



HB19 Commercial Vehicle Litigation Reform ***Changes from the Filed Bill***

Filed Bill: Required future damages to be paid in periodic payments in the future and allowed unpaid amounts to revert to the defendant rather than to the plaintiff's heirs.

CSHB 19: Removed periodic payments provision in its entirety.

Filed Bill: Applicable to all accidents involving commercial motor vehicles.

CSHB 19: Does not apply to personal use of commercial vehicles. Does not apply to children riding in a school bus. Does not apply to paying passengers in a bus, rideshare, taxi, etc.

Filed Bill: Contained provisions limiting discovery.

CSHB 19: Removed all references to discovery.

Filed Bill: Provided for appellate review of discovery ruling (mandamus provision).

CSHB 19: Removed.

Filed Bill: Provided for dismissal of some claims against defendants.

CSHB 19: Removed as confusing and unnecessary.

Filed Bill: Defendant required to file motion to bifurcate just before the jury is seated.

CSHB 19: Defendant required to file motion to bifurcate earlier in the process, within 120 days of answering the lawsuit.

Filed Bill: If defendant stipulated to liability, the plaintiff's evidence in the first phase of a bifurcated trial was limited to damages caused in the accident.

CSHB 19: This limitation on evidence was deleted.

Filed Bill: Created confusion as to whether plaintiff could present evidence of the defendant company's failure to maintain the truck involved in the accident.

CSHB 19: Substitute specifically allows presentation of negligent maintenance claims, and other similar negligence claims, in the first phase of trial.



Filed Bill: Provided that some evidence about unsafe practices “will not support a judgment.”

CSHB 19: Deleted. This section of the substitute is only a limitation on the use of inadmissible evidence of prior bad acts in the first phase of a trial.

Filed Bill: Judge *required* to admit photos and videos.

CSHB 19: Photos of vehicles involved in accident presumed admissible. Expert testimony not required for admission of photos.

Filed Bill: Definitions sometimes unclear or indefinite, and some parts of the bill ambiguous and using unknown terms.

CSHB 19: Entire bill simplified; more tightly and clearly drafted throughout.

- ✓ ***Substitute states that it does not limit a plaintiff’s right to pursue punitive damages for a defendant’s gross negligence in failing to comply with safety regulations or indifference to safe employment practices.***
- ✓ ***Clarifies that owner/operators working under another company’s DOT number are considered the company’s employees, as already provided in federal law.***
- ✓ ***Definition of “operating” a vehicle now includes a stopped, parked or disabled vehicle.***