

BILL ANALYSIS

C.S.H.B. 4688
By: Leach
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Commercial motor vehicle (CMV) accidents often involve complex liability issues as multiple parties—such as the CMV owner, operator, and employer—are potentially responsible for damages. The bill author has informed the committee that the complexity of these CMV accident cases makes them ripe for lawsuit abuse where, in many instances, plaintiffs who were not injured, or who even caused the collision themselves, will file lawsuits against Texas commercial trucking companies. In the 87th regular legislative session, the legislature enacted H.B. 19, which aimed to curb abusive trial practices in CMV collision lawsuits by allowing the defendant to divide the trial into two parts, with the first part determining the liability for and the amount of compensatory damages and the second part determining the liability for and the amount of exemplary damages. The bill author has also informed the committee that H.B. 19 created an exception to the Admission Rule, allowing some CMV owners to face negligent entrustment claims even after accepting responsibility for their drivers' errors. This has enabled certain plaintiffs' lawyers to sidetrack the first part of the trial, presenting evidence of negligent entrustment intended to frighten the jury into thinking the CMV owner is a threat to the public, which is irrelevant to determining which party caused the collision. C.S.H.B. 4688 seeks to provide for a structured and predictable framework for determining the responsibility of CMV owners, operators, and employers in civil cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4688 amends the Civil Practice and Remedies Code to revise the provision establishing that nothing in statutory provisions relating to liability for employee negligence in operating a commercial motor vehicle prevents a claimant from pursuing a certain ordinary negligence claim as follows:

- removing the specification that the defendant against whom a claim may be brought is an employer;
- including negligent repair, negligent loading, or another similar claim among the claims that constitute as an ordinary negligence claim; and
- replacing the provision establishing that the claim does not require a finding of negligence by an employee as a prerequisite to the defendant being found negligent for its conduct or omission, or from presenting evidence on that claim in the first phase of a bifurcated trial, with a provision establishing that the claim is based on the defendant's

independent act of negligence that does not require a finding of negligence by the employee who was operating the defendant's commercial motor vehicle as a prerequisite to the defendant being found negligent for its conduct or omission, or from presenting evidence on that claim in the first phase of a bifurcated trial.

C.S.H.B. 4688 repeals the following provisions:

- provisions authorizing a party to present evidence relating to certain violations in the first phase of a bifurcated trial in a civil commercial motor vehicle collision action in which an employer defendant is regulated by the federal Motor Carrier Safety Improvement Act of 1999 or state law governing commercial motor vehicle safety standards, if applicable;
- a prohibition against such provisions being construed to create a new rule or regulation or subject a person to a rule or regulation not applicable to the person without regard to statutory provisions relating to liability for employee negligence in operating a commercial motor vehicle; and
- a provision establishing that the evidence relating to certain violations is admissible in the first phase of the bifurcated trial only to prove ordinary negligent entrustment by the employer defendant to the employee who was driving the employer defendant's commercial motor vehicle at the time of the collision that is the subject of the civil action and is the only evidence that may be presented by the claimant in the first phase of the bifurcated trial on the negligent entrustment claim.

C.S.H.B. 4688 applies only to an action commenced on or after the bill's effective date or an action pending on the bill's effective date and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after the bill's effective date. In an action commenced before the bill's effective date, a trial, new trial, or retrial that is in progress on the bill's effective date is governed by the law applicable to the trial, new trial, or retrial immediately before that date, and that law is continued in effect for that purpose.

C.S.H.B. 4688 repeals Sections 72.054(c), (d), and (e), Civil Practice and Remedies Code.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4688 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced revised provisions specifying the circumstances under which evidence of a defendant's failure to comply with a regulation or standard is admissible in the first phase of a bifurcated trial in certain civil commercial motor vehicle collision actions, the substitute does not.

The substitute instead revises the provision establishing that nothing in statutory provisions relating to the liability for employee negligence in operating a commercial motor vehicle prevents a claimant from pursuing an ordinary negligence claim by doing the following:

- adding negligent repair, negligent loading, or another similar claim to the existing language on negligent maintenance; and
- changing the provision to specify that the claim is based on the defendant's independent act of negligence that does not require a finding of negligence by the employee who was operating the defendant's commercial motor vehicle as the prerequisite to the defendant being found negligent for its conduct or omission, or from presenting evidence on that claim in the first phase of a bifurcated trial, as applicable.