

By: Carona

S.B. No. 256

A BILL TO BE ENTITLED

AN ACT

relating to payments by bidders associated with a toll project contract.

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

SECTION 1. Section 223.014(a), Transportation Code, is amended to read as follows:

(a) Subject to Section 371.051, the ~~[The]~~ commission by rule shall provide a method by which a bidder may submit a bid guaranty. A rule may authorize the use of an electronic funds transfer, a check, including an electronic check, a money order, an escrow account, a trust account, a credit card issued by a financial institution chartered by a state or the United States or by a nationally recognized credit organization approved by the department, or another method the commission determines to be suitable. The department may require the payment of a discount or service charge for the use of a credit card.

SECTION 2. 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:

1                   (A) a part of the state highway system; or  
2                   (B) subject to the jurisdiction of the  
3 department.

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

- 7                   (A) the department;  
8                   (B) a regional tollway authority under Chapter  
9 366;  
10                   (C) a regional mobility authority under Chapter  
11 370; and  
12                   (D) a county under Chapter 284.

13                   [Sections 371.002-371.050 reserved for expansion]

14                   SUBCHAPTER B. CONTRACT PROVISIONS

15                   Sec. 371.051. PAYMENT TO TOLL PROJECT ENTITY BY CONTRACT  
16 BIDDERS. A toll project entity may not require or accept any form  
17 of payment from a bidder for a contract associated with a toll  
18 project other than fees imposed to recover the toll project  
19 entity's costs of reviewing the bid. This section does not prevent a  
20 toll project entity from requiring a bidder to provide a form of  
21 security, including a bid guaranty, necessary to reimburse the toll  
22 project entity for a loss incurred as a result of a default by the  
23 bidder.

24                   SECTION 3. This Act takes effect September 1, 2007.