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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

SEC. 2. PURPOSES.

The purposes of the Act are to—
(1) assure fair and prompt recoveries for highway accident victims;

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

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

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

(5) protect law enforcement agencies and highway departments from expending resources dealing with the aftermath of staged collisions; and

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

SEC. 3. PROHIBITION ON STAGED COLLISIONS WITH COMMERCIAL MOTOR VEHICLES.

(a) In General.—Chapter 805 of title 49, United States Code, is amended by adding at the end the following new section:
§ 80505. Staging of motor vehicle collisions with commercial motor vehicles

(a) Penalty for Staging Collision.—A person operating a motor vehicle who intentionally causes a collision with a commercial motor vehicle, as defined in section 31101, or arranges for another person to cause such a collision, shall be fined under title 18, imprisoned for not more than 20 years, or both.

(b) Penalty for Staging Collision Causing Serious Bodily Injury.—A person operating a motor vehicle who intentionally causes a collision with a commercial motor vehicle, as defined in section 31132, that results in serious bodily injury or death to another person, or arranges for another person to cause such a collision, shall be fined under title 18, imprisoned for not less than 20 years, or both.

(c) Limitation on Prosecution.—A person may not be prosecuted for an act under this section if the person has been convicted or acquitted on the merits for the same act under the laws of a State, the District of Columbia, or a territory or possession of the United States.”.

(b) Clerical Amendment.—Chapter 805 of title 49, United States Code, is amended by adding at the end the following:

“80505. Staging of motor vehicle collisions with commercial motor vehicles.”.
SEC. 4. FEDERAL DISTRICT COURT JURISDICTION FOR
HIGHWAY ACCIDENT ACTIONS AGAINST
INTERSTATE MOTOR CARRIERS.

(a) APPLICATION OF FEDERAL JURISDICTION.—Section 1332 of title 28, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

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

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

SEC. 5. THIRD-PARTY LITIGATION FUNDING DISCLOSURE

IN HIGHWAY ACCIDENT CASES.

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

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

“(a) IN GENERAL.—In any civil action in State or
Federal court alleging bodily harm or loss of life involving
one or more commercial motor vehicles, as defined in sec-
tion 31101 of title 49, operating on a public road in inter-
state commerce, counsel for plaintiff or plaintiffs shall—
“(1) disclose in writing to the court and all
other named parties to the action the identity of any
commercial enterprise, other than a plaintiff or
plaintiff’s counsel of record, that has a right to re-
ceive payment that is contingent on the receipt of
monetary relief in the action by settlement, judg-
ment, or otherwise; and

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

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

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

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

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

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

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

SEC. 6. APPLICABILITY.

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