

By: Johnson of Dallas

H.B. No. 5253

A BILL TO BE ENTITLED

AN ACT

relating to recovery of attorney's fees in common law and statutory tort claims.

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

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

(b) A person may recover reasonable attorney's fees from an individual or organization other than a quasi-governmental entity authorized to perform a function by state law, a religious organization, a charitable organization, or a charitable trust, 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; or
- (9) a common law tort or a cause of action created by statute for which an award of actual damages is authorized.

SECTION 2. Section 38.001, Civil Practice and Remedies Code, as amended by this Act, applies only to an award of attorney's

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

6 SECTION 3. This Act takes effect September 1, 2023.