

By: Creighton

S.B. No. 1589

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of attorney's fees in cases involving  
veterinary malpractice or negligence.

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

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

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

- (1) rendered services;
- (2) performed labor;
- (3) furnished material;
- (4) freight or express overcharges;
- (5) lost or damaged freight or express;
- (6) killed or injured stock;
- (7) a sworn account; or
- (8) an oral or written contract.

(b) For purposes of this section, a claim described by  
Subsection (a)(6) does not include a claim against a veterinarian,  
as defined by Section 801.002, Occupations Code, for veterinary  
malpractice or negligence.

SECTION 2. The change in law made by this Act applies only  
to an award of attorney's fees in an action commenced on or after

1 the effective date of this Act. An award of attorney's fees in an  
2 action commenced before the effective date of this Act is governed  
3 by the law applicable to the award immediately before the effective  
4 date of this Act, and that law is continued in effect for that  
5 purpose.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2019.