



Setting the Record Straight on HB 19

HB 19 will help thousands of small Texas businesses survive. It will protect our economy and help our state prepare for, respond to, and recover from natural disasters.

Personal injury trial lawyers in Texas are trying to defeat HB 19 because it will shut down the abusive lawsuit scheme they are using to get rich.

You may have received a one-sided and misleading letter generated by Texas Watch, a group that opposes common-sense tort reforms.

Here are the facts.

False Statement: *"This bill will make it harder to hold trucking companies accountable when they violate safety standards, endangering all of us on the road."*

Fact: After HB 19 is enacted, anyone who is injured by the negligence of a commercial vehicle operator can still recover the full array of damages in a lawsuit, including past and future medical damages, lost wages, pain and suffering and punitive damages.

Fact: After HB 19 is enacted, jurors will continue to hear about a trucking company's safety violations if the failure to comply with the safety standard caused the injury or death that is the subject of the lawsuit.

False Statement: *"Trucking companies have little incentive to follow the rules and adopt safety measures without enforcement through our courts."*

False Statement: *"HB 19 will provide even less incentive for trucking companies to follow the rules."*

Fact: Trucking companies are highly regulated by both the state and federal governments, and many companies have extensive internal safety programs that go over and above government regulations.

Fact: The industry regularly cooperates on best practices with regulators and law enforcement agencies. In Texas, the industry has worked with the Legislature to support increased fines to help ensure industry-wide compliance with safety regulations.

Fact: Trucking companies have every incentive to follow safety protocols. On a human level, a serious accident takes an enormous mental and emotional toll on truck drivers. On a business level, violating safety regulations can result in substantial fines and

increased insurance premiums, and collisions take drivers and equipment off the roads and reduce productivity.

False Statement: *“Giving trucking corporations special privileges in civil cases will make it harder for victims of truck wrecks to hold them accountable. HB 19 stacks the deck against Texas citizens when they are forced to take dangerous trucking companies to court.”*

Fact: After HB 19 is enacted, anyone who is injured by the negligence of a commercial vehicle operator can still pursue the full array of damages in a lawsuit, including past and future medical damages, lost wages, pain and suffering and punitive damages.

Fact: HB 19 ensures trucking cases are tried consistently and uniformly across the state, setting the “rules of the road” for commercial vehicle cases to stop abuse by personal injury trial lawyers.

Fact: 88% of trucking companies in Texas are small “mom and pop” businesses, not huge corporations. Countless other Texas small businesses operate commercial vehicle fleets. All of these companies are seeing skyrocketing insurance costs. Unless personal injury lawyers are stopped, every Texas business that owns a vehicle is at risk of a company-ending lawsuit following a fender bender. Just paying the defense fees in one of these lawsuits can ruin many small businesses.

False Statement: *“Texas has the worst record in the nation for large truck crashes.”*

Fact: This statement has no attribution.

Fact: Texas is one of the worst states in the nation **for lawsuits** after automobile accidents. Due to plaintiff lawyer advertising, collision lawsuits have increased 118% in Texas since 2008.ⁱ Today, 1 in 10 collisions results in a lawsuit.ⁱⁱ In 2008, the number was 1 in 17.ⁱⁱⁱ

Fact: Lawyers are causing the explosion in lawsuits, not collisions, not serious injuries and not fatalities. The increase in lawsuits is not driven by accident severity. Fatality collisions increased 4.97%, collisions involving a serious injury decreased 1.65%, and collisions involving any injury increased only 2.52%.^{iv} **Yet the number of lawsuits increased by 118%.**

False Statement: *“72% of people killed in commercial motor vehicle crashes are occupants of other vehicles, meaning families die while the at-fault truck driver walks away.”*

Fact: The Federal Motor Carrier Safety Administration has reported to Congress that a majority of collisions involving a truck are the fault of the passenger vehicle’s driver, not the truck driver.^v

False Statement: *“If you survive a truck wreck, medical bills pile up quickly from the catastrophic injuries they cause. You might not be able to work, and your family pays the price.”*

Fact: After HB 19 is enacted, anyone who is injured by the negligence of a commercial vehicle operator can still pursue the full array of damages in a lawsuit, including past and future medical damages, lost wages, pain and suffering and punitive damages.

Fact: In many of the lawsuits filed today, the plaintiff has no apparent injury. The trial lawyer refers the plaintiff to the lawyer’s favorite doctor, who diagnoses a major back injury and treats the patient extensively. The doctor bills at wildly inflated rates in order to artificially increase the medical costs. Even a simple fender bender can suddenly generate tens of thousands of dollars in unpaid medical bills. The bills are unpaid because the lawyer coaches the plaintiff to not use his or her health insurance to pay the bills.

The lawyer promises the doctor will be paid from the recovery in a lawsuit. The doctor serves as the star witness at trial for the plaintiff, testifying that the plaintiff is badly injured and will suffer a lifetime of pain. The amount ultimately paid to the doctor is a secret, but it is safe to presume that a doctor who testifies persuasively at trial will be paid more in the back-room deal with the lawyer.

False Statement: *“If the trucking company hires a driver with a bad safety record or an addiction, paralyzing a loved one in a crash, the trucking company should be held fully accountable.”*

Fact: After HB 19 is enacted, if a trucking company’s employee is responsible for causing a catastrophic injury, the trucking company will be held liable for the full measure of damages required to make the injured person whole. Under HB 19, the plaintiff can recover all medical expenses and lost wages, full damages for disfigurement, pain and suffering, loss of relationships with family, mental anguish and punitive damages.

Fact: HB 19 does not prevent jurors from hearing about a driver’s safety record or addiction if it caused the accident. But if the employee is a recovering addict who was clean and sober at the time of the accident, jurors will not hear evidence intended merely to smear the driver. Texas law requires that evidence be relevant and also prohibits evidence of prior bad acts. But some Texas courts ignore these rules to benefit plaintiffs. **HB 19 merely requires all courts to apply longstanding rules uniformly and consistently to ensure fairness for all parties in the case.**

False Statement: *“HB 19 will only make it harder for Texas families to seek justice, leaving all of us to pay the cost.”*

Fact: After HB 19 is enacted, a plaintiff can still recover the full measure of damages from the company. If a trucking company’s employee is responsible for causing an injury, the trucking company will be held liable for the full measure of damages required to make the injured person whole. Under HB 19, the plaintiff can recover all medical expenses and

lost wages, full damages for disfigurement, pain and suffering, loss of relationships with family, and mental anguish, and punitive damages for gross negligence.

Fact: This lawsuit abuse is already hitting Texans' pocketbooks. Abusive lawsuits create real costs for Texas businesses, whether through increased insurance premiums, defense costs or inflated judgments against them. Those costs are passed on to all of us as consumers through the higher price of goods and services.

ⁱ See OFF. CT. ADMIN., ANNUAL STATISTICAL REPORT FOR THE TEXAS JUDICIARY, FISCAL YEAR 2019, at Statewide 5, <https://www.txcourts.gov/media/1445760/fy-19-annual-statistical-report.pdf> (last visited Feb. 22, 2021) [hereinafter 2019 ANNUAL STATISTICAL REPORT].

ⁱⁱ In 2019, there were 560,952 motor vehicle collisions in Texas. *Crashes and Injuries by County 2019*, TEX. DEP'T TRANSP., at 10, https://ftp.txdot.gov/pub/txdot-info/trf/crash_statistics/2019/13.pdf (last updated Apr. 15, 2020). In FY 2019, 55,300 motor vehicle lawsuits were filed in Texas courts. 2019 ANNUAL STATISTICAL REPORT, at Statewide 5. The ratio is 1 in 10.14.

ⁱⁱⁱ In 2008, there were 438,973 motor vehicle collisions in Texas. *Crashes and Injuries by County 2008*, TEX. DEP'T TRANSP., at 6, https://ftp.txdot.gov/pub/txdot-info/trf/crash_statistics/2008/12_2008.pdf (last updated May 27, 2013). In FY 2008, 25,368 motor vehicle lawsuits were filed in Texas courts. OFF. CT. ADMIN., ANNUAL STATISTICAL REPORT FOR THE TEXAS JUDICIARY, FISCAL YEAR 2008, at 30, <https://www.txcourts.gov/media/454885/AR-2008.pdf> [hereinafter 2008 ANNUAL STATISTICAL REPORT]. The ratio is 1 in 17.30.

^{iv} In Texas in 2008, 438,973 motor vehicle collisions caused 3,479 fatalities. *Crashes and Injuries by County 2008*, TEX. DEP'T TRANSP., at 6, https://ftp.txdot.gov/pub/txdot-info/trf/crash_statistics/2008/12_2008.pdf (last updated May 27, 2013). In 2018, 544,708 motor vehicle collisions caused 3,652 fatalities. *Crashes and Injuries by County 2018*, TEX. DEP'T TRANSP., at 10, https://ftp.txdot.gov/pub/txdot-info/trf/crash_statistics/2018/13.pdf (last updated Apr. 15, 2020). That is an increase of 4.97%.

In 2010,^{iv} 392,047 motor vehicle collisions caused 15,188 serious injuries. *Crashes and Injuries by County 2010*, TEX. DEP'T TRANSP., at 10, https://ftp.txdot.gov/pub/txdot-info/trf/crash_statistics/2010/13.pdf (last updated Apr. 15, 2020). In 2018, 544,708 motor vehicle collisions caused 14,937 serious injuries. *Crashes and Injuries by County 2018, supra*, at 10. That is a decrease of 1.65%.

In 2008, 243,516 persons were injured in 438,973 motor vehicle collisions. *Crashes and Injuries by County 2008*, at 6. In 2018, 249,652 persons were injured in 544,708 motor vehicle collisions. *Crashes and Injuries by County 2018*, at 10. That is an increase of 2.52%.

^v U.S. DEP'T OF TRANSP., FED. MOTOR SAFETY ADMIN., REPORT TO CONGRESS ON LARGE TRUCK CRASH CAUSATION STUDY (March 2006) at 16, available at <https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/docs/ltrccs-2006.pdf> (last visited March 3, 2021) ("In two-vehicle crashes involving a large truck and a passenger vehicle, the passenger vehicle was assigned the critical reason in 56 percent of the crashes and the large truck in 44 percent.").