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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend title 49, United States Code, to prohibit staged collisions with commercial motor vehicles, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CUELLAR introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 49, United States Code, to prohibit staged collisions with commercial motor vehicles, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Highway Accident
5 Fairness Act of 2021”.

6 **SEC. 2. PURPOSES.**

7 The purposes of the Act are to—

1 (1) assure fair and prompt recoveries for high-
2 way accident victims;

3 (2) benefit society by preserving predictability
4 and stability in the movement of freight in interstate
5 commerce and lowering costs to the supply chain
6 and, ultimately, all Americans;

7 (3) protect the motoring public from the safety
8 hazard of staged collisions between passenger cars
9 and commercial motor vehicles;

10 (4) prevent fraudulent claims that result from
11 staged collisions;

12 (5) protect law enforcement agencies and high-
13 way departments from expending resources dealing
14 with the aftermath of staged collisions; and

15 (6) minimize the impact of staged collisions on
16 the supply chain and the movement of goods in
17 interstate commerce.

18 **SEC. 3. PROHIBITION ON STAGED COLLISIONS WITH COM-**
19 **MERCIAL MOTOR VEHICLES.**

20 (a) IN GENERAL.—Chapter 805 of title 49, United
21 States Code, is amended by adding at the end the fol-
22 lowing new section:

1 **“§ 80505. Staging of motor vehicle collisions with**
2 **commercial motor vehicles**

3 “(a) PENALTY FOR STAGING COLLISION.—A person
4 operating a motor vehicle who intentionally causes a colli-
5 sion with a commercial motor vehicle, as defined in section
6 31101, or arranges for another person to cause such a
7 collision, shall be fined under title 18, imprisoned for not
8 more than 20 years, or both.

9 “(b) PENALTY FOR STAGING COLLISION CAUSING
10 SERIOUS BODILY INJURY.—A person operating a motor
11 vehicle who intentionally causes a collision with a commer-
12 cial motor vehicle, as defined in section 31132, that results
13 in serious bodily injury or death to another person, or ar-
14 ranges for another person to cause such a collision, shall
15 be fined under title 18, imprisoned for not less than 20
16 years, or both.

17 “(c) LIMITATION ON PROSECUTION.—A person may
18 not be prosecuted for an act under this section if the per-
19 son has been convicted or acquitted on the merits for the
20 same act under the laws of a State, the District of
21 Columbia, or a territory or possession of the United
22 States.”.

23 (b) CLERICAL AMENDMENT.—Chapter 805 of title
24 49, United States Code, is amended by adding at the end
25 the following:

“80505. Staging of motor vehicle collisions with commercial motor vehicles.”.

1 **SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR**
2 **HIGHWAY ACCIDENT ACTIONS AGAINST**
3 **INTERSTATE MOTOR CARRIERS.**

4 (a) APPLICATION OF FEDERAL JURISDICTION.—Sec-
5 tion 1332 of title 28, United States Code, is amended—

6 (1) by redesignating subsection (e) as sub-
7 section (f); and

8 (2) by inserting after subsection (d) the fol-
9 lowing:

10 “(e)(1) The district courts shall have original juris-
11 diction of any civil action alleging bodily harm or loss of
12 life involving one or more commercial motor vehicles, as
13 defined in section 31101 of title 49, operating on a public
14 road in interstate commerce, in which the matter in con-
15 troversy exceeds the sum or value of \$5,000,000, exclusive
16 of interest and costs, and is a case in which—

17 “(A) any plaintiff is a citizen of a State dif-
18 ferent from any defendant;

19 “(B) any plaintiff is a foreign state or a citizen
20 or subject of a foreign state and any defendant is a
21 citizen of a State; or

22 “(C) any plaintiff is a citizen of a State and
23 any defendant is a foreign state or a citizen or sub-
24 ject of a foreign state.

25 “(2) Citizenship of plaintiffs shall be determined for
26 purposes of paragraph (1) as of the date of filing of the

1 complaint or amended complaint, or, if the case stated by
2 the initial pleading is not subject to Federal jurisdiction,
3 as of the date of service by plaintiffs of an amended plead-
4 ing, motion, or other paper, indicating the existence of
5 Federal jurisdiction.

6 “(3) For purposes of this subsection, an unincor-
7 porated association shall be deemed to be a citizen of the
8 State where it has its principal place of business and the
9 State under whose laws it is organized.”.

10 **SEC. 5. THIRD-PARTY LITIGATION FUNDING DISCLOSURE**
11 **IN HIGHWAY ACCIDENT CASES.**

12 (a) IN GENERAL.—Chapter 111 of title 28, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 1660. Third-party litigation funding disclosure in**
16 **highway accident cases**

17 “(a) IN GENERAL.—In any civil action in State or
18 Federal court alleging bodily harm or loss of life involving
19 one or more commercial motor vehicles, as defined in sec-
20 tion 31101 of title 49, operating on a public road in inter-
21 state commerce, counsel for plaintiff or plaintiffs shall—

22 “(1) disclose in writing to the court and all
23 other named parties to the action the identity of any
24 commercial enterprise, other than a plaintiff or
25 plaintiff’s counsel of record, that has a right to re-

1 ceive payment that is contingent on the receipt of
2 monetary relief in the action by settlement, judg-
3 ment, or otherwise; and

4 “(2) produce for inspection and copying, except
5 as otherwise stipulated or ordered by the court, any
6 agreement creating the contingent right.

7 “(b) TIMING.—The disclosure required by subsection
8 (a) shall be made not later than the later of—

9 “(1) 10 days after execution of any agreement
10 described in subsection (a)(2); or

11 “(2) the time of service of the action.

12 “(c) STATUTORY CONSTRUCTION.—Nothing in this
13 section shall be construed to affect the admissibility of any
14 materials required to be disclosed or produced under sub-
15 section (a) as evidence in any civil action.”.

16 (c) TECHNICAL AND CONFORMING AMENDMENT.—
17 The table of sections for chapter 111 of title 28, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

“1660. Third-party litigation funding disclosure in highway accident cases.”.

20 **SEC. 6. APPLICABILITY.**

21 The amendments made by sections 4 and 5 shall
22 apply with respect to any case pending on or commenced
23 on or after the date of enactment of this Act. The amend-
24 ments made by section 3 shall apply beginning on the date
25 of enactment of this Act.