

By: Leach

H.B. No. 1745

Substitute the following for H.B. No. 1745:

By: Schofield

C.S.H.B. No. 1745

A BILL TO BE ENTITLED

AN ACT

relating to vicarious liability of a transportation network company for acts of a driver using the company's digital network.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 150E to read as follows:

CHAPTER 150E. CIVIL ACTIONS OR ARBITRATIONS INVOLVING  
TRANSPORTATION NETWORK COMPANIES

Sec. 150E.001. DEFINITIONS. In this chapter:

(1) "Digital network" and "transportation network company" have the meanings assigned by Section 2402.001, Occupations Code.

(2) "Network vehicle" means a land motor vehicle that:

(A) is available on a digital network;

(B) is of the following type:

(i) black car or other for hire; or

(ii) private passenger, pickup truck, or cargo van;

(C) is designed to operate primarily on a public road;

(D) has at least four wheels; and

(E) has seating for not more than eight passengers, including the driver.

Sec. 150E.002. APPLICABILITY OF CHAPTER. This chapter

1 applies only to an action or arbitration proceeding in which:

2 (1) a transportation network company is a defendant;

3 (2) the claimant seeks recovery of damages for loss of  
4 property, bodily injury, or death;

5 (3) the claim for which the action or proceeding is  
6 brought arises out of the ownership, use, operation, or possession  
7 of a network vehicle while the vehicle's driver or passenger was  
8 logged on to a transportation network company's digital network;  
9 and

10 (4) the theory of recovery for which damages are  
11 sought against the transportation network company is based on:

12 (A) the ownership, operation, design,  
13 manufacture, or maintenance of a digital network accessed by a  
14 driver or passenger; or

15 (B) the relationship, affiliation, or  
16 interaction with a driver logged on to a transportation network  
17 company's digital network.

18 Sec. 150E.003. LIMITATION OF LIABILITY. (a) A  
19 transportation network company may not be held vicariously liable  
20 for damages in an action or arbitration proceeding to which this  
21 chapter applies if:

22 (1) the claimant does not prove by clear and  
23 convincing evidence that the company was grossly negligent with  
24 respect to the subject claim; or

25 (2) the company has fulfilled all of the company's  
26 obligations with respect to the transportation network company  
27 driver under Chapter 2402, Occupations Code, relating to the

1 subject claim.

2 (b) Subsection (a) does not affect the liability of a  
3 transportation network company arising out of the company's own  
4 negligence or gross negligence for an act or omission relating to  
5 the use of the company's digital network, including the failure to  
6 prevent a driver from logging on to the digital network if, at the  
7 time of the event giving rise to the cause of action, the company  
8 had actual knowledge that the driver was disqualified from logging  
9 on to the company's digital network for a reason described by  
10 Section 2402.107(b), Occupations Code, that occurred after the most  
11 recent review of the driver's driving record or criminal background  
12 check required by Section 2402.107, Occupations Code.

13 SECTION 2. The changes in law made by this Act apply only to  
14 a cause of action that accrues on or after the effective date of  
15 this Act.

16 SECTION 3. This Act takes effect September 1, 2023.