

ASSEMBLY BILL NO. 262—COMMITTEE ON JUDICIARY

MARCH 9, 2009

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning the issuance of marriage licenses. (BDR 11-961)

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 certain persons to issue marriage licenses in certain counties; allowing certain married persons to remarry each other; revising provisions governing the documentation a person is required to present to obtain a marriage license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that before persons may be joined in marriage, a marriage license must be obtained for that purpose from the county clerk. (NRS 122.040) **Sections 1-1.7** of this bill provide that in counties whose population is less than 400,000 (currently all counties other than Clark County), a person who meets certain qualifications may be certified by the county clerk as a marriage licensing agent and may issue marriage licenses during the course, and within the scope, of his employment at a commercial wedding chapel. **Sections 1.4, 3, 5.2, 5.4, 5.43 and 5.6** of this bill provide that a marriage license issued by a marriage licensing agent is valid only in the county in which the commercial wedding chapel employing the marriage licensing agent is located.

Existing law provides that a person cannot marry another person if he or she has a wife or husband living. (NRS 122.020) **Section 1.9** of this bill provides that if a male and female are the husband and wife of each other and the record of their marriage has been lost or destroyed or is otherwise unobtainable, they may be rejoined in marriage. **Section 5.47** of this bill provides that, if a husband and wife are rejoined in marriage, the marriage certificate issued to the couple must state that the marriage certificate is replacing a record of marriage that has been lost or destroyed or is otherwise unavailable.

Section 3 of this bill provides that in the application for a marriage license: (1) proof of an applicant's name and age may be evidenced by a birth certificate and either any secondary document that contains the applicant's name and a photograph of the applicant, or any document for which identification must be verified as a condition for receipt of the document; (2) if the applicant appears over 25 years of



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age, documented proof of age is not required; (3) an applicant cannot be denied a marriage license for stating that he does not have a social security number or stating that an answer to a question on the application is unknown; and (4) a parent giving consent to a minor to marry can prove his relationship with the minor using the minor's birth certificate. (NRS 122.040)

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 1.7, inclusive, of this act.

Sec. 1.1. *As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 122.002 and sections 1.2 and 1.3 of this act have the meanings ascribed to them in those sections.*

Sec. 1.2. *“Commercial wedding chapel” means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.*

Sec. 1.3. *“Marriage licensing agent” means a person certified pursuant to section 1.4 of this act to issue marriage licenses during the course, and within the scope, of his employment at a commercial wedding chapel.*

Sec. 1.4. 1. *In a county whose population is less than 400,000, the county clerk may establish a program for the certification of persons as marriage licensing agents. If the county clerk establishes such a program, the county clerk may certify a person as a marriage licensing agent.*

2. *A marriage licensing agent may issue marriage licenses only during the course, and within the scope, of his employment at a commercial wedding chapel and in accordance with the provisions of this chapter and regulations adopted by the county clerk.*

3. *A marriage licensing agent who issues a marriage license must state on the marriage license the name of the commercial wedding chapel that employs him and the county in which that commercial wedding chapel is located.*

4. *The persons to whom a marriage licensing agent has issued a marriage license may not be joined in marriage in any county other than the county stated on the marriage license pursuant to subsection 3.*

5. *A person shall not act as a marriage licensing agent unless the person is issued a certificate as a marriage licensing agent by the county clerk pursuant to this section.*



1 6. If the county clerk establishes a program for the
2 certification of persons as marriage licensing agents pursuant to
3 subsection 1, the county clerk:

4 (a) Shall establish a course of training for applicants for
5 certification as marriage licensing agents.

6 (b) Shall adopt regulations establishing standards of practice
7 for marriage licensing agents.

8 (c) May investigate any marriage licensing agent to ensure
9 that the marriage licensing agent is complying with the provisions
10 of this chapter and the standards of practice adopted by the county
11 clerk.

12 7. In addition to any other remedy or penalty, if the county
13 clerk or a hearing panel appointed by the county clerk, after notice
14 and hearing, finds that a marriage licensing agent has violated
15 any provision of this chapter or the standards of practice adopted
16 by the county clerk, the county clerk or the hearing panel may
17 take appropriate disciplinary action against the marriage licensing
18 agent.

19 8. In addition to any other remedy or penalty, the county
20 clerk may:

21 (a) Refuse to issue a certificate to a person who has failed to
22 pay money which the person owes to the county clerk; or

23 (b) Suspend or revoke the certificate of a person who has
24 failed to pay money which the person owes to the county clerk.

25 **Sec. 1.5. 1. An applicant for certification as a marriage**
26 **licensing agent must:**

27 (a) Be at least 21 years of age.

28 (b) Have at least 3 years of verifiable employment experience
29 working for a commercial wedding chapel.

30 (c) Not have been convicted of a felony.

31 (d) Submit to the county clerk completed fingerprint cards and
32 a form authorizing an investigation of the applicant's background
33 and the submission of a complete set of his fingerprints to the
34 Central Repository for Nevada Records of Criminal History for its
35 report and for submission to the Federal Bureau of Investigation
36 for its report. The fingerprint cards and authorization form
37 submitted must be those which are provided to the applicant by the
38 county clerk. The applicant's fingerprints must be taken by an
39 agency of law enforcement.

40 (e) Possess computer and printer equipment compatible with
41 software for the issuance of a marriage license.

42 (f) Submit to the county clerk the fee for the training course
43 established by the county clerk pursuant to section 1.4 of this act
44 and complete the training course. The county clerk shall establish
45 the fee for the training program, which must not exceed \$100.



(g) Pay to the county clerk an additional initial fee to be established by the county clerk for software installation and technical support at the business location of the marriage licensing agent.

2. A marriage licensing agent shall:

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected;

(c) Remit all fees collected to the county clerk, in the manner required by the standards of practice adopted by the county clerk; and

(d) Comply with all provisions of this chapter and the standards of practice adopted by the county clerk.

Sec. 1.6. 1. An applicant for certification as a marriage licensing agent shall submit to the county clerk the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The county clerk shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance of the certificate; or

(b) A separate form prescribed by the county clerk.

3. A certificate may not be issued by the county clerk if the applicant:

(a) Fails to complete or submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that he is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the county clerk shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.



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1 **Sec. 1.7.** *1. If the county clerk receives a copy of a court*
2 *order issued pursuant to NRS 425.540 that provides for the*
3 *suspension of all professional, occupational and recreational*
4 *licenses, certificates and permits issued to a person who has been*
5 *issued a certificate as a marriage licensing agent, the county clerk*
6 *shall deem the certificate to be suspended at the end of the 30th*
7 *day after the date on which the court order was issued unless the*
8 *county clerk receives a letter issued to the holder of the certificate*
9 *by the district attorney or other public agency pursuant to NRS*
10 *425.550 stating that the holder of the certificate has complied with*
11 *the subpoena or warrant or has satisfied the arrearage pursuant to*
12 *NRS 425.560.*

13 *2. The county clerk shall reinstate a certificate that has been*
14 *suspended by a district court pursuant to NRS 425.540 if the*
15 *county clerk receives a letter issued by the district attorney or*
16 *other public agency pursuant to NRS 425.550 to the person whose*
17 *certificate was suspended stating that the person whose certificate*
18 *was suspended has complied with the subpoena or warrant or has*
19 *satisfied the arrearage pursuant to NRS 425.560.*

20 **Sec. 1.8.** NRS 122.002 is hereby amended to read as follows:

21 122.002 ~~[As used in this chapter, “commissioner]~~
22 *“Commissioner* township” means a township whose population is
23 15,500 or more, as most recently certified by the Governor pursuant
24 to NRS 360.285, and which is located in a county whose population
25 is 100,000 or more.

26 **Sec. 1.9.** NRS 122.020 is hereby amended to read as follows:

27 122.020 1. ~~[A]~~ *Except as otherwise provided in this section,*
28 *a male and a female person, at least 18 years of age, not nearer of*
29 *kin than second cousins or cousins of the half blood, and not having*
30 *a husband or wife living, may be joined in marriage.*

31 2. *A male and a female person who are the husband and wife*
32 *of each other may be rejoined in marriage if the record of their*
33 *marriage has been lost or destroyed or is otherwise unobtainable.*

34 3. A person at least 16 years of age but less than 18 years of
35 age may marry only if he has the consent of:

- 36 (a) Either parent; or
37 (b) His legal guardian.

38 **Sec. 2.** (Deleted by amendment.)

39 **Sec. 3.** NRS 122.040 is hereby amended to read as follows:

40 122.040 1. Before persons may be joined in marriage, a
41 license must be obtained for that purpose from the county clerk of
42 any county in the State ~~[A]~~ *or from a marriage licensing agent who*
43 *was employed, at the time the license was issued, by a commercial*
44 *wedding chapel located in the county in which the persons will be*
45 *joined in marriage.* Except as otherwise provided in this subsection



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~~[]~~ and section 1.4 of this act, the license must be issued at the county seat of ~~[that]~~ a county. The board of county commissioners:

(a) In a county whose population is 400,000 or more:

(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 150,000 or more but less than 300,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate not more than four branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. ~~[Before]~~ *Except as otherwise provided in this section, before* issuing a marriage license, the county clerk *or marriage licensing agent* shall require each applicant to provide proof of the applicant's name and age. The county clerk *or marriage licensing agent* may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and ~~[a]~~ :

(1) *Any secondary ~~[form of identification]~~ document* that contains the name *and a photograph* of the applicant ~~[]~~ ; *or*

(2) *Any document for which identification must be verified as a condition to receipt of the document.*

➡ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that ~~[the county clerk determines]~~ provides ~~[proof of]~~ the applicant's name and age. *If the applicant*



clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk *or marriage licensing agent* issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk *or marriage licensing agent* shall, *except as otherwise provided in this subsection*, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk *or marriage licensing agent* shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. *The county clerk or marriage licensing agent shall not deny a license to an applicant who states that he does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.*

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk *or marriage licensing agent*, the county clerk *or marriage licensing agent* may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk *or marriage licensing agent*, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk *or marriage licensing agent*. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk *or marriage licensing agent* in writing. If the county clerk, *the marriage licensing agent* or the district court waives the requirements of subsection 3, the county clerk *or marriage licensing agent* shall require the applicant who is able to appear before the county clerk *or marriage licensing agent* to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk *or marriage licensing agent* shall not require any evidence to verify a social security number.



1 ➡ If any of the information required on the application is unknown
2 to the person responding to the question, the person must state that
3 the answer is unknown. *The county clerk or marriage licensing*
4 *agent shall not deny a license to an applicant who states that he*
5 *does not have a social security number or who states that any*
6 *requested information concerning the parents of either the person*
7 *who is responding to the question or the person who is unable to*
8 *appear is unknown.*

9 5. If any of the persons intending to marry are under age and
10 have not been previously married, and if the authorization of a
11 district court is not required, the clerk *or marriage licensing agent*
12 shall issue the license if the consent of the parent or guardian is:

13 (a) Personally given before the clerk;

14 (b) Certified under the hand of the parent or guardian, attested
15 by two witnesses, one of whom must appear before the clerk *or*
16 *marriage licensing agent* and make oath that he saw the parent or
17 guardian subscribe his name to the annexed certificate, or heard him
18 or her acknowledge it; or

19 (c) In writing, subscribed to and acknowledged before a person
20 authorized by law to administer oaths. A facsimile of the
21 acknowledged writing must be accepted if the original is not
22 available.

23 6. *If a parent giving consent to the marriage of a minor*
24 *pursuant to subsection 5 has a last name different from that of the*
25 *minor seeking to be married, the county clerk or marriage*
26 *licensing agent shall accept, as proof that the parent is the legal*
27 *parent of the minor, a certified copy of the birth certificate of the*
28 *minor which shows the parent's first and middle name and which*
29 *matches the first and middle name of the parent on any document*
30 *listed in subsection 2.*

31 7. If the authorization of a district court is required, the county
32 clerk *or marriage licensing agent* shall issue the license if that
33 authorization is given to him in writing.

34 ~~[7-]~~ 8. All records pertaining to marriage licenses are public
35 records and open to inspection pursuant to the provisions of
36 NRS 239.010.

37 ~~[8-]~~ 9. A marriage license issued on or after July 1, 1987,
38 expires 1 year after its date of issuance.

39 **Sec. 3.5.** NRS 122.040 is hereby amended to read as follows:

40 122.040 1. Before persons may be joined in marriage, a
41 license must be obtained for that purpose from the county clerk of
42 any county in the State . ~~[or from a marriage licensing agent who~~
43 ~~was employed, at the time the license was issued, by a commercial~~
44 ~~wedding chapel located in the county in which the persons will be~~
45 ~~joined in marriage.]~~ Except as otherwise provided in this subsection



1 , ~~[and section 1.4 of this act,]~~ the license must be issued at the
2 county seat of a county. The board of county commissioners:

3 (a) In a county whose population is 400,000 or more:

4 (1) Shall designate one branch office of the county clerk at
5 which marriage licenses may be issued and shall establish and
6 maintain the designated branch office in an incorporated city whose
7 population is 150,000 or more but less than 300,000; and

8 (2) May, in addition to the branch office described in
9 subparagraph (1), at the request of the county clerk, designate not
10 more than four branch offices of the county clerk at which marriage
11 licenses may be issued, if the designated branch offices are located
12 outside of the county seat.

13 (b) In a county whose population is less than 400,000 may, at
14 the request of the county clerk, designate one branch office of the
15 county clerk at which marriage licenses may be issued, if the
16 designated branch office is established in a county office building
17 which is located outside of the county seat.

18 2. Except as otherwise provided in this section, before issuing a
19 marriage license, the county clerk ~~[for marriage licensing agent]~~ shall
20 require each applicant to provide proof of the applicant's name and
21 age. The county clerk ~~[for marriage licensing agent]~~ may accept as
22 proof of the applicant's name and age an original or certified copy
23 of any of the following:

24 (a) A driver's license, instruction permit or identification card
25 issued by this State or another state, the District of Columbia or any
26 territory of the United States.

27 (b) A passport.

28 (c) A birth certificate and:

29 (1) Any secondary document that contains the name and a
30 photograph of the applicant; or

31 (2) Any document for which identification must be verified
32 as a condition to receipt of the document.

33 ➤ If the birth certificate is written in a language other than English,
34 the county clerk may request that the birth certificate be translated
35 into English and notarized.

36 (d) A military identification card or military dependent
37 identification card issued by any branch of the Armed Forces of the
38 United States.

39 (e) A Certificate of Citizenship, Certificate of Naturalization,
40 Permanent Resident Card or Temporary Resident Card issued by the
41 United States Citizenship and Immigration Services of the
42 Department of Homeland Security.

43 (f) Any other document that provides the applicant's name and
44 age. If the applicant clearly appears over the age of 25 years, no
45 documentation of proof of age is required.



3. Except as otherwise provided in subsection 4, the county clerk ~~for marriage licensing agent~~ issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk ~~for marriage licensing agent~~ shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk ~~for marriage licensing agent~~ shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk ~~for marriage licensing agent~~ shall not deny a license to an applicant who states that he does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, ~~for marriage licensing agent,~~ the county clerk ~~for marriage licensing agent~~ may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk ~~for marriage licensing agent,~~ or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. ~~for marriage licensing agent.~~ If the district court waives the requirements of subsection 3, the district court shall notify the county clerk ~~for marriage licensing agent~~ in writing. If the county clerk ~~for marriage licensing agent~~ or the district court waives the requirements of subsection 3, the county clerk ~~for marriage licensing agent~~ shall require the applicant who is able to appear before the county clerk ~~for marriage licensing agent~~ to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk ~~for marriage licensing agent~~ shall not require any evidence to verify a social security number.

➤ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk ~~for marriage licensing agent~~



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1 ~~agent~~ shall not deny a license to an applicant who states that he
2 does not have a social security number or who states that any
3 requested information concerning the parents of either the person
4 who is responding to the question or the person who is unable to
5 appear is unknown.

6 5. If any of the persons intending to marry are under age and
7 have not been previously married, and if the authorization of a
8 district court is not required, the clerk ~~for marriage licensing agent~~
9 shall issue the license if the consent of the parent or guardian is:

10 (a) Personally given before the clerk;

11 (b) Certified under the hand of the parent or guardian, attested
12 by two witnesses, one of whom must appear before the clerk ~~for~~
13 ~~marriage licensing agent~~ and make oath that he saw the parent or
14 guardian subscribe his name to the annexed certificate, or heard him
15 or her acknowledge it; or

16 (c) In writing, subscribed to and acknowledged before a person
17 authorized by law to administer oaths. A facsimile of the
18 acknowledged writing must be accepted if the original is not
19 available.

20 6. If a parent giving consent to the marriage of a minor
21 pursuant to subsection 5 has a last name different from that of the
22 minor seeking to be married, the county clerk ~~for marriage licensing~~
23 ~~agent~~ shall accept, as proof that the parent is the legal parent of the
24 minor, a certified copy of the birth certificate of the minor which
25 shows the parent's first and middle name and which matches the
26 first and middle name of the parent on any document listed in
27 subsection 2.

28 7. If the authorization of a district court is required, the county
29 clerk ~~for marriage licensing agent~~ shall issue the license if that
30 authorization is given to him in writing.

31 8. All records pertaining to marriage licenses are public records
32 and open to inspection pursuant to the provisions of NRS 239.010.

33 9. A marriage license issued on or after July 1, 1987, expires 1
34 year after its date of issuance.

35 **Sec. 4.** (Deleted by amendment.)

36 **Sec. 5.** (Deleted by amendment.)

37 **Sec. 5.1.** NRS 122.045 is hereby amended to read as follows:

38 122.045 1. Except as otherwise provided in subsection 2, if
39 any information in a marriage license is incorrect, the county clerk
40 may charge and collect from a person a fee of not more than \$25 for
41 the preparation of an affidavit of correction.

42 2. The county clerk may not charge and collect from a person
43 any fee for the preparation of an affidavit of correction pursuant to
44 subsection 1 if the only errors to be corrected in the marriage license



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are clerical errors that were made by the county clerk ~~H~~ or marriage licensing agent.

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

Sec. 5.2. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
County of } ss.

These presents are to authorize any minister who has obtained a certificate of permission, any Supreme Court justice or district judge within this State, or justice of the peace within a township wherein he is permitted to solemnize marriages or if authorized pursuant to subsection ~~[3]~~ 4 of NRS 122.080, or a municipal judge if authorized pursuant to subsection ~~[4]~~ 5 of NRS 122.080 or any commissioner of civil marriages or his deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage *in (If the license is issued by a county clerk, any county of this State; if the license is issued by a marriage licensing agent, the name of the county in which the commercial wedding chapel that employs the marriage licensing agent is located), (Name of applicant) of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Wife deceased Divorced Annulled When Where And (Name of applicant) of (City, town or location), State of State of birth (If not in U.S.A., name of country); Date of birth Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Husband deceased Divorced Annulled When Where; and to certify the marriage according to law.*



Witness my hand and the seal of the county *or signature of the marriage licensing agent*, this day of the month of of the year

(Seal)

.....
Clerk *or (Signature) Marriage Licensing Agent*

.....
Deputy clerk

.....
Name of Commercial Wedding Chapel, if applicable

Sec. 5.3. NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk *or marriage licensing agent* 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 *or marriage licensing agent* 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.

Sec. 5.35. NRS 122.061 is hereby amended to read as follows:

122.061 1. In any county whose population is 100,000 or more, the main office of the county clerk where marriage licenses may be issued must be open to the public for the purpose of issuing such licenses from 8 a.m. to 12 ~~p.m.~~ *a.m.* every day including holidays, and may remain open at other times. The board of county commissioners shall determine the hours during which a branch office of the county clerk where marriage licenses may be issued must remain open to the public.

2. In all other counties, the board of county commissioners shall determine the hours during which the offices where marriage licenses may be issued must remain open to the public.

Sec. 5.4. NRS 122.062 is hereby amended to read as follows:

122.062 1. ~~[Any]~~ *Except as otherwise provided in this subsection, any* licensed or ordained minister in good standing within his denomination, whose denomination, governing body and church, or any of them, are incorporated or organized or established in this ~~[state.]~~ *State*, may join together as husband and wife persons who present a marriage license obtained from any county clerk *in this State or marriage licensing agent, [of the State,]* if the minister first obtains a certificate of permission to perform marriages as provided in this section and NRS 122.064 to 122.073, inclusive. *If the persons who present the marriage license have obtained the marriage license from a marriage licensing agent, the minister may join together as husband and wife those persons only in the*



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1 *county stated on the marriage license pursuant to subsection 3 of*
2 *section 1.4 of this act and NRS 122.050.* The fact that a minister is
3 retired does not disqualify him from obtaining a certificate of
4 permission to perform marriages if, before his retirement, he had
5 active charge of a congregation within this state for a period of at
6 least 3 years.

7 2. A temporary replacement for a licensed or ordained minister
8 certified pursuant to this section and NRS 122.064 to 122.073,
9 inclusive, may solemnize marriages pursuant to subsection 1 during
10 such time as he may be authorized to do so by the county clerk in
11 the county in which he is a temporary replacement, for a period not
12 to exceed 90 days. The minister whom he temporarily replaces shall
13 provide him with a written authorization which states the period
14 during which it is effective.

15 3. Any chaplain who is assigned to duty in this state by the
16 Armed Forces of the United States may solemnize marriages if he
17 obtains a certificate of permission to perform marriages from the
18 county clerk of the county in which his duty station is located. The
19 county clerk shall issue such a certificate to a chaplain upon proof
20 by him of his military status as a chaplain and of his assignment.

21 4. A county clerk may authorize a licensed or ordained minister
22 whose congregation is in another state to perform marriages in the
23 county if the county clerk satisfies himself that the minister is in
24 good standing with his denomination or church. The authorization
25 must be in writing and need not be filed with any other public
26 officer. A separate authorization is required for each marriage
27 performed. Such a minister may perform not more than five
28 marriages in this state in any calendar year.

29 **Sec. 5.43.** NRS 122.080 is hereby amended to read as follows:

30 122.080 1. ~~[After]~~ *Except as otherwise provided in*
31 *subsection 2, after* receipt of the marriage license previously issued
32 to persons wishing to be married as provided in NRS 122.040 and
33 122.050, it is lawful for any justice of the Supreme Court, any judge
34 of the district court, any justice of the peace in his township if it is
35 not a commissioner township, any justice of the peace in a
36 commissioner township if authorized pursuant to subsection ~~[3,]~~ 4,
37 any municipal judge if authorized pursuant to subsection ~~[4,]~~ 5, any
38 commissioner of civil marriages within his county and within a
39 commissioner township therein, or any deputy commissioner of
40 civil marriages within the county of his appointment and within a
41 commissioner township therein, to join together as husband and
42 wife all persons not prohibited by this chapter.

43 2. *If a marriage license is issued by a marriage licensing*
44 *agent to persons wishing to be married, it is lawful for a Supreme*
45 *Court justice, judge of a district court, justice of the peace,*



municipal judge, minister of any religious society or congregation, commissioner of civil marriages or deputy commissioner of civil marriages to join together as husband and wife the persons to whom the marriage license was issued only if those persons are joined together as husband and wife in the county stated on the marriage license pursuant to subsection 3 of section 1.4 of this act and NRS 122.050.

3. This section does not prohibit:

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

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

~~3~~ **4.** In any calendar year, a justice of the peace may perform not more than 20 marriage ceremonies in commissioner townships if he does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

~~4~~ **5.** In any calendar year, a municipal judge may perform not more than 20 marriage ceremonies in this State if he does not accept any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage other than a nonmonetary gift that is of nominal value.

~~5~~ **6.** Any justice of the peace who performs a marriage ceremony in a commissioner township or any municipal judge who performs a marriage ceremony in this State and who, in violation of this section, accepts any fee, gratuity, gift, honorarium or anything of value for or in connection with solemnizing the marriage is guilty of a misdemeanor.

Sec. 5.47. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. *If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was*



lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
County of } ss.

This is to certify that the undersigned, (a minister of the gospel, judge, justice of the peace of County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the day of the month of of the year, at (address or church), (city), Nevada, join *or rejoin, as the case may be,* in lawful wedlock (name), of (city), State of, date of birth, and (name), of(city), State of, date of birth, with their mutual consent, in the presence of and (witnesses). *(If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the male and female person who are being rejoined in marriage.)*

.....
Signature of person performing the marriage
(Seal of County Clerk)

.....
Name under signature typewritten or printed in black ink

.....
County Clerk

.....
Official title of person performing the marriage

.....
Couple's mailing address



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

Sec. 5.5. NRS 122.210 is hereby amended to read as follows:

122.210 If any county clerk *or marriage licensing agent* shall issue or sign any marriage license in any manner other than is authorized by this chapter, he shall forfeit and pay a sum not exceeding \$1,000 to and for the use of the person aggrieved.

Sec. 5.6. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of a district court, justice of the peace, municipal judge, minister of any religious society or congregation, commissioner of civil marriages or deputy commissioner of civil marriages to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him a license from ~~the~~ *any county clerk in this State or from a marriage licensing agent who was employed, at the time of issuing the license, by a commercial wedding chapel located in the county in which the persons proposing the marriage will be joined together as husband and wife*, as provided by law.

2. Any Supreme Court justice, judge of a district court, justice of the peace, municipal judge, minister, commissioner of civil marriages or deputy commissioner of civil marriages who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 6. 1. This section and sections 1 to 3, inclusive, and 4 to 5.6, inclusive, of this act become effective on July 1, 2009.

2. Section 3.5 of this act becomes effective on July 1, 2011.

3. Sections 1 to 1.8, inclusive, 3, 5.1, 5.2, 5.3, 5.4, 5.43, 5.5 and 5.6 of this act expire by limitation on June 30, 2011.

