

BILL ANALYSIS

Senate Research Center
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S.B. 321
By: Ellis
Jurisprudence
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As Filed

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. S.B. 321 would entitle an attorney to recover attorney's fees in suits involving certain contracts.

PURPOSE

As proposed, 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 that is subject to certain provisions including Article 21.55, Insurance Code. Establishes that this section does not prohibit the recovery of attorney's fees to the extent that the recovery is authorized under a law listed in Subsection (a). Deletes text regarding certain provisions to which this chapter does not apply. Makes conforming changes.

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