

## Amendment No. 601

Senate Amendment to Assembly Bill No. 262 First Reprint (BDR 11-961)

Proposed by: Senate Committee on Judiciary

Amends: Summary: No Title: No 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.

BFG/BAW



Date: 5/11/2009

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 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 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:

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

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

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

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

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

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

20       ~~**3.**~~ *3. A marriage licensing agent who issues a marriage license must state*  
21 *on the marriage license the name of the commercial wedding chapel that employs*  
22 *him and the county in which that commercial wedding chapel is located.*

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

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

29       ~~**3.**~~ ~~*The*~~  
30       *6. If the county clerk establishes a program for the certification of persons*  
31 *as marriage licensing agents pursuant to subsection 1, the county clerk:*

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

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

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

39       ~~**4.**~~ ~~*7.*~~ *In addition to any other remedy or penalty, if the county clerk or a*  
40 *hearing panel appointed by the county clerk, after notice and hearing, finds that*  
41 *a marriage licensing agent has violated any provision of this chapter or the*  
42 *standards of practice adopted by the county clerk, the county clerk or the hearing*  
43 *panel may take appropriate disciplinary action against the marriage licensing*  
44 *agent.*

45       ~~**5.**~~ ~~*8.*~~ *In addition to any other remedy or penalty, the county clerk may:*  
46 *(a) Refuse to issue a certificate to a person who has failed to pay money*  
47 *which the person owes to the county clerk; or*

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

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

- 3       (a) *Be at least 21 years of age.*  
4       (b) *Have at least 3 years of verifiable employment experience working for a*  
5 *commercial wedding chapel.*  
6       (c) *Not have been convicted of a felony.*  
7       (d) *Submit to the county clerk completed fingerprint cards and a form*  
8 *authorizing an investigation of the applicant's background and the submission*  
9 *of a complete set of his fingerprints to the Central Repository for Nevada Records*  
10 *of Criminal History for its report and for submission to the Federal Bureau of*  
11 *Investigation for its report. The fingerprint cards and authorization form*  
12 *submitted must be those which are provided to the applicant by the county clerk.*  
13 *The applicant's fingerprints must be taken by an agency of law enforcement.*  
14       (e) *Possess computer and printer equipment compatible with software for the*  
15 *issuance of a marriage license.*

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

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

23       **2. A marriage licensing agent shall:**

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

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

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

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

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

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

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

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

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

43       (a) *Fails to complete or submit the statement required pursuant to subsection*  
44 *1; or*

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

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

1 *district attorney or other public agency enforcing the order to determine the*  
2 *actions that the applicant may take to satisfy the arrearage.*

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

19 **Sec. 1.8.** NRS 122.002 is hereby amended to read as follows:  
20 122.002 ~~[As used in this chapter, "commissioner]~~ **"Commissioner** township"  
21 means a township whose population is 15,500 or more, as most recently certified by  
22 the Governor pursuant to NRS 360.285, and which is located in a county whose  
23 population is 100,000 or more.

24 **Sec. 1.9.** NRS 122.020 is hereby amended to read as follows:  
25 122.020 1. ~~[A]~~ **Except as otherwise provided in this section, a** male and a  
26 female person, at least 18 years of age, not nearer of kin than second cousins or  
27 cousins of the half blood, and not having a husband or wife living, may be joined in  
28 marriage.

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

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

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

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

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

38 122.040 1. Before persons may be joined in marriage, a license must be  
39 obtained for that purpose from the county clerk of any county in the State ~~[A]~~ **or**  
40 **from a marriage licensing agent ~~[A]~~ who was employed, at the time the license was**  
41 **issued, by a commercial wedding chapel located in the county in which the**  
42 **persons will be joined in marriage.** Except as otherwise provided in this subsection  
43 ~~[A]~~ **and section 1.4 of this act,** the license must be issued at the county seat of ~~[that]~~  
44 **a** county. The board of county commissioners:

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

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

50 (2) May, in addition to the branch office described in subparagraph (1), at  
51 the request of the county clerk, designate not more than four branch offices of the  
52 county clerk at which marriage licenses may be issued, if the designated branch  
53 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 ~~{other answer}~~ 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.

➤ 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 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 ~~father answer~~ requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.*

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

(a) Personally given before the clerk;

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

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

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

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

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

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

**Sec. 3.5.** 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. ~~for from a marriage licensing agent who was employed, at the time the license was issued, by a commercial wedding chapel located in the county in which the persons will be joined in marriage.~~ Except as otherwise provided in this subsection, ~~and section 1.4 of this act,~~ the license must be issued at the county seat of 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

1 in an incorporated city whose population is 150,000 or more but less than 300,000;  
2 and

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

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

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

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

18 (b) A passport.

19 (c) A birth certificate and:

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

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

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

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

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

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

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

47 4. Upon finding that extraordinary circumstances exist which result in only  
48 one applicant being able to appear before the county clerk, ~~for marriage licensing~~  
49 ~~agent,~~ the county clerk ~~for marriage licensing agent~~ may waive the requirements  
50 of subsection 3 with respect to the person who is unable to appear before the county  
51 clerk ~~for marriage licensing agent,~~ or may refer the applicant to the district court. If  
52 the applicant is referred to the district court, the district court may waive the  
53 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 ~~{the 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}~~ 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 parents of either the person who is responding to the question or the person who is unable to appear is unknown.

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

(a) Personally given before the clerk;

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

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

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

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

8. All records pertaining to marriage licenses are public records and open to 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.** (Deleted by amendment.)

**Sec. 5.** (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 ~~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 ~~4~~ *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*

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

2       122.055 1. The county clerk *or marriage licensing agent* may place the  
3 affidavit of application for a marriage license, the certificate of marriage and the  
4 marriage license on a single form.

5       2. The county clerk *or marriage licensing agent* shall have printed or  
6 stamped on the reverse of the form instructions for obtaining a certified copy or  
7 certified abstract of the certificate of marriage.

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

9       122.061 1. In any county whose population is 100,000 or more, the main  
10 office of the county clerk where marriage licenses may be issued must be open to  
11 the public for the purpose of issuing such licenses from 8 a.m. to 12 ~~p.m.~~ a.m.  
12 every day including holidays, and may remain open at other times. The board of  
13 county commissioners shall determine the hours during which a branch office of the  
14 county clerk where marriage licenses may be issued must remain open to the  
15 public.

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

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

20       122.062 1. ~~[Any]~~ Except as otherwise provided in this subsection, any  
21 licensed or ordained minister in good standing within his denomination, whose  
22 denomination, governing body and church, or any of them, are incorporated or  
23 organized or established in this ~~[state.]~~ State, may join together as husband and  
24 wife persons who present a marriage license obtained from any county clerk in this  
25 State or marriage licensing agent, ~~[of the State.]~~ if the minister first obtains a  
26 certificate of permission to perform marriages as provided in this section and NRS  
27 122.064 to 122.073, inclusive. If the persons who present the marriage license  
28 have obtained the marriage license from a marriage licensing agent, the minister  
29 may join together as husband and wife those persons only in the county stated on  
30 the marriage license pursuant to subsection 3 of section 1.4 of this act and NRS  
31 122.050. The fact that a minister is retired does not disqualify him from obtaining a  
32 certificate of permission to perform marriages if, before his retirement, he had  
33 active charge of a congregation within this state for a period of at least 3 years.

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

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

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

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

2        122.080 1. ~~After~~ **Except as otherwise provided in subsection 2, after**  
3 receipt of the marriage license previously issued to persons wishing to be married  
4 as provided in NRS 122.040 and 122.050, it is lawful for any justice of the Supreme  
5 Court, any judge of the district court, any justice of the peace in his township if it is  
6 not a commissioner township, any justice of the peace in a commissioner township  
7 if authorized pursuant to subsection ~~3~~ **4**, any municipal judge if authorized  
8 pursuant to subsection ~~4~~ **5**, any commissioner of civil marriages within his county  
9 and within a commissioner township therein, or any deputy commissioner of civil  
10 marriages within the county of his appointment and within a commissioner  
11 township therein, to join together as husband and wife all persons not prohibited by  
12 this chapter.

13        2. **If a marriage license is issued by a marriage licensing agent to persons**  
14 **wishing to be married, it is lawful for a Supreme Court justice, judge of a district**  
15 **court, justice of the peace, municipal judge, minister of any religious society or**  
16 **congregation, commissioner of civil marriages or deputy commissioner of civil**  
17 **marriages to join together as husband and wife the persons to whom the**  
18 **marriage license was issued only if those persons are joined together as husband**  
19 **and wife in the county stated on the marriage license pursuant to subsection 3 of**  
20 **section 1.4 of this act and NRS 122.050.**

21        3. This section does not prohibit:

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

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

30        ~~3~~ **4**. In any calendar year, a justice of the peace may perform not more than  
31 20 marriage ceremonies in commissioner townships if he does not accept any fee,  
32 gratuity, gift, honorarium or anything of value for or in connection with  
33 solemnizing the marriage other than a nonmonetary gift that is of nominal value.

34        ~~4~~ **5**. In any calendar year, a municipal judge may perform not more than 20  
35 marriage ceremonies in this State if he does not accept any fee, gratuity, gift,  
36 honorarium or anything of value for or in connection with solemnizing the marriage  
37 other than a nonmonetary gift that is of nominal value.

38        ~~5~~ **6**. Any justice of the peace who performs a marriage ceremony in a  
39 commissioner township or any municipal judge who performs a marriage ceremony  
40 in this State and who, in violation of this section, accepts any fee, gratuity, gift,  
41 honorarium or anything of value for or in connection with solemnizing the marriage  
42 is guilty of a misdemeanor.

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

44        122.120 1. After a marriage is solemnized, the person solemnizing the  
45 marriage shall give to each couple being married a certificate of marriage.

46        2. The certificate of marriage must contain the date of birth of each applicant  
47 as contained in the form of marriage license pursuant to NRS 122.050. **If a male**  
48 **and female person who are the husband and wife of each other are being**  
49 **rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of**  
50 **marriage must state that the male and female person were rejoined in marriage**  
51 **and that the certificate is replacing a record of marriage which was lost or**  
52 **destroyed or is otherwise unobtainable.** The certificate of marriage must be in  
53 substantially the following form:

State of Nevada }  
County of..... } ss.

.....  
.....  
Couple's mailing address

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

1 in marriage, until the persons proposing such marriage exhibit to him a license from  
2 ~~the~~ *any* county clerk *in this State or from a marriage licensing agent who was*  
3 *employed, at the time of issuing the license, by a commercial wedding chapel*  
4 *located in the county in which the persons proposing the marriage will be joined*  
5 *together as husband and wife,* as provided by law.

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

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

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

13 3. Sections 1 to ~~1.9,~~ *1.8,* inclusive, 3 ~~and 5.1 to 5.6, inclusive,~~ *5.1, 5.2,*  
14 *5.3, 5.4, 5.43, 5.5 and 5.6* of this act expire by limitation on June 30, 2011.