



# 2017 Legislative Priorities

## 1. Tort Reform

- Texas introduced a paid or incurred statute in 2003 that limits recovery of health care expenses to amount actually paid or incurred.
- Courts subsequently allowed evidence of gross amount of bills and only made adjustments after jury verdict. In 2011, Texas Supreme Court said gross amount was NOT evidence, only the actual amount paid/incurred.
- Lawyers began “working around” this by instructing plaintiffs not to use health insurance and instructing doctors with whom they have a relationship with not to apply health insurance then keeping bills inflated, encouraging increased litigation while discovery of attorney doctor relationship is limited.
- The trucking industry has seen a substantial increase in this practice in the years since medical malpractice reform, specifically targeting trucking companies because of their large liability policies.
- The resulting dynamic is that Texas is becoming less friendly for the trucking industry.

*Our Position:* TXTA has bill language that seeks to tie the amount for treatment to what is being paid for by similar services in non-litigation treatment. Our team will be following up once these bills are filed.

## 2. Commercial Inspections of Texas Registered Vehicles Located Out of State

- Trucking companies registering their trucks and trailers in Texas face challenges whenever they have facilities located outside the state. Texas inspection laws require Texas registered vehicles to be inspected in Texas or one of 19 other states recognized as having a state inspection program equivalent to the federal inspection requirements under CFR 396.17.
- Many Texas registered trucks and trailers are not located in those recognized states causing them to be in violation of our state law. Some companies are solving this problem by moving their vehicle registrations to a more registration friendly state. This results in a loss of revenue to both the state and counties.

*Our Position:* TXTA is working on language that proposes to allow Texas registered trucks under the international registration plan (IRP) and token trailers to be exempt from the Texas inspection provided the vehicles have been inspected under the federal inspection requirements under CFR 396.17.

## 3. Towing Fees

- Many trucking companies are being assessed excessive charges on wrecker bills without any recourse whenever their equipment is involved in an accident and the police call a tow truck from a rotation list to come work the wreck. This is considered a non-consent incident management tow.
- The TXTA staff is currently working with the Texas Department of Licensing & Regulation, Texas Department of Public Safety, Texas Towing & Storage Association, and Southwest Tow Operators Association to identify areas in the towing statute to bring relief to the incident management tow problems.
- Regulations regarding releasing cargo and issues caused by rotation lists used by law enforcement are part of the discussion

*Our Position:* TXTA will continue to work with TDLR, TXDPS and the towing industry to find a solution to the billing abuse by some bad towing actors. Our team will be following up on any proposed legislative action.

## 4. Truckers Against Traffickers

- The I-10 corridor between El Paso and Houston has been identified as a major route used by human traffickers for sexual exploitation.
- The trucking industry would like to do our part in educating drivers in an effort to save the lives of victims during the normal course of their job.
- SB 128 by Sen. Sylvia Garcia and HB 272 by Rep. Senfronia Thompson would require new commercial driver applicants to successfully complete a recognition and prevention of human trafficking training course approved by the department.

*Our Position:* TXTA supports educating the industry on human trafficking for sexual exploitation and will continue working with the bill authors and the Office of the Attorney General's Special Task Force recommendations on how to best achieve this goal.

## 5. Overweight Corridor

- A draft proposal of a heavyweight corridor proposal is being circulated and currently seeks to allow annual permits to be issued for intermodal container, tractor and trailer combinations to reach 100,000 lbs with 7 axles. Currently, these are limited to 25 mile radius of sea ports and border points of entry and prohibits the use of interstate highway systems.

*Our Position:* TXTA has been closely monitoring this issue and remains concerned over safety foremost. We are cognizant of cost and damage to infrastructure, public image, as well as the direct cost and/or opportunities for the trucking industry.