

BILL ANALYSIS

Senate Research Center
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S.B. 2807
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Purpose of the legislation: to remove a serious impediment to the deployment of safety technology and practices to improve safety for motor carriers with independent contractors.

More and more motor carriers are deploying safety equipment, technologies, and operational practices to reduce accident exposure and improve their overall safety performance. And more and more shippers are seeking motor carrier partners with these safety improvements in their equipment. These technologies included lane departure warning systems, video-based onboard safety monitoring systems, automatic emergency braking systems, and air disc brakes. These protocols include using the data generated by the video-based onboard safety monitoring system for driver coaching.

Requiring safety devices, monitoring safety performance, and coaching drivers is all fine for motor carriers with employee drivers. But for motor carriers with independent contractors, that kind of involvement can be misconstrued as employer-like control and potentially turn those independent contractors into employee drivers. Those carriers face the unappealing choice of (1) enhancing safety, but taking on significantly more worker misclassification risk or (2) maintaining the classification moat to the potential detriment of the safety of the carrier's driver and the motoring public. From a public policy perspective, this should not be the case.

This narrow, targeted legislation eliminates that false choice by eliminating consideration of a motor carrier's use of safety improvements in determining the driver's classification as an independent contractor or an employee under state law. It allows the motor carrier to proceed with the deployment of safety technologies. That means a carrier with a mix of employee drivers and independent contractors can deploy safety improvements across the board.

The solution does not, however, change any test for determining a worker's status under state law. Nor does the legislation preclude application of any such test. Rather, it simply says that a carrier's pursuit of safety improvements, which are in the public's benefit, is not considered as part of any such test.

As proposed, S.B. 2807 amends current law relating to the considerations when determining whether an operator of a motor vehicle is an employee of a motor carrier or an independent contractor.

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 Subtitle F, Title 7, Transportation Code by adding Chapter 644A, as follows:

CHAPTER 664A. MOTOR CARRIER SAFETY IMPROVEMENT: EMPLOYMENT STATUS

Sec. 644A.001. DEFINITIONS. Defines "motor carrier" and "motor carrier safety improvement."

Sec. 644A.002. EMPLOYMENT STATUS. Prohibits the deployment, implementation, or use of a motor carrier safety improvement by or as required by a motor carrier or a related entity, including through contract, from being considered when determining whether the operator of a motor vehicle is an employee or joint employee of the motor carrier or an independent contractor for purposes of state law.

SECTION 2. Effective date: September 1, 2025.