

By: Wentworth

S.B. No. 2057

A BILL TO BE ENTITLED

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AN ACT

relating to recovery of attorney's fees for certain claims arising from the abandonment of hazardous wastes on the claimant's property.

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 person may recover reasonable attorney's fees from 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;
- (7) a sworn account; [~~or~~]
- (8) an oral or written contract; or
- (9) management of hazardous waste intentionally

abandoned on the person's property by another.

SECTION 2. The change in law made by this Act applies to a claim for management of hazardous waste abandoned on a person's property if the abandonment occurs on or after the effective date of

1 this Act or if the abandonment occurred before the effective date of
2 this Act and the waste remains abandoned on the property on the
3 effective date of this Act.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.