

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

818

ENROLLED

# House Bill No. 618

(By MR. SEIBERT and MR. DINSMORE)

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[Passed February 26, 1971; in effect ninety days from passage.]

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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  
2 shall be let as a result of competitive bidding, the suc-

3 cessful bidder shall promptly and within twenty days  
4 after notice of award execute a formal contract to be  
5 approved as to its form, terms and conditions by the  
6 commissioner, and shall also execute and deliver to the  
7 commissioner a good and sufficient surety or collateral  
8 bond, payable to the state of West Virginia, to be ap-  
9 proved by the commissioner, in such amount as the com-  
10 missioner may require, but not to exceed the contract  
11 price, conditioned that such contractor shall well and  
12 truly perform his contract and shall pay in full to the  
13 persons entitled thereto for all material, gas, oil, repairs,  
14 supplies, tires, equipment, rental charges for equipment  
15 and charges for the use of equipment, and labor used by  
16 him in and about the performance of such contract, or  
17 which reasonably appeared, at the time of delivery or  
18 performance, would be substantially consumed in and  
19 about the performance of such contract. An action either  
20 at law or in equity, may be maintained upon such bond  
21 for breach thereof by any person for whose benefit the  
22 same was executed or by his assignee. The bidder who  
23 has the contract awarded to him and who fails within

24 twenty days after notice of the award to execute the  
25 required contract and bond shall forfeit such check or  
26 bond, and the check or bond shall be taken and con-  
27 sidered as liquidated damages and not as a penalty for  
28 failure of such bidder to execute such contract and bond.  
29 Upon the execution of such contract and bond by the  
30 successful bidder his check or bond shall be returned to  
31 him. The checks or bonds of the unsuccessful bidders  
32 shall be returned to them promptly after the bids are  
33 opened and the contract awarded to the successful bidder.  
34 A duplicate copy of such contract and bond shall be  
35 furnished by the commissioner of highways in loose leaf  
36 form, to the clerk of the county court of the county in  
37 which such contract is to be performed and it shall be  
38 the duty of the clerk to bind and preserve the same in  
39 his office, and index the same in the name of the com-  
40 missioner and of the contractor.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Russell G. Beall  
Chairman Senate Committee

Phyllis Kretledge  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Godfrey  
President of the Senate

Norm F. Boiauskay  
Speaker House of Delegates

The within approved this the 5<sup>th</sup>  
day of March, 1971.

Arch A. Moore, Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/2/71

Time 10:35a.m.

RECEIVED

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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA