

1-1 By: Carona S.B. No. 539  
1-2 (In the Senate - Filed February 7, 2011; February 17, 2011,  
1-3 read first time and referred to Committee on Business and Commerce;  
1-4 March 2, 2011, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; March 2, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the award of costs and attorney's fees in certain  
1-9 proceedings concerning mechanic's, contractor's, or materialman's  
1-10 liens.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 53.156, Property Code, is amended to  
1-13 read as follows:

1-14 Sec. 53.156. COSTS AND ATTORNEY'S FEES. In any proceeding  
1-15 to foreclose a lien or to enforce a claim against a bond issued  
1-16 under Subchapter H, I, or J or in any proceeding to declare that any  
1-17 lien or claim is invalid or unenforceable in whole or in part, the  
1-18 court shall ~~may~~ award costs and reasonable attorney's fees as are  
1-19 equitable and just.

1-20 SECTION 2. The change in law made by this Act applies only  
1-21 to a proceeding commenced on or after the effective date of this  
1-22 Act. A proceeding commenced before the effective date of this Act  
1-23 is governed by the law applicable to the proceeding immediately  
1-24 before the effective date of this Act, and the former law is  
1-25 continued in effect for that purpose.

1-26 SECTION 3. This Act takes effect September 1, 2011.

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