

1-1 By: Leach (Senate Sponsor - Nichols) H.B. No. 1745
 1-2 (In the Senate - Received from the House May 3, 2023;
 1-3 May 4, 2023, read first time and referred to Committee on State
 1-4 Affairs; May 10, 2023, reported favorably by the following vote:
 1-5 Yeas 9, Nays 1, one present not voting; May 10, 2023, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14		X		
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19				X

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to vicarious liability of a transportation network company
 1-23 for acts of a driver using the company's digital network.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Title 6, Civil Practice and Remedies Code, is
 1-26 amended by adding Chapter 150E to read as follows:

1-27 CHAPTER 150E. CIVIL ACTIONS OR ARBITRATIONS INVOLVING
 1-28 TRANSPORTATION NETWORK COMPANIES

1-29 Sec. 150E.001. DEFINITIONS. In this chapter:

1-30 (1) "Digital network" and "transportation network
 1-31 company" have the meanings assigned by Section 2402.001,
 1-32 Occupations Code.

1-33 (2) "Network vehicle" means a land motor vehicle that:

1-34 (A) is available on a digital network;

1-35 (B) is of the following type:

1-36 (i) black car or other for hire; or

1-37 (ii) private passenger, pickup truck, or
 1-38 cargo van;

1-39 (C) is designed to operate primarily on a public
 1-40 road;

1-41 (D) has at least four wheels; and

1-42 (E) has seating for not more than eight
 1-43 passengers, including the driver.

1-44 Sec. 150E.002. APPLICABILITY OF CHAPTER. This chapter
 1-45 applies only to an action or arbitration proceeding in which:

1-46 (1) a transportation network company is a defendant;

1-47 (2) the claimant seeks recovery of damages for loss of
 1-48 property, bodily injury, or death;

1-49 (3) the claim for which the action or proceeding is
 1-50 brought arises out of the ownership, use, operation, or possession
 1-51 of a network vehicle while the vehicle's driver or passenger was
 1-52 logged on to a transportation network company's digital network;
 1-53 and

1-54 (4) the theory of recovery for which damages are
 1-55 sought against the transportation network company is based on:

1-56 (A) the ownership, operation, design,
 1-57 manufacture, or maintenance of a digital network accessed by a
 1-58 driver or passenger; or

1-59 (B) the relationship, affiliation, or
 1-60 interaction with a driver logged on to a transportation network
 1-61 company's digital network.

2-1 Sec. 150E.003. LIMITATION OF LIABILITY. (a) A
2-2 transportation network company may not be held vicariously liable
2-3 for damages in an action or arbitration proceeding to which this
2-4 chapter applies if:

2-5 (1) the claimant does not prove by clear and
2-6 convincing evidence that the company was grossly negligent with
2-7 respect to the subject claim; and

2-8 (2) the company has fulfilled all of the company's
2-9 obligations with respect to the transportation network company
2-10 driver under Chapter 2402, Occupations Code, relating to the
2-11 subject claim.

2-12 (b) Subsection (a) does not affect the liability of a
2-13 transportation network company arising out of the company's own
2-14 negligence or gross negligence for an act or omission relating to
2-15 the use of the company's digital network, including the failure to
2-16 prevent a driver from logging on to the digital network if, at the
2-17 time of the event giving rise to the cause of action, the company
2-18 had actual knowledge that the driver was disqualified from logging
2-19 on to the company's digital network for a reason described by
2-20 Section 2402.107(b), Occupations Code, that occurred after the most
2-21 recent review of the driver's driving record or criminal background
2-22 check required by Section 2402.107, Occupations Code.

2-23 SECTION 2. The changes in law made by this Act apply only to
2-24 a cause of action that accrues on or after the effective date of
2-25 this Act.

2-26 SECTION 3. This Act takes effect September 1, 2023.

2-27 * * * * *