

ASSEMBLY BILL NO. 482—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 28, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to county clerks.  
(BDR 20-1336)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
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 county clerks; providing that certificates of marriage may be recorded with a county clerk under certain circumstances; providing for a county clerk who is authorized to record a certificate of marriage to charge a fee for such service; providing the requirements for county clerks to record certificates of marriage; 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 246 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 11, inclusive, of this  
3 act.

4     **Sec. 2.** *A board of county commissioners may adopt an*  
5 *ordinance providing that certificates of marriage must be recorded*  
6 *in the office of the county clerk.*

7     **Sec. 3.** *1. Except as otherwise provided in section 4 of this*  
8 *act, if a board of county commissioners adopts an ordinance*  
9 *pursuant to section 2 of this act which provides that certificates of*  
10 *marriage must be recorded with the county clerk, the county clerk*  
11 *shall, upon the payment of the prescribed statutory fees, record*  
12 *separately, in a manner which will allow a legible copy to be made,*  
13 *certificates of marriage.*

14     *2. Before accepting for recording any certificate of marriage,*  
15 *the county clerk shall require a certificate of marriage suitable for*



1 *recording by a method used by the county clerk to preserve his*  
2 *records. If any rights may be adversely affected because of a delay*  
3 *in recording caused by this requirement, the county clerk shall*  
4 *accept the certificate of marriage conditionally subject to*  
5 *submission of a suitable certificate of marriage at a later date.*  
6 *Before accepting a certificate of marriage conditionally, the*  
7 *county clerk shall require the person who requests the recording*  
8 *to sign a statement that the person has been advised of the*  
9 *requirements described in this subsection and record the statement*  
10 *with the certificate of marriage.*

11 **Sec. 4.** 1. *A county clerk may deny a request to record a*  
12 *certificate of marriage if, within 2 judicial days after presentation*  
13 *of the certificate of marriage, the county clerk determines that the*  
14 *certificate of marriage is unauthorized, falsified or otherwise may*  
15 *not be lawfully recorded. If a county clerk fails to make such a*  
16 *determination within the specified period, the county clerk shall*  
17 *record the certificate of marriage as soon as practicable, unless*  
18 *otherwise ordered by a court.*

19 2. *A county clerk who denies a request to record a certificate*  
20 *of marriage pursuant to subsection 1 shall retain a copy of the*  
21 *certificate of marriage and, within 2 judicial days after he denies*  
22 *the request, shall provide the requester with written notice, on a*  
23 *form prescribed by the county clerk, of:*

24 (a) *The reason that the county clerk is denying the recordation*  
25 *of the certificate of marriage;*

26 (b) *The right of the requester to judicial review of the denial;*  
27 *and*

28 (c) *The criminal penalty set forth in subsection 4.*

29 ➡ *If a county clerk fails to provide the notice required by this*  
30 *subsection within the specified period, the county clerk shall*  
31 *record the certificate of marriage as soon as practicable, unless*  
32 *otherwise ordered by a court.*

33 3. *If a request to record a certificate of marriage is denied*  
34 *pursuant to subsection 1, the requester may apply to the district*  
35 *court in the county in which the request was denied for an order to*  
36 *record the certificate of marriage. The court shall give this matter*  
37 *priority over other civil matters to which priority is not given by*  
38 *other statutes. If the requester prevails:*

39 (a) *He is entitled to recover from the county clerk any filing*  
40 *fees that he paid related to the proceeding.*

41 (b) *The county clerk shall record the certificate of marriage as*  
42 *soon as practicable.*

43 4. *If a county clerk denied recordation of a certificate of*  
44 *marriage pursuant to subsection 1, a person shall not resubmit the*  
45 *certificate of marriage for recordation unless the certificate of*



1 marriage has been modified in such a manner that it may be  
2 lawfully recorded or the person has obtained a court order  
3 pursuant to subsection 3. Unless a greater penalty is provided by  
4 NRS 239.330, a violation of this subsection is a misdemeanor.

5 5. Except as otherwise provided in paragraph (a) of  
6 subsection 3, a county clerk who acts in good faith in denying  
7 recordation of a certificate of marriage pursuant to this section is  
8 immune from liability for damages to the requester or any person  
9 whom the certificate of marriage concerns or affects.

10 Sec. 5. Any certificate of marriage deposited for recordation  
11 with the county clerk must have typed or legibly printed the names  
12 of all signers thereon, excluding those of the acknowledging  
13 officers and witnesses, beneath the original signatures. If a  
14 certificate of marriage does not contain the typed or printed  
15 names, the county clerk shall accept the certificate of marriage for  
16 recordation if accompanied by an affidavit, for recordation with  
17 the certificate of marriage, correctly spelling in legible print or  
18 type the signatures appearing on the certificate of marriage.  
19 Failure to print or type signatures as provided in this subsection  
20 does not invalidate the certificate of marriage.

21 Sec. 6. In lieu of producing a certified copy of a certificate of  
22 marriage, the county clerk may produce an abstract of the  
23 recorded certificate of marriage and certify the abstract in his  
24 official name and title, and under his official seal.

25 Sec. 7. 1. If the board of county commissioners has  
26 adopted an ordinance pursuant to section 1 of this act providing  
27 that certificates of marriage must be recorded with the county  
28 clerk, the county clerk shall charge and collect the following fees:

29 (a) For recording any certificate of marriage, \$10.

30 (b) For copying any certificate of marriage, \$1 per page.

31 (c) For a certified copy of a certificate of marriage, \$10.

32 (d) For a certified abstract of a certificate of marriage, \$10.

33 2. In addition to the fees described in subsection 1, a county  
34 clerk may charge and collect an additional fee not to exceed \$3 for  
35 recording a certificate of marriage, if the board of county  
36 commissioners has adopted an ordinance authorizing the  
37 additional fee. The county clerk shall pay to the county treasurer  
38 the amount of fees collected by him pursuant to this subsection for  
39 credit to the account established pursuant to section 8 of this act.

40 3. A county clerk shall charge and collect the fees specified in  
41 this section for copying of a document specified in this section at  
42 the request of the State of Nevada, and any city or town within the  
43 county. For copying, and for his certificate and seal upon the  
44 copy, the county clerk shall charge the regular fee.



1       4. Except as otherwise provided in an ordinance adopted  
2 pursuant to the provisions of NRS 244.207, county clerks shall, on  
3 or before the fifth working day of each month, account for and  
4 pay to the county treasurer all fees related to recording certificates  
5 of marriage collected during the preceding month.

6       5. For purposes of this section, "State of Nevada," "county,"  
7 "city" and "town" include any department or agency thereof and  
8 any officer thereof in his official capacity.

9       Sec. 8. 1. If a county clerk imposes an additional fee  
10 pursuant to subsection 2 of section 7 of this act, the proceeds  
11 collected from such a fee must be accounted for separately in the  
12 county general fund. Any interest earned on money in the  
13 account, after deducting any applicable charges, must be credited  
14 to the account. Money that remains in the account at the end of a  
15 fiscal year does not revert to the county general fund, and the  
16 balance in the account must be carried forward to the next fiscal  
17 year.

18       2. The money in the account must be used only to acquire  
19 technology for or improve the technology used in the office of the  
20 county clerk for the issuance of marriage licenses and the  
21 issuance and filing of certificates of marriage, including, without  
22 limitation, costs related to acquiring or improving technology for  
23 converting and archiving records, purchasing hardware and  
24 software, maintaining the technology, training employees in the  
25 operation of the technology and contracting for professional  
26 services relating to the technology.

27       3. The county clerk shall submit an annual report to the  
28 board of county commissioners of the county which contains:

29       (a) An estimate of the proceeds that the county clerk will  
30 collect from the additional fee imposed pursuant to subsection 2 of  
31 section 7 of this act in the following fiscal year; and

32       (b) A proposal for expenditures of the proceeds from the  
33 additional fee imposed pursuant to subsection 2 of section 7 of this  
34 act for the costs related to the technology required for the office of  
35 the county clerk for the following fiscal year.

36       Sec. 9. 1. Each county clerk shall take custody of and is  
37 responsible for all certificates of marriage recorded in his office.

38       2. All certificates of marriage on file in the office of the  
39 county clerk must, during office hours, be open for inspection by  
40 any person without charge.

41       Sec. 10. Each county clerk shall:

42       1. Except as otherwise provided in section 4 of this act, record  
43 each certificate of marriage in the order in which it is received;

44       2. Maintain a record of all transactions conducted within the  
45 office and a record of all fees collected; and



3. *Make the records maintained pursuant to subsection 2 available for public inspection during regular business hours.*

**Sec. 11.** *1. When a certificate of marriage is required by law to be recorded in the office of the county clerk, the county clerk shall:*

*(a) Endorse upon the certificate of marriage the time when it was received, noting:*

*(1) The year, month, day, hour and minute of its reception;*

*(2) The document number; and*

*(3) The amount of fees collected for recording the certificate of marriage.*

*(b) Record the certificate of marriage without delay.*

*(c) Note at the upper right corner of the certificate of marriage the exact time of its reception and the name of the person at whose request it was recorded.*

*(d) Upon request, place a stamp or other notation upon one copy of the certificate of marriage presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that he received the original, and return the copy to the person who presented it.*

*2. A certificate of marriage is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county clerk.*

**Sec. 12.** NRS 247.120 is hereby amended to read as follows:

247.120 1. Except as otherwise provided in NRS 247.145, each county recorder shall, upon the payment of the prescribed statutory fees, record separately, in a manner which will allow a legible copy to be made, the following specified documents:

(a) Deeds, grants, patents issued by the State of Nevada or by the United States, transfers and mortgages of real estate, releases of mortgages of real estate, powers of attorney to convey real estate, and leases of real estate which have been acknowledged or proved.

(b) ~~{Certificates}~~ *Except as otherwise provided in section 2 of this act, certificates* of marriage and marriage contracts.

(c) Wills admitted to probate.

(d) Official bonds.

(e) Notice of mechanics' liens.

(f) Transcripts of judgments which by law are made liens upon real estate in this State and affidavits of renewal of those judgments.

(g) Notices of attachment upon real estate.

(h) Notices of the pendency of an action affecting real estate, the title thereto or the possession thereof.

(i) Instruments describing or relating to the separate property of married persons.



- 1 (j) Notice of preemption claims.
- 2 (k) Notices and certificates of location of mining claims.
- 3 (l) Affidavits of proof of annual labor on mining claims.
- 4 (m) Affidavits of intent to hold mining claims recorded pursuant
- 5 to subsection 3 of NRS 517.230.
- 6 (n) Certificates of sale.
- 7 (o) Judgments or decrees.
- 8 (p) Declarations of homesteads.
- 9 (q) Such other writings as are required or permitted by law to be
- 10 recorded.

11 2. Each of the documents named in paragraph (a) of subsection

12 1 may be recorded in separate books in the discretion of the county

13 recorder.

14 3. Before accepting for recording any document enumerated in

15 subsection 1, the county recorder shall require a document suitable

16 for recording by a method used by the recorder to preserve his

17 records. If any rights may be adversely affected because of a delay

18 in recording caused by this requirement, the county recorder shall

19 accept the document conditionally subject to submission of a

20 suitable document at a later date. Before accepting a document

21 conditionally, the recorder shall require the person who requests the

22 recording to sign a statement that the person has been advised of the

23 requirements described in this subsection and record the statement

24 with the document.

25 **Sec. 13.** NRS 4.060 is hereby amended to read as follows:

26 4.060 1. Except as otherwise provided in this section and

27 NRS 33.017 to 33.100, inclusive, each justice of the peace shall

28 charge and collect the following fees:

29 (a) On the commencement of any action or proceeding

30 in the justice's court, other than in actions commenced

31 pursuant to chapter 73 of NRS, to be paid by the party

32 commencing the action:

33

34	If the sum claimed does not exceed \$1,000 .....	\$28.00
35	If the sum claimed exceeds \$1,000 but does not	
36	exceed \$2,500 .....	50.00
37	If the sum claimed exceeds \$2,500 but does not	
38	exceed \$4,500 .....	100.00
39	If the sum claimed exceeds \$4,500 but does not	
40	exceed \$6,500 .....	125.00
41	If the sum claimed exceeds \$6,500 but does not	
42	exceed \$7,500 .....	150.00
43	If the sum claimed exceeds \$7,500 but does not	
44	exceed \$10,000 .....	175.00
45	In all other civil actions.....	28.00



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

If the sum claimed does not exceed \$1,000 .....	\$25.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500 .....	45.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000 .....	65.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by him or them on filing the first paper in the action, or at the time of appearance:

In all civil actions .....	12.00
For every additional defendant, appearing separately .....	6.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention ..... 6.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court..... 6.00

(g) For filing a notice of appeal, and appeal bonds ..... 12.00  
One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court ..... 12.00

(i) For preparation and transmittal of transcript and papers on appeal ..... 12.00

(j) For celebrating a marriage and returning the certificate to the county recorder *or county clerk* ..... 50.00

(k) For entering judgment by confession ..... 6.00

(l) For preparing any copy of any record, proceeding or paper, for each page ..... .30

(m) For each certificate of the clerk, under the seal of the court..... 3.00

(n) For searching records or files in his office, for each year ..... 1.00

(o) For filing and acting upon each bail or property bond ..... 40.00



2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by him to the county in which his township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if he performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except for the fees he may retain as compensation and the fees he is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to \$5 of each fee collected pursuant to paragraph (j) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

**Sec. 14.** NRS 122.030 is hereby amended to read as follows:

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

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister, commissioner of civil marriages or deputy commissioner of civil marriages, as prescribed in this chapter, and the record thereof by the *county* recorder ~~of the county,~~ *or the county clerk, as the case may be,* or a copy or abstract of the record certified by the *county* recorder ~~of the county,~~ *or the county clerk, as the case may be,* must be received in all courts and places as presumptive evidence of the fact of the marriage.

**Sec. 15.** NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk of each county may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The county clerk shall have printed or stamped on the reverse of the form instructions for obtaining a certified copy or





1 certified abstract of the certificate of marriage . ~~{from the county~~  
2 ~~recorder.}~~

3 **Sec. 16.** NRS 122.060 is hereby amended to read as follows:

4 122.060 1. The **county** clerk is entitled to receive as his fee  
5 for issuing the license the sum of \$21.

6 2. The **county** clerk shall also at the time of issuing the license  
7 ~~{collect} :~~

8 (a) *Collect* the sum of \$10 and :

9 (1) *If the board of county commissioners has adopted an*  
10 *ordinance pursuant to section 2 of this act providing that*  
11 *certificates of marriage must be recorded with the county clerk,*  
12 *deposit the sum into the county general fund for recording the*  
13 *originally signed copy of the certificate of marriage described in*  
14 *NRS 122.120.*

15 (2) *If the board of county commissioners has not adopted*  
16 *an ordinance pursuant to section 2 of this act providing that*  
17 *certificates of marriage must be recorded with the county clerk,*  
18 *pay it over to the county recorder as his fee for recording the*  
19 *originally signed copy of the certificate of marriage described in*  
20 *NRS 122.120.*

21 (b) *Collect the additional fee described in subsection 2 of*  
22 *section 7 of this act, if the board of county commissioners has*  
23 *adopted an ordinance authorizing the collection of such fee and*  
24 *deposit the fee pursuant to section 8 of this act.*

25 3. The **county** clerk shall also at the time of issuing the license  
26 collect the additional sum of \$4 for the State of Nevada. The fees  
27 collected for the State must be paid over to the county treasurer by  
28 the county clerk on or before the fifth day of each month for the  
29 preceding calendar month, and must be placed to the credit of the  
30 State General Fund. The county treasurer shall remit quarterly all  
31 such fees deposited by the **county** clerk to the State Controller for  
32 credit to the State General Fund.

33 4. The **county** clerk shall also at the time of issuing the license  
34 collect the additional sum of \$20 for the Account for Aid for  
35 Victims of Domestic Violence in the State General Fund. The fees  
36 collected for this purpose must be paid over to the county treasurer  
37 by the county clerk on or before the fifth day of each month for the  
38 preceding calendar month, and must be placed to the credit of that  
39 Account. The county treasurer shall, on or before the 15th day of  
40 each month, remit those fees deposited by the **county** clerk to the  
41 State Controller for credit to that Account.

42 **Sec. 17.** NRS 122.130 is hereby amended to read as follows:

43 122.130 1. Each person who solemnizes a marriage shall  
44 make a record of it and, within 10 days after the marriage, shall  
45 deliver to :



1     (a) *If the board of county commissioners has adopted an*  
2 *ordinance pursuant to section 2 of this act providing that*  
3 *certificates of marriage must be recorded with the county clerk,*  
4 *the county clerk of the county where the license was issued a copy*  
5 *of the certificate of marriage required by NRS 122.120.*

6     (b) *If the board of county commissioners has not adopted an*  
7 *ordinance pursuant to section 2 of this act providing that*  
8 *certificates of marriage must be recorded with the county clerk,*  
9 the county recorder of the county where the license was issued a  
10 copy of the certificate of marriage required by NRS 122.120.

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

20     3. All copies of certificates must be recorded by the county  
21 recorder *or county clerk* in a book to be kept by him for that  
22 purpose. For recording the copies, the county recorder *or county*  
23 *clerk* is entitled to the fees designated in subsection 2 of NRS  
24 122.060 and subsection 3 of NRS 122.135. All such fees must be  
25 deposited in the county general fund.

26     **Sec. 18.** NRS 122.135 is hereby amended to read as follows:

27     122.135 1. Except as otherwise provided in subsection 2, if  
28 any information in a certificate of marriage is incorrect, the county  
29 clerk or the county recorder may charge and collect from a person a  
30 fee of not more than \$25 for the preparation of an affidavit of  
31 correction.

32     2. Neither the county clerk nor the county recorder may charge  
33 and collect from a person any fee for the preparation of an affidavit  
34 of correction pursuant to subsection 1 if the only errors to be  
35 corrected in the certificate of marriage are clerical errors that were  
36 made by the county clerk.

37     3. Whether or not a person is required to pay any fee for the  
38 preparation of an affidavit of correction pursuant to subsection 1:

39     (a) The county clerk shall charge and collect from the person a  
40 fee in an amount equal to :

41     (1) *If the board of county commissioners has adopted an*  
42 *ordinance pursuant to section 2 of this act providing that*  
43 *certificates of marriage must be recorded with the county clerk,*  
44 *the amount that the county clerk is required to charge and collect*



1 *pursuant to section 7 of this act for recording the corrected*  
2 *certificate of marriage; or*

3 *(2) If the board of county commissioners has not adopted*  
4 *an ordinance pursuant to section 2 of this act providing that*  
5 *certificates of marriage must be recorded with the county clerk,*  
6 the amount that the county recorder is required to charge and collect  
7 pursuant to NRS 247.305 and *the county clerk* shall pay the fee  
8 over to the county recorder as his fee for recording the corrected  
9 certificate of marriage; or

10 (b) The county recorder shall charge and collect from the person  
11 ~~[the fee set forth in]~~ *a fee in an amount equal to:*

12 *(1) If the board of county commissioners has adopted an*  
13 *ordinance pursuant to section 2 of this act providing that*  
14 *certificates of marriage must be recorded with the county clerk,*  
15 *the amount that the county clerk is required to charge and collect*  
16 *pursuant to section 7 of this act and the county recorder shall pay*  
17 *the fee over to the county clerk as his fee for recording the*  
18 *corrected certificate of marriage; or*

19 *(2) If the board of county commissioners has not adopted*  
20 *an ordinance pursuant to section 2 of this act providing that*  
21 *certificates of marriage must be recorded with the county clerk,*  
22 *the amount that the county recorder is required to charge and*  
23 *collect pursuant to* NRS 247.305 *for recording the corrected*  
24 *certificate of marriage.*

25 4. All fees collected pursuant to this section must be deposited  
26 in the county general fund.

27 **Sec. 19.** NRS 122.160 is hereby amended to read as follows:

28 122.160 1. Marriages between Indians performed in  
29 accordance with tribal customs within closed Indian reservations  
30 and Indian colonies have the same validity as marriages performed  
31 in any other manner provided for by the laws of this State, if there is  
32 recorded in the county in which the marriage takes place, within 30  
33 days after the performance of the tribal marriage, a certificate  
34 declaring the marriage to have been performed.

35 2. The certificate of declaration required to be recorded by  
36 subsection 1 must include the names of the persons married, their  
37 ages, social security numbers, tribe, and place and date of marriage.  
38 The certificate must be signed by an official of the tribe, reservation  
39 or colony.

40 3. The certificate must be recorded with :

41 *(a) If the board of county commissioners has adopted an*  
42 *ordinance pursuant to section 2 of this act providing that*  
43 *certificates of marriage must be recorded with the county clerk,*  
44 *the county clerk of the county in which the marriage was*  
45 *performed and recorded by him without charge.*



1       ***(b) If the board of county commissioners has not adopted an***  
2 ***ordinance pursuant to section 2 of this act providing that***  
3 ***certificates of marriage must be recorded with the county clerk,***  
4 the ***county*** recorder of the county in which the marriage was  
5 performed and recorded by him without charge.

6       **Sec. 20.** NRS 122.170 is hereby amended to read as follows:

7       122.170 1. Marriages between Indians heretofore or hereafter  
8 consummated in accordance with tribal custom ~~{shall be of}~~ **have**  
9 the same validity as marriages performed in any other manner  
10 provided for by the laws of the State of Nevada.

11       2. A certificate of any such marriage may be signed by:

12       (a) An official of the tribe of which at least one of the parties is a  
13 member; ~~{or}~~

14       (b) An official of the reservation or colony in or upon which at  
15 least one of the parties shall at the time reside; or

16       (c) The superintendent of an Indian agency legally established in  
17 this State by the United States.

18       3. The certificate may be filed in :

19       ***(a) If the board of county commissioners has adopted an***  
20 ***ordinance pursuant to section 2 of this act providing that***  
21 ***certificates of marriage must be recorded with the county clerk,***  
22 ***the office of the county clerk of the county where such marriage***  
23 ***took place, and within 30 days thereafter; or***

24       ***(b) If the board of county commissioners has not adopted an***  
25 ***ordinance pursuant to section 2 of this act providing that***  
26 ***certificates of marriage must be recorded with the county clerk,***  
27 the office of the recorder of the county where such marriage ~~{shall~~  
28 ~~have taken}~~ **took** place, and within 30 days thereafter,

29       ➡ and such certificate or a certified copy thereof ~~{shall be}~~ **is** prima  
30 facie evidence of the facts therein recited.

31       4. The certificate ~~{shall}~~ **must** give the names of the parties  
32 married, their ages, tribe, and the place and date of the marriage, and  
33 ~~{shall}~~ **must** show the official status of the person signing the same.

34       5. Any certificate, affidavit or other type of proof recognized  
35 by the United States, or any department thereof, as proof of a valid  
36 tribal marriage, regardless of when or where the tribal marriage  
37 ~~{shall have}~~ **has** been entered into ~~{shall be}~~ **is** proof of the validity  
38 of ~~{such}~~ **the** tribal marriage in the State of Nevada.

39       **Sec. 21.** NRS 122.230 is hereby amended to read as follows:

40       122.230 Every person solemnizing a marriage who fails or  
41 neglects to make and deliver ~~{to the county recorder}~~ an originally  
42 signed copy of the certificate thereof, within the time specified in  
43 NRS 122.130, **to:**

44       ***1. If the board of county commissioners has adopted an***  
45 ***ordinance pursuant to section 2 of this act providing that***



1 *certificates of marriage must be recorded with the county clerk,*  
2 *the county clerk; or*

3 2. *If the board of county commissioners has not adopted an*  
4 *ordinance pursuant to section 2 of this act providing that*  
5 *certificates of marriage must be recorded with the county clerk,*  
6 *the county recorder,*

7 *is guilty of a misdemeanor.*

8 **Sec. 22.** NRS 122.240 is hereby amended to read as follows:

9 122.240 Every county recorder *or county clerk* who fails or  
10 neglects to record a copy of a certificate of marriage as required by  
11 this chapter is guilty of a misdemeanor.

12 **Sec. 23.** NRS 440.175 is hereby amended to read as follows:

13 440.175 1. Upon request, the State Registrar may furnish  
14 statistical data to any federal, state, local or other public or private  
15 agency, upon such terms or conditions as may be prescribed by the  
16 Board.

17 2. No person may prepare or issue any document which  
18 purports to be an original, certified copy, certified abstract or  
19 official copy of:

20 (a) A certificate of birth, death or fetal death, except as  
21 authorized in this chapter or by the Board.

22 (b) A certificate of marriage, except a *county clerk*, county  
23 recorder or a person so required pursuant to NRS 122.120.

24 (c) A decree of divorce or annulment of marriage, except a  
25 county clerk or the judge of a court of record.

26 3. A person or governmental organization which issues  
27 certified or official copies pursuant to paragraph (a) of subsection 2  
28 shall remit to the State Registrar:

29 (a) For each registration of a birth or death in its district, \$2.

30 (b) For each copy issued of a certificate of birth in its district,  
31 \$7.

32 (c) For each copy issued of a certificate of death in its district,  
33 \$1.

34 **Sec. 24.** NRS 440.595 is hereby amended to read as follows:

35 440.595 1. A record of each marriage performed in this State  
36 must be filed with the State Registrar as provided in this section.

37 2. Each county recorder *and county clerk that is required to*  
38 *record certificates of marriage* shall on or before the 10th day of  
39 the following month forward to the State Registrar the information  
40 contained on each certificate of marriage delivered to him during the  
41 preceding month. The information must be forwarded in a form  
42 approved by the Health Division of the Department of Human  
43 Resources.



3. The State Registrar shall enter in his records the names of the parties, the date of the marriage and the county in which it was performed and recorded.

**Sec. 25.** NRS 440.700 is hereby amended to read as follows:

440.700 1. The State Registrar shall charge and collect the following fees:

For searching the files for one name, if no copy is made.....	\$8
For verifying a vital record .....	8
For establishing and filing a record of paternity (other than a hospital-based paternity), and providing a certified copy of the new record.....	20
For a certified copy of a record of birth .....	13
For a certified copy of a record of death .....	10
For correcting a record on file with the State Registrar and providing a certified copy of the corrected record .....	20
For replacing a record on file with the State Registrar and providing a certified copy of the new record.....	20
For filing a delayed certificate of birth and providing a certified copy of the certificate.....	20
For the services of a Notary Public, provided by the State Registrar.....	2
For an index of records of marriage provided on microfiche to a person other than a <i>county clerk or a</i> county recorder of a county of this State.....	200
For an index of records of divorce provided on microfiche to a person other than a <i>county clerk or a</i> county recorder of a county in this State.....	100
For compiling data files which require specific changes in computer programming.....	200

2. The fee collected for furnishing a copy of a certificate of birth or death includes the sum of \$3 for credit to the Children's Trust Account.

3. The fee collected for furnishing a copy of a certificate of death includes the sum of \$1 for credit to the Review of Death of Children Account.

4. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.



1        5. The United States Bureau of the Census may obtain, without  
2 expense to the State, transcripts or certified copies of births and  
3 deaths without payment of a fee.

4        **Sec. 26.** NRS 440.773 is hereby amended to read as follows:

5        440.773 Any person who sells or offers to sell for a profit a  
6 copy of a certificate of marriage or an abstract of a recorded  
7 certificate of marriage issued by a *county clerk or* county recorder is  
8 guilty of a misdemeanor. Each sale or offer to sell such a certificate  
9 constitutes a separate violation of this section. This section does not  
10 apply to fees charged by *a county clerk or* a county recorder.

11        **Sec. 27.** NRS 440.775 is hereby amended to read as follows:

12        440.775 1. Any person who violates or proposes to violate  
13 *the provisions of* NRS 440.773 may be enjoined by any court of  
14 competent jurisdiction.

15        2. Actions for injunction under this section may be prosecuted:

16        (a) By the Attorney General or any district attorney in this State;  
17 or

18        (b) Upon the complaint of the State Registrar or any county  
19 recorder ~~H~~ *or county clerk that is authorized to record certificates*  
20 *of marriage.*

21        **Sec. 28.** This act becomes effective on July 1, 2005.



