

By: Wentworth

S.B. No. 2057

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

8 Sec. 38.001. RECOVERY OF ATTORNEY'S FEES. A person may
9 recover reasonable attorney's fees from an individual or
10 corporation, in addition to the amount of a valid claim and costs,
11 if the claim is for:

- 12 (1) rendered services;
- 13 (2) performed labor;
- 14 (3) furnished material;
- 15 (4) freight or express overcharges;
- 16 (5) lost or damaged freight or express;
- 17 (6) killed or injured stock;
- 18 (7) a sworn account; [~~or~~]
- 19 (8) an oral or written contract; or
- 20 (9) management of hazardous waste intentionally
21 abandoned on the person's property by another.

22 SECTION 2. The change in law made by this Act applies to a
23 claim for management of hazardous waste abandoned on a person's
24 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.