

BILL ANALYSIS

Senate Research Center
76R8866 DLF-D

C.S.S.B. 321
By: Ellis
Jurisprudence
3/9/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law provides that a litigant may recover attorney's fees in addition to the valid claim and costs. An exception states that attorney's fees are not recoverable if the suit is brought under Section 21.21, Insurance Code. C.S.S.B. 321 would entitle an attorney to recover attorney's fees in suits involving certain contracts.

PURPOSE

As proposed, C.S.S.B. 321 establishes the collection of attorney's fees in certain contract actions.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 38.006, Civil Practice and Remedies Code, to establish that this chapter does not apply to a contract issued by an insurer to the extent fees are recovered under certain provisions, including Article 21.55, Insurance Code. Deletes text regarding certain provisions to which this chapter does not apply. Makes conforming changes.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 38.006, Civil Practice and Remedies Code, to delete text regarding the recovery of attorney's fees under this section.