
SENATE BILL NO. 512—COMMITTEE ON JUDICIARY
(ON BEHALF OF NEVADA DISTRICT JUDGES ASSOCIATION)

MARCH 22, 1999

Referred to Committee on Judiciary

SUMMARY—Removes provisions that prohibit certain justices of the peace and municipal judges from charging fees for performing marriage ceremonies. (BDR 11-630)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to marriage; removing the provisions that prohibit certain justices of the peace and municipal judges from charging a fee to perform a marriage ceremony; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 122.080 is hereby amended to read as follows:
2 122.080 1. After receipt of the marriage license previously issued to
3 persons wishing to be married as provided in NRS 122.040 and 122.050, it
4 is lawful for any justice of the supreme court, any judge of the district
5 court, any justice of the peace in his township if it is not a commissioner
6 township, any justice of the peace in a commissioner township if authorized
7 pursuant to subsection 3, any municipal judge if authorized pursuant to
8 subsection 4, any commissioner of civil marriages within his county and
9 within a commissioner township therein, or any deputy commissioner of
10 civil marriages within the county of his appointment and within a
11 commissioner township therein, to join together as husband and wife all
12 persons not prohibited by this chapter.
13 2. This section does not prohibit:
14 (a) A justice of the peace of one township, while acting in the place and
15 stead of the justice of the peace of any other township, from performing

1 marriage ceremonies within the other township, if such other township is
2 not a commissioner township.

3 (b) A justice of the peace of one township performing marriages in
4 another township of the same county where there is no duly qualified and
5 acting justice of the peace, if such other township is not a commissioner
6 township or if he is authorized to perform the marriage pursuant to
7 subsection 3.

8 3. In any calendar year, a justice of the peace may perform not more
9 than 20 marriage ceremonies in commissioner townships . ~~if he does not~~
10 ~~accept any fee, gratuity, gift, honorarium or anything of value for or in~~
11 ~~connection with solemnizing the marriage.~~

12 4. In any calendar year, a municipal judge may perform not more than
13 20 marriage ceremonies in this state . ~~if he does not accept any fee,~~
14 ~~gratuity, gift, honorarium or anything of value for or in connection with~~
15 ~~solemnizing the marriage.~~

16 ~~5. Any justice of the peace who performs a marriage ceremony in a~~
17 ~~commissioner township or any municipal judge who performs a marriage~~
18 ~~ceremony in this state and who accepts any fee, gratuity, gift, honorarium~~
19 ~~or anything of value for or in connection with solemnizing the marriage is~~
20 ~~guilty of a misdemeanor.]~~

21 **Sec. 2.** NRS 4.060 is hereby amended to read as follows:

22 4.060 1. Except as otherwise provided in this section, each justice of
23 the peace shall charge and collect the following fees:

24 (a) On the commencement of any action or proceeding in the justice's
25 court, other than in actions commenced pursuant to chapter 73 of NRS, to
26 be paid by the party commencing the action:

27 If the sum claimed does not exceed \$1,000....\$28.00

28 If the sum claimed exceeds \$1,000 but does not exceed

29 \$2,50050.00

30 If the sum claimed exceeds \$2,500 but does not exceed

31 \$4,500 100.00

32 If the sum claimed exceeds \$4,500 but does not exceed

33 \$6,500 125.00

34 If the sum claimed exceeds \$6,500 but does not exceed

35 \$7,500 150.00

36 In all other civil actions28.00

37 (b) For the preparation and filing of an affidavit and order in
38 an action commenced pursuant to chapter 73 of NRS:

39 If the sum claimed does not exceed \$1,000.....25.00

40 If the sum claimed exceeds \$1,000 but does not exceed

41 \$2,50045.00

42 If the sum claimed exceeds \$2,500 but does not exceed

43 \$3,50065.00

- 1 (c) On the appearance of any defendant, or any
2 number of defendants answering jointly, to be paid him
3 or them on filing the first paper in the action, or at the
4 time of appearance:
5 In all civil actions\$12.00
6 For every additional defendant, appearing separately6.00
7 (d) No fee may be charged where a defendant or defendants
8 appear in response to an affidavit and order issued pursuant to
9 the provisions of chapter 73 of NRS.
10 (e) For the filing of any paper in intervention6.00
11 (f) For the issuance of any writ of attachment, writ of
12 garnishment, writ of execution, or any other writ designed to
13 enforce any judgment of the court6.00
14 (g) For filing a notice of appeal, and appeal bonds12.00
15 One charge only may be made if both papers are filed at the
16 same time.
17 (h) For issuing supersedeas to a writ designed to enforce a
18 judgment or order of the court12.00
19 (i) For preparation and transmittal of transcript and papers on
20 appeal 12.00
21 (j) For celebrating a marriage and returning the certificate to
22 the county recorder35.00
23 (k) For entering judgment by confession.....6.00
24 (l) For preparing any copy of any record, proceeding or
25 paper, for each page.....30
26 (m) For each certificate of the clerk, under the seal of the
27 court 3.00
28 (n) For searching records or files in his office, for each year1.00
29 (o) For filing and acting upon each bail or property bond 40.00
30 2. A justice of the peace shall not charge or collect any of the fees set
31 forth in subsection 1 for any service rendered by him to the county in which
32 his township is located.
33 3. ~~1A justice of the peace shall not charge or collect the fee pursuant to~~
34 ~~paragraph (j) of subsection 1 if he performs a marriage ceremony in a~~
35 ~~commissioner township.~~
36 ~~—4.]~~ Except as otherwise provided by an ordinance adopted pursuant to
37 the provisions of NRS 244.207, the justice of the peace shall, on or before
38 the fifth day of each month, account for and pay to the county treasurer all
39 fees collected during the preceding month, except for the fees he may retain
40 as compensation and the fees he is required to pay to the state treasurer
41 pursuant to subsection ~~5.]~~ 4.

1 ~~[5.]~~ 4. The justice of the peace shall, on or before the fifth day of each
2 month, pay to the state treasurer ~~half~~ *one-half* of the fees collected
3 pursuant to paragraph (o) of subsection 1 during the preceding month. The
4 state treasurer shall deposit the money in the fund for the compensation of
5 victims of crime.

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