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2006 APR -4 P 2:21

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

SECOND REGULAR SESSION, 2006



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4454**

(By Mr. Speaker, (Mr. Kiss), and Delegates Morgan,  
Pethel, Stemple, Trump, Amores, Schadler, Hartman,  
Sobonya, Craig and Azinger)



Passed March 10, 2006

In Effect Ninety Days from Passage

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4454  
HB

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FOR

**H. B. 4454**

(BY MR. SPEAKER, (MR. KISS), AND DELEGATES MORGAN,  
PETHTEL, STEMPLER, TRUMP, AMORES, SCHADLER, HARTMAN,  
SOBONYA, CRAIG AND AZINGER)

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[Passed March 10, 2006; in effect ninety days from passage.]

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AN ACT to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to wages withheld from an employee; and providing that liquidated damages will equal three times the amount of wages unpaid when due.

*Be it enacted by the Legislature of West Virginia:*

That §21-5-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-4. Cash orders; employees separated from payroll before paydays.**

1 (a) In lieu of lawful money of the United States, any person,  
2 firm or corporation may compensate employees for services by  
3 cash order which may include checks or money orders on banks  
4 convenient to the place of employment where suitable arrange-  
5 ments have been made for the cashing of such checks by  
6 employees for the full amount of wages.

7 (b) Whenever a person, firm or corporation discharges an  
8 employee, such person, firm or corporation shall pay the  
9 employee's wages in full within seventy-two hours.

10 (c) Whenever an employee quits or resigns, the person, firm  
11 or corporation shall pay the employee's wages no later than the  
12 next regular payday, either through the regular pay channels or  
13 by mail if requested by the employee, except that if the em-  
14 ployee gives at least one pay period's notice of intention to quit  
15 the person, firm or corporation shall pay all wages earned by  
16 the employee at the time of quitting.

17 (d) When work of any employee is suspended as a result of  
18 a labor dispute, or when an employee for any reason whatsoever  
19 is laid off, the person, firm or corporation shall pay in full to  
20 such employee not later than the next regular payday, either  
21 through the regular pay channels or by mail if requested by the  
22 employee, wages earned at the time of suspension or layoff.

23 (e) If a person, firm or corporation fails to pay an employee  
24 wages as required under this section, such person, firm or  
25 corporation shall, in addition to the amount which was unpaid  
26 when due, be liable to the employee for three times that unpaid  
27 amount as liquidated damages. Every employee shall have such  
28 lien and all other rights and remedies for the protection and  
29 enforcement of such salary or wages, as he or she would have  
30 been entitled to had he or she rendered service therefor in the  
31 manner as last employed; except that, for the purpose of such  
32 liquidated damages, such failure shall not be deemed to

33 continue after the date of the filing of a petition in bankruptcy  
34 with respect to the employer if he or she is adjudicated bankrupt  
35 upon such petition.

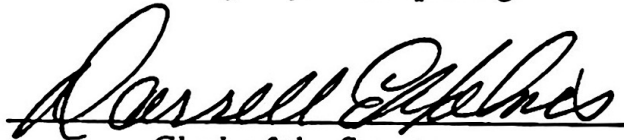
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

  
Chairman House Committee

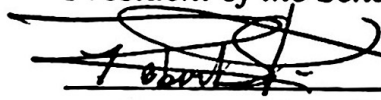
Originating in the House.

In effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 4<sup>th</sup>  
day of April, 2006.

  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 23 2006

Time 3:20 