

## Amendment No. 400

Assembly Amendment to Assembly Bill No. 262

(BDR 11-961)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 262 (§ 1.5).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) green bold dashed underlining is newly added transitory language.

NCA/BAW



Date: 4/20/2009

A.B. No. 262—Makes various changes concerning the issuance of marriage licenses. (BDR 11-961)



## 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 the age for which consent of a parent, guardian or court is required to be married;]~~ revising provisions governing the documentation a person is required to present to obtain a marriage license; ~~[providing for the collection of additional fees relating to 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 at a commercial wedding chapel.**

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, they may be rejoined in marriage.

~~[Existing law provides that if a person is at least 16 years of age but less than 18 years of age, that person cannot marry without the consent of a parent or legal guardian. If a person is less than 16 years of age, the person must also have the authorization of a district court. (NRS 122.020, 122.025) Sections 1 and 2 of this bill provide that a person at least 15 years of age but less than 18 years of age may marry with the consent of a parent or guardian, and that additional district court authorization is necessary for a person less than 15 years of age.]~~

**Section 3** of this bill provides that in the application for a marriage license: (1) proof of an applicant's name and age ~~[is discretionary; (2)]~~ **may be evidenced by a birth certificate and either any secondary document (showing) that contains the applicant's name and (age) a photograph of the applicant, or any document for which identification must be verified as a condition for receipt of the document; (with a birth certificate will be accepted; (3)) (2)** if the applicant appears over ~~(18)~~ 25 years of age, documented proof of age is not required; ~~[(4)] (3)~~ **an applicant cannot be denied a marriage license for (failure to provide his) stating that he does not have a social security number (if he does not know it) or stating that an answer to a question on the application is unknown; and (5)) (4)** a parent giving consent to a minor to marry can prove his relationship with the minor using the minor's birth

certificate, ~~and (6) if an applicant meets the requirements of the statute, the county clerk must issue him a marriage license.] (NRS 122.040)~~

~~[Section 4 of this bill increases the additional fee collected by the commissioner of civil marriages or his deputy when solemnizing a marriage from \$5 to \$20 for the Account for Aid for Victims of Domestic Violence in the State General Fund and adds a \$10 fee to be placed in the State General Fund. (NRS 122.184)]~~

~~Section 5 of this bill provides that the county clerk shall collect, if authorized by the board of county commissioners, an additional fee of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund when certifying a copy of a certificate of marriage or when certifying an abstract of a certificate of marriage. (NRS 246.180)]~~

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 at a commercial wedding chapel.**

**Sec. 1.4. 1. In a county whose population is less than 400,000, the county clerk may certify a person as a marriage licensing agent. A marriage licensing agent may issue marriage licenses at a commercial wedding chapel pursuant to this chapter and regulations adopted by the county clerk.**

**2. 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.**

**3. The county clerk:**

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

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

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

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

**5. In addition to any other remedy or penalty, the county clerk may:**

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

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

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

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

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

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

5 (d) Submit to the county clerk completed fingerprint cards and a form  
6 authorizing an investigation of the applicant's background and the submission of  
7 a complete set of his fingerprints to the Central Repository for Nevada Records of  
8 Criminal History for its report and for submission to the Federal Bureau of  
9 Investigation for its report. The fingerprint cards and authorization form  
10 submitted must be those which are provided to the applicant by the county clerk.  
11 The applicant's fingerprints must be taken by an agency of law enforcement.

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

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

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

21 2. A marriage licensing agent shall:

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

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

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

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

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

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

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

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

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

41 (a) Fails to complete or submit the statement required pursuant to subsection  
42 1; or

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

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

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

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

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

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

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

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

*2. A male and a female person who are the husband and wife of each other may be rejoined in marriage.*

*3. A person at least 16 ~~[15]~~ years of age but less than 18 years of age may marry only if he has the consent of:*

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

*Sec. 2. ~~[NRS 122.025 is hereby amended to read as follows:~~*

*~~122.025 1. A person less than [16] ~~15~~ years of age may marry only if he has the consent of:~~*

- ~~(a) Either parent; or~~*
- ~~(b) Such person's legal guardian;~~*

*~~and such person also obtains authorization from a district court as provided in subsection 2.~~*

*~~2. In extraordinary circumstances, a district court may authorize the marriage of a person less than [16] ~~15~~ years of age if the court finds that:~~*

- ~~(a) The marriage will serve the best interests of such person; and~~*
- ~~(b) Such person has the consent required by paragraph (a) or (b) of subsection 1.~~*

*~~Pregnancy alone does not establish that the best interests of such person will be served by marriage, nor may pregnancy be required by a court as a condition necessary for its authorization for the marriage of such person.] ~~(Deleted by amendment.)~~~~*

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

*122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State ~~[A]~~ or a marriage licensing agent. Except as otherwise provided in this subsection ~~[A]~~ and*

section 1.4 of this act, the license must be issued at the county seat of that 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~~ ~~may~~ 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 ~~it~~ ~~any~~ :

(1) Any secondary ~~form of identification~~ document that contains the name and a photograph of the applicant ~~it~~ ; 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 18 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~~ ~~may~~ , 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 for stating that an answer is unknown, who states that he does not have a social security number or who states that any other answer is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk ~~it~~ or marriage licensing

1 agent, the county clerk or marriage licensing agent may waive the requirements of  
2 subsection 3 with respect to the person who is unable to appear before the county  
3 clerk ~~or~~ or marriage licensing agent, or may refer the applicant to the district  
4 court. If the applicant is referred to the district court, the district court may waive  
5 the requirements of subsection 3 with respect to the person who is unable to appear  
6 before the county clerk ~~or~~ or marriage licensing agent. If the district court waives  
7 the requirements of subsection 3, the district court shall notify the county clerk or  
8 marriage licensing agent in writing. If the county clerk the marriage licensing  
9 agent or the district court waives the requirements of subsection 3, the county clerk  
10 or marriage licensing agent shall require the applicant who is able to appear before  
11 the county clerk or marriage licensing agent to:

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

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

21 ~~↪~~ If any of the information required on the application is unknown to the person  
22 responding to the question, the person must state that the answer is unknown. *The*  
23 *county clerk or marriage licensing agent shall not deny a license to an applicant*  
24 ~~*[for stating that an answer is unknown.] who states that he does not have a social*~~  
25 ~~*security number or who states that any other answer is unknown.*~~

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

30 (a) Personally given before the clerk;

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

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

38 6. *If a parent giving consent to the marriage of a minor pursuant to*  
39 *subsection 5 has a last name different from that of the minor seeking to be*  
40 *married, the county clerk or marriage licensing agent shall accept, as proof that*  
41 *the parent is the legal parent of the minor, a certified copy of the birth certificate*  
42 *of the minor which shows the parent's first and middle name and which matches*  
43 *the first and middle name of the parent on any document listed in subsection 2 .*  
44 ~~*for on a notarized statement of consent by the parent.*~~

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

48 ~~*[7.] 8. The county clerk shall issue a marriage license to each applicant*~~  
49 ~~*who fulfills the requirements set forth in this section.*~~

50 ~~*9.] 8.*~~ All records pertaining to marriage licenses are public records and open  
51 to inspection pursuant to the provisions of NRS 239.010.

52 ~~*[8.] [10.] 9.*~~ A marriage license issued on or after July 1, 1987, expires 1 year  
53 after its date of issuance.



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

2        122.040 1. Before persons may be joined in marriage, a license must be  
3 obtained for that purpose from the county clerk of any county in the State ~~for a~~  
4 ~~marriage licensing agent.~~ Except as otherwise provided in this subsection, ~~and~~  
5 ~~section 1.4 of this act,~~ the license must be issued at the county seat of that county.

6 The board of county commissioners:

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

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

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

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

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

25        (a) A driver's license, instruction permit or identification card issued by this  
26 State or another state, the District of Columbia or any 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 photograph of  
30 the applicant; or

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

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

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

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

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

43        3. Except as otherwise provided in subsection 4, the county clerk ~~for marriage~~  
44 ~~licensing agent~~ issuing the license shall require each applicant to answer under  
45 oath each of the questions contained in the form of license. The county clerk ~~for~~  
46 ~~marriage licensing agent~~ shall, except as otherwise provided in this subsection,  
47 require each applicant to include the applicant's social security number on the  
48 affidavit of application for the marriage license. If a person does not have a social  
49 security number, the person must state that fact. The county clerk ~~for marriage~~  
50 ~~licensing agent~~ shall not require any evidence to verify a social security number. If  
51 any of the information required is unknown to the person, the person must state that  
52 the answer is unknown. The county clerk ~~for marriage licensing agent~~ shall not



1 deny a license to an applicant who states that he does not have a social security  
2 number or who states that any other answer is unknown.

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

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

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

25 ➤ If any of the information required on the application is unknown to the person  
26 responding to the question, the person must state that the answer is unknown. The  
27 county clerk ~~for marriage licensing agent~~ shall not deny a license to an applicant  
28 who states that he does not have a social security number or who states that any  
29 other answer is unknown.

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

34 (a) Personally given before the clerk;

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

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

42 6. If a parent giving consent to the marriage of a minor pursuant to subsection  
43 5 has a last name different from that of the minor seeking to be married, the county  
44 clerk ~~for marriage licensing agent~~ shall accept, as proof that the parent is the legal  
45 parent of the minor, a certified copy of the birth certificate of the minor which  
46 shows the parent's first and middle name and which matches the first and middle  
47 name of the parent on any document listed in subsection 2.

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

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

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

**Sec. 4.** ~~NRS 122.181 is hereby amended to read as follows:~~

~~122.181 1. The commissioner of civil marriages or his deputy commissioner of civil marriages is entitled to receive as his fee for solemnizing a marriage \$45. The fee must be deposited in the county general fund.~~

~~2. The commissioner of civil marriages or his deputy commissioner of civil marriages shall also at the time of solemnizing a marriage collect the additional sum of \$5. \$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 credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the State Controller for credit to that Account.~~

~~3. The commissioner of civil marriages or his deputy commissioner of civil marriages shall also at the time of solemnizing a marriage collect the additional sum of \$10. The fees collected 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, on or before the 15th day of each month, remit those fees deposited by the county clerk to the State Controller for credit to the State General Fund.~~ **(Deleted by amendment.)**

**Sec. 5.** ~~NRS 246.180 is hereby amended to read as follows:~~

~~246.180 1. If the board of county commissioners has adopted an ordinance pursuant to NRS 246.100, 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.~~

~~(e) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of \$5 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 credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the State Controller for credit to that Account.~~

~~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 NRS 246.100.~~

~~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.~~ **(Deleted by amendment.)**

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

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

2. The county clerk may not 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 marriage license are clerical errors that were made by the county clerk ~~or~~ **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 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 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 ..... 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 ..... 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

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

122.062 1. 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, may join together as husband and wife persons who present a marriage license obtained from any county clerk 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. The fact that a minister is retired does not disqualify him from obtaining a certificate of permission to perform marriages if, before his retirement, he had active charge of a congregation within this state for a period of at least 3 years.

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

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

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

**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 county clerk or marriage licensing agent 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.

1        **Sec. 6. 1. This section and sections 1 to 3, inclusive, and 4 to 5.6,**  
2 **inclusive, of this act ~~becomes~~ become** effective on July 1, 2009.  
3        **2. Section 3.5 of this act becomes effective on July 1, 2011.**  
4        **3. Sections 1 to 1.9, inclusive, 3 and 5.1 to 5.6, inclusive, of this act expire**  
5 **by limitation on June 30, 2011.**