

By: Meyer

H.B. No. 3150

A BILL TO BE ENTITLED

AN ACT

relating to recovery of attorney's fees in certain civil actions.

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. AWARD [~~RECOVERY~~] OF ATTORNEY'S FEES. A court [~~person~~] may award to a prevailing party [~~recover~~] reasonable and necessary attorney's fees [~~from an individual or corporation~~], in addition to the amount of a valid claim, if applicable, 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.

SECTION 2. Section 38.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 38.002. REQUIREMENTS [~~PROCEDURE~~] FOR RECOVERY OF ATTORNEY'S FEES. To recover attorney's fees under this chapter, a prevailing party [+

[~~(1) the claimant~~] must be represented by an attorney[+]

1           ~~[(2) the claimant must present the claim to the opposing~~  
2 ~~party or to a duly authorized agent of the opposing party, and~~

3           ~~[(3) payment for the just amount owed must not have been~~  
4 ~~tendered before the expiration of the 30th day after the claim is~~  
5 ~~presented].~~ The prevailing party is not required to bring a claim  
6 in the action to recover attorney's fees under this chapter.

7           SECTION 3. Sections 38.001 and 38.002, Civil Practice and  
8 Remedies Code, as amended by this Act, apply only to an award of  
9 attorney's fees in an action commenced on or after the effective  
10 date of this Act. An award of attorney's fees in an action  
11 commenced before the effective date of this Act is governed by the  
12 law applicable to the award immediately before the effective date  
13 of this Act, and that law is continued in effect for that purpose.

14           SECTION 4. This Act takes effect September 1, 2021.