

SENATE AMENDMENTS

2nd Printing

By: Landgraf, Vasut, Spiller, et al.

H.B. No. 1578

A BILL TO BE ENTITLED

AN ACT

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

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) In this section, "organization" has the meaning assigned by Section 1.002, Business Organizations Code.

(b) A person may recover reasonable attorney's fees from an individual or organization [~~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.

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 the effective date of this Act. An award of attorney's fees in an action commenced before the effective date of this Act is governed by the law applicable to the award immediately before the effective

H.B. No. 1578

1 date of this Act, and that law is continued in effect for that
2 purpose.

3 SECTION 3. This Act takes effect September 1, 2021.

ADOPTED

✓
✓
MAY 24 2021

Lately Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Ben Hynes*

1 Amend H.B. No. 1578 (senate committee printing) in SECTION 1
2 of the bill, in amended Section 38.001, Civil Practice and Remedies
3 Code (page 1, line 27), between "organization" and "~~corporation~~",
4 by inserting "other than a quasi-governmental entity authorized to
5 perform a function by state law, a religious organization, a
6 charitable organization, or a charitable trust".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 26, 2021

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1578 by Landgraf (Relating to recovery of attorney's fees in certain civil cases.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to allow, under certain circumstances, a person to recover reasonable attorney's fees in addition to the amount of a valid claim and costs from an individual or certain organizations.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, LBO, SMAT, BH, SLE, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 8, 2021

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1578 by Landgraf (Relating to recovery of attorney's fees in certain civil cases.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Civil Practice and Remedies Code to allow, under certain circumstances, a person to recover reasonable attorney's fees in addition to the amount of a valid claim and costs from an individual or organization.

The bill would take September 1, 2021 and would apply only to an award of attorney 's fees in an action commenced on or after the effective date of the bill. An award of attorney 's fees in an action commenced before the effective date of the bill would be governed by the law applicable to the award immediately before the effective date of this Act, and that law would be continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SMAT, BH, SLE, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 27, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1578 by Landgraf (relating to recovery of attorney 's fees in certain civil cases.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Civil Practice and Remedies Code to allow, under certain circumstances, a person to recover reasonable attorney's fees in addition to the amount of a valid claim and costs from an organization, the state, or an agency or institution of the state.

The bill would take September 1, 2021 and would apply only to an award of attorney 's fees in an action commenced on or after the effective date of the bill. An award of attorney 's fees in an action commenced before the effective date of the bill would be governed by the law applicable to the award immediately before the effective date of this Act, and that law would be continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

March 15, 2021

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB1578 by Landgraf (Relating to recovery of attorney's fees in certain civil cases.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Civil Practice and Remedies Code to allow, under certain circumstances, a person to recover reasonable attorney's fees in addition to the amount of a valid claim and costs from a limited liability company.

The bill would take September 1, 2021 and would apply only to an award of attorney's fees in an action commenced on or after the effective date of the bill. An award of attorney's fees in an action commenced before the effective date of the bill would be governed by the law applicable to the award immediately before the effective date of this Act, and that law would be continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Admin

LBB Staff: JMc, SLE, MW, BH