

By: Rosenthal

H.B. No. 3349

A BILL TO BE ENTITLED

AN ACT

relating to recovery of attorney's fees in certain civil cases.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 38.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 38.001. RECOVERY OF ATTORNEY'S FEES. (a) Except as provided by Subsection (b), a [A] person may recover reasonable attorney's fees from an individual, [ex] corporation, or other legal entity, in addition to the amount of a valid claim and costs, if the claim is for:

- (1) rendered services;
- (2) performed labor;
- (3) furnished material;
- (4) freight or express overcharges;
- (5) lost or damaged freight or express;
- (6) killed or injured stock;
- (7) a sworn account; or
- (8) an oral or written contract.

(b) Subsection (a) does not authorize the recovery of attorney's fees from the state, an agency or institution of the state, or a political subdivision of the state. This section does not affect any other statute regarding the recovery of attorney's fees from the state, an agency or institution of the state, or a political subdivision of the state.

1 SECTION 2. The change in law made by this Act applies only
2 to an award of attorney's fees in an action commenced on or after
3 the effective date of this Act. An award of attorney's fees in an
4 action commenced before the effective date of this Act is governed
5 by the law applicable to the award immediately before the effective
6 date of this Act, and that law is continued in effect for that
7 purpose.

8 SECTION 3. This Act takes effect September 1, 2021.