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ASSEMBLY BILL NO. 482—COMMITTEE ON JUDICIARY

MARCH 25, 2019

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Referred to Committee on Judiciary

**SUMMARY**—Revises provisions relating to governmental administration. (BDR 11-1111)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to governmental administration; revising provisions relating to an application for issuance or renewal of a certificate of permission to perform marriages or specific marriages; revising provisions governing certain crimes related to soliciting or influencing marriage on county property or performing marriages; authorizing each county clerk to charge and collect a fee for the filing and recording or issuing of certain documents; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires a person who is an applicant to become a marriage  
2 officiant and who is not otherwise qualified to solemnize a marriage to complete a  
3 course for marriage officiants established by a county clerk and pay a certain fee  
4 for completing the course. Additionally, existing law requires the county clerk to  
5 deposit the fee paid by an applicant for completing such a course in the county  
6 treasury to be used for establishing and maintaining a course for marriage  
7 officiants. (NRS 122.064) **Section 2** of this bill expands the requirement to take a  
8 training course and pay a fee to any applicant for a certificate of permission to  
9 perform marriages or specific marriages. Additionally, **section 2** requires the  
10 county clerk to deposit the fees collected from applicants who complete such a  
11 course in an account to be used to acquire technology or to improve technology  
12 used in the office of the county clerk. (NRS 19.016) **Section 1** of this bill makes a  
13 conforming change.

14 Existing law prohibits any person, while on county property, from soliciting or  
15 otherwise influencing, another person to be married by a marriage commissioner or  
16 justice of the peace or at a commercial wedding chapel. (NRS 122.215) **Section 3**  
17 of this bill provides for the imposition of a civil penalty of not more than \$500 for  
18 each violation. **Section 3** also authorizes a board of county commissioners to enact



19 an ordinance delegating to a hearing officer the authority to determine such  
20 violations and levy civil penalties for those violations.

21 Existing law authorizes the imposition of a civil penalty against any person  
22 who knowingly performs a marriage which he or she is not lawfully authorized to  
23 perform. (NRS 122.260) **Section 4** of this bill removes the element of knowledge,  
24 thereby making a person subject to such a civil penalty regardless of his or her  
25 knowledge regarding whether he or she has legal authority to perform the marriage.

26 Under existing law, in addition to other fees, each county clerk is authorized to  
27 charge an additional fee not to exceed \$5 for filing and recording a bond of a notary  
28 public, per name. (NRS 19.013) The proceeds from this additional fee are required  
29 to be accounted for separately in the county general fund and used only to acquire  
30 technology for or to improve technology used in the office of the county clerk.  
31 (NRS 19.016) **Section 5** of this bill authorizes each county clerk to also charge such  
32 a fee for filing and recording or issuing a: (1) declaration of candidacy or  
33 acceptance of candidacy for a public office; (2) certificate of assumed or fictitious  
34 name or renewal thereof; (3) certificate of termination of business or of ownership  
35 in a business under the assumed or fictitious name; (4) certificate of permission to  
36 perform marriages or a specific marriage; and (5) certified copy or certified abstract  
37 of a marriage certificate. **Section 5** requires that the additional fees so collected be  
38 used only to acquire technology for or to improve technology used in the office of  
39 the county clerk.

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

1 **Section 1.** NRS 122.062 is hereby amended to read as follows:  
2 122.062 1. Any licensed, ordained or appointed minister or  
3 other church or religious official authorized to solemnize a marriage  
4 in good standing within his or her church or religious organization,  
5 or either of them, incorporated, organized or established in this  
6 State, a notary public appointed by the Secretary of State pursuant to  
7 chapter 240 of NRS and in good standing with the Secretary of  
8 State, or a marriage officiant may join together in marriage persons  
9 who present a marriage license obtained from any county clerk of  
10 the State, if the minister, other church or religious official  
11 authorized to solemnize a marriage, notary public or marriage  
12 officiant first obtains or renews a certificate of permission to  
13 perform marriages as provided in NRS 122.062 to 122.073,  
14 inclusive. The fact that a minister or other church or religious  
15 official authorized to solemnize a marriage is retired does not  
16 disqualify him or her from obtaining a certificate of permission to  
17 perform marriages if, before retirement, the minister or other church  
18 or religious official authorized to solemnize a marriage had active  
19 charge of a church or religious organization for a period of at least 3  
20 years.  
21 2. A temporary replacement for a licensed, ordained or  
22 appointed minister or other church or religious official authorized to  
23 solemnize a marriage certified pursuant to NRS 122.062 to 122.073,



1 inclusive, may solemnize marriages pursuant to subsection 1 for a  
2 period not to exceed 90 days, if the requirements of this subsection  
3 are satisfied. The minister or other church or religious official  
4 authorized to solemnize a marriage whom he or she temporarily  
5 replaces shall provide him or her with a written authorization which  
6 states the period during which it is effective, and the temporary  
7 replacement shall obtain from the county clerk in the county in  
8 which he or she is a temporary replacement a written authorization  
9 to solemnize marriage and submit to the county clerk an application  
10 fee of \$25.

11 3. Any chaplain who is assigned to duty in this State by the  
12 Armed Forces of the United States may solemnize marriages if the  
13 chaplain obtains a certificate of permission to perform marriages  
14 from the county clerk of the county in which his or her duty station  
15 is located. The county clerk shall issue such a certificate to a  
16 chaplain upon proof of his or her military status as a chaplain and of  
17 his or her assignment.

18 4. A licensed, ordained or appointed minister, other church or  
19 religious official authorized to solemnize a marriage, active or  
20 retired, a notary public or person who desires to be a marriage  
21 officiant may submit to the county clerk in the county in which a  
22 marriage is to be performed an application to perform a specific  
23 marriage in the county. The application must:

24 (a) Include the full names and addresses of the persons to be  
25 married;

26 (b) Include the date and location of the marriage ceremony;

27 (c) Include the information and documents required pursuant to  
28 subsection 1 of NRS 122.064;

29 (d) ~~If the applicant is a person who desires to be a marriage~~  
30 ~~officiant, include~~ **Include** verification that the applicant has  
31 satisfied the requirements of paragraph (d) of subsection 1 of NRS  
32 122.064; and

33 (e) Be accompanied by an application fee of \$25.

34 5. A county clerk may grant authorization to perform a specific  
35 marriage to a person who submitted an application pursuant to  
36 subsection 4 if the county clerk is satisfied that the minister or other  
37 church or religious official authorized to solemnize a marriage,  
38 whether he or she is active or retired, is in good standing with his or  
39 her church or religious organization or, in the case of a notary  
40 public, if the notary public is in good standing with the Secretary of  
41 State, or ~~in the case of a person who desires to be a marriage~~  
42 ~~officiant,~~ that the ~~person~~ **applicant** satisfied the requirements of  
43 paragraph (d) of subsection 1 of NRS 122.064. The authorization  
44 must be in writing and need not be filed with any other public  
45 officer. A separate authorization is required for each marriage



1 performed. A person may not obtain more than five authorizations  
2 to perform a specific marriage pursuant to this section in any  
3 calendar year and must acknowledge that he or she is subject to the  
4 jurisdiction of the county clerk with respect to the provisions of this  
5 chapter governing the conduct of ministers, other church or religious  
6 officials authorized to solemnize a marriage, notaries public or  
7 marriage officiants to the same extent as if he or she had obtained a  
8 certificate of permission to perform marriages.

9 6. This section must not be construed to allow a county clerk to  
10 authorize a ~~marriage officiant~~ *person* to solemnize a marriage  
11 unless the county clerk has established a *training* course for  
12 ~~marriage officiants.~~ *a person who is seeking to obtain a*  
13 *certificate of permission to perform marriage or a specific*  
14 *marriage.*

15 **Sec. 2.** NRS 122.064 is hereby amended to read as follows:

16 122.064 1. A certificate of permission to perform marriages  
17 or a renewal of such a certificate may be obtained only from the  
18 county clerk of the county in which the minister, other church or  
19 religious official authorized to solemnize a marriage, notary public  
20 or person who desires to be a marriage officiant resides, after the  
21 filing of a proper application. The initial application or application  
22 for renewal must:

23 (a) Be in writing and be verified by the applicant.

24 (b) If the applicant is a minister or other church or religious  
25 official authorized to solemnize a marriage:

26 (1) Include the date of licensure, ordination or appointment  
27 of the minister or other church or religious official authorized to  
28 solemnize a marriage, and the name of the church or religious  
29 organization with which he or she is affiliated; and

30 (2) Be accompanied by one copy of the affidavit of authority  
31 to solemnize marriages described in subsection 5.

32 (c) If the applicant is a notary public:

33 (1) Include the date of the appointment of the notary public  
34 by the Secretary of State; and

35 (2) Be accompanied by a verification issued by the Secretary  
36 of State within the 3 months immediately preceding the date of the  
37 application which states that the applicant has been appointed as a  
38 notary public by the Secretary of State pursuant to chapter 240 of  
39 NRS and is in good standing with the Secretary of State. The county  
40 clerk must refuse to issue a certificate of permission if the  
41 appointment of the notary public is suspended or revoked and may  
42 refuse to issue a certificate of permission if the notary public has  
43 committed any violations of chapter 240 of NRS.

44 (d) If the ~~applicant is not a minister, other church or religious~~  
45 ~~official authorized to solemnize~~ *county clerk has established a*



1 *training course for an applicant seeking to obtain* a ~~marriage or~~  
2 ~~notary public but a person who desires to be a~~ *certificate of*  
3 *permission to perform marriages or a single* marriage ~~officiant;~~  
4 *in this State:*

5 (1) Include an additional fee not to exceed \$100 for ~~a~~ *the*  
6 course ; ~~for marriage officiants established by the county clerk;~~  
7 and

8 (2) Be accompanied by verification that the applicant  
9 successfully completed ~~a~~ *the* course . ~~for marriage officiants~~  
10 ~~established by the county clerk.~~

11 (e) Include the social security number of the applicant.

12 (f) Be accompanied by an application fee of \$25.

13 2. To determine the qualifications of any minister, other church  
14 or religious official authorized to solemnize a marriage, notary  
15 public or person who desires to be a marriage officiant who has filed  
16 an application for a certificate of permission, the county clerk with  
17 whom the application has been filed may require:

18 (a) The church or religious organization of the minister or other  
19 church or religious official authorized to solemnize a marriage to  
20 furnish any evidence which the county clerk considers necessary or  
21 helpful.

22 (b) An investigation of the background and present activities of  
23 the minister, other church or religious official authorized to  
24 solemnize a marriage, notary public or person who desires to be a  
25 marriage officiant. The cost of an investigation conducted pursuant  
26 to this paragraph must be charged to the applicant.

27 3. In addition to the requirement of good standing, the county  
28 clerk shall, before approving an initial application, satisfy himself or  
29 herself that:

30 (a) If the applicant is a minister or other church or religious  
31 official authorized to solemnize a marriage, the applicant's ministry  
32 is one of service to his or her church or religious organization or, in  
33 the case of a retired minister or other church or religious official  
34 authorized to solemnize a marriage, that his or her active ministry  
35 was of such a nature.

36 (b) No certificate previously issued to the applicant has been  
37 cancelled for a knowing violation of the laws of this State or of the  
38 United States.

39 (c) The applicant has not been convicted of a felony, released  
40 from confinement or completed his or her parole or probation,  
41 whichever occurs later, within 10 years before the date of the  
42 application.

43 4. The county clerk may require any applicant to submit  
44 information in addition to that required by this section.



1 5. The affidavit of authority to solemnize marriages required  
2 by subparagraph (2) of paragraph (b) of subsection 1 must be in  
3 substantially the following form:  
4

5 AFFIDAVIT OF AUTHORITY TO SOLEMNIZE  
6 MARRIAGES FOR CHURCHES AND RELIGIOUS  
7 ORGANIZATIONS  
8

9 State of Nevada }  
10 } ss.  
11 County of ..... }

12  
13 The..... (name of church or  
14 religious organization) is organized and carries on its work in  
15 the State of Nevada. Its active meetings are located  
16 at..... (street address, city or  
17 town). The..... (name of church or  
18 religious organization) hereby finds  
19 that..... (name of minister or other  
20 person authorized to solemnize marriages) is in good standing  
21 and is authorized by the..... (name  
22 of church or religious organization) to solemnize a marriage.

23 I am duly authorized by.....  
24 (name of church or religious organization) to complete and  
25 submit this affidavit.  
26

27 .....  
28 Signature of Official

29 .....  
30 .....  
31 Name of Official  
32 (type or print name)

33 .....  
34 .....  
35 Title of Official

36 .....  
37 .....  
38 Address

39 .....  
40 .....  
41 City, State and Zip Code

42 .....  
43 .....  
44 Telephone Number



Signed and sworn to (or affirmed) before me this.....  
day of the month of..... of the year.....

.....  
Notary Public for  
..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing or renewing a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who holds a certificate of permission to perform marriages changes his or her mailing address, the minister, other church or religious official authorized to solemnize a marriage or marriage officiant must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. Pursuant to NRS 122.068, a county clerk may revoke the certificate of permission to perform marriages of a licensed, ordained or appointed minister, other church or religious official authorized to solemnize a marriage or marriage officiant who fails to notify the county clerk of his or her new mailing address within 30 days after the change. If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

8. The fees collected by the county clerk pursuant to paragraph (d) of subsection 1 must be deposited in the ~~county treasury to be used for establishing and maintaining a course for marriage officiants.~~ *account established pursuant to NRS 19.016.*

**Sec. 3.** NRS 122.215 is hereby amended to read as follows:

122.215 It is unlawful for any county employee, commercial wedding chapel employee or other person to solicit or otherwise influence, while on county property where marriage licenses are issued, any person to be married by a marriage commissioner or justice of the peace or at a commercial wedding chapel. *Any person who violates this section is subject to a civil penalty of not more than \$500 for each violation. A board of county commissioners may, at the request of the county clerk, enact an ordinance delegating to a hearing officer the authority to determine*



1 *violations of this section and to levy civil penalties for such*  
2 *violations.*

3 **Sec. 4.** NRS 122.260 is hereby amended to read as follows:

4 122.260 If any person undertakes to join others in marriage ~~[-~~  
5 ~~knowing that he or she]~~ *and* is not lawfully authorized so to do, or  
6 ~~[knowing]~~ *knows* of the existence of any legal impediment to the  
7 proposed marriage, the person shall be punished by a civil penalty  
8 of not more than \$1,500. A board of county commissioners may  
9 enact an ordinance delegating to a hearing officer the authority to  
10 determine violations of this section and to levy civil penalties for  
11 those violations.

12 **Sec. 5.** NRS 19.013 is hereby amended to read as follows:

13 19.013 1. Except as otherwise provided by specific statute,  
14 the county clerk or clerk of the court, as applicable, shall charge and  
15 collect the following fees:

16  
17 On the commencement of any action or proceeding  
18 in the district court, or on the transfer of any  
19 action or proceeding from a district court of  
20 another county, except probate or guardianship  
21 proceedings, to be paid by the party  
22 commencing the action, proceeding or transfer ..... \$56.00

23 On an appeal to the district court of any case from a  
24 justice court or a municipal court, or on the  
25 transfer of any case from a justice court or a  
26 municipal court..... 42.00

27 On the filing of a petition for letters testamentary,  
28 letters of administration or setting aside an estate  
29 without administration, which fee includes the  
30 court fee prescribed by NRS 19.020, to be paid  
31 by the petitioner:

32 Where the stated value of the estate is more  
33 than \$2,500 ..... 72.00

34 Where the stated value of the estate is \$2,500  
35 or less, no fee may be charged or  
36 collected.

37 On the filing of a petition for a guardianship, to be  
38 paid by the petitioner:  
39 Where the stated value of the estate is more  
40 than \$2,500 ..... 5.00

41 Where the stated value of the estate is \$2,500  
42 or less, no fee may be charged or  
43 collected.

44 On the filing of a petition to contest any will or  
45 codicil, to be paid by the petitioner ..... 44.00





1 On the filing of an objection or cross-petition to the  
2 appointment of an executor or administrator, or  
3 an objection to the settlement of account or any  
4 answer in an estate matter ..... \$44.00  
5 On the appearance of any defendant or any number  
6 of defendants answering jointly, to be paid upon  
7 the filing of the first paper in the action by the  
8 defendant or defendants ..... 44.00  
9 For filing a notice of appeal..... 24.00  
10 For issuing a transcript of judgment and certifying  
11 thereto..... 3.00  
12 For preparing any copy of any record, proceeding or  
13 paper, for each page, unless such fee is waived  
14 by the county clerk or clerk of the court ..... 0.50  
15 For each certificate of the clerk, under the seal of  
16 the court..... 3.00  
17 For examining and certifying to a copy of any  
18 paper, record or proceeding prepared by another  
19 and presented for a certificate of the county clerk  
20 or clerk of the court ..... 5.00  
21 For filing all papers not otherwise provided for,  
22 other than papers filed in actions and  
23 proceedings in court and papers filed by public  
24 officers in their official capacity ..... 15.00  
25 For issuing any certificate under seal, not otherwise  
26 provided for..... 6.00  
27 For searching records or files in the office of the  
28 county clerk or clerk of the court, for each year,  
29 unless such fee is waived by the county clerk or  
30 clerk of the court, as applicable..... 0.50  
31 For filing and recording a bond of a notary public,  
32 per name ..... 15.00  
33 For entering the name of a firm or corporation in  
34 the register of the county clerk..... 20.00  
35

36 2. ~~[A]~~ *Except as otherwise provided in subsection 2 of NRS*  
37 *246.180 or by specific statute, a county clerk may charge and*  
38 *collect, in addition to any fee that a county clerk is otherwise*  
39 *authorized to charge and collect, an additional fee not to exceed \$5*  
40 *for filing and recording or issuing a ~~[bond]~~ :*  
41 *(a) Bond of a notary public, per name~~[ ]~~ ;*  
42 *(b) Declaration of candidacy or acceptance of candidacy for a*  
43 *public office;*  
44 *(c) Certificate of assumed or fictitious name or renewal*  
45 *thereof as required pursuant to NRS 602.020;*



1 *(d) Certificate of termination of business or of ownership in a*  
2 *business under an assumed or fictitious name as required*  
3 *pursuant to NRS 602.055;*

4 *(e) Certificate of permission to perform marriages or a specific*  
5 *marriage; and*

6 *(f) Certified copy or certified abstract of a marriage certificate.*

7 3. On or before the fifth day of each month, the county clerk  
8 shall pay to the county treasurer the amount of fees collected by the  
9 county clerk pursuant to ~~the~~ subsection 2 for credit to the account  
10 established pursuant to NRS 19.016.

11 ~~3.~~ 4. Except as otherwise provided by specific statute, all  
12 fees prescribed in this section are payable in advance if demanded  
13 by the county clerk or clerk of the court, as applicable.

14 ~~4.~~ 5. The fees set forth in subsection 1 are payment in full for  
15 all services rendered by the county clerk or clerk of the court, as  
16 applicable, in the case for which the fees are paid, including the  
17 preparation of the judgment roll, but the fees do not include  
18 payment for typing, copying, certifying or exemplifying or  
19 authenticating copies.

20 ~~5.~~ 6. No fee may be charged to any attorney at law admitted  
21 to practice in this State for searching records or files in the office of  
22 the clerk. No fee may be charged for any services rendered to a  
23 defendant or the defendant's attorney in any criminal case or in  
24 habeas corpus proceedings.

25 ~~6.~~ 7. Notwithstanding any other provision of law, no fee may  
26 be charged or collected for the filing of a petition for a guardianship  
27 other than the fee established in subsection 1.

28 ~~7.~~ 8. Each county clerk and clerk of the court shall, on or  
29 before the fifth day of each month, account for and pay to the  
30 county treasurer all fees collected during the preceding month.

31 **Sec. 6.** This act becomes effective on July 1, 2019.





