

TRANSPORTATION CODE

TITLE 2. GENERAL PROVISIONS RELATING TO CARRIERS

CHAPTER 5. DUTIES AND LIABILITIES OF COMMON CARRIERS

Sec. 5.001. DUTIES, LIABILITIES, AND REMEDIES OF CARRIER.

(a) Unless otherwise provided by this code or other law:

(1) the duties and liabilities of a carrier in this state and the remedies against the carrier are the same as prescribed by the common law; and

(2) a carrier for hire may not limit its common-law liability, unless the limitation is in conspicuous writing in a written arrangement for transportation, including a bill of lading or contract for transportation.

(b) This chapter does not prohibit a carrier from requiring notice to be given under Section 16.071, Civil Practice and Remedies Code.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.01(a), eff. Sept. 1, 1997.

Sec. 5.003. LIABILITY OF CARRIER OF HOUSEHOLD GOODS.

(a) A carrier of household goods, as defined by 49 U.S.C. Section 10102, is not required to accept for transportation household goods unless the shipper or owner of the property or the agent of the shipper or owner declares in writing the reasonable value of the property.

(b) A carrier transporting property with a value declared under Subsection (a) is not liable in damages for an amount more than the declared value of the property lost, destroyed, or damaged.

(c) A shipper's declaration of value is not admissible evidence in a court action unless the carrier, when accepting the shipment, provides and maintains in an amount at least equal to the declared value of the property:

(1) insurance in a solvent company authorized to do business in this state; or

(2) bonds.

(d) The security requirement of Subsection (c) does not apply to steam or electric railroads.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.01(c), eff. Sept. 1, 1997.

Sec. 5.004. REQUIREMENT TO RECEIVE AND CARRY GOODS.

(a) On the tender of the legal or customary rate for goods offered for transportation, a common carrier, other than a railroad, shall receive and transport the goods if in the order presented:

(1) the carrier has the capacity to safely carry the goods on the pending trip; and

(2) the goods are of the kind usually transported by the carrier and are offered at a reasonable time.

(b) A common carrier that violates Subsection (a) is liable:

(1) for damages to a person injured by the violation; and

(2) to the owner of the goods for a penalty of not less than \$5 or more than \$500.

(c) An action under Subsection (b) must be brought in the county in which the damages occur or the common carrier resides.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 5.005. BILL OF LADING OR RECEIPT; CONDITION OF TRANSPORTED GOODS. (a) A common carrier receiving goods for transportation shall, when requested, give the shipper a bill of lading or written receipt stating the quantity, character, order, and condition of the goods.

(b) A common carrier shall deliver to the consignee the goods listed on a bill of lading or receipt in an order and condition similar to the order and condition of the goods when the goods were accepted for transport, except for any unavoidable wear and tear or deterioration because of the transportation of the goods.

(c) A common carrier that violates Subsection (a) is liable to the owner of the goods for a penalty of not less than \$5 or more than \$500.

(d) An action under Subsection (c) must be brought in the county in which the damages occur or the carrier resides.

(e) A common carrier that violates Subsection (b) is liable for damages resulting from the violation as at common law.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 5.006. LIABILITY AS WAREHOUSEMAN OR COMMON CARRIER.

(a) A common carrier having a depot or warehouse is liable, as is a

warehouseman at common law, for any goods stored at the depot or warehouse:

(1) before the trip begins; or
(2) after the goods reach the destination if, after the carrier uses due diligence to notify the consignee, the consignee fails to take possession of the goods.

(b) A common carrier is liable as a common carrier from the beginning of the trip until the goods are delivered to the consignee at the point of destination.

(c) For purposes of this section, a trip begins when the bill of lading is signed.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 5.007. PRIORITY OF SHIPMENT OF STORED GOODS. (a) A common carrier that receives goods for transportation in its warehouse or depot shall transport the goods in the order received.

(b) A common carrier that violates Subsection (a) is liable for any:

(1) loss occurring while the goods are in the warehouse or depot; and

(2) damage resulting from the delay in transporting the goods.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 5.008. CARE OF LIVESTOCK. (a) Unless otherwise provided by special contract, a common carrier transporting livestock shall feed and water the animals until the animals are:

(1) delivered to the consignee; or

(2) disposed of as provided by this title or other law.

(b) A common carrier that violates Subsection (a) is liable:

(1) for damages to a person injured by the violation;
and

(2) to the owner of the livestock for a penalty of not less than \$5 or more than \$500.

(c) An action by an owner under Subsection (b)(2) must be brought in any county in which the damages occur or the carrier resides.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.