

2019 LEGISLATIVE PRIORITIES

Tort Reform

Some trial lawyers never sleep when it comes to exploiting loop holes in our legal system. The Supreme Court ruled last summer on a case (In Re: North Cypress Medical Center v. Crystal Ann Roberts) in which Roberts sued North Cypress and filed a motion to compel production of documents showing the amounts North Cypress would have accepted from all other private and public health insurers. This is an important step toward positive change. The Court upheld a lower court decision that ruled medical billing records are relevant and discoverable. For too long, trial lawyers have hidden how much hospitals really charge for procedures, leading to unnecessarily inflated claims.

Action

TXTA, SMA and its allies will stridently oppose any effort to reverse this Supreme Court ruling. Health insurance companies negotiate lower rates with health care providers. TXTA and SMA support legislation requiring individuals to utilize their health insurance when it is available, rather than letting trial lawyers line their pockets with artificially inflated medical claims. We are working with Texans for Lawsuit Reform (TLR) and are currently awaiting bill language from Texas Legislative Counsel for filing.

Household Goods Carrier Penalties

Were increased several sessions ago to address scofflaws who held their customers' belongings hostage until their ransom charges were paid. While this TXTA and SMA sponsored legislation was successful, we have found some bad guys are slipping under enforcement even though the Texas Department of Motor Vehicles (TxDMV) has fined them repeatedly.

Action

TXTA and SMA supports HB 1505 by Armando Martinez (D-Weslaco) which will make roadside enforcement easier by allowing law enforcement to see previous convictions, making it clear to the officer if a suspect is immediately subject to enhanced penalties.

Towing Reform

The Texas trucking industry is subject to outrageous towing charges for incident management tows more than any other state. In unregulated jurisdictions, unscrupulous towing companies can charge wildly excessive fees with little recourse to the victims of these bad actors.

Action

TXTA and SMA supports legislation currently being drafted and are working with the state's two towing associations, as well as other interested parties, to address how we can rein in these unscrupulous actors.

Share the Road

TXTA and SMA continually educate legislators and the public on Share the Road. The overwhelming majority of commercial vehicle/passenger vehicle collisions are caused by passenger vehicles. Increased awareness and education is vital to reducing the number of collisions.

Action

TXTA and SMA support HB 105 by Ina Minjares (D-San Antonio) which requires increased education on sharing the road with commercial motor vehicles during driver license training and testing.

Safety-Technology Protection

The use of owner-operators in the trucking industry is common place. A shipper consigns the responsibility of the cargo to the motor carrier when they take possession of the load and as such the motor carrier assumes much risk and responsibility. Utilizing safety technology and requiring that from the owner-operators they choose should not change classification.

Action

TXTA and SMA support legislation currently being drafted by Senator Kelly Hancock (R-Richland Hills) that prevents using safety technology, such as incident recorders, lane departure warning or anti-rollover devices as evidence for reclassifying independent contractors as employees. This is a common-sense clarification that will increase road safety for everyone.