**BILL ANALYSIS**

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| Senate Research Center | S.B. 39 |
| 89R3699 SCL-F | By: Birdwell |
|  | Transportation |
|  | 4/2/2025 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The admission rule, which has been used in Texas courts since 1961, held that if an employer-defendant admits that its employee was working in the course and scope of employment at the time of the alleged incident, therefore accepting liability, then the plaintiff does not need to prove that the employer-defendant was negligent in entrusting the vehicle to its driver and only evidence related to proving who's at fault for the collision would be admissible. This puts plaintiffs and defendants on an even footing to present their case, helping reduce trial times and alleviate congestion in courts, so that legitimate lawsuits can move forward quickly in a fair and responsible manner.

In 2021, the legislature passed H.B. 19 (87R) also known as the trucking bill, aimed to curb abusive trial practices in collision lawsuits by allowing a commercial motor vehicle (CMV) collision trial to be divided into two parts, with the first part limited to evidence about the cause of the collision and the plaintiff's compensatory damages and the second part focused on punitive damages of the defendants, if appropriate. However, this bill incorporated exceptions to the admission rule that allowed plaintiff attorneys to introduce into the first phase of a bifurcated CMV collision trial evidence of the employer-defendant's ordinary negligent entrustment after accepting responsibility for drivers' errors.

S.B. 39 seeks to make motor vehicle lawsuits more consistent and uniform by repealing the 2021 exceptions to the Admission Rule for commercial motor vehicle collision lawsuits and bring the longstanding held case law used in courts for decades into Texas statute.

As proposed, S.B. 39 amends current law relating to civil liability of a commercial motor vehicle owner or operator.

**RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 72.053(a) and (b), Civil Practice and Remedies Code, as follows:

(a) Redefines "regulation or standard."

(b) Provides that, in a civil action under Subchapter B (Actions Regarding Commercial Motor Vehicles), Chapter 72 (Liability of Motor Vehicle Owner or Operator), evidence of a defendant's failure to comply with a regulation or standard is admissible in the first phase of a trial bifurcated under Section 72.052 (Bifurcated Trial in Certain Commercial Motor Vehicle Collision Actions) only if admissible under other law and, in addition to complying with other requirements of law, certain criteria are met.

SECTION 2. Amends Sections 72.054(a) and (b), Civil Practice and Remedies Code, as follows:

(a) Deletes existing text creating an exception under Subsection (d) (relating to evidence admissible if a civil action is bifurcated).

(b) Deletes existing text creating an exception under Subsection (c) (relating to authorizing a party in a civil action to present any of certain evidence in the first phase of a trial that is bifurcated if applicable to a defendant in the action).

SECTION 3. Repealers: Sections 72.054(c) (relating to authorizing a party in a civil action to present any of certain evidence in the first phase of a trial that is bifurcated if applicable to a defendant in the action) and (d) (relating to evidence admissible if a civil action is bifurcated), Civil Practice and Remedies Code.

Repealer: Section 72.054(e) (relating to prohibiting the provisions of Subsection (c) from being construed to create a new rule or regulation or subject a person to a rule or regulation), Civil Practice and Remedies Code.

SECTION 4. (a) Makes application of this Act prospective.

(b) Provides that, in an action commenced before the effective date of this Act, a trial, new trial, or retrial that is in progress on the effective date of this Act is governed by the law applicable to the trial, new trial, or retrial immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 5. Effective date: September 1, 2025.