



February 9, 2001

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## HOUSE BILL No. 1155

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DIGEST OF HB 1155 (Updated February 6, 2001 5:58 PM - DI 96)

**Citations Affected:** IC 8-23.

**Synopsis:** Retainage on highway projects. Eliminates the requirement that a contractor must submit the written consent of the surety of the contractor's bond before the contractor may be permitted to draw any part of the retained percentage of a contract withheld by the Indiana department of transportation. Repeals the requirement that, until there has been substantial completion of an Indiana department of transportation contract, payment on the contract may not exceed 97% of the estimated cost of the completed work. Repeals additional provisions: (1) requiring that the retainage, upon the contractor's request, be deposited in an interest bearing escrow account with the treasurer of state or the treasurer of state's designee acting as escrow agent; and (2) permitting the treasurer of state to charge a fee for these services.

**Effective:** July 1, 2001.

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### Cook, Mock, Goodin, McClain

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January 9, 2001, read first time and referred to Committee on Roads and Transportation.  
February 8, 2001, reported — Do Pass.

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HB 1155—LS 7216/DI 94+



February 9, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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## HOUSE BILL No. 1155

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A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 8-23-9-17 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 17. At any time after  
3 the contract has been substantially completed, the contractor may be  
4 permitted to draw any part of the retained percentage withheld by the  
5 department in an amount determined by the department to be in the  
6 best interest of the state, provided the contractor files a written request  
7 ~~accompanied by the written consent of the surety upon the contractor's~~  
8 ~~bond~~, on forms provided by the department for requests. The  
9 department may pay to the contractor any part of the retained  
10 percentage the department determines is in the best interest of the state  
11 even though the contractor does not request payment, provided that the  
12 department notifies the contractor ~~and the surety upon the contractor's~~  
13 ~~bond~~ of the department's intent to do so at least thirty (30) days in  
14 advance of the payment. The fact that the contractor is permitted to  
15 withdraw a part of the retained percentage, or that the department pays  
16 a part of the retained percentage, shall in no way release or relieve the  
17 contractor on the contract. ~~or the contractor or the contractor's surety~~

HB 1155—LS 7216/DI 94+



1     ~~on the bond.~~  
2         SECTION 2. THE FOLLOWING ARE REPEALED [EFFECTIVE  
3     JULY 1, 2001]: IC 8-23-9-15; IC 8-23-9-19; IC 8-23-9-20.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

COOK, Chair

Committee Vote: yeas 12, nays 0.

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