

By: Cyrier, Anderson of McLennan

H.B. No. 2121

A BILL TO BE ENTITLED

1 AN ACT

2 relating to damages in certain contract claims against the state.

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

4 SECTION 1. Section 2260.003, Government Code, is amended by
5 adding Subsection (d) to read as follows:

6 (d) Notwithstanding Subsection (c), an award of damages
7 under this chapter may include attorney's fees if:

8 (1) the claim is for breach of a written contract for:

9 (A) engineering, architectural, or construction
10 services; or

11 (B) materials related to the services described
12 by Paragraph (A); and

13 (2) the amount in controversy is less than \$250,000,
14 excluding penalties, costs, expenses, prejudgment interest, and
15 attorney's fees.

16 SECTION 2. Section 2260.003, Government Code, as amended by
17 this Act, applies only to an action filed on or after the effective
18 date of this Act. An action filed before the effective date of this
19 Act is governed by the law applicable to the action immediately
20 before the effective date of this Act, and that law is continued in
21 effect for that purpose.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2017.