

SENATE BILL NO. 381—SENATOR MANENDO

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions regarding who may issue a marriage license. (BDR 11-227)

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; revising provisions regarding who may issue a marriage license; authorizing a certified marriage licensing agent to issue a marriage license in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides that before two people may be joined in marriage, they
2 must obtain a marriage license from the county clerk of any county in the State.
3 (NRS 122.040) This bill requires county clerks to certify qualified applicants as
4 marriage licensing agents who may issue marriage licenses at commercial wedding
5 chapels in certain circumstances.

6 **Sections 4 and 5** of this bill provide the requirements that an applicant for
7 certification as a marriage licensing agent must satisfy. **Section 6** of this bill
8 provides that the county clerk shall certify a qualified applicant as a marriage
9 licensing agent in any county whose population is less than 400,000 (currently all
10 counties other than Clark County). Additionally, in a county whose population is
11 400,000 or more (currently Clark County), the county clerk shall certify a qualified
12 applicant as a marriage licensing agent. However, a marriage licensing agent in
13 such a county may issue marriage licenses only during certain times.

14 **Sections 7 and 8** of this bill set forth the duties of a county clerk that relate to
15 marriage license agents and the options available to a county clerk if a marriage
16 licensing agent does not comply with certain requirements.



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
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *“Commercial wedding chapel” means a permanently*
5 *affixed structure which operates a business principally for the*
6 *performance of weddings and which is licensed for that purpose.*

7 **Sec. 3.** *“Marriage licensing agent” means a person certified*
8 *pursuant to section 5 of this act to issue marriage licenses at a*
9 *commercial wedding chapel.*

10 **Sec. 4.** *An applicant for certification as a marriage licensing*
11 *agent must:*

- 12 1. *Be at least 21 years of age;*
- 13 2. *Have at least 3 years of verifiable employment experience*
14 *working for a commercial wedding chapel;*
- 15 3. *Not have been convicted of a felony;*
- 16 4. *Possess computer and printer equipment compatible with*
17 *software for the issuance of a marriage license; and*
- 18 5. *Successfully complete the course of training established by*
19 *the county clerk pursuant to section 7 of this act.*

20 **Sec. 5.** 1. *An applicant for certification as a marriage*
21 *licensing agent shall submit to the county clerk the statement*
22 *prescribed by the Division of Welfare and Supportive Services of*
23 *the Department of Health and Human Services pursuant to NRS*
24 *425.520. The statement must be completed and signed by the*
25 *applicant.*

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

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

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

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

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

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

41 4. *If an applicant indicates on the statement submitted*
42 *pursuant to subsection 1 that the applicant is subject to a court*



1 *order for the support of a child and is not in compliance with the*
2 *order or a plan approved by the district attorney or other public*
3 *agency enforcing the order for the repayment of the amount owed*
4 *pursuant to the order, the county clerk shall advise the applicant*
5 *to contact the district attorney or other public agency enforcing*
6 *the order to determine the actions that the applicant may take to*
7 *satisfy the arrearage.*

8 **Sec. 6. 1.** *In a county whose population is less than*
9 *400,000, the county clerk shall certify a qualified applicant as a*
10 *marriage licensing agent by issuing a certificate to the qualified*
11 *applicant. Except as otherwise provided in subsection 2, a*
12 *marriage licensing agent may issue marriage licenses at a*
13 *commercial wedding chapel pursuant to this chapter.*

14 **2.** *In a county whose population is 400,000 or more, the*
15 *county clerk shall certify a qualified applicant as a marriage*
16 *licensing agent who may issue marriage licenses at a commercial*
17 *wedding chapel only during times when, pursuant to NRS*
18 *122.061, the main office of the county clerk where marriage*
19 *licenses may be issued is not open due to an approved plan for*
20 *deviation from the required hours of operation by the board of*
21 *county commissioners.*

22 **3.** *A person shall not act as a marriage licensing agent unless*
23 *he or she is issued a certificate as a marriage licensing agent by*
24 *the county clerk pursuant to this section.*

25 **4.** *A marriage licensing agent shall:*

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

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

31 (c) *Remit all fees collected to the county clerk; and*

32 (d) *Comply with all provisions of this chapter.*

33 **Sec. 7. 1.** *The county clerk:*

34 (a) *Shall establish a course of training for applicants for*
35 *certification as marriage licensing agents; and*

36 (b) *May investigate any marriage licensing agent to ensure*
37 *that the marriage licensing agent is complying with the provisions*
38 *of this chapter.*

39 **2.** *In addition to any other remedy or penalty:*

40 (a) *The county clerk or a hearing panel appointed by the*
41 *county clerk may take appropriate disciplinary action against a*
42 *marriage licensing agent if, after notice and a hearing, the county*
43 *clerk or hearing panel finds that the marriage licensing agent has*
44 *violated any provision of this chapter; and*



1 **(b) The county clerk may suspend or revoke the certificate of a**
2 **marriage licensing agent who has failed to pay money that the**
3 **marriage licensing agent owes to the county clerk.**

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

16 **2. The county clerk shall reinstate a certificate that has been**
17 **suspended by a district court pursuant to NRS 425.540 if the**
18 **county clerk receives a copy of a letter issued by the district**
19 **attorney or other public agency pursuant to NRS 425.550 to the**
20 **marriage licensing agent whose certificate was suspended,**
21 **stating that the marriage licensing agent has complied with the**
22 **subpoena or warrant or has satisfied the arrearage pursuant to**
23 **NRS 425.560.**

24 **Sec. 9.** NRS 122.001 is hereby amended to read as follows:

25 122.001 As used in this chapter, unless the context otherwise
26 requires, the words and terms defined in NRS 122.002 and 122.006
27 **and sections 2 and 3 of this act** have the meanings ascribed to them
28 in those sections.

29 **Sec. 10. 1.** This act becomes effective on July 1, 2011.

30 **2.** Sections 5 and 8 of this act expire by limitation on the date
31 on which the provisions of 42 U.S.C. § 666 requiring each state to
32 establish procedures under which the state has authority to withhold
33 or suspend, or to restrict the use of professional, occupational and
34 recreational licenses of persons who:

35 (a) Have failed to comply with a subpoena or warrant relating to
36 a proceeding to determine the paternity of a child or to establish or
37 enforce an obligation for the support of a child; or

38 (b) Are in arrears in the payment for the support of one or more
39 children,

40 ➔ are repealed by the Congress of the United States.

