

TRANSPORTATION CODE

TITLE 2. GENERAL PROVISIONS RELATING TO CARRIERS

CHAPTER 7. CONNECTING CARRIERS

Sec. 7.001. DEFINITIONS. In this chapter:

(1) "Connecting carrier" means:

(A) an initial carrier; or

(B) each other common carrier that receives freight from another common carrier and recognizes or acts on a contract to transport the freight between points in this state.

(2) "Freight" includes baggage and other property transported by a common carrier.

(3) "Initial carrier" means a common carrier that contracts with a shipper of freight for delivery and initially transports the freight.

(4) "Shipper" includes the owner or the consignee of the freight and the owner's or consignee's agent.

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

Sec. 7.002. DUTIES OF CONNECTING CARRIER. Each connecting carrier that transports freight is:

(1) an agent of each other connecting carrier that transports the freight; and

(2) considered to be under a contract with each other connecting carrier and the shipper to provide the safe and speedy transportation of the freight from its point of shipment to its destination.

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

Sec. 7.003. CONTRACT GOVERNING TRANSPORTATION. (a) Except as provided by Subsection (b), the contract establishing the rights, duties, and liabilities of an initial carrier and the shipper applies to each subsequent connecting carrier.

(b) The contract between the initial carrier and the shipper does not apply to a connecting carrier that executes a new contract with the shipper supported by valuable consideration.

(c) For purposes of Subsection (b), valuable consideration

does not include the transportation of a caretaker with the freight.

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

Sec. 7.004. PROOF OF STATUS AS CONNECTING CARRIER. Proof that a common carrier has received freight from another common carrier for transportation, including a bill of lading, waybill, receipt, check, or other instrument issued by a carrier, is prima facie evidence that the carrier is subject to the relations, duties, and liabilities imposed on connecting carriers under this chapter.

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

Sec. 7.005. APPLICATION OF CHAPTER. (a) A provision in a contract that is contrary to this chapter is void.

(b) This chapter applies regardless of whether the route of freight is chosen by the shipper or by the initial carrier.

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

Sec. 7.006. RECOVERY OF DAMAGES. (a) A person who suffers damages because of injury to or loss of freight or delay in transporting freight may recover from the initial carrier or any connecting carrier that transported the freight.

(b) A common carrier held liable under Subsection (a) may, in a subsequent action, recover the amount of damages it was required to pay and is entitled to all costs of suit from the common carrier whose negligence caused the damages.

(c) To recover under Subsection (b), a common carrier must only:

(1) establish which other carrier or carriers caused the damage; and

(2) produce satisfactory evidence that the carrier seeking contribution has paid the judgment in the underlying suit.

(d) A law allowing the apportionment of damages is not applicable in a suit brought under Subsection (a) unless requested by the plaintiff. The law is applicable in a suit brought under Subsection (c).

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