

SENATE BILL NO. 512—COMMITTEE ON JUDICIARY

(ON BEHALF OF NEVADA DISTRICT JUDGES ASSOCIATION)

MARCH 22, 1999

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to marriage ceremonies, marriage licenses and certificates of marriage. (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; authorizing a county clerk to charge fees for correcting certain errors in marriage licenses and certificates of marriage and for replacing certain certificates of marriage that have been lost or destroyed; establishing fees for recording corrected certificates of marriage with the county recorder; 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.** Chapter 122 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2. 1.** *Except as otherwise provided in subsection 2, if any*
4 *information in a marriage license is incorrect, the county clerk may*
5 *charge and collect from a person a fee of not more than \$25 for the*
6 *preparation of an affidavit of correction.*
7 *2. The county clerk may not charge and collect from a person any*
8 *fee for the preparation of an affidavit of correction pursuant to*
9 *subsection 1 if the only errors to be corrected in the marriage license are*
10 *clerical errors that were made by the county clerk.*
11 *3. All fees collected by the county clerk pursuant to this section must*
12 *be deposited in the county general fund.*

1 **Sec. 3. 1. Except as otherwise provided in subsection 2, if any**
2 **information in a certificate of marriage is incorrect, the county clerk may**
3 **charge and collect from a person a fee of not more than \$25 for the**
4 **preparation of an affidavit of correction.**

5 **2. The county clerk may not charge and collect from a person any**
6 **fee for the preparation of an affidavit of correction pursuant to**
7 **subsection 1 if the only errors to be corrected in the certificate of**
8 **marriage are clerical errors that were made by the county clerk.**

9 **3. Whether or not a person is required to pay any fee for the**
10 **preparation of an affidavit of correction pursuant to subsection 1 and 2,**
11 **the county clerk shall charge and collect from the person a fee of \$3 and**
12 **pay it over to the county recorder as his fee for recording the corrected**
13 **certificate of marriage.**

14 **4. All fees collected by the county clerk pursuant to this section and**
15 **all fees paid to the county recorder pursuant to this section must be**
16 **deposited in the county general fund.**

17 **Sec. 4.** NRS 122.080 is hereby amended to read as follows:

18 122.080 1. After receipt of the marriage license previously issued to
19 persons wishing to be married as provided in NRS 122.040 and 122.050, it
20 is lawful for any justice of the supreme court, any judge of the district
21 court, any justice of the peace in his township if it is not a commissioner
22 township, any justice of the peace in a commissioner township if authorized
23 pursuant to subsection 3, any municipal judge if authorized pursuant to
24 subsection 4, any commissioner of civil marriages within his county and
25 within a commissioner township therein, or any deputy commissioner of
26 civil marriages within the county of his appointment and within a
27 commissioner township therein, to join together as husband and wife all
28 persons not prohibited by this chapter.

29 2. This section does not prohibit:

30 (a) A justice of the peace of one township, while acting in the place and
31 stead of the justice of the peace of any other township, from performing
32 marriage ceremonies within the other township, if such other township is
33 not a commissioner township.

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

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

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

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

Sec. 5. NRS 122.130 is hereby amended to read as follows:

122.130 1. ~~Every~~ **Each** person who solemnizes a marriage shall make a record of it ~~It~~ and , within 10 days after the marriage , shall deliver to the county recorder of the county where the license was issued a copy of the certificate of marriage required by NRS 122.120.

2. *If the copy of the certificate of marriage that is held by the person who solemnizes the marriage is lost or destroyed before it is delivered to the county recorder pursuant to subsection 1, the county clerk may charge and collect from the person who solemnizes the marriage a fee of not more than \$15 for the preparation of an affidavit of loss or destruction and the issuance of a replacement certificate. All fees collected by the county clerk pursuant to this subsection must be deposited in the county general fund.*

3. All copies of certificates must be recorded by the county recorder in a book to be kept by him for that purpose. For recording the copies ~~he~~ , **the county recorder** is entitled to the fees designated in subsection 2 of NRS 122.060 ~~It~~ **and subsection 3 of section 3 of this act.** All such fees must be deposited in the county general fund.

Sec. 6. NRS 4.060 is hereby amended to read as follows:

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

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

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

If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....50.00

If the sum claimed exceeds \$2,500 but does not exceed \$4,500.....100.00

If the sum claimed exceeds \$4,500 but does not exceed \$6,500.....125.00

If the sum claimed exceeds \$6,500 but does not exceed \$7,500.....150.00

In all other civil actions28.00

- 1 (b) For the preparation and filing of an affidavit and
2 order in an action commenced pursuant to chapter 73 of
3 NRS:
4 If the sum claimed does not exceed \$1,000....\$25.00
5 If the sum claimed exceeds \$1,000 but does not exceed
6 \$2,50045.00
7 If the sum claimed exceeds \$2,500 but does not exceed
8 \$3,50065.00
9 (c) On the appearance of any defendant, or any number of
10 defendants answering jointly, to be paid him or them on filing
11 the first paper in the action, or at the time of appearance:
12 In all civil actions12.00
13 For every additional defendant, appearing separately6.00
14 (d) No fee may be charged where a defendant or defendants
15 appear in response to an affidavit and order issued pursuant to
16 the provisions of chapter 73 of NRS.
17 (e) For the filing of any paper in intervention6.00
18 (f) For the issuance of any writ of attachment, writ of
19 garnishment, writ of execution, or any other writ designed to
20 enforce any judgment of the court6.00
21 (g) For filing a notice of appeal, and appeal bonds12.00
22 One charge only may be made if both papers are filed at the
23 same time.
24 (h) For issuing supersedeas to a writ designed to enforce a
25 judgment or order of the court12.00
26 (i) For preparation and transmittal of transcript and papers on
27 appeal 12.00
28 (j) For celebrating a marriage and returning the certificate to
29 the county recorder35.00
30 (k) For entering judgment by confession.....6.00
31 (l) For preparing any copy of any record, proceeding or
32 paper, for each page.....30
33 (m) For each certificate of the clerk, under the seal of the
34 court 3.00
35 (n) For searching records or files in his office, for each year1.00
36 (o) For filing and acting upon each bail or property bond 40.00
37 2. A justice of the peace shall not charge or collect any of the fees set
38 forth in subsection 1 for any service rendered by him to the county in which
39 his township is located.
40 3. ~~{A justice of the peace shall not charge or collect the fee pursuant to~~
41 ~~paragraph (j) of subsection 1 if he performs a marriage ceremony in a~~
42 ~~commissioner township.~~
43 ~~—4.1~~ Except as otherwise provided by an ordinance adopted pursuant to
44 the provisions of NRS 244.207, the justice of the peace shall, on or before

1 the fifth day of each month, account for and pay to the county treasurer all
2 fees collected during the preceding month, except for the fees he may retain
3 as compensation and the fees he is required to pay to the state treasurer
4 pursuant to subsection ~~5.~~ 4.
5 ~~5.~~ 4. The justice of the peace shall, on or before the fifth day of each
6 month, pay to the state treasurer ~~half~~ *one-half* of the fees collected
7 pursuant to paragraph (o) of subsection 1 during the preceding month. The
8 state treasurer shall deposit the money in the fund for the compensation of
9 victims of crime.

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