

By: Carona

S.B. No. 642

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 371.052, 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. Subchapter B, Chapter 371, Transportation Code, as added by Chapter 103 (H.B. 570), Acts of the 80th Legislature, Regular Session, 2007, is amended by adding Section 371.052 to read as follows:

Sec. 371.052. PAYMENT TO TOLL PROJECT ENTITY BY CONTRACT BIDDERS. A toll project entity may not require or accept any form of payment from a bidder for a contract associated with a toll project other than fees imposed to recover the toll project

1 entity's costs of reviewing the bid. This section does not prevent a
2 toll project entity from requiring a bidder to provide a form of
3 security, including a bid guaranty, necessary to reimburse the toll
4 project entity for a loss incurred as a result of a default by the
5 bidder.

6 SECTION 3. This Act takes effect September 1, 2009.