

By: Birdwell

S.B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to civil liability of a commercial motor vehicle owner or operator.

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

SECTION 1. Sections 72.053(a) and (b), Civil Practice and Remedies Code, are amended to read as follows:

(a) In this section, "regulation or standard" includes a statute, regulation, rule, policy, procedure, or order regulating equipment or conduct, including one adopted or promulgated by the owner or operator of the motor vehicle, the federal government, a state government, a local government, or a governmental agency or authority.

(b) In a civil action under this subchapter, 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 only if admissible under other law and, in addition to complying with other requirements of law:

(1) the evidence tends to prove that failure to comply with the regulation or standard was a proximate cause of the bodily injury or death for which damages are sought in the action; and

(2) the regulation or standard is specific and governs, or is an element of a duty of care applicable to, the defendant, the defendant's employee, or the defendant's property or equipment when any of those is at issue in the action.

1 SECTION 2. Sections 72.054(a) and (b), Civil Practice and
2 Remedies Code, are amended to read as follows:

3 (a) In [~~Except as provided by Subsection (d), in~~] a civil
4 action under this subchapter, an employer defendant's liability for
5 damages caused by the ordinary negligence of a person operating the
6 defendant's commercial motor vehicle shall be based only on
7 respondeat superior if the defendant stipulates, within the time
8 provided by Section 72.052 for filing a motion to bifurcate, that,
9 at the time of the collision, the person operating the vehicle was:

10 (1) the defendant's employee; and

11 (2) acting within the scope of employment.

12 (b) If [~~Except as provided by Subsection (c), if~~] an
13 employer defendant stipulates in accordance with Subsection (a) and
14 the trial is bifurcated under Section 72.052, a claimant may not, in
15 the first phase of the trial, present evidence on an ordinary
16 negligence claim against the employer defendant, such as negligent
17 entrustment, that requires a finding by the trier of fact that the
18 employer defendant's employee was negligent in operating a vehicle
19 as a prerequisite to the employer defendant being found negligent
20 in relation to the employee defendant's operation of the vehicle.
21 This subsection does not prevent a claimant from presenting
22 evidence allowed by Section 72.053(b).

23 SECTION 3. Sections 72.054(c), (d), and (e), Civil Practice
24 and Remedies Code, are repealed.

25 SECTION 4. (a) The change in law made by this Act applies
26 only to an action:

27 (1) commenced on or after the effective date of this

1 Act; or

2 (2) pending on the effective date of this Act and in
3 which the trial, or any new trial or retrial following motion,
4 appeal, or otherwise, begins on or after the effective date of this
5 Act.

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

11 SECTION 5. This Act takes effect September 1, 2025.