

By: Krusee

H.B. No. 2075

A BILL TO BE ENTITLED

AN ACT

relating to payments to contractors in connection with highway projects of the Texas Department of Transportation.

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

SECTION 1. Section 223.009, Transportation Code, is amended to read as follows:

Sec. 223.009. PARTIAL PAYMENT. A contract may provide for partial payments to the contractor. The aggregate amount of payments at any time may not exceed ~~[95 percent of]~~ the value of the work done.

SECTION 2. Section 223.011, Transportation Code, is amended to read as follows:

Sec. 223.011. PARTIAL PAYMENT EXCEPTION: MAINTENANCE AND PRECONSTRUCTION CONTRACTS. The limitation on partial payments provided by Section 223.009 does ~~[and the retainage requirement under Section 223.010(a) do]~~ not apply to a contract for:

(1) maintenance; or

(2) the making of all necessary plans and surveys preliminary to construction, reconstruction, or maintenance.

SECTION 3. Section 223.010, Transportation Code, is repealed.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.