (by the house voting yes on HB 19) for sitting at a traffic light and being struck from behind.

John Armour

Self

Cypress, TX

I do not support this bill.

Brian Gutierrez

Self - Attorney

Bryan, TX

I write to voice my concern about the effect that this bill may have on the safety of Texas roads. Although the number of car accidents may be going down, the number of truck accidents have actually gone up. By absolving companies of the responsibility to comply with state and federal trucking regulations intended to protect the public, the roads will be less safe for Texas families. We should be lowering the bar to safety. In a truck v. car wreck, the truck wins.

Marco Salinas

self

Printed on: April 16, 2021 4:32 PM

Eagle Pass, TX

Texas highways are already the most deadly in the nation. This bill will only serve to make them even deadlier. We should be looking for ways to save Texan's lives on the road not finding new ways to kill more. Why do trucking companies deserve special rules and treatment? Which industry or interest will be next to the trough asking for special treatment?

Griselda Garcia

Self

Cypress, TX

I AM NOT IN SUPPORT OF THIS BILL.

Emily Illescas

SELF

Houston, TX

I am not in support of this bill .

Paul Marinez

Self

KAty, TX

Not in support of this bill.

Zachary Caballero, Lawyer

Self / Lawyer

Houston, TX

My name is Zachary Caballero, and I am a first-generation trial lawyer and resident of Houston, Texas. I practice personal injury litigation. I am writing to express my opposition of HB 19. This language of this bill and the effects of this bill will do nothing to protect Texas families, Texas motorists, or Texas citizens. HB 19 represents a gross miscarriage of justice and if passed, it will drastically alter the legal landscape to Texas civil procedure, civil lawsuits that will only benefit the trucking industry. Absolving employers/motor carriers from liability for the actions of its truck drivers is wrong and unjust, especially in a state that leads the nation in trucking deaths on the roadways.

Today, I listened to testimony in the House of Representatives from proponents and opponents of HB 19. It was incredibly disappointing and infuriating to listen to proponents of the bill who were more concerned about "lawsuit abuse," "tort reform," "large verdicts," "unfair litigation tactics," and "raising insurance premiums" as opposed to safety --all allegedly in the name of "fairness." This bill is not about fairness. This bill directly affects the rights of ever Texas citizen.

I am also opposed to this bill in every regard and hope that the Texas Legislature does the right thing, and do everything in its power to ensure this bill does not become Texas law.

IAN SPURLOCK

Self

Cypress, TX

I do not support this bill.

Printed on: April 16, 2021 4:32 PM

Karen Williams

None

Corpus Christi, TX

Anyone who votes in favor of this bill will forever have blood upon their hands.

This bill will make our roads hazardous and reduce the wages of truck drivers, while promoting inexperienced truck drivers, ghastly! Texas for lawsuit abuse people will have much to answer for; let the true victims of their actions be only those they love, then we will realize the "truths".

Judy Taylor

Myself

Kaufman, TX

We should have the right to find out who is at fault, and hold the company, the driver and the Insurance Co Responsible. We can not allow this bill to pass J. Taylor

Benedict James

self - personal injury attorney

Austin, TX

1. Public policy concerns favor voting against the bill in its entirety. Commercial vehicle crashes on average cause the most damage and injury to Texans than any other vehicle crashes. Making a law that creates specific favoritism that protects commercial vehicles is therefore illogical. With medical malpractice reform and Chapter 74, at least there were legitimate public policy concerns for tort reform, because lawsuits were arguably making it more difficult for people in need of doctors to find them and be treated. With regard to commercial vehicle accidents, no similar public policy concern exists. This is a bill strictly made to benefit commercial policy insurance companies at the expense of injured Texans.

2. Any argument that the current justice system is unfair and unable to deal with commercial vehicle crashes, and that this bill has been introduced to make things more fair is disingenuous. Currently, the same discovery and evidentiary rules apply to commercial car wreck cases as they apply to other civil cases. There is nothing in the discovery and evidentiary rules that makes it particularly difficult for commercial wreck cases to be litigated in a fair and efficient manner. Like every other civil case, regarding discovery and evidence, the trial court has a lot of discretion in the way discovery is conducted and what evidence is admitted. By creating limitations and rigidity as proposed by this bill, a lot of the trial court's discretion is eliminated. By eliminating that discretion, the likelihood of an unfair result increases because the trial court does not have the ability to make discovery and evidentiary decisions based on the case in front of them, but instead must follow the rigid rules of the statute that favor the commercial defendant. In other words, it is clear, that this bill is not about making things more fair, but instead, an attempt to rig the system in favor of the commercial defendants. It is clear, that this bill is a pure attempt to help commercial insurance companies at the expense of Texans. That is why voting yes on this bill is highly unacceptable.

Len Gabbay

Self and on behalf of Jason Gamache and his family (Trucking Victim client of mine) / Attorney

Lockhart, TX

This testimony AGAINST HB 19: HB 19 ignores the trucking co. system failures which cause the event of a truck wreck. These system failures will not get addressed in the first phase of litigation if the trucking co. stipulates respondeat superior. The EVENT may be addressed by the jury, HOWEVER, THE SYSTEM FAILURE THAT CAUSED THE WRECK REMAINS INTACT. There is no incentive for the company to address the system failure when they get off the hook by stipulating to respondeat superior.

Printed on: April 16, 2021 4:32 PM

June 24, 2016 Wreck

Schneider National Trucking Co. hired a tractor trailer driver applicant who had not driven a tractor trailer in almost 1 year prior to applying with Schneider. This applicant formerly drove trucks in the oil field services business where he drove rural roads with little traffic. Before Schneider hired him, Schneider gave him a short training and then road tested him. There were three violations the examiner hand wrote on the road test:

- 1) Driver needs to keep both hands on the wheel at all times except when shifting;
- 2) Driver needs to scan his mirrors every 6-8 seconds;
- 3) Driver needs to use the 10 second lane change rule on every lane.

Rather than sending this applicant for some re-education or putting him with a co-driver, or giving him another road test, Schneider put him in one of their tractor trailers and sent him out on our roadways in Austin.

Within 30 days of being hired, this driver replicated the violations he had been written up for (#2 and #3 above) resulting in a horrific crash and the loss of a man's leg. The Schneider driver left McCoy's Lumber on Highway 71 at evening rush hour. Instead of making a series of right turns, the driver turned left out of McCoy's driveway across oncoming traffic and pulled into the center turn lane facing down a steep hill. The driver put himself in a position to have to pull into the fast lane toward the bottom of the hill. He would have to judge traffic coming from behind him at highway speeds on his right side. He entered the fast lane at 5 miles per hour. He then gained speed to 23 mph and chose to just continue into the outside lane. He entered the outside lane at 24 mile per hour. Traffic was 55 mph.

A red pickup in the fast lane slammed on his brakes and avoided slamming into the back end of the tractor trailer. A gray pickup in the outside lane slammed on his brakes, swerved to the right to avoid the collision with the tractor trailer who just kept coming across 2 lanes. The pickup was forced off the highway and into a guardrail which then entered the passenger compartment and severed the leg of the driver, Jason Gamache. His leg was amputated. Jason is a husband, a father of 7 and grandfather of 2. His career was what he had learned from his grandfather at age 5 – heavy machinery mechanic. His amputation cut his career short.

The system failure is Negligent Hiring and Training. Not gross negligence so no accountability for company. HB19 insures it'll happen again.

Alex Soto

Self

Dallas, TX

I am a truck driver myself, driving for over 30 years with no accidents. Safety is my biggest concern when I am behind that wheel because what I am driving can kill or badly injure someone if I'm not careful n obeying all rules n regulations. My wife n I were rear ended by an 18 wheeler in the fast lane. My wife was driving on October 3 n we were hit. I remember her facial expressions n stated we just got hit by an 18 wheeler. I was very upset as why was this 18 wheeler in the fast lane!!! Our lives have changed since then. I could not go back to work as my back n neck have bulging discs from my neck to my lower back. I had to use all my sick days, vacation days until now currently using my short term disability wonder what we would have done if I hadn't been paying for that insurance. It's a paycheck but less than one third then what I was bringing home! I thank God we do not live beyond our means. This does not include the pain I have been enduring as I do not want to become addicted to the pain meds. I still have 2 more procedures to be done in the next 2 weeks. I also do not know what my future holds if I'll be able to go back to work. My goal was to retire in a few more years n now I maybe forced to retire earlier. I am still angered n this gives me more grief that us drivers will not be responsible drivers to obey ALL the rules n regulations in TEXAS. No but he'll no! HB19!

Kathryn Hunt

Self, business owner Potter's Wheel Gift Gallery

Houston, TX

I do NOT support this bill. Please do NOT pass it. Thank You,
Kathryn Lanier-Hunt

Printed on: April 16, 2021 4:32 PM

Davis LaBarre

Self

Houston, TX

ARE NOT IN SUPPORT OF THIS BILL.

Emily Johnson

Self

Sulphur Springs, TX

Not in support of this bill

Rhonda Adam, Self

Self

Cypress, TX

I do NOT support this bill

Ellen Olive

Self

Cypress, TX

I do not support this bill.

Sarah Lanier

Self

Houston, TX, TX

I am not in support of this bill

James Terry

Self

Lexington, TX

There is nothing in this bill that is intended to help the PEOPLE of Texas. Making it more difficult to hold trucking companies liable for their negligence and/or the negligence of their employees is yet another attempt to protect companies and insurance companies at the expense of the citizens of Texas. Why pass a law that helps a trucking company avoid responsibility for their actions and/or the actions of their employees. Insurance companies already have too much power and advantage. Any increase in litigation due to trucking wrecks is due to the refusal of insurance companies to offer reasonable compensation for the injuries and deaths caused by trucks that don't obey the laws and standards already in place. If the company fails or refuses to make sure their drivers are adequately trained and following the standards in place, then the company is just as culpable for the damages suffered by the victims of these crashes. Let's not pass yet another law that does nothing more than make insurance companies more profitable -- let's pass laws that make the PEOPLE of Texas safer and hold all of those fully responsible for their negligence.

Jacqueline Teoh

Printed on: April 16, 2021 4:32 PM

Self

Houston, TX

ARE NOT IN SUPPORT OF THIS BILL

Andrew Murphy

Self

Carrollton, TX

This bill is bad for the citizens of Texas. Where is the protection for the law abiding citizen? It places the. Lame on the victim instead of the perpetrator of the crime. We would be rewarding bad behavior with this bill.

David Hale

Self

Dallas, TX

I oppose this bill because I am on major highways 50,000+ Miles a year. We need to hold companies accountable to take proper training and safety precautions. The roads are dangerous enough as it is with cell phone access. Please do the right thing and keep the roads as safe as possible.

Nejat Ahmed

Self

Allen, TX

I oppose this bill. It does not serve or protect Texas residents.

B. F. (Biff) Adam

Self

Cypress, TX

I do not support this bill

Judy Roseborough

Myself

Dallas, TX

I STRONGLY oppose HB 19 and urge that you please vote no. This bill undermines the safety of Texas roadways, the accountability of unsafe trucking companies, and provides special and completely unfair protections for unsafe trucking companies. Trucking companies following the rules and complying with safety rules and regulations do not need or benefit from such privileges. These protections benefit bad actors, including chameleon carriers, and do nothing to protect Texas citizens harmed by them. It prevents juries from hearing and seeing all information necessary for sound verdicts. Again, please vote no on HB 19.