

ASSEMBLY BILL NO. 254—ASSEMBLYMAN MANENDO (BY REQUEST)

FEBRUARY 28, 2001

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing marriage. (BDR 11-95)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to marriage; authorizing a county clerk to issue a marriage license for the renewal of marriage vows; authorizing the collection of fees for those licenses; revising provisions governing the requirements for a person to obtain a certificate of permission to perform marriages; providing for the expiration and renewal of such a certificate; 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.** *As used in this chapter, unless the context otherwise*  
4     *requires, “other person authorized to solemnize marriages” means a*  
5     *person of any church, denomination or religious society who has been*  
6     *authorized to solemnize marriages according to the usages of the church,*  
7     *denomination or religious society, or any religious society not having*  
8     *clergy but providing for solemnization of marriages in accordance with*  
9     *the rules and customs of that society.*

10    **Sec. 3.** *1. A minister or other person authorized to solemnize*  
11    *marriages pursuant to NRS 122.064 may renew a certificate of*  
12    *permission to perform marriages by filing a completed renewal form with*  
13    *the county clerk of the county where the original affidavit of authority to*  
14    *solemnize marriages was filed.*

15    *2. The county clerk shall develop by regulation the form for renewal*  
16    *and make the form available. The form for renewal must include the*  
17    *social security number of the minister or other person authorized to*  
18    *solemnize marriages.*

19    *3. If a minister or other person authorized to solemnize marriages*  
20    *does not file a renewal form at least 30 days before the last day that his*  
21    *certificate of permission is valid, the authority of the minister or other*



\* A B 2 5 4 R 1 \*

1 *person authorized to solemnize marriages to perform marriages will*  
2 *expire when the certificate is no longer valid.*

3 **Sec. 4.** NRS 122.020 is hereby amended to read as follows:

4 122.020 1. A male and a female person, at least 18 years of age, not  
5 nearer of kin than second cousins or cousins of the half blood, and not  
6 having a husband or wife living, may be joined in marriage.

7 2. A person at least 16 years of age but less than 18 years of age may  
8 marry only if he has the consent of:

9 (a) Either parent; or

10 (b) His legal guardian.

11 **3. A county clerk may:**

12 (a) *Issue a marriage license to a legally married couple who intend to*  
13 *renew their vows of marriage; and*

14 (b) *Collect the fees required pursuant to NRS 122.060 for issuing a*  
15 *marriage license from a legally married couple who intend to renew their*  
16 *vows of marriage.*

17 **4. The provisions of this section do not prohibit the performance of a**  
18 *marriage ceremony for a legally married couple who intend to renew*  
19 *their vows of marriage.*

20 **Sec. 5.** NRS 122.030 is hereby amended to read as follows:

21 122.030 1. With respect to any marriage solemnized before January  
22 1, 1971, the original certificate and records of marriage made by the judge,  
23 justice or minister, as prescribed in this chapter, and the record thereof by  
24 the recorder of the county, or a copy or abstract of the record certified by  
25 the recorder, must be received in all courts and places as presumptive  
26 evidence of the fact of the marriage.

27 2. With respect to any marriage solemnized on or after January 1,  
28 1971, the original certificate and records of marriage made by the judge,  
29 justice, minister, commissioner of civil marriages, ~~for~~ deputy  
30 commissioner of civil marriages ~~or~~ *or other person authorized to*  
31 *solemnize marriages*, as prescribed in this chapter, and the record thereof  
32 by the recorder of the county, or a copy or abstract of the record certified  
33 by the recorder, must be received in all courts and places as presumptive  
34 evidence of the fact of the marriage.

35 **Sec. 6.** NRS 122.050 is hereby amended to read as follows:

36 122.050 The marriage license must be substantially in the following  
37 form:

38  
39 MARRIAGE LICENSE  
40 (EXPIRES 1 YEAR AFTER ISSUANCE)

41  
42 State of Nevada ..... }  
43 ..... } ss.  
44 County of..... }

45  
46 These presents are to authorize any minister *or other person authorized*  
47 *to solemnize marriages* who has obtained a certificate of permission, any  
48 supreme court justice or district judge within this state, or justice of the  
49 peace within a township wherein he is permitted to solemnize marriages or



1 if authorized pursuant to subsection 3 of NRS 122.080, or a municipal  
2 judge if authorized pursuant to subsection 4 of NRS 122.080 or any  
3 commissioner of civil marriages or his deputy within a commissioner  
4 township wherein they are permitted to solemnize marriages, to join in  
5 marriage ..... of (City, town or location) ....., State of ..... State of birth  
6 (If not in U.S.A., name of country) .....; Date of birth ..... Father's name  
7 ..... Father's state of birth (If not in U.S.A., name of country) .....  
8 Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name  
9 of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Wife  
10 deceased ..... Divorced ..... Annulled ..... When ..... Where .....  
11 And ..... of (City, town or location) ....., State of ..... State of birth (If  
12 not in U.S.A., name of country) .....; Date of birth ..... Father's name  
13 ..... Father's state of birth (If not in U.S.A., name of country) .....  
14 Mother's maiden name ..... Mother's state of birth (If not in U.S.A., name  
15 of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Husband  
16 deceased ..... Divorced ..... Annulled ..... When ..... Where .....;  
17 and to certify the marriage according to law.

18 Witness my hand and the seal of the county, this ..... day of the month of  
19 ..... of the year .....

20  
21 (Seal)

.....  
Clerk

.....  
Deputy clerk

24  
25 **Sec. 7.** NRS 122.062 is hereby amended to read as follows:

26 122.062 1. Any ~~licensed or ordained minister in good standing~~  
27 ~~within his denomination, whose denomination, governing body and church,~~  
28 ~~or any of them, are incorporated or organized or established in this state,~~  
29 *minister or other person authorized to solemnize marriages*, may join  
30 together as husband and wife persons who present a marriage license  
31 obtained from any county clerk of the state, if the minister *or other person*  
32 *authorized to solemnize marriages* first obtains a certificate of permission  
33 to perform marriages as provided in this section and NRS 122.064 to  
34 122.073, inclusive. The fact that a minister *or other person authorized to*  
35 *solemnize marriages* is retired does not disqualify him from obtaining a  
36 certificate of permission to perform marriages. ~~if, before his retirement,~~  
37 ~~he had active charge of a congregation within this state for a period of at~~  
38 ~~least 3 years.~~

39 2. A temporary replacement for a ~~licensed or ordained~~ minister *or*  
40 *other person authorized to solemnize marriages* certified pursuant to this  
41 section and NRS 122.064 to 122.073, inclusive, may solemnize marriages  
42 pursuant to subsection 1 during such time as he may be authorized to do so  
43 by the county clerk in the county in which he is a temporary replacement,  
44 for a period not to exceed 90 days. The minister *or other person*  
45 *authorized to solemnize marriages* whom he temporarily replaces shall  
46 provide him with a written authorization which states the period during  
47 which it is effective.

48 3. Any chaplain who is assigned to duty in this state by the Armed  
49 Forces of the United States may solemnize marriages if he obtains a



1 certificate of permission to perform marriages from the county clerk of the  
2 county in which his duty station is located. The county clerk shall issue  
3 such a certificate to a chaplain upon proof by him of his military status as a  
4 chaplain and of his assignment.

5 4. A county clerk may authorize a ~~licensed or ordained~~ minister *or*  
6 *other person authorized to solemnize marriages* whose ~~congregation~~  
7 *church, denomination or religious society* is located in another state to  
8 perform marriages in the county if the ~~county clerk satisfies himself that~~  
9 ~~the minister is in good standing with his denomination or church. The~~  
10 ~~authorization must be in writing and~~ *minister or other person authorized*  
11 *to solemnize marriages files an application and affidavit that satisfies the*  
12 *requirements of NRS 122.064. The application and affidavit required*  
13 *pursuant to NRS 122.064* need not be filed with any other public officer.  
14 A separate authorization is required for each marriage performed. Such a  
15 minister *or other person authorized to solemnize marriages* may perform  
16 not more than five marriages in this state in any calendar year.

17 5. *A minister or other person authorized to solemnize marriages*  
18 *pursuant to subsection 1 may solemnize a marriage in any county in this*  
19 *state.*

20 **Sec. 8.** NRS 122.064 is hereby amended to read as follows:

21 122.064 1. A certificate of permission may be obtained only from the  
22 county clerk of the county in which the minister *or other person*  
23 *authorized to solemnize marriages* resides, after the filing of a proper  
24 application. The initial application must:

25 (a) Be in writing and be verified by the applicant, ~~or~~ his superior ~~or~~  
26 *or another person who is authorized by the church, denomination or*  
27 *religious society of the applicant to verify the application.*

28 (b) Include the date of licensure or ordination ~~or both, of the~~  
29 ~~minister,~~ *, if applicable,* and the name of the *church, denomination,*  
30 ~~governing body and church, or any of them,~~ *or religious society* with  
31 which he is affiliated.

32 (c) Include the social security number of the applicant.

33 (d) Be accompanied by two copies of the ~~denominational standing of~~  
34 ~~the applicant,~~ *affidavit of authority to solemnize marriages,* one of which  
35 the county clerk shall file with the secretary of state.

36 2. ~~To determine the qualifications of any minister who has filed an~~  
37 ~~application for a certificate, the county clerk with whom the application has~~  
38 ~~been filed may require:~~

39 ~~—(a) The congregation of the minister to furnish any evidence which the~~  
40 ~~county clerk considers necessary or helpful.~~

41 ~~—(b) The district attorney and the sheriff to conduct an investigation of~~  
42 ~~the background and present activities of the minister.~~

43 ~~—3. In addition to the requirement of good standing, the county clerk~~  
44 ~~shall, before approving an initial application, satisfy himself that:~~

45 ~~—(a) The applicant's ministry is primarily one of service to his~~  
46 ~~congregation or denomination, and that his performance of marriages will~~  
47 ~~be incidental to that service, or, in the case of a retired minister, that his~~  
48 ~~active ministry was of such a nature.~~



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1       2. The county clerk shall include the statement required pursuant to  
2 subsection 1 in:  
3       (a) The application , *renewal form* or any other forms that must be  
4 submitted for the issuance *or renewal* of the certificate of permission; or  
5       (b) A separate form prescribed by the county clerk.  
6       3. A certificate of permission may not be issued *or renewed* by the  
7 county clerk if the applicant:  
8       (a) Fails to submit the statement required pursuant to subsection 1; or  
9       (b) Indicates on the statement submitted pursuant to subsection 1 that he  
10 is subject to a court order for the support of a child and is not in  
11 compliance with the order or a plan approved by the district attorney or  
12 other public agency enforcing the order for the repayment of the amount  
13 owed pursuant to the order.  
14       4. If an applicant indicates on the statement submitted pursuant to  
15 subsection 1 that he is subject to a court order for the support of a child and  
16 is not in compliance with the order or a plan approved by the district  
17 attorney or other public agency enforcing the order for the repayment of  
18 the amount owed pursuant to the order, the county clerk shall advise the  
19 applicant to contact the district attorney or other public agency enforcing  
20 the order to determine the actions that the applicant may take to satisfy the  
21 arrearage.  
22       **Sec. 10.** NRS 122.066 is hereby amended to read as follows:  
23       122.066 1. If the county clerk approves an application ~~for a~~ *for a*  
24 *certificate of permission to perform marriages*, he shall notify the  
25 secretary of state of such approval within 10 days thereafter. After receipt  
26 of such notification, the secretary of state shall immediately certify the  
27 name of ~~such~~ *the* minister *or other person authorized to solemnize*  
28 *marriages* to each county clerk and county recorder in the state.  
29       2. ~~A certificate of permission shall be valid until the county clerk has~~  
30 ~~received:~~  
31 ~~—(a) A written statement that the minister is no longer in good standing~~  
32 ~~within his denomination, signed by a trustee, warden, responsible superior~~  
33 ~~or other officer of such minister's congregation authorized to speak for it;~~  
34 ~~or~~  
35 ~~—(b) A written statement that the minister to whom a certificate of~~  
36 ~~permission was granted is no longer a minister, signed by a trustee,~~  
37 ~~warden, responsible superior or other officer of such former minister's~~  
38 ~~congregation authorized to speak for it.~~  
39       ~~3. The written statements required to be sent by a trustee, warden,~~  
40 ~~responsible supervisor or other officer of a congregation pursuant to~~  
41 ~~subsection 2 shall be sent to the county clerk within 5 days following the~~  
42 ~~time the minister ceased to be a member of the denomination in good~~  
43 ~~standing or ceased to be a minister of the congregation.~~  
44       ~~4.~~ If the county clerk in the county where the certificate of permission  
45 was issued has reason to believe that the minister ~~is no longer in good~~  
46 ~~standing within his denomination, or that he is no longer a minister, or that~~  
47 ~~such denomination no longer exists, such~~ *or other person authorized to*  
48 *solemnize marriages no longer meets the requirements of NRS 122.062,*  
49 *the* clerk may require satisfactory proof of ~~such minister's denominational~~



1 ~~standing.~~ *the person's authorization by requesting a new affidavit of*  
2 *authority to solemnize marriages from the church, denomination or*  
3 *religious society of the minister or other person authorized to solemnize*  
4 *marriages.* If such proof is not presented within ~~15~~ 30 days, the county  
5 clerk shall revoke the certificate of permission and shall so notify the  
6 secretary of state.

7 ~~{5. If any minister to whom a certificate of permission has been issued~~  
8 ~~severs ties with his congregation or moves from the county in which his~~  
9 ~~certificate was issued, the certificate shall expire immediately upon such~~  
10 ~~severance or move, and the trustee, warden, responsible superior or other~~  
11 ~~officer of the congregation authorized to speak for it shall, within 5 days~~  
12 ~~following the severance or move, give written notice of the fact of such~~  
13 ~~severance or move to the county clerk who issued the certificate.}~~

14 **Sec. 11.** NRS 122.068 is hereby amended to read as follows:

15 122.068 1. Any county clerk who has issued a certificate of  
16 permission to *perform marriages to* a minister *or other person authorized*  
17 *to solemnize marriages pursuant to NRS 122.064 to 122.073, inclusive,*  
18 may revoke ~~such~~ the certificate for good cause shown after hearing.

19 2. *A church, denomination or religious society that authorized a*  
20 *person to solemnize marriages which revokes that authority shall submit*  
21 *a written statement to notify the county clerk of the county where the*  
22 *original affidavit of authority to solemnize marriages was filed not later*  
23 *than 30 days after the authority is revoked.*

24 3. If the certificate of *permission to perform marriages of* any  
25 minister *or other person authorized to solemnize marriages* is revoked ~~+~~  
26 *pursuant to this section or has expired,* the county clerk shall inform the  
27 secretary of state of ~~such~~ that fact, and the secretary of state shall  
28 immediately remove the name of ~~such~~ the minister *or other person*  
29 *authorized to solemnize marriages* from the list and shall notify each  
30 county clerk and county recorder in the state ~~of such fact~~ that the  
31 *certificate of permission has been revoked or has expired.*

32 **Sec. 12.** NRS 122.071 is hereby amended to read as follows:

33 122.071 Any minister *or other person authorized to solemnize*  
34 *marriages* whose application for a certificate of permission *to perform*  
35 *marriages* or renewal *of such a certificate* is denied, or whose certificate  
36 of permission *to perform marriages* is revoked ~~+~~ *by the county clerk*  
37 *pursuant to subsection 1 of NRS 122.068,* is entitled to judicial review of  
38 such action in the district court of the county in which such action was  
39 taken.

40 **Sec. 13.** NRS 122.073 is hereby amended to read as follows:

41 122.073 ~~Each~~

42 1. *Except as otherwise provided in subsection 2, each* county clerk  
43 may prescribe additional regulations, which ~~shall~~ do not conflict with the  
44 provisions of this chapter, relating to the issuance, *renewal* and revocation  
45 of certificates of permission ~~+~~ *to perform marriages.*

46 2. *A county clerk shall not prescribe additional regulations which*  
47 *affect the eligibility of a person to obtain or renew a certificate of*  
48 *permission to perform marriages.*





1     **Sec. 14.** NRS 122.090 is hereby amended to read as follows:  
2     122.090 No marriage solemnized before any person professing to be a  
3 judge, justice, minister, commissioner of civil marriages , ~~for~~ deputy  
4 commissioner of civil marriages *or other person professing to be*  
5 *authorized to solemnize marriages* shall be deemed or adjudged to be  
6 void, nor shall the validity thereof be in any way affected on account of  
7 any want of jurisdiction or authority, provided it be consummated with a  
8 full belief on the part of the persons so married, or either of them, that they  
9 have been lawfully joined in marriage.

10    **Sec. 15.** NRS 122.110 is hereby amended to read as follows:  
11    122.110 1. In the solemnization of marriage, no particular form is  
12 required except that the parties shall declare, in the presence of the justice,  
13 judge, minister, justice of the peace, commissioner of civil marriages , ~~for~~  
14 deputy commissioner of civil marriages ~~for~~ *or other person authorized to*  
15 *solemnize marriages*, and the attending witness, that they take each other  
16 as husband and wife.

17    2. In every case there shall be at least one witness present besides the  
18 person performing the ceremony.

19    **Sec. 16.** NRS 122.120 is hereby amended to read as follows:  
20    122.120 1. After a marriage is solemnized, the person solemnizing  
21 the marriage shall give to each couple being married a certificate of  
22 marriage.

23    2. The certificate of marriage must be in substantially the following  
24 form:

25  
26                                 STATE OF NEVADA  
27                                 MARRIAGE CERTIFICATE

28  
29 State of Nevada                                 }  
30   } ss.  
31 County of.....                                 }  
32

33    This is to certify that the undersigned, ..... (a minister ,  
34 ~~for the gospel,~~ judge, justice of the peace of ..... County,  
35 commissioner of civil marriages , ~~for~~ deputy commissioner of civil  
36 marriages ~~for~~ *or other person authorized to solemnize marriages*, as the  
37 case may be), did on the ..... day of the month of ..... of the year  
38 ..... at ..... (address or church), ..... (city), Nevada, join  
39 in lawful wedlock ..... (name), of ..... (city), State of  
40 ..... and ..... (name), of .....(city), State of .....  
41 with their mutual consent, in the presence of ..... and .....  
42 (witnesses).

43  
44   .....  
45   Signature of person performing  
46   the marriage

47   .....  
48   Name under signature typewritten  
49   or printed in black ink





1 .....  
2 County Clerk  
3 .....  
4 Official title of person performing  
5 the marriage  
6 .....  
7 .....  
8 Couple's mailing address  
9

10 3. All information contained in the certificate of marriage must be  
11 typewritten or legibly printed in black ink, except the signatures. The  
12 signature of the person performing the marriage must be an original  
13 signature.

14 **Sec. 17.** NRS 122.220 is hereby amended to read as follows:

15 122.220 1. It is unlawful for any supreme court justice, judge of a  
16 district court, justice of the peace, municipal judge, minister, ~~for any~~  
17 ~~religious society or congregation,~~ commissioner of civil marriages, ~~for~~  
18 deputy commissioner of civil marriages *or other person authorized to*  
19 *solemnize marriages* to join together as husband and wife persons allowed  
20 by law to be joined in marriage, until the persons proposing such marriage  
21 exhibit to him a license from the county clerk as provided by law.

22 2. Any supreme court justice, judge of a district court, justice of the  
23 peace, municipal judge, minister, commissioner of civil marriages, ~~for~~  
24 deputy commissioner of civil marriages *or other person authorized to*  
25 *solemnize marriages* who violates the provisions of subsection 1 is guilty  
26 of a misdemeanor.

27 **Sec. 18.** Section 3 of this act is hereby amended to read as follows:

28 Sec. 3. 1. A minister or other person authorized to solemnize  
29 marriages pursuant to NRS 122.064 may renew a certificate of  
30 permission to perform marriages by filing a completed renewal form  
31 with the county clerk of the county where the original affidavit of  
32 authority to solemnize marriages was filed.

33 2. The county clerk shall develop by regulation the form for  
34 renewal and make the form available. ~~The form for renewal must~~  
35 ~~include the social security number of the minister or other person~~  
36 ~~authorized to solemnize marriages.~~

37 3. If a minister or other person authorized to solemnize marriages  
38 does not file a renewal form at least 30 days before the last day that  
39 his certificate of permission is valid, the authority of the minister or  
40 other person authorized to solemnize marriages to perform marriages  
41 will expire when the certificate is no longer valid.

42 **Sec. 19.** Notwithstanding the provisions of this act, the certificate of  
43 permission to perform marriages of a minister or other person authorized to  
44 solemnize marriages which is 5 years or older on October 1, 2001, or  
45 which will expire within 1 year after January 1, 2002, expires 90 days after  
46 written notice has been mailed by the county clerk to the address of the  
47 certificate holder contained in the files of the county clerk unless, within  
48 that time, the certificate holder renews his certificate in the manner  
49 provided in section 3 of this act.



1     **Sec. 20.** 1. This section and sections 1 to 17, inclusive, and 19 of  
2 this act become effective on October 1, 2001.  
3     2. Section 9 of this act expires by limitation on the date on which the  
4 provisions of 42 U.S.C. § 666 requiring each state to establish procedures  
5 under which the state has authority to withhold or suspend, or to restrict the  
6 use of professional, occupational and recreational licenses of persons who:  
7     (a) Have failed to comply with a subpoena or warrant relating to a  
8 proceeding to determine the paternity of a child or to establish or enforce  
9 an obligation for the support of a child; or  
10    (b) Are in arrears in the payment for the support of one or more  
11 children,  
12 are repealed by the Congress of the United States.  
13    3. Section 18 of this act becomes effective on the date on which the  
14 provisions of 42 U.S.C. § 666 requiring each state to establish procedures  
15 under which the state has authority to withhold or suspend, or to restrict the  
16 use of professional, occupational and recreational licenses of persons who:  
17    (a) Have failed to comply with a subpoena or warrant relating to a  
18 proceeding to determine the paternity of a child or to establish or enforce  
19 an obligation for the support of a child; or  
20    (b) Are in arrears in the payment for the support of one or more  
21 children,  
22 are repealed by the Congress of the United States.

