

By: Kleinschmidt

H.B. No. 346

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the award of costs and attorney's fees in certain  
3 proceedings concerning mechanic's, contractor's, or materialman's  
4 liens.

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

6 SECTION 1. Section 53.156, Property Code, is amended to  
7 read as follows:

8 Sec. 53.156. COSTS AND ATTORNEY'S FEES. In any proceeding  
9 to foreclose a lien or to enforce a claim against a bond issued  
10 under Subchapter H, I, or J or in any proceeding to declare that any  
11 lien or claim is invalid or unenforceable in whole or in part, the  
12 court shall ~~may~~ award costs and reasonable attorney's fees as are  
13 equitable and just.

14 SECTION 2. The change in law made by this Act applies only  
15 to a proceeding commenced on or after the effective date of this  
16 Act. A proceeding commenced before the effective date of this Act  
17 is governed by the law applicable to the proceeding immediately  
18 before the effective date of this Act, and the former law is  
19 continued in effect for that purpose.

20 SECTION 3. This Act takes effect September 1, 2011.