

WEST VIRGINIA DIVISION OF LABOR
1900 KANAWHA BOULEVARD EAST
CAPITOL COMPLEX, BUILDING 3, ROOM 200
CHARLESTON, WEST VIRGINIA 25305

**WAGE PAYMENT SURETY BOND FOR
SOLE PROPRIETOR OR PARTNER**

Authorized by W. Va. Code §21-5-14(c)

BOND NUMBER _____

KNOW ALL MEN BY THESE PRESENTS THAT (1) _____
Name of Principal

the Principal, and (3) _____,
Name of Surety, as Surety, licensed to do business in the State of West

Virginia by the Office of the Insurance Commissioner, bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, to the West Virginia Division of Labor in the full amount of (4) _____ dollars (\$ _____) to secure and guarantee the payment of wages and fringe benefits of the Principal's employees.

The Principal is engaged in (5) construction work or the severance, production or transportation of minerals, and is required by the Wage Payment and Collection Act, W. Va. Code §21-5-14, to furnish this wage bond. As long as the Principal honors its statutory responsibility to pay employee wages and fringe benefits when they are due, no claim will be made against this bond. If the Principal defaults or otherwise fails to pay employee wages and fringe benefits as required by the Wage Payment and Collection Act, the Surety guarantees that it will honor the Division of Labor's demand for payment under this bond upon the Principal's default or failure to pay employee wages and fringe benefits.

The continuing nature of this bond is such that it is required to remain in effect for a period of 1 year from the bond's effective date unless the Surety gives written notice by certified mail, return receipt requested, to the Commissioner of the Division of Labor and the Principal that the Surety intends to cancel the bond 60 days after the post-marked date of the written notice.

Pertinent sections of the Wage Payment and Collection Act and the legislative rule promulgated thereunder, "Employer Wage Bonds," 42 CSR 33, are expressly incorporated as if they were fully set forth herein and are made a part of this bond. The effective date of the bond is the (6) _____ day of _____, _____.

IN WITNESS WHEREOF, the said Principal has hereunder set its hand and affixed its seal, and the said surety has caused its corporate name to be signed hereto and its corporate seal to be hereunder affixed by its duly authorized officer or agent and executed this the (7) _____ of _____, _____.

8) _____
Principal

9) _____
Surety Corporation

Complete Address of Principal


Address of Surety Corporation

Telephone Number of Principal

Phone Number of Surety Corporation

10) _____
Signature of Principal

11) _____
Signature of Surety

12) Principal's Seal 

13) Raised Surety Seal 

*If the principal has not adopted a seal, one may be drawn by printing the name of the company and the word "SEAL" and circling them

W.Va. Code §2-2-6 requires a raised or embossed seal.

Acknowledgment by Principal

14) State of _____)

15) County of _____), to-wit:

16) I, _____, a Notary Public in and for the county

17) and state aforesaid, do hereby certify that _____,
Name of Individual or Partner

18) who, as _____, signed the writing above or hereto annexed,
Owner/Partner


19) for _____, has this day, in my said
Name of Business

county before me acknowledged the said writing to be the act and deed of said corporation.

20) Given under my hand this _____ day of _____, 20 _____.

21) _____
Notary Public

22) My Commission Expires _____

23) Notary Seal


Acknowledgment for Surety

- 24) State of _____)
- 25) County of _____), to-wit:
- 26) I, _____, a Notary Public in and for the county
- 27) and state aforesaid, do hereby certify that _____, who, as
Attorney of Fact
- 28) _____, signed the writing above or hereto annexed, for
Title
- 29) _____, a corporation, has this day, in my
Name of Surety Company

said county before me, acknowledged the said writing to be the act and deed of said corporation.

- 29) Given under my hand this _____ day of _____, 20 _____.
- 30) _____
Notary Public
- 31) My Commission Expires _____.
- 32) Notary Seal



Approved as to sufficiency of form and manner of execution this

_____ day of _____, 20 _____.

Attorney General of the State of West Virginia

By: _____

*****Please note that page 4 must be completed before the bond can be approved by the Attorney General.**

**EMPLOYER'S AUTHORIZATION TO MAKE A DEMAND
FOR PAYMENT UPON THE SURETY BOND FOR
FAILURE TO PAY EMPLOYEE WAGES AND FRINGE BENEFITS**

I, _____, as the Employer engaged in construction
Printed Name
work or the severance, production or transportation of minerals, understand that I am required by the Wage Payment and
Collection Act, W. Va. Code §21-5-14, to furnish a wage bond.

I understand that as long as I honor my statutory responsibility to pay employee wages and fringe benefits when
they are due, the Division of Labor will not make a demand upon the wage bond. If I default or otherwise fail to pay
employee wages and fringe benefits as required by the Wage Payment and Collection Act, I further understand that the
Division of Labor will make a demand on the Surety for payment under the bond. I hereby expressly authorize the Division
of Labor to use as much of the surety bond proceeds as necessary to pay employee wages and fringe benefits that are due
and owing.

I also understand that, if I default on my obligation to pay employee wages and fringe benefits, the Surety has the
right to take action against me to recover the amount of wages and fringe benefits it has paid to the Division of Labor on my
behalf.

Original Signature

Date***

State of _____)

County of _____), to-wit:

I, _____, a Notary Public in and for
the county and state aforesaid, do hereby certify that _____,
who, as _____, signed the writing above or hereto annexed,
for _____, a corporation, has this day, in
my said county before me acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this _____ day of _____, 20 _____. ***

Notary Public

My Commission Expires _____

Notary Seal



***Please note this form must be signed before a Notary Public.
The signature date and the acknowledgment date must match.