

TEXANS SPEAK OUT IN SUPPORT OF HB 19



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Leg Ad Paid for by Texans for Lawsuit Reform, Richard J. Trabulsi, Jr., Chairman, 919 Congress Avenue #455, Austin, TX 78701 and Texas Trucking Association, John D. Esparza, President, 510 W 15th Street, Austin, TX 78701

Texans have spoken.
Abusive commercial vehicle
lawsuits are hurting Texas.



The following are excerpts from letters sent to legislators by Texans across the state who have been affected by abusive commercial vehicle litigation. They have been edited for length and clarity, and to add emphasis.

I am the co-founder/co-owner of a woman-owned commercial trucking company in Texas, employing approximately 100 people. **We are a safe and diligent operator but lawsuit abuse and the corresponding and continued dramatic increases in insurance liability costs threaten our company's long-term sustainability.** We have, unfortunately, experienced lawsuit abuse and the amount of time, money and company resources that we incurred to defend ourselves against frivolous and obviously fraudulent claims is astounding and simply unjust. It is imperative that the Texas Legislature embrace lawsuit reform immediately.

Stephanie Colovas
San Marcos, TX

Our veteran-owned and operated family business has, for the past 20 years, supplied Houston with crucial goods and services that keep all commercial vehicles, from ambulances to firetrucks to pharmaceutical transport to disaster recovery, safe and securely on the road. The skyrocketing insurance premiums caused by egregious lawsuits (some funded by third party private equity firms) are a danger of putting us and our 400 employees, as well as our customers, out of business AND are increasing prices of all goods and services utilizing heavy duty trucks in their supply chains.

Texas is making itself UNCOMPETITIVE, because insurance companies and underwriters are exiting the Texas market and driving up rates. This HAS TO STOP.

John Thomas
Houston, TX

The current auto and umbrella market has hit extreme rate increases over the past few years due to large shock losses that our insurance carriers have been forced to pay due to egregious and abusive lawsuits. **As agents, we cannot effectively provide appropriate advice regarding limits because our clients simply cannot afford the current premiums.**

We have seen many of our clients go out of business due to increased insurance premiums and we have seen some of our most trusted and heavily relied upon insurance carriers pull out of auto and umbrella markets. This forces us to go to E&S carriers, and often times London syndicates, which sends money away from our own domestic U.S. and Texas-based insurance carriers.

Jeff Torda
Fort Worth, TX

We have been involved in several multi-million-dollar lawsuits... **In one instance, we were not even involved in the accident but our insurance had to pay almost \$2 million. This is driving up our insurance rates and making it difficult to operate a business in Texas.**

Keresa Richardson
McKinney, TX



We are an electrical contractor with approximately 80 service vehicles. We have had two minor accidents in the last several years that resulted in minimal damage to the vehicles. In both instances, all the vehicles and drivers were able to drive away from the scene. Unfortunately, the other drivers retained... attorneys that have initiated lawsuits resulting in continuing legal expenses and demands for hundreds of thousands of dollars... **This has doubled our insurance rates in the last 3-4 years.**

We have no issue with being held responsible for the actions of our drivers, however, the current situation is untenable and is not centered around righting any impact to the victims.

Charles Pfeiffer
La Porte, TX

I started my company 12 years ago. **Liability insurance has increased by 442%. The last 4 years, we have paid more in insurance than we make net profit.**

FACTS of any accident play very little [role]. Plaintiff lawyers search and try to find some paper unsigned or misdated to say the driver shouldn't have been driving, ignoring the FACTS of the Department of Public Safety or any law enforcement accident report, or accident recreation.

A major downside of these nuclear verdicts and increasing insurance costs is the COST to Texas as a whole. The prices of goods and services continue to rise. If you use it, wear it, eat it, drive it... at some point a truck brought it.

Faron Bostic
Malakoff, TX

Our company is Martin Transport Inc., headquartered in Kilgore, Tx. and we run over 400 trucks, the majority being in Texas. We run over 40 million miles per year primarily hauling production out of Texas refineries and chemical plants. **Over the past 2 years our transportation insurance rates have risen 50%, while we have had to reduce coverage by 60%. So premiums are significantly up, while coverage is significantly down. I know from discussions with insurance underwriters that insurance capacity for commercial transportation is leaving the Texas market because of significant jury verdicts and settlements. This will continue to lead to more premium increases, ultimately forcing trucking operators to leave Texas if they can no longer afford to run in the state. This would be disastrous for our state's economy.**

Robert Bondurant
Tyler, TX

As a commercial insurance agent, many of our clients have had decreased revenue due to COVID and government lockdowns. Despite lower revenues, most of them are paying more for their commercial insurance policies due to our out-of-control lawsuit abuse problem. **Despite many of them having "clean" auto records, they are paying for accidents and lawsuits that have nothing to do with them. We've also heard from insurance adjustors that some judges are not allowing evidence that proves the damages requested from attorneys are not in line with either the physical damages or the bodily injuries that occurred in accidents.**

David Hamilton
Missouri City, TX

Since 1947, Refrigerated Transport, Inc. has been delivering refrigerated and frozen foods for Texans. We hire safe drivers and have many safety awards. In November of 2019, one of my trucks was stopped in rush hour traffic on IH20 in Dallas. **We were rear-ended by another vehicle. The occupants of that vehicle were injured. We are currently fighting a lawsuit for an accident we did not cause and my insurance raised our rates over \$30,000 because of it.**

David Bishop
Burleson, TX

I manage a fleet of over 200 units in the sand, gravel and cement industry. **In recent years most any accident that we are involved in, we have been sued. We are sued regardless of fault and many minor accidents are turned into injuries that were not apparent at the scene.** These can range from spinal issues to brain issues. **The doctors normally used by the plaintiffs will have extremely high costs that are not in line with normal fees or with what insurance companies allow.** As diligent as we are with safety awareness, these high dollar cases have skyrocketed insurance costs and also shut down trucking companies. HELP!!

Tomas Gonzales
San Antonio, TX

As a family-owned trucking company dating back to 1895, I implore you to support the legislation to end lawsuit abuse, which is driving insurance rates sky high and forcing insurance companies to pull out of the Texas market. **Insurance is one of the top 3 expenses for trucking, and lawsuit abuse is putting many trucking companies out of business.** Many families rely on the jobs we provide.

Robert McDowell
Houston, TX

Frivolous lawsuits not only cost small businesses time and money and increased insurance rates, the toll they put on our already overloaded courts adds another countless cost to ALL taxpayers in this great state.

Our company has been sued for damages and injuries on a vehicle accident where the other driver side swiped our vehicle and put no more than a tire rub on her fender... the police report on this accident clearly put the fault on the other driver but after hiring three different attorneys they finally found one to file the lawsuit and got a court to hear the case...

Patsy Waits
Dallas, TX

Our industry is under attack and many jobs are at stake. **We are working hard and spending millions to avoid accidents. From collision mitigation technology to onboard camera recording to stricter driver hiring practices, we are doing what we can to avoid accidents.** Yet, lawyers are targeting our industry because of our high insurance limits. **Minor, and even frivolous accidents are being awarded millions and millions of dollars. You can't watch TV or see a billboard ad without seeing these lawyers brag about how much money they got for their clients. PLEASE HELP!**

Joe Flores
Laredo, TX

We are a trucking company with over 300 power units. We have been victims of lawsuit abuse. **The last two lawsuits settled for \$650,000.00 and \$515,000.00 for a small fender bender accident where both vehicles were driven away from the scene of the accident, no ambulance was needed in bumper-to-bumper traffic. Damage to the vehicle was less than \$1,000.00.** Attorneys know that trucking companies have a mandatory minimum liability insurance of \$750K and use that to sue trucking companies even if not at fault. **We have a current case where an independent witness stated on her deposition that the other person crossed into our lane, and they still pursue the suit knowing that taking the case to trial will be costly and will get something out of the insurance company as settlement.**

We need help as the industry's insurance cost is preventing small carriers from growing and affecting larger carriers by having a large target on our backs and preventing further growth.

We received a lawsuit where one plaintiff has sued 3 other trucking companies in different fender bender accidents. This is a blatant abuse from which trucking companies have no ability to defend ourselves.

Please help the industry grow and help Texans gain employment by stopping this abuse.

Alejandro Canedo
Laredo, TX

The Electrical Licensing law requires us to have signs with our company name and state license number. I think this is a good thing. However, **sometimes I wonder if the sign on the truck encourages people to sue because they know we are well insured. Abusive lawsuits should be stopped.**

Gordon Stewart
Huntsville, TX

I am currently involved in the defense of a previous employer where the other party involved lost control of their vehicle and hit our driver. The entire incident was captured on dash camera video and clearly shows what occurred and that our driver was the victim in the accident. All subsequent investigation has shown that our driver was operating legally, safely and that the other party was the sole cause of the accident. Our driver had worked for us for over 8 years and had been given extensive safety training by us with written documentation of the driver's comprehension of the material, some of which specifically addressed the type of scenario that this incident involved, which he used to mitigate the severity of the accident. Yet, since we carry millions of dollars in insurance, we are still being sued. The plaintiff's attorney is focusing on whether or not our driver, which had over 25 years of verified safe operation and experience when we hired him, had been inadequately trained during the period before we hired him. It's these types of blatant abuses of the legal system, motivated strictly by the dollar amounts involved, that continue to drive insurance premiums up. I urge you to please vote for the bills so that we can begin to address these serious, industry-killing abuses of the legal system.

James Stephens
Greenville, TX

I am an insurance agent and have seen the devastating impact these frivolous lawsuits have had on our insureds. **Many have had to close their doors because they can no longer afford insurance. Our agency alone has 40+ multi-million dollar claims open, of which only 2 are legitimate. There are only 5 insurance options left in the state to insure a trucking risk affiliated with the oil & gas industry.** Please support this industry before it's too late.

Nathan Sawyer
Monahans, TX

I have been in the commercial oil and gas business for over 40 years. **With all of the frivolous lawsuits it is getting harder and harder to obtain any type of competitive auto or excess liability quotes. The marketplace is getting smaller and smaller, and at some point will put us all out of business.**

Klata Hernandez
Odessa, TX

Our insurance premiums are about to literally put us out of business. Premiums have gone up \$10,000 dollars every year for the past 3 years and we have had **NO CLAIMS**. That is absolutely ridiculous! **We are paying for losses we never incurred because lawsuits are frivolously brought against a company simply because they are a company.** Please support your constituents in the battle to lower our premiums so we can continue to be a contribution to our economic society.

Stephanie Johnson
Lufkin, TX

It's a sad reality that you work hard and sometimes get lucky to grow your business, then in a short matter of time you get involved in an accident and these attorneys [are] on TV advertising for people to hire them to file lawsuits against trucking companies **only to cripple them and force them to close their business. If you are fortunate to not be a part of an accident you still feel the load of having to pay sky-high insurance rates.**

Sergio Galindo
Del Rio, TX

Our company has been involved in a number of ridiculous lawsuits with sizable payments for true fender benders. Drivers involved in these claims request no medical assistance at the scene, go home, watch an attorney ad, and suddenly develop a neck or back injury. This happens all the time. This is fraud and it is encouraged and supported by the attorneys in south Texas. **We already have a problem with the lack of CDL drivers. You include the fact that insurance rates skyrocket with just one of these claims, [and it] makes it very hard to do business in Texas. Taxpayers of Texas will start to wonder why all the holes on the grocery shelves are there.**

Robert Harley
Corpus Christi, TX

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We run a fleet of about 25 trucks in the livestock industry. **We currently have a lawsuit going on where a vehicle was rubbed on the side by our vehicle while he was trying to make an improper left turn in front of our vehicle.** No damage to our vehicle and the left rear quarter panel of the plaintiff's vehicle had damage. **They are suing for one million plus, claiming all sorts of injuries while at the time of the accident he said he was uninjured.** We are spending a lot of time and money fighting something that we and our attorney believe is exaggerated.

Roy Smith
Chilton, TX

The nuclear verdicts aren't just affecting the auto markets, **it's making its way across all industries.** In December, I had a new sawmill that brought 150+ jobs to my community **see its Umbrella renewal increase from \$35k to \$95k.**

James Davis
Lufkin, TX

We have been in business for over 50 years and based in Texas. We are a bulk commodity transport company operating a fleet of approximately 175 tank truck units. We employ right at 185 Texans. **As a direct result of the current litigation environment targeting trucking companies, we have had to divest of an entire division of our company which resulted in a fleet reduction of approximately 180 units and the elimination of almost 200 Texans' jobs within our company. All of this occurred while maintaining an industry leading safety record and downward accident frequency rate.**

In the last 10 years we have seen litigation rates rise from approximately 10% of our total claims being litigated to about 95%. All because we are a trucking company. At the same time, we have seen average cost per claim for our claims rise from about \$15,000 to an average over ten times greater. At the same time, we have seen our insurance and insurance equivalent costs rise more than 500%...

Trucking companies are targeted for this abuse. We defended a case where the plaintiff alleged we pulled out in front of them, forcing them off of the road. They admitted there was no contact and admitted they identified our company as the defendant by going out to a crowded loading location and watching numerous trucks exit to determine who the defendant was. **Our GPS data showed we did not have a truck within 100 miles of the accident scene at the time of the accident. That case settled for over \$400,000 and defense costs exceeded \$100,000.**

In another matter, a plaintiff simply photographed our truck (while she was driving and with a cell phone) and alleged we were involved in an accident. There was no physical damage to support the claim. That case cost over \$150,000.

...We believe in fair compensation for those injured as a result of the negligence of another party. However, the current litigation environment and tactics target our industry for unjust claims and inflate damage models. This has occurred to such an extent that **it is becoming economically unfeasible to operate. We are forced to try to pass the increased costs to our customers, which in turn trickles down to all Texans.**

Todd Wright
San Antonio, TX

We operate a fleet of 22 vehicles in our service business. Our insurance renews 3-18-2021. Our insurance carrier tells us the increase in our auto insurance is due to "nuclear judgements" by juries in auto accidents.

I believe it. We were sued after an accident where all the parties concerned were walking around and talking to each other after the accident, until one of them called a lawyer who has billboards everywhere, and guess what? **Our insurance company paid well over \$100,000.00 by the time it was done.**

**Mark Henderson
Palestine, TX**

We have seen more and more companies go down because insurance coverage has almost doubled due to the abusive penalties to carriers involved in an accident, either small or big. This is a big part of our economy and it is being punished by lawyers only trying to get more and more money for themselves.

**Cesar Rodriguez
Laredo, TX**

I am an insurance agent and have seen commercial and personal premiums increasing at a crazy rate due to there being an open ceiling on what can be awarded above and beyond the actual cost of auto claims. I want everyone to get a fair settlement but keep it fair to keep rates where they should be. In the long run we all pay for the claims.

**Lynda Clark
Odessa, TX**

Abusive lawsuits have caused insurance rates to more than double over the last few years. It is making it difficult for local independent contractors to stay in business.

**Wes Bement
Grand Prairie, TX**

This has gotten out of hand. I renewed my insurance this year and on the day of the signing I was informed that because my trucks went south of Interstate 10, I would be required to pay twenty thousand dollars extra because of nuclear verdicts.

**Douglas Kervin
Lufkin, TX**

Our trucking insurance tripled last year and it was still the same this year when we renewed in February... It has a major impact on our business and it is very hard to pay every month.

**Clayton Wallace
Lufkin, TX**

We are a commercial insurance agent based in The Woodlands, Texas. The bill needs to pass. **Texas is currently headed in the same direction as the State of Louisiana is in now...** There will be very few remaining insurance companies that will write commercial insurance for a decent price if this bill does NOT pass.

**Scott Shank
Spring, TX**

Being in the commercial insurance business, I see the attacks on commercial businesses first hand. The abusive lawsuits pushing for everything the business has and owns for accidents/injuries that are extremely minor. **I have seen businesses be forced to close as they cannot support their insurance premiums due to these abusive lawsuits along with supporting their employees.** It has simply gotten out of hand.

Virginia Williams
Houston, TX

As the safety director for a company of 140 professional truck drivers and a fleet of 55 trucks, it is important to us to have this bill signed into legislation. **Our insurance premiums are rising over 50% every year just to handle abusive lawsuits.**

Dale Kerstetter
Santa Rosa, TX

Please take this seriously. **Our company was sued for a literal "fender bender" (with no injuries) for in excess of one million dollars.** Obviously, this was done to involve our Umbrella policy. **Actual damage to the claimant's car was \$1,250.00. The claim was actually settled out of court for less than \$65K (extremely excessive).** Additionally, our insurance carrier had attorney fees over \$150K to defend this frivolous lawsuit. This needs to stop now!

John Fuquay
New Braunfels, TX

These bills are very important to the people that work in the trucking industry. Each time there is a nuclear verdict in an accident case, the insurance company might pay the verdict but the rates then go so high that the trucking companies' livelihood comes into question. That puts my job in question. **When I go to sleep at night, I am worried that a driver might have an accident and a lawyer will put us out of business for something (not that any accident is minor) minor in comparison.** After the incident in the New Orleans area where a ring (to include lawyers) was caught staging accidents to make money, it makes me realize that more and more companies are in jeopardy because of money-hungry individuals. We need laws against this from happening, as well as enforcement of this law... Not only is my job threatened, but so are the small businesses of the owner/operators that work with us. They are not just co-workers, they are friends with families. Thank you for your time and efforts.

Kim Wilson
Watauga, TX

As a commercial insurance agent here in Texas, I have seen how large, abusive lawsuits have affected commercial auto rates/premiums for virtually all of my accounts. This large increase in auto premiums is severely hurting my accounts and pushing them to the edge of going out of business. They simply cannot tolerate continued increases in rates/premiums and expect to survive. Something has to be done to stop abusive lawsuits and unreasonable jury awards.

Scott Kirkpatrick
Bullard, TX

We have a logging company, and our son had a trucking company. In 2018, one of his drivers was involved in an accident where he tried to avoid another driver. The other driver had previous neck and back issues, but still sued for policy limits (\$1 million) and tried to sue us as the cargo owner. **After a year of paperwork and depositions, the insurance company advised my son to either settle for policy limits or go to court and be ready to lose and file bankruptcy. Our son had to go out of business because he could no longer afford the insurance premiums which more than doubled.**

Cheryl Sharp
Warren, TX

Our company utilizes a fleet of over 40 vehicles to accomplish our mission of landscape installations. These vehicles have our company logo, a USDOT number and pertinent licensee numbers, i.e. pesticide, irrigation.

We have an active safe driver program in place and drug/alcohol random testing in place. We weed out offenders and have gathered a great group of operators that practice safety on the roads and job sites. What we are seeing is that we have become targets of lawsuits that focus their efforts on companies that have assets and insurance. **The jurors will support our company but will award a 'jackpot' in a lawsuit because they perceive that it is not hurting us, but the insurance company. In the long run these big payouts kill business and opportunity to work for many, and if it is left unchecked will ultimately cost Texas, its citizens and tax base.** We will all enjoy less choice, higher prices and lower availability of services we all enjoy.

Alex Scarborough
Lubbock, TX

I am a safety director for a transportation company in San Antonio, Texas. I have seen firsthand the current attack on trucking by plaintiff lawyers. One instance that comes to mind, we had a tractor traveling back from delivering a load down in the Valley. He came upon an intersection where all side streets have stop signs. Upon entering the intersection, the car stopped at the stop decided he would go, which then ended up striking our tractor tires, as well as doing roughly \$9,500 in damage to our trailer. **The police report came out, that clearly stated the driver who ran the stop sign was at fault and he was cited for driver inattention.**

Fast forward a month or so, and our driver and our company are now both in a lawsuit... for pain and suffering, damages, medical bills, gross negligence hiring, gross negligence safety training, and several other items. My point being, our driver did nothing wrong. He was driving the speed limit, within Hours of Service requirements, the other driver was cited for driver inattention, yet still we have a target on our back all because we are a trucking company.

Konor Swedberg
San Antonio, TX

As a local independent insurance agent, I see the cost rising on a daily basis. **I see the looks on the faces of the truckers as they come in to renew their coverage that cost them \$5,000 last year and \$15,000 this year. I have seen several go out of business because they could not handle the increase in premium.** It is very sad to see them close the business that they have worked so hard to start up and keep going.

Karla Lofton
Weslaco, TX

My tow truck and business liability insurance increased about 27% over the last 3 years. I feel one of the direct causes is the crazy settlements the so-called injury lawyers are getting from juries. It needs to be countered with good legislation to protect all business and individuals.

**Fred Shanafelt
Seguin, TX**

My company operates a fleet of 150+ vehicles, ranging from pickup trucks to 18 wheelers, servicing Houston area industrial companies. We maintain a full-time safety department and have a great safety record, of which I am very proud.

In spite of our commitment to safety and our lack of accidents, our insurance premiums have increased 60% over the last 3 years. The explanation given by our insurance company is that, while our claims may have been low, the amounts they are having to pay across their broader client base in Texas are so high, that they have to make up the difference by raising premiums on even their best performing clients. These skyrocketing premiums have caused us to take on higher deductibles (we went from no deductible to a \$50,000 deductible in 3 years), lay off employees, raise rates to our customers and lower our insurance limits. Even after taking these measures, the never-ending increase in premiums is just suffocating.

We have also been subject to outright fraudulent lawsuits, which we ultimately end up settling, due to our insurance company's fear of going to trial.

In one case, our driver was boxed in by two cars, forced to the shoulder of the road and then rear ended by one of the cars. Individuals from both of the cars got out of their car and started threatening our driver with bodily harm. No police were called and we were later served with a lawsuit that we ended up settling for \$20,000, just to make it go away.

In another case, one of our drivers was flagged down by a motorist claiming that our driver had hit her. To this day, our driver claims that he never hit her car and the only damage that she would identify was a scratched rear view mirror. **In this case, we again settled for \$150,000, as our insurance company is terrified of facing TX juries under the current laws.**

I could go on and on, but I hope you see the point. Without some sort of reform, the Texas trucking industry, including my company, is fighting for survival. **Lawsuit abuse by individuals, lawyers and doctors is real. There are certainly times where we are at fault, and where that is the case, we are more than willing to do what needs to be done to make it right, but we can't continue to just be an ATM machine for unscrupulous plaintiffs, attorneys and doctors.**

**Ben Hartman
Houston, TX**



We are currently being sued by a person one of my drivers backed into going less than 5MPH, no airbags, no serious damage. **The lawsuit was filed a year and a half after the incident and caused us to get dropped from our insurance carrier.** We will win the case, but thousands of dollars in court costs and attorney fees can destroy a small business.

Drew Worthington
Corpus Christi, TX

As a business owner with offices across the state and dozens of trucks on Texas roads daily, lawsuit abuse is becoming rampant in our industry. I have worked in the oilfield industry for 40 years and been in business since 1985 and **our insurance rates continue to rise at alarming rates, largely in part of liability due to lawsuits. I hold my company and our employees to the highest standards when it comes to safety and our equipment is kept up to the highest levels.** Even though this is a daily norm for us, our rates continue to rise and **my company name, Genco Energy Services, Inc., on the sides our vehicles have now become a target** for some looking for a free ride. Please support the bills that will put a stop to lawsuit abuse. **With the difficult times for our industry in the past few years and rates continuing to go up, it makes it nearly impossible for us to stay in business and is coming to the point we may have to close our doors.**

Murray Meggison
McAllen, TX

I have worked in the transportation industry for 20 years. I am currently operations manager of a company that has three divisions—frac sand, bulk liquid, and dry bulk. Over my career I have watched the cost of insurance for trucking companies skyrocket, and I know this is mostly due to lawsuit abuse. **You cannot drive down a highway without seeing billboards advertising lawyers who specialize in these cases.** A few months ago, there was an accident just outside of my home town that involved an 18-wheeler. **Sadly, a young man lost his life. Literally the SAME day of the accident, long before any investigation had been completed or any details released, I found where one law firm had posted about the accident and about the trucking company's negligence and was encouraging people to join him in suing the company.** It is astounding to me that his type of behavior goes on, and even seems to be encouraged. **The trucking company may or may not have been at fault, but the general public assumption is that the trucking companies are AUTOMATICALLY at fault. I do realize that commercial drivers and companies have enormous responsibility and are set to a higher standard than the general driver. But, lawsuit abuse is making it almost impossible for truckers to do their jobs.** And without trucking, this country will come to a screeching halt. My company was involved in four accidents during my time there. None were my drivers' fault. Two were the fault of drivers of small vehicles. **I feel that big rig accidents, just like any other accident, should be evaluated on an individually occurring basis and not judged industry-wide.** If owners could focus more funds in areas besides insurance, I think the industry as a whole could benefit greatly.

Jennifer Chavers
Palestine, TX

We are a small family moving business and have been sued twice in the last 3 years! **Once for a fender bender with less than \$1,500.00 in damages to the vehicle we bumped into. Our insurance settled out of court for \$350,000.00 for nothing more than us having a logo on the side of our truck!!!** Second lawsuit has been filed against us for a person being bumped in the backside with a door on the box of our truck while being on foot in our work area at a storage facility. **They are suing us for \$1.5 MILLION.** These lawsuits are costing us thousands of dollars in increased insurance premiums not to mention the amount of time we are taken away from our business to meet with the lawyers to defend ourselves from this FRAUD! It all needs to stop, we are a responsible company that trains our drivers, maintains our equipment and have safety meetings on a regular basis.

Larry Naderhoff
Canyon Lake, TX

A good friend of mine lost his wife in a car accident involving a commercial truck. **Before even attempting to file an insurance claim, he was approached by an attorney... who signed up to represent him. There was no question that the other driver was at fault or that the insurance company would pay for damages. As a result, my friend received only a fraction of the settlement after the attorney had his commission.** I am sure on the other hand, the trucking company was hurt by being involved in an unnecessary lawsuit, while our court system is overloaded. The predatory practices of personal injury attorneys hurt both individual people and the economy and cannot continue if we expect to build a strong and prosperous society.

Samvel Avetisyan
Houston, TX

I work for an insurance carrier and this is something that is INCREDIBLY important for TX businesses... It causes auto rates to rise as we have no idea where the nonsense will stop. We need to have major tort reform and this is the beginning. **Make sure that defendants are actually presenting the facts of the case in hand instead of trying to milk as much money as they possibly can from the system. We need to stop giving out \$51m amounts to cases for a simple fender bender.**

Molly Zoril
Houston, TX

I am an employee of a truck dealership location in Buda, Texas, and I support lawsuit reform that will protect service and trucking companies. **The current litigious environment threatens residential services and trucking industries in Texas—especially small and medium sized employers based here.** Many service and trucking companies do their best to expand services to customers while paying increased premiums and incurring administrative burdens to continue operation. **If the current environment is not changed, I will assure that these companies may decide to hire fewer workmen and buy fewer trucks. Larger out of state companies will fill the void and charge more for services, buy less rolling stock in Texas, and reinvest less revenue back into Texas.**

James Walpole
Austin, TX



We run a small trucking company out of Texarkana and one of our largest cost increases over the past few years has been insurance. As much as 20-40%. We have had to drastically increase deductibles and just hope nothing happens. These lawyers all know the huge limits that we are required to carry to do business and it seems that every day, week or month, I am hearing about raising the coverage amount even more. **I'm not saying that the people involved in accidents shouldn't be taken care of but I am saying that attorneys are asking for much more just because the insurance company will pay it. As we recently saw with the winter storms if trucks aren't moving, food, fuel and other essential supplies don't get where they need to. If legislators don't get this insurance stuff under control, it's going to not only affect me and my company, but the overall cost of living for all Americans.**

William Morel
Texarkana, TX

Just one lawsuit where the plaintiff is awarded everything their lawyer wants will close my business and put 12 people out of a job.

My insurance cost increases annually even though I have had no losses. How do I continue to sustain these increases that keep me from giving my employees the raises they deserve?

Don Smith
Brownwood, TX

As an insurance professional, I have watched the price of insurance for both autos and umbrellas skyrocket due to nuclear verdicts in the millions. This has got to have some limits to save our companies from not being able to afford coverage and losing jobs and employees.

Brent Aycock
Lubbock, TX

Our family trucking business started with 1 truck and 2 slightly paid employees operating out of a shack in Godley, TX in 1983. During the past 37 years, we have grown to one of the largest regional auto transport companies with 250 trucks and 300 employees. **After safety, our biggest concern is skyrocketing insurance costs.** Many customers now require large excess policy insurance to combat the ever-increasing number of lawsuits. Litigation attorneys hover over the state waiting, hoping for a truck-related accident in which they could see a nuclear verdict. In turn, this has driven insurance prices to the point where many trucking companies contemplate suspending operations annually. **Trucking provides solid wages and benefits for hundreds of thousands of Texans. If we don't address the lawsuit aspect, you will begin to see even more trucking companies close shop, curtail operations or be forced to increase pricing to offset operational costs.** I encourage you to support legislation that addresses runaway lawsuit verdicts and the processes by which these lawsuits are abused. Thank you for your service.

David Lockard
Burleson, TX



We have a trucking company that hauls timber and chips. **Any truck with a logo on the side of it is a target for a lawsuit.** We do driver training, have GPS and cameras in our trucks.

A few years ago, before we placed the cameras in our units, we had a truck stopped at a red light on a hill with a Dodge pickup truck in front of it. **The Dodge pickup truck rolled back into our log truck. There was approximately a dime size dent in the tailgate of the pickup, however, the driver of the truck got out as did our driver. When the log truck driver ask if he was okay, the driver of the Dodge truck grabbed his neck and said, "you hurt me, my neck and back are killing me."**

The driver of course filed a lawsuit. His attorney is known for taking cases against the trucking industry. **The lawsuit went on for over three years. We also found out through the insurance attorney that this gentleman had filed several other lawsuits similar to this.** While he sued for several hundreds of thousand dollars, he was awarded around \$46,000.00 instead.

Carmen Montgomery
Alto, TX

My commercial auto policy for one pickup truck has skyrocketed in the last few years. **I pay enough for that one truck that I could buy myself a brand new truck every other year.** To add to the problem, I cannot even make a claim on the policy because of fear of losing the policy. I have to keep the insurance to stay in business. I appreciate your help on this.

Matt Morris
Tyler, TX

Businesses like mine are going to have to close if the aggressive lawsuit environment is allowed to continue in Texas. **My business supports 45 families here in Texas and I have been in business for over 30 years. I cannot continue to operate in this arena. Insurance companies are leaving the state and at the very least, they are abandoning my industry because of the large numbers of lawsuits and the resulting excessive damages that are being awarded in what often times are very minor accidents.** We don't have a way to defend ourselves. I am begging for your help in mitigating and helping to stop this abuse of our system.

LouAnn Wagner
San Antonio, TX

The recent week of unusual and unexpected snow in East Texas was evidence of just how important the trucking industry is to individuals. As folks crept out to replenish supplies such as groceries and gasoline, they found the shelves bare and the tanks empty because the trucks could not travel.

Abusive lawsuits are strangling the trucking industry and it is the American people who will pay the price both in dollars and in convenience.

Alana Sumpter
Winona, TX

As a business owner of a trucking company, we have experienced numerous lawsuits where we were not at fault. **In one case, we were not even involved in the accident but were named in the lawsuit because we were in the area. We eventually settled to pay \$100K. We have also had cases where our truck was stopped at a light and struck by another vehicle and we were sued in those instances as well.**

Darrell Hendrix
Dallas, TX

Our transportation firm is located in the Texas Panhandle serving the livestock industry with 7-day-a-week distribution of feedstuff for the operations.

Our business has been significantly impacted by abusive tactics of plaintiff attorneys and the nuclear settlements they request. **Insurance cost have more than doubled over the course of the last 10 years and the marketplace has lost several insurance companies willing to write policies in the transportation sector.**

Dane Noyce
Hereford, TX

Today, our company received a settlement demand where the owner and operator of an automobile crashed into our commercial motor vehicle. Our CMV had the ROW and the auto operator was erratically crossing over 3 lanes. We've spent untold sums in legal defense and settlements for frivolous lawsuits.

Bert Hunter
Athens, TX

As a commercial insurance producer, **I have seen auto insurance rates on clean accounts increase from 8% to 20% year after year for the past 4 years.**

4Q of 2019, the commercial XS liability market started hardening. I have an auto-heavy account with a 5mm XS liability policy expiring at 30k and **the lowest renewal we can find is 65k. No claims on this risk.**

Allowing claimants to not disclose the extent of injuries and bring facts in that do not go directly to the claim at hand (like looking through all maintenance records for a violation even though the facts of the claim do not include any maintenance assertions) artificially and unnecessarily increases the claim, resulting in large premium increases for the defendants. Some clients are seeing increases of 30% in the auto premium and excess premiums. This is after seeing double digit rate increases last year. These increases have contributed to clients' ability to remain in business. Absent tort reform, I fear this trend will continue to worsen, making it impossible for companies to remain in business or may force them to reduce staff and operations as they cannot afford the insurance to continue at current levels.

Wendy Storm
Houston, TX

We have been sued twice for vehicle accidents and in both cases, the suing party was ticketed. One was settled by my insurance company and the other dismissed. Both cases cost me money and higher premiums.

Gary Sodd
Arlington, TX

I am a small business owner in Pharr, TX that has been directly affected by a minor auto accident that turned into a 1.1 million dollar lawsuit (sales for my business in 2019 were 1.5 M). Our auto insurance rates have skyrocketed even though we have not had an accident since 2018. Please support this bill.

**Othal Brand
Pharr, TX**

My company operates large oilfield trucks in the Permian Basin. We have had several accidents over the past five years that were not our fault, or at least only marginally our fault. **But our insurance company has paid out several million dollars in settlements believing that we would have been hit even harder with jury verdicts.**

Every morning, the main television ads are attorneys asking the public to come to them to eradicate all of us bad trucking companies. Everyone seems to want a free ride in life but us. **We work hard to make our company safe to protect our own families while they are driving our highways. Please help us before it is too late.**

**Cary Thornton
Odessa, TX**

Over the past two years, our liability insurance premiums increased by 50% and we were forced to lower our coverage limits by 60%. And this year, we are being told that our renewal premiums in 2021 are projected to go up by an additional 30-50%.

**Scot Shoup
Tyler, TX**

I am a forestry consultant and have seen firsthand how abusive lawsuits have hurt the timber industry over the last 10-15 years. **Currently, insurance premiums have risen to the point where prices paid to timber growers have fallen another 5%-18%, depending on the timber product.** Growing a commodity product in today's society is a hard business; frivolous lawsuits only compound the situation timber growers face.

**Buddy Rosser
Atlanta, TX**

I have been in trucking over 40 years and **the claim process has gone off the rails. We have no fender benders, the facts of the crash do not matter.**

Few insurance companies are left in Texas so cost is up, underwriting is tougher and awards are excessive. We are killing Texas businesses and jobs.

**Marcia Faschingbauer
Houston, TX**

The trucking industry begs you to take this seriously. **I have worked all of my life trucking industry and nearing retirement with many sleepless nights knowing I could lose everything with one accident.** In today's world a commercial vehicle can be not at fault in an accident and still lose everything they have worked for. It's time to put a stop to these out-of-control lawsuits.

**Ford Wagner
San Antonio, TX**

I have been a financial consultant in the trucking industry for 17 years and I see firsthand the impact these abusive lawsuits have on truckers, even ones highly dedicated to safety. **The costs ultimately will put companies out of business,** truckers out of jobs and increase consumer costs. This practice is not good for our economy or for the hard-working men and women that serve this industry.

Kirsten Barringer
Kingwood, TX

As a forester who manages 40,000 acres of privately owned timberland, it is critical that loggers with trucks are available to take my clients' products to the mills. **The availability of trucks is getting critical due to the huge increase in insurance they must pay due to the many bogus lawsuits.** Please consider supporting these bills to help the most essential industry in East Texas.

Bob Harper
Conroe, TX

As a trucking and insurance professional, the abuse of lawsuits by personal injury attorneys is going to destroy companies and an important part of Texas' economy and job creation. **This is an industry that delivers our vaccines, food and necessities** and the abuse of the legal system is damaging their businesses.

Thomas Anderson
Dallas, TX

The Texas Forestry Association represents the entire forest supply chain in Texas: Forest Landowners (from family-owned forests to industrial), Harvesting Contractors (Texas Logging Council), Foresters, Manufacturing Mills, along with Distributors and Consumers. **The number 1 issue that jeopardizes the entire, intricate supply chain is our costs of extreme insurance increases due to lawsuit abuse, as well as giant settlements and of course the nuclear verdicts.** Our logging force, who are the only means of delivering forest resources to mills to make essential products, has example after example of a fender benders that turned into a lawsuit to pay for unfair or unnecessary charges. These are all small family businesses characterized by honesty and a hard work ethic; if there is a legitimate issue caused by an accident, they are personally moved and want to make the victim whole. However, they've been taken advantage of through untrustworthy actions. This situation has ruined some businesses and made hardships on all of their employees and families, moreover, it's put our entire forest products industry at risk. Thank you for the opportunity for some relief in this arena.

Rob Hughes
Lufkin, TX



www.KeepTexasTrucking.com

There is a crisis in Texas that no one is talking about. Texas is on the very doorstep of crashing the sand and gravel trucking industry. Texas is the 9th largest economy in the world. The amount of measurement of aggregate material, including rocks, road base, sand, fly ash, cement, etc. that is used in Texas on a daily and weekly basis to support the growth of the 9th largest economy in the world is staggering. **All of those trucks that move that material are at risk of being shut down due to insurance costs that have risen to the point of causing businesses to fail.** The profit in the sand and gravel industry does not mirror the profit in box trailer and over the road trailers and there is not enough revenue to sustain insurance costs that have quadrupled over five (5) years. The amount of money being made by Plaintiffs' lawyers in liberal venues is staggering... **These lawyers are all making millions of dollars a year off the backs of Texas businesses and insurance policies backing them.**

None of the proposed bills will have any negative impact on trucking regulation and compliance. Trucking is one of the most heavily regulated industries. Texas has more commercial vehicle enforcement officers than any other state, without a close second.

Texas inspects more commercial motor vehicles on a daily basis than any other state, without a close second. Texas' commercial motor vehicle enforcement division is very well funded and trained and does an excellent job helping motor carriers, including sand and gravel haulers, stay in compliance and improve their operations.

This will not have any negative impact on the amount of monies available to a jury it believes is reasonable to award for plaintiff's injuries. There are no caps on any measure of damages, as was done in the med mal tort reform. **Plaintiffs after these bills are passed will be able to recover every single measure of damages they could before the change.**

...They don't get to comb through piles of records looking for every single mistake a motor carrier may have technically made but that had nothing to do with causing the accident.

Motor carriers will still be 100% liable for the same accidents after these bills are passed as they would be before. If the driver was in the course and scope of employment and/or in furtherance of the motor carrier's business at the time of the accident, the motor carrier will be vicariously liable for the driver's actions. Those strengthen the argument for plaintiffs and creates clearer paths to liability. These changes significantly cut down on the amount of money that is being spent on litigation. Both plaintiffs and defendants hire experts to offer opinions as to whether the motor carrier in question complied with all of the regulations set forth in the FMCSA/TMCSA. Each side will spend \$25,000 or more on these experts. The need for these experts will almost completely go away as the issue of whether or not a motor carrier complied with a regulation will only be relevant to the extent that failure to comply was a cause in fact of the accident.

**Paul Huckabay
San Antonio, TX**

Commercial fleets operating in Texas are sitting ducks for those seeking to game our broken legal system. Every big truck on the road, and ESPECIALLY log trucks and chip haulers, have become targets for unscrupulous individuals who are looking for a lottery ticket-type windfall through lawsuit abuse. **Heck, every commercial fleet vehicle, even a passenger car if it has a logo on the door, might as well be displaying a giant bullseye because that's the way it is in reality.** Our increasingly litigious society has made trucking insurance rates follow the same path that medical malpractice insurance has gone, continuing to go higher and higher, even for those who haven't had any accidents.

Our business is 100% dependent on trucking.

We receive pine logs delivered to our sawmill on contractor trucks and then we deliver chips, fiber fuel and finished product with our own trucks. **The fewer and fewer log trucks that are available to deliver logs to us has been a serious problem, and it will only get worse until something changes.** No one wants to haul logs because of that bullseye on your back! As for our trucks shipping our finished product, we know that each load that leaves our mill puts our entire 4th generation business in jeopardy.

I am not intending to minimize the effects that legitimate accidents have on people and families, because our people are our most valuable asset. Unfortunately, many people these days, including many attorneys, are just looking for a lawsuit in any truck accident.

In our last big truck accident, the vehicle that our truck scraped down the side of as he was taking evasive maneuvers to avoid a potential deadly collision with another vehicle actually praised our driver's heroic efforts to avoid hitting either of the other vehicles at a direct impact. The man did not request medical attention at the scene and he drove that same vehicle away with only body damage down one side and a broken mirror. Several months later, we were served with a lawsuit from that same gentleman.

One of the worst parts of these frivolous lawsuits is that the insurance companies are just not willing to fight them. They settle with these people 10 times out of 10, even when the truck was not at fault. Insurance just wants to do anything they can to avoid a trial, especially a jury trial because the public has been indoctrinated by commercials and billboards to believe that big trucks are evil and negligent and out to hurt people, no matter the operator or circumstances involved. That leads to these outrageous windfall judgments that we see today, and insurance companies are willing to settle with 100, or 1000 or even 10,000 plaintiffs before facing even the potential of one of those judgments.

This system is broken and something must be done to fix it. Trucks are the backbone of our economy in Texas and across America.

Jeff Rogers
Orange, TX



I currently work as the director of safety and risk management for a 400 truck fleet based in McKinney, TX. **More and more of my time is focused on responses, discovery, and preparing for lawsuits, most of which are frivolous in nature.** As recently as 3 weeks ago, I had a driver of a passenger vehicle claim we ran her off the road. She claimed she was so distraught and in pain after the event, she drove herself to the emergency room where she received x-rays, MRI, and a CAT scan. The pain was so terrible, rather than drive to the nearest hospital, she drove 150 miles to be seen by the emergency room in her hometown. One other factor, she did not strike anything during the event. Her claim was that after the event she was able to get back on the highway, catch up to our driver, and takes photos of our truck and driver. **Luckily, for us, our in-cab video technology captured footage during the time in question and provided the proof to discredit her narrative of events.**

Dishonest citizens realize trucking company crashes or incidents can make for a large "pay-day." They have become bolder, brazen and presumptuous in their frivolous claims to the detriment of the trucking company. False injury claims, exuberant medical billing, and over-treating by doctors fuels the claim and increases the claim value.

I ask that you think of the thousands of trucking companies across Texas that have closed their doors or are near the point of closure due to increases in insurance premiums and can no longer afford to stay in operation. Trucking is the backbone of our economy.

Chad Hall
McKinney, TX

As an HR professional in charge of safety for the transportation company I work for, I have seen far too many abusive lawsuits. **Minor bumps of 1-2 mph with physical damages being a small mark on the claimant's bumper resulting in \$250k to \$650k settlements is absolutely ridiculous.** Yes, transportation companies should be responsible for accidents that are the fault of their drivers, but not to the tune of those numbers!

We have dash cams, but still lose lawsuits where it is absolutely clear that our driver did nothing wrong, and the other vehicle cut us off from a blind spot, without leaving enough room to do so. We even have a current case where the claimant admitted to the police officer who attended the scene of the accident that she was at fault because she was lost and needed to exit, so she cut off our driver. Yet, she is suing and our insurance is going to pay her to "go away." Why? Because, and I quote, "trucking companies don't do well in court."

THIS is a major problem that will obliterate trucking from the future because we won't be able to afford the insurance to run our trucks!

Shelley Munro
Burleson, TX



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