WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1971

ENROLLED

HOUSE BILL No. 618

(By Mr. Seibert and Mr. Dinsmore)

PASSED February 26, 1971

In Effect NINETY DAYS FROM Passage

Filed in the Office
John D. Rockefeller, IV
Secretary of State
This Date 3-8-71
AN ACT to amend and reenact section twenty, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to highway contractors' bonds.

Be it enacted by the Legislature of West Virginia:

That section twenty, article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-20. Bidder's bond required; return or forfeiture of bond.

1. In any case where a contract for work and materials shall be let as a result of competitive bidding, the suc-
cessful bidder shall promptly and within twenty days after notice of award execute a formal contract to be approved as to its form, terms and conditions by the commissioner, and shall also execute and deliver to the commissioner a good and sufficient surety or collateral bond, payable to the state of West Virginia, to be approved by the commissioner, in such amount as the commissioner may require, but not to exceed the contract price, conditioned that such contractor shall well and truly perform his contract and shall pay in full to the persons entitled thereto for all material, gas, oil, repairs, supplies, tires, equipment, rental charges for equipment and charges for the use of equipment, and labor used by him in and about the performance of such contract, or which reasonably appeared, at the time of delivery or performance, would be substantially consumed in and about the performance of such contract. An action either at law or in equity, may be maintained upon such bond for breach thereof by any person for whose benefit the same was executed or by his assignee. The bidder who has the contract awarded to him and who fails within
twenty days after notice of the award to execute the
required contract and bond shall forfeit such check or
bond, and the check or bond shall be taken and con-
sidered as liquidated damages and not as a penalty for
failure of such bidder to execute such contract and bond.
Upon the execution of such contract and bond by the
successful bidder his check or bond shall be returned to
him. The checks or bonds of the unsuccessful bidders
shall be returned to them promptly after the bids are
opened and the contract awarded to the successful bidder.
A duplicate copy of such contract and bond shall be
furnished by the commissioner of highways in loose leaf
form, to the clerk of the county court of the county in
which such contract is to be performed and it shall be
the duty of the clerk to bind and preserve the same in
his office, and index the same in the name of the com-
missioner and of the contractor.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

[Signature]
Governor