

By: Carona

S.B. No. 539

A BILL TO BE ENTITLED

AN ACT

1
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.