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Texas car accident victims could have a harder time recovering damages under legislation

Sponsors of Senate Bill 30 say it will curb 'nuclear verdicts' that are driving up insurance premiums.



Devyn Dally shows a 2017 family photo at her house, Saturday, May 10, 2025, in Benbrook. Dally's husband was killed in a car accident in 2018. (Chitose Suzuki / Staff Photographer)

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It was just after 9 a.m. and Devyn Dally was wondering why she hadn't received the usual "good morning" text from her husband, Clint, when she heard a knock at the door.

Two sheriff's deputies told her Clint, who worked in the oil field, had been on his way to a job site outside Midland when he was hit head-on by a frac engineer who fell asleep at the wheel. Clint died in his car, where he was trapped, 30 minutes later.

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He was 39. The couple’s two boys, Mack and Josiah, were one and two years old.

Three years after the accident, in 2021, Dally settled a suit against C&J Energy Services, the oil field services company that employed the driver of the truck that hit Clint. Rather than providing on-site lodging as is common for oil field companies requiring staff to work 12-hour shifts for seven to 14 days continuously, Dally’s attorney Todd Clement said employees were required to commute two hours to the work site. That meant 12-hour shifts became 16-hour marathons.

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It was the seventh day of the 25-year-old’s hitch when he dozed off while driving at highway speeds on State Highway 349, according to Clement.

Senate Bill 30 would change the way cases like Dally’s could be litigated. The bill aims to curb what proponents call “nuclear verdicts” — disproportionately large payouts to victims and their families following car wrecks. Plaintiffs with physical impairment or those who have lost spouses, for instance, could no longer ask juries to award separately for the losses. They would instead be limited to awards for pain and suffering and mental anguish, the latter of which opponents argue is too narrowly defined under the legislation.

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SB 30 is on Lt. Gov. Dan Patrick's list of priority bills this session.

Texans for Lawsuit Reform, the tort reform group pushing for passage of the legislation, says it's necessary to keep personal injury attorneys from filing predatory lawsuits that are killing small businesses and driving up insurance premiums. They point to instances where fender-benders have led to multi-million dollar lawsuits.



Devyn Dally shows an undated family photo at her house, Saturday, May 10, 2025, in Benbrook. Dally's husband, Clint Dally, was killed in a car accident in 2018. (Chitose Suzuki / Staff Photographer)

But people such as Dally, whose lives have been transformed by accidents, worry it will make it harder to hold negligent corporations and irresponsible drivers accountable, and provide compensation for those left behind.

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“It’s just so heartbreaking to see that they can find no value in the fact that my two children get to grow up never experiencing who their father was, and I get to be there every single day with them, and I get to share these moments with them that... are just clear reminders of the fact that their father is not here,” Dally said.

Legacy of tort reform in Texas

Texas lawmakers have long favored sweeping tort reforms that make negligence lawsuits harder to win. House Bill 4, passed in 2003, was one such measure.

The legislation capped medical malpractice damages for pain and suffering at \$250,000, making most cases — even those that meet the law’s threshold of “willful and wanton negligence” on behalf of doctors — [worthless to litigate for attorneys](#). The number of medical malpractice payment reports fell from 1,256 in 2002, a year before HB 4 was passed, to 592 in 2022, according to the [National Practitioner Data Base](#).

The number of physicians in the state has since increased by nearly 90% between [January 2003](#) and [January 2023](#), with the state’s population growing about 38%.

Related: [The price of a life: Congresswoman’s death is drawing attention to Texas malpractice cap](#)

Medical malpractice payment reports filed in Texas in the last 20 years



SOURCE: National Practitioner Data Bank

The Dallas Morning News

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More than six hours of testimony from accident victims, doctors, attorneys, business owners and interest groups during a committee hearing last week illustrated the stakes for what opponents say is another blow to victim rights — and supporters say is an attempt to rein in frivolous lawsuits.

SB 30 would tailor the noneconomic compensation that juries consider in injury lawsuits. Currently, victims are entitled to compensation across at least 10 categories including loss of companionship and society, loss of enjoyment of life, disfigurement and physical impairment. If

the legislation passes, plaintiffs will only be able to sue for pain and suffering and mental anguish, with the previous categories subsumed under “mental anguish.”

Supporters say it’s aimed at preventing confused juries from “double payments” across multiple blanks on a claim, such as awarding the same amount for both loss of companionship and mental anguish, for example.

The legislation also narrowly defines mental anguish as “grievous and debilitating angst, distress, torment, or emotional suffering that causes a substantial disruption in a person’s life.”

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Opponents say that creates impossible thresholds that discourage resilience and translate to smaller wins, or no compensation at all, for victims whose cases don’t fit neatly within the four categories.

“This bill says that we don’t get physical impairment anymore, instead you have it subsumed inside the mental anguish definition,” said Clement, who is also president-elect of the Texas Trial Lawyers Association. “If after a year or two where you’re not sitting at home and crying every day, you’ll never meet that definitional threshold to recover physical impairment unless you’re a depressed mess.”

That means those who have disabilities or a traumatic brain injury as a result of their accidents, for example, would have a harder time receiving compensation, Clement argues.

“That’s against what Texas has allowed for hundreds of years.”

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Loss of companionship — in Dally and her children’s case, the loss of a husband and father — would also fall under mental anguish.

Sexual assault survivors and advocates in emotional testimony before the Texas House Committee on Judiciary & Civil Jurisprudence last week also said the bills would make it harder for them to receive compensation from perpetrators, though lawmakers signaled they would not advance legislation unless it made explicit exceptions for victims of sexual violence.

‘Cheating the system’

SB 30’s supporters have argued juries will be able to award for the causes they always have, but the changes in the bill make the system less likely to be exploited by plaintiffs’ attorneys.

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Unethical collusion between personal injury attorneys and doctors looking to game the system is another primary cause of disproportionately large suits, reformers argue. They say it looks like this: victims reach out to attorneys after accidents, who encourage them to go to specific doctors. Those doctors over-diagnose, over-treat and over-bill to inflate costs and get bigger wins in court.

“The insurance companies, we believe, are paying more on cases than they should be, frankly, for relatively minor injury cases,” said Lee Parsley, general counsel for Texans for Lawsuit Reform. “We are convinced that if you take this cheating out of the system, that you will, in fact, affect the litigation environment, and we are hopeful that that works its way down to insurance rates and ultimately to the cost of goods and services for all of us.”

Several witnesses last week told lawmakers that minor fender benders involving company vehicles had resulted in multimillion-dollar lawsuits that threatened the survival of their businesses.

“This fender bender accident happened two years ago [and] three weeks ago we were served with a \$5 million lawsuit,” Dave Embertson, president of gas station service company Erling, said during testimony before the House Committee on Judiciary & Civil Jurisprudence. A photo Embertson held up to lawmakers of the plaintiff’s vehicle showed only small scrapes and dents on the driver’s side door.

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Witnesses testify before the House Committee on Judiciary & Civil Jurisprudence about House Bill 4806 in May. (Screenshot)

Others said they've faced crippling increases in insurance premiums despite rarely filing claims.

"From 2020 to [20]23, our premiums averaged around \$50,000 a year, but this year we were hit with a premium of \$98,000," Samantha Sizemore of Liberty County-based Sizemore Logging told lawmakers.

SB 30 would seek to deter inflation of medical costs by allowing physicians whose billed costs to an injured plaintiff are less than 300% of Medicare rates to fill out an optional affidavit that the costs were necessary, rather than appearing in court to testify.

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While Medicare payouts are usually lower than market rates, most specialized care should fall within 100% to 300% of Medicare, according to the Health Care Cost Institute.

“300% would be to do a very high markup on the commercial side,” said John Hargraves, managing director of data strategy and analytics at the institute. “It happens for certain services, but that’s in the pretty upper bounds.”

A sample of 10 cases from across the state selected by attorneys for Texans for Lawsuit Reform shows billed charges for medical services far above even that threshold, Ron Luke, president of Austin-based Research & Planning Consultants, told lawmakers.

‘On the backs of families’

SB 30 are the latest in a series of tort reform efforts that proponents have promised would have big wins for Texas’ economy.

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HB 4, the 2003 medical malpractice reform legislation, remains one of the biggest wins for Texans for Lawsuit Reform. The group has been pushing legislation for decades to claw back power from plaintiffs and maintain the state’s reputation as “business-friendly.”

In 2021, it was successful in lobbying for the passage of House Bill 19, which changed the process for civil litigation involving commercial vehicles by allowing courts to split a trial into two phases. Plaintiffs now have to prove driver negligence in the first phase before bringing forward a claim against the employer, and are limited in what evidence can be presented.

The group [said it would reduce opportunities](#) for lawyers to “manipulate evidence at trial to seek millions in damages in cases where the commercial vehicle owner was not at fault or the plaintiff was not injured.”

But a [2024 study by the Texas Department of Insurance](#) on the effect of the bill found that insurance premiums have continued to grow at double digits over the past two years, and there has not been any substantial increase in the number of insurers in the state.

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“A few insurers thought that HB 19 may eventually positively effect rates, but the effect is not quantifiable yet,” the report reads.

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Detractors say the moneyed interests behind Texans for Lawsuit Reform, which have included [Elon Musk](#) and Ross Perot Jr., seek to strip away corporate accountability. The lobbying group is also a founding member of the Lone Star Economic Alliance, a statewide coalition in support of SB 30 and other legislation to further limit what evidence can be presented against defendant companies during the first phase of a lawsuit.

Members of LSEA include Amazon, Uber and more than 50 insurers and insurer industry groups.

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“Lyft, Uber, Amazon, a lot of your big transportation folks — this is a push nationwide to try to cap this because of the political climate we’re in right now,” Clement said. “It’s benefiting big business on the backs of families.”

Texans for Lawsuit Reform says it’s fighting to protect everyday Texans and small business owners who are collateral damage in money grabs by personal injury attorneys. A study commissioned by Citizens Against Lawsuit Abuse found Texans pay on average \$1,700 more annually for goods and services “as the cost of lawsuits and massive court awards are passed on to consumers.”

“All of those folks are involved because they think their litigation environment in Texas is so skewed against them that they don’t have a fair chance in court, that their insurance companies are settling cases too quickly and for too much money, and then they are paying for it in their premiums — and that something has to change,” TLR’s Parsley said.

Similar arguments have bolstered tort reform efforts in other states. The American Tort Reform Association pointed to a study also commissioned by CALA during its efforts to push for a tort reform package, Senate Bill 68, which Georgia lawmakers passed in March.

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Texas’ own legislative session is slated to end June 2, but Parsley said he’s confident SB 30 will make it to Gov. Greg Abbott’s desk and become law. Business owners across the state are hopeful it will provide the relief they need in a time of rising costs.

Accident survivors remain fearful that it will come at the expense of injured Texans.

“I think that is just the most heart-wrenching part to me... to even have the small notion that this could happen to other families and to other people and they don’t get any sort of justice,” Dally said.

Following last week’s testimony, the Committee on Judiciary & Civil Jurisprudence has not taken further action on the bill as of May 14. The deadline for House committees to advance Senate bills is May 24.

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By **Amber Gaudet**

Amber is a staff writer for The Dallas Morning News. She's produced award-winning business and investigative work, including a housing series that led to a federal inquiry and Texas state law change in 2023. Amber holds a master's degree from the University of North Texas' Mayborn School of Journalism.

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