

SENATE BILL NO. 419—SENATOR LEE

MARCH 19, 2007

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to certain county clerks.
(BDR 20-1161)

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; authorizing the board of county commissioners of larger counties to require by ordinance that certificates of marriage be filed with the county clerk of the county; authorizing such a county clerk to charge certain fees for such service; providing the requirements for the filing of certificates of marriage with such a county clerk; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the county clerks issue marriage licenses and the county
2 recorders record certificates of marriage. (NRS 122.040, 122.130) **Section 2** of this
3 bill authorizes a board of county commissioners in a county whose population is
4 400,000 or more (currently Clark County) to require that marriage certificates be
5 filed with the county clerk. **Sections 3-6 and 9-11** of this bill provide various
6 procedures and requirements relating to the filing of marriage certificates with the
7 county clerk in such a county. **Section 7** of this bill provides for fees for filing
8 marriage certificates that such a county clerk is required or authorized to collect.
9 **Section 8** of this bill requires that certain money collected by fees imposed by such
10 a county clerk be deposited in a separate account in the county general fund to be
11 used only to acquire or improve technology used by the county clerk for the
12 issuance of marriage licenses and filing of marriage certificates.



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

Section 1. Chapter 246 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *A board of county commissioners of a county whose population is 400,000 or more may adopt an ordinance requiring that certificates of marriage be filed in the office of the county clerk.*

Sec. 3. 1. *Except as otherwise provided in section 4 of this act, if a board of county commissioners adopts an ordinance pursuant to section 2 of this act, the county clerk shall, upon the payment of the fees prescribed in section 7 of this act, file separately, in a manner which will allow a legible copy to be made, certificates of marriage.*

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

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

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

(a) The reason that the county clerk is denying the filing of the certificate of marriage;

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



(c) *The criminal penalty set forth in subsection 5.*

3. *If a county clerk fails to provide the notice required by subsection 2 within the specified period, the county clerk shall file the certificate of marriage as soon as practicable, unless otherwise ordered by a court.*

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

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

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

5. *If a county clerk denied the filing of a certificate of marriage pursuant to subsection 1, a person shall not resubmit the certificate of marriage for filing unless the certificate of marriage has been modified in such a manner that it may be lawfully filed or the person has obtained a court order pursuant to subsection 4. Unless a greater penalty is provided by NRS 239.330, a violation of this subsection is a misdemeanor.*

6. *Except as otherwise provided in paragraph (a) of subsection 4, a county clerk who acts in good faith in denying the filing of a certificate of marriage pursuant to this section is immune from liability for damages to the requester or any person whom the certificate of marriage concerns or affects.*

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

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

Sec. 7. *1. If the board of county commissioners has adopted an ordinance pursuant to section 2 of this act, the county clerk shall charge and collect the following fees:*



- (a) For filing any certificate of marriage, \$10.
- (b) For copying any certificate of marriage, \$1 per page.
- (c) For a certified copy of a certificate of marriage, \$10.
- (d) For a certified abstract of a certificate of marriage, \$10.

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

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

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

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

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

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

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



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

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

8 **Sec. 9.** 1. *Each county clerk shall take custody of and is*
9 *responsible for all certificates of marriage filed with his office.*

10 2. *All certificates of marriage on file in the office of the*
11 *county clerk must, during office hours, be open for inspection by*
12 *any person without charge.*

13 **Sec. 10.** *Each county clerk shall:*

14 1. *Except as otherwise provided in section 4 of this act, file*
15 *each certificate of marriage in the order in which it is received;*

16 2. *Maintain a record of all transactions conducted within the*
17 *office and a record of all fees collected; and*

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

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

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

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

26 (2) *The document number; and*

27 (3) *The amount of fees collected for filing the certificate of*
28 *marriage.*

29 (b) *File the certificate of marriage without delay.*

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

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

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

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

43 247.120 1. Except as otherwise provided in NRS 247.145,
44 each county recorder shall, upon the payment of the prescribed



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1 statutory fees, record separately, in a manner which will allow a
2 legible copy to be made, the following specified documents:

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

7 (b) ~~[Certificates]~~ *Except as otherwise provided in section 2 of*
8 *this act, certificates* of marriage and marriage contracts.

9 (c) Wills admitted to probate.

10 (d) Official bonds.

11 (e) Notice of mechanics' liens.

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

14 (g) Notices of attachment upon real estate.

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

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

19 (j) Notice of preemption claims.

20 (k) Notices and certificates of location of mining claims.

21 (l) Affidavits of proof of annual labor on mining claims.

22 (m) Affidavits of intent to hold mining claims recorded pursuant
23 to subsection 3 of NRS 517.230.

24 (n) Certificates of sale.

25 (o) Judgments or decrees.

26 (p) Declarations of homesteads.

27 (q) Such other writings as are required or permitted by law to be
28 recorded.

29 2. Each of the documents named in paragraph (a) of subsection
30 1 may be recorded in separate books in the discretion of the county
31 recorder.

32 3. Before accepting for recording any document enumerated in
33 subsection 1, the county recorder shall require a document suitable
34 for recording by a method used by the recorder to preserve his
35 records. If any rights may be adversely affected because of a delay
36 in recording caused by this requirement, the county recorder shall
37 accept the document conditionally subject to submission of a
38 suitable document at a later date. Before accepting a document
39 conditionally, the recorder shall require the person who requests the
40 recording to sign a statement that the person has been advised of the
41 requirements described in this subsection and record the statement
42 with the document.



1 **Sec. 13.** NRS 4.060 is hereby amended to read as follows:
2 4.060 1. Except as otherwise provided in this section and
3 NRS 33.017 to 33.100, inclusive, each justice of the peace shall
4 charge and collect the following fees:

5 (a) On the commencement of any action or proceeding
6 in the Justice Court, other than in actions commenced
7 pursuant to chapter 73 of NRS, to be paid by the party
8 commencing the action:
9

10	If the sum claimed does not exceed \$1,000	\$28.00
11	If the sum claimed exceeds \$1,000 but does not	
12	exceed \$2,500	50.00
13	If the sum claimed exceeds \$2,500 but does not	
14	exceed \$4,500	100.00
15	If the sum claimed exceeds \$4,500 but does not	
16	exceed \$6,500	125.00
17	If the sum claimed exceeds \$6,500 but does not	
18	exceed \$7,500	150.00
19	If the sum claimed exceeds \$7,500 but does not	
20	exceed \$10,000	175.00
21	In all other civil actions.....	28.00
22		

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

26		
27	If the sum claimed does not exceed \$1,000	\$25.00
28	If the sum claimed exceeds \$1,000 but does not	
29	exceed \$2,500	45.00
30	If the sum claimed exceeds \$2,500 but does not	
31	exceed \$5,000	65.00
32		

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

37		
38	In all civil actions.....	\$12.00
39	For every additional defendant, appearing separately.....	6.00
40		

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

44 (e) For the filing of any paper in intervention \$6.00



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(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 ~~or~~ *or the county clerk, as the case may be,* or a copy or abstract of the record certified by the *county* recorder ~~or~~ *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 certified abstract of the certificate of marriage . ~~[from the county recorder.]~~

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

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

2. The *county* clerk shall also at the time of issuing the license ~~[collect] :~~

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

(1) If the board of county commissioners has adopted an ordinance pursuant to section 2 of this act, deposit the sum into the county general fund pursuant to section 7 of this act for filing the originally signed copy of the certificate of marriage described in NRS 122.120.

(2) If the board of county commissioners has not adopted an ordinance pursuant to section 2 of this act, pay it over to the county recorder as his fee for recording the originally signed copy of the certificate of marriage described in NRS 122.120.

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



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

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

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

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

(a) If the board of county commissioners has adopted an ordinance pursuant to section 2 of this act, the county clerk of the county where the license was issued a copy of the certificate of marriage required by NRS 122.120.

(b) If the board of county commissioners has not adopted an ordinance pursuant to section 2 of this act, 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 *or filed by the county clerk* in a book to be kept by him for that purpose. For recording *or filing* the copies, the county recorder *or county clerk* is entitled to the fees designated in subsection 2 of NRS 122.060 and subsection 3 of NRS 122.135. All such fees must be deposited in the county general fund.



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

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

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

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

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

(1) If the board of county commissioners has adopted an ordinance pursuant to section 2 of this act, the amount that the county clerk is required to charge and collect pursuant to section 7 of this act for filing the corrected certificate of marriage; or

(2) If the board of county commissioners has not adopted an ordinance pursuant to section 2 of this act, the amount that the county recorder is required to charge and collect pursuant to NRS 247.305 , and the county clerk shall pay the fee over to the county recorder as his fee for recording the corrected certificate of marriage; or

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

(1) If the board of county commissioners has adopted an ordinance pursuant to section 2 of this act, the amount that the county clerk is required to charge and collect pursuant to section 7 of this act, and the county recorder shall pay the fee over to the county clerk as his fee for recording the corrected certificate of marriage; or

(2) If the board of county commissioners has not adopted an ordinance pursuant to section 2 of this act, the amount that the county recorder is required to charge and collect pursuant to NRS 247.305 for recording the corrected certificate of marriage.

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

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

122.160 1. Marriages between Indians performed in accordance with tribal customs within closed Indian reservations and Indian colonies have the same validity as marriages performed in any other manner provided for by the laws of this State, if there is recorded *or filed* in the county in which the marriage takes place,



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1 within 30 days after the performance of the tribal marriage, a
2 certificate declaring the marriage to have been performed.

3 2. The certificate of declaration required to be recorded *or filed*
4 by subsection 1 must include the names of the persons married, their
5 ages, social security numbers, tribe, and place and date of marriage.
6 The certificate must be signed by an official of the tribe, reservation
7 or colony.

8 3. The certificate must be :

9 (a) *If the board of county commissioners has adopted an*
10 *ordinance pursuant to section 2 of this act, filed with the county*
11 *clerk of the county in which the marriage was performed and filed*
12 *by him without charge.*

13 (b) *If the board of county commissioners has not adopted an*
14 *ordinance pursuant to section 2 of this act,* recorded with the
15 *county* recorder of the county in which the marriage was performed
16 and recorded by him without charge.

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

18 122.170 1. Marriages between Indians heretofore or hereafter
19 consummated in accordance with tribal custom ~~[shall be of]~~ *have*
20 the same validity as marriages performed in any other manner
21 provided for by the laws of the State of Nevada.

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

23 (a) An official of the tribe of which at least one of the parties is a
24 member; ~~[or]~~

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

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

29 3. The certificate may be :

30 (a) *If the board of county commissioners has adopted an*
31 *ordinance pursuant to section 2 of this act,* filed in *the office of the*
32 *county clerk of the county where such marriage took place, and*
33 *within 30 days thereafter; or*

34 (b) *If the board of county commissioners has not adopted an*
35 *ordinance pursuant to section 2 of this act, recorded in* the office
36 of the recorder of the county where such marriage ~~[shall have taken]~~
37 *took* place, and within 30 days thereafter,

38 ➔ and such certificate or a certified copy thereof ~~[shall be]~~ *is* prima
39 facie evidence of the facts therein recited.

40 4. The certificate ~~[shall]~~ *must* give the names of the parties
41 married, their ages, tribe, and the place and date of the marriage, and
42 ~~[shall]~~ *must* show the official status of the person signing the same.

43 5. Any certificate, affidavit or other type of proof recognized
44 by the United States, or any department thereof, as proof of a valid
45 tribal marriage, regardless of when or where the tribal marriage



1 ~~[shall have been]~~ was entered into ~~[shall be]~~, is proof of the validity
2 of ~~[such]~~ the tribal marriage in the State of Nevada.

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

4 122.230 Every person solemnizing a marriage who fails or
5 neglects to make and deliver ~~[to the county recorder]~~ an originally
6 signed copy of the certificate thereof, within the time specified in
7 NRS 122.130, to:

8 *1. If the board of county commissioners has adopted an*
9 *ordinance pursuant to section 2 of this act, the county clerk; or*

10 *2. If the board of county commissioners has not adopted an*
11 *ordinance pursuant to section 2 of this act, the county recorder,*

12 **↪** is guilty of a misdemeanor.

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

14 122.240 Every county recorder *or county clerk* who fails or
15 neglects to record *or file* a copy of a certificate of marriage as
16 required by this chapter is guilty of a misdemeanor.

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

18 440.175 1. Upon request, the State Registrar may furnish
19 statistical data to any federal, state, local or other public or private
20 agency, upon such terms or conditions as may be prescribed by the
21 Board.

22 2. No person may prepare or issue any document which
23 purports to be an original, certified copy, certified abstract or
24 official copy of:

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

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

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

31 3. A person or governmental organization which issues
32 certified or official copies pursuant to paragraph (a) of subsection 2
33 shall:

34 (a) Not charge a fee for issuing a certified or official copy of a
35 certificate of birth to a homeless person who submits a signed
36 affidavit on a form prescribed by the State Registrar stating that the
37 person is homeless.

38 (b) Remit to the State Registrar:

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

40 (2) For each copy issued of a certificate of birth in its district,
41 other than a copy issued pursuant to paragraph (a), \$7.

42 (3) For each copy issued of a certificate of death in its
43 district, \$1.



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

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

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

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. Except as otherwise provided in this section, 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 originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025	10
For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025	11
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



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For an index of records of divorce provided on
microfiche to a person other than a *county clerk or a*
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 created by NRS 432.131.

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 created by NRS 432B.409.

4. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to a homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

5. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 includes the sum of \$1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

6. 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.

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

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

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

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

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

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

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



- 1 (b) Upon the complaint of the State Registrar or any county
2 recorder ~~H~~ *or any county clerk that is authorized to file certificates*
3 *of marriage.*
4 **Sec. 28.** This act becomes effective on July 1, 2007.

