

By: Carona

S.B. No. 149

A BILL TO BE ENTITLED

AN ACT

relating to noncompetition provisions in contracts for the acquisition, design, construction, financing, maintenance, or operation of a toll project.

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

SECTION 1. Subtitle G, Title 6, Transportation Code, is amended by adding Chapter 371 to read as follows:

CHAPTER 371. PROVISIONS APPLICABLE TO MORE THAN

ONE TYPE OF TOLL PROJECT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 371.001. DEFINITIONS. In this chapter:

(1) "Toll project" means a toll project described by Section 201.001(b), regardless of whether the toll project is:

(A) a part of the state highway system; or

(B) subject to the jurisdiction of the department.

(2) "Toll project entity" means an entity authorized by law to acquire, design, construct, finance, operate, and maintain a toll project, including:

(A) the department under Chapter 227 or 228;

(B) a regional tollway authority under Chapter 366;

(C) a regional mobility authority under Chapter 370; or

1 (D) a county under Chapter 284.

2 [Sections 371.002-371.050 reserved for expansion]

3 SUBCHAPTER B. CONTRACT PROVISIONS

4 Sec. 371.051. NONCOMPETITION PROVISIONS. A contract for
5 the acquisition, design, construction, financing, maintenance, or
6 operation of a toll project may not contain a provision that:

7 (1) limits the ability of the toll project entity or
8 another entity to acquire, design, construct, finance, maintain, or
9 operate transportation infrastructure; or

10 (2) requires the toll project entity or another entity
11 to compensate the contracting party for a decline in or loss of
12 revenue that results from the acquisition, design, construction,
13 financing, maintenance, or operation of transportation
14 infrastructure.

15 SECTION 2. Section 371.051, Transportation Code, as added
16 by this Act, applies only to a contract entered into on or after the
17 effective date of this Act. A contract entered into before the
18 effective date of this Act is covered by the law in effect when the
19 contract was entered into, and the former law is continued in effect
20 for that purpose.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.