

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

6 SECTION 1. Section 53.156, Property Code, is amended to  
7 read as follows:

8                   Sec. 53.156. COSTS AND ATTORNEY'S FEES. In any proceeding  
9 to foreclose a lien or to enforce a claim against a bond issued  
10 under Subchapter H, I, or J or in any proceeding to declare that any  
11 lien or claim is invalid or unenforceable in whole or in part, the  
12 court shall [~~may~~] award costs and reasonable attorney's fees as are  
13 equitable and just. With respect to a lien or claim arising out of a  
14 residential construction contract, the court is not required to  
15 order the property owner to pay costs and attorney's fees under this  
16 section.

17 SECTION 2. The change in law made by this Act applies only  
18 to a proceeding commenced on or after the effective date of this  
19 Act. A proceeding commenced before the effective date of this Act  
20 is governed by the law applicable to the proceeding immediately  
21 before the effective date of this Act, and the former law is  
22 continued in effect for that purpose.

23 SECTION 3. This Act takes effect September 1, 2011.

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President of the Senate

Speaker of the House

I hereby certify that S.B. No. 539 passed the Senate on March 17, 2011, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 2, 2011, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

I hereby certify that S.B. No. 539 passed the House, with amendment, on April 20, 2011, by the following vote: Yeas 141, Nays 3, one present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor