

By: Krause

H.B. No. 3377

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. Sections 38.001 and 38.002, Civil Practice and Remedies Code, are amended to read as follows:

Sec. 38.001. RECOVERY OF ATTORNEY'S FEES. (a) A person may recover reasonable attorney's fees from another person [~~an individual or corporation~~], 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; or
- (7) a sworn account [~~, or~~
~~(8) an oral or written contract~~].

(b) A claimant or defendant may recover reasonable attorney's fees from a person if the claimant or defendant prevails in an action for an oral or written contract.

Sec. 38.002. PROCEDURE FOR RECOVERY OF ATTORNEY'S FEES. To recover attorney's fees under this chapter:

- (1) the claimant or defendant must be represented by an attorney;

1 (2) the claimant or defendant must present the claim
2 to the opposing party or to a duly authorized agent of the opposing
3 party; and

4 (3) payment for the just amount owed must not have been
5 tendered before the expiration of the 30th day after the claim is
6 presented.

7 SECTION 2. Sections 38.001 and 38.002, Civil Practice and
8 Remedies Code, as amended by this Act, apply only to an award of
9 attorney's fees in an action commenced on or after the effective
10 date of this Act. An award of attorney's fees in an action
11 commenced before the effective date of this Act is governed by the
12 law applicable to the award immediately before the effective date
13 of this Act, and that law is continued in effect for that purpose.

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