

SENATE BILL NO. 419—COMMITTEE ON JUDICIARY

MARCH 25, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to marriage.  
(BDR 11-1107)

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 a notary public to perform a marriage in certain circumstances; establishing a fee to apply for certain authorization to perform marriages and for a certificate of permission to perform marriages; increasing the fee for marriages performed by the commissioner of civil marriages, his or her deputy of commissioner of civil marriages and justices of the peace; revising various provisions governing the performance of marriages; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law authorizes: (1) licensed, ordained or appointed ministers or certain  
2 other church officials who have been authorized to solemnize a marriage according  
3 to the usages of that church or religious organization to perform a marriage in this  
4 State after obtaining a certificate of permission to perform marriages from a county  
5 clerk; (2) a temporary replacement for a licensed, ordained or appointed minister or  
6 other church official to perform marriages after receiving a written authorization  
7 from the minister or other church official and the county clerk; and (3) certain  
8 ministers or other church officials to perform not more than five marriages per year  
9 in the county upon receiving a separate written authorization from the county clerk  
10 for each marriage performed. (NRS 122.062) **Section 4** of this bill authorizes  
11 certain notaries public to perform a marriage after obtaining a certificate of  
12 permission to perform marriages from a county clerk. **Section 4** further requires:  
13 (1) a temporary replacement to pay to the county clerk in the county in which he or  
14 she will perform marriages an application fee of \$25; and (2) a person applying for  
15 authorization to perform a specific marriage to pay to the county clerk in the county  
16 in which the marriage will be performed an application fee of \$25. **Section 5** of this  
17 bill sets forth the requirements for an application for a certificate of permission to  
18 perform marriages if the applicant is a notary public. **Section 5** also requires all



19 applicants for a certificate of permission to pay to the county clerk an application  
20 fee of \$25. **Section 6** of this bill: (1) provides for the inclusion of notaries public  
21 who obtain a certificate of permission to perform marriages in the statewide  
22 database of certain persons authorized to perform marriages which is maintained by  
23 the Secretary of State under existing law; and (2) provides for the expiration and  
24 revocation of the certificate of permission to perform marriages issued to a notary  
25 public.

26 Existing law provides for the performance of marriages by commissioners of  
27 civil marriage in certain counties. (NRS 122.173-122.193) **Section 13** of this bill  
28 increases from \$45 to \$70 the fee charged by the commissioner of civil marriages  
29 or a deputy commissioner for the solemnization of a marriage.

30 **Section 16** of this bill increases from \$50 to \$75 the fee which a justice of the  
31 peace shall charge for performing a marriage.

32 **Section 17** of this bill authorizes a notary public to collect a fee of not more  
33 than \$75 for performing a marriage ceremony.

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

1 **Section 1.** NRS 122.006 is hereby amended to read as follows:  
2 122.006 “Other ~~person~~ *church or religious official*  
3 authorized to solemnize a marriage” means a person of any church  
4 or religious organization, other than a minister, who has been  
5 authorized to solemnize a marriage according to the usages of that  
6 church or religious organization.

7 **Sec. 2.** NRS 122.030 is hereby amended to read as follows:  
8 122.030 1. With respect to any marriage solemnized before  
9 January 1, 1971, the original certificate and records of marriage  
10 made by the judge, justice or minister, as prescribed in this chapter,  
11 and the record thereof by the recorder of the county, or a copy or  
12 abstract of the record certified by the recorder, must be received in  
13 all courts and places as presumptive evidence of the fact of the  
14 marriage.

15 2. With respect to any marriage solemnized on or after  
16 January 1, 1971, the original certificate and records of marriage  
17 made by the judge, justice, minister or other ~~person~~ *church or*  
18 *religious official* authorized to solemnize a marriage, *notary public,*  
19 commissioner of civil marriages or deputy commissioner of civil  
20 marriages, as prescribed in this chapter, and the record thereof by  
21 the county recorder or the county clerk, as the case may be, or a  
22 copy or abstract of the record certified by the county recorder or the  
23 county clerk, as the case may be, must be received in all courts and  
24 places as presumptive evidence of the fact of the marriage.

25 **Sec. 3.** NRS 122.050 is hereby amended to read as follows:  
26 122.050 The marriage license must contain the name of each  
27 applicant as shown in the documents presented pursuant to



1 subsection 2 of NRS 122.040 and must be substantially in the  
2 following form:

3  
4 MARRIAGE LICENSE  
5 (EXPIRES 1 YEAR AFTER ISSUANCE)

6  
7 State of Nevada }  
8 } ss.  
9 County of ..... }

10 These presents are to authorize any minister, ~~for~~ other ~~person~~  
11 *church or religious official* authorized to solemnize a marriage *or*  
12 *notary public* who has obtained a certificate of permission to  
13 perform marriages, any Supreme Court justice or district judge  
14 within this State, or justice of the peace within a township wherein  
15 the justice of the peace is permitted to solemnize marriages or if  
16 authorized pursuant to subsection 3 of NRS 122.080, or a municipal  
17 judge if authorized pursuant to subsection 4 of NRS 122.080 or any  
18 commissioner of civil marriages or his or her deputy within a  
19 commissioner township wherein they are permitted to solemnize  
20 marriages, to join in marriage ..... of (City, town or location) .....,  
21 State of ..... State of birth (If not in U.S.A., name of country)  
22 .....; Date of birth ..... Father's name ..... Father's state of birth  
23 (If not in U.S.A., name of country) ..... Mother's maiden  
24 name ..... Mother's state of birth (If not in U.S.A., name of  
25 country) ..... Number of this marriage (1st, 2nd, etc.) ..... Wife  
26 deceased ..... Divorced ..... Annulled ..... When ..... Where  
27 ..... And ..... of (City, town or location) ....., State of ..... State  
28 of birth (If not in U.S.A., name of country) .....; Date of birth .....  
29 Father's name ..... Father's state of birth (If not in U.S.A., name of  
30 country) ..... Mother's maiden name ..... Mother's state of birth  
31 (If not in U.S.A., name of country) ..... Number of this marriage  
32 (1st, 2nd, etc.) ..... Husband deceased ..... Divorced ..... Annulled  
33 ..... When ..... Where .....; and to certify the marriage according  
34 to law.  
35

36 Witness my hand and the seal of the county, this .... day of the  
37 month of ..... of the year .....

38  
39 .....  
40 (Seal) Clerk  
41 .....  
42 .....  
43 Deputy clerk



1       **Sec. 4.** NRS 122.062 is hereby amended to read as follows:

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

20       2. A temporary replacement for a licensed, ordained or  
21 appointed minister or other ~~{person}~~ *church or religious official*  
22 authorized to solemnize a marriage certified pursuant to NRS  
23 122.062 to 122.073, inclusive, may solemnize marriages pursuant to  
24 subsection 1 ~~{during such time as he or she may be authorized to do~~  
25 ~~so by the county clerk in the county in which he or she is a~~  
26 ~~temporary replacement.}~~ for a period not to exceed 90 days ~~{,}~~ *if*  
27 *the requirements of this subsection are satisfied*. The minister or  
28 other ~~{person}~~ *church or religious official* authorized to solemnize a  
29 marriage whom he or she temporarily replaces shall provide him or  
30 her with a written authorization which states the period during  
31 which it is effective ~~{,}~~ *and the temporary replacement shall*  
32 *obtain from the county clerk in the county in which he or she is a*  
33 *temporary replacement a written authorization to solemnize*  
34 *marriage and submit to the county clerk an application fee of \$25.*

35       3. Any chaplain who is assigned to duty in this State by the  
36 Armed Forces of the United States may solemnize marriages if the  
37 chaplain obtains a certificate of permission to perform marriages  
38 from the county clerk of the county in which his or her duty station  
39 is located. The county clerk shall issue such a certificate to a  
40 chaplain upon proof of his or her military status as a chaplain and of  
41 his or her assignment.

42       4. A ~~{county clerk may authorize a}~~ licensed, ordained or  
43 appointed minister, ~~{or}~~ other ~~{person}~~ *church or religious official*  
44 authorized to solemnize a marriage ~~{whose residence and church or~~  
45 ~~religious organization is in another state or who is retired, if his or~~



1 ~~her service was as described in subsection 1,]~~ , active or retired, or  
2 a notary public may submit to the county clerk in the county in  
3 which a marriage is to be performed an application to perform  
4 ~~marriages~~ a specific marriage in the county . The application  
5 must:

6 (a) Include the full names and addresses of the persons to be  
7 married;

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

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

11 (d) Be accompanied by an application fee of \$25.

12 5. A county clerk may grant authorization to perform a  
13 specific marriage to a person who submitted an application  
14 pursuant to subsection 4 if the county clerk is satisfied that the  
15 minister or other ~~person~~ church or religious official authorized to  
16 solemnize a marriage , *whether he or she is active or retired*, is in  
17 good standing with his or her church or religious organization ~~;~~  
18 ~~pursuant to this section.] or, in the case of a notary public, if the~~  
19 *notary public is in good standing with the Secretary of State.* The  
20 authorization must be in writing and need not be filed with any other  
21 public officer. A separate authorization is required for each marriage  
22 performed. ~~Such a minister or other~~ A person ~~authorized to~~  
23 ~~solemnize a marriage may perform not more than five marriages in~~  
24 ~~this State] may not obtain more than five authorizations to perform~~  
25 *a specific marriage pursuant to this section* in any calendar year  
26 and must acknowledge that he or she is subject to the jurisdiction of  
27 the county clerk with respect to the provisions of this chapter  
28 governing the conduct of ministers , ~~or~~ other ~~persons~~ church or  
29 *religious officials* authorized to solemnize a marriage *or notaries*  
30 *public* to the same extent as if he or she ~~were~~ had obtained a  
31 ~~minister or other person authorized to solemnize a marriage~~  
32 ~~residing in this State.] certificate of permission to perform~~  
33 *marriages.*

34 **Sec. 5.** NRS 122.064 is hereby amended to read as follows:

35 122.064 1. A certificate of permission to perform marriages  
36 may be obtained only from the county clerk of the county in which  
37 the minister , ~~or~~ other ~~person~~ church or religious official  
38 authorized to solemnize a marriage *or notary public* resides, after  
39 the filing of a proper application. The initial application must:

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

41 (b) *If the applicant is a minister or other church or religious*  
42 *official authorized to solemnize a marriage:*

43 (1) Include the date of licensure, ordination or appointment  
44 of the minister or other ~~person~~ church or religious official



1 authorized to solemnize a marriage, and the name of the church or  
2 religious organization with which he or she is affiliated ~~†~~; and

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

5 (c) *If the applicant is a notary public:*

6 *(1) Include the date of the appointment of the notary public*  
7 *by the Secretary of State; and*

8 *(2) Be accompanied by a verification issued by the*  
9 *Secretary of State within the 3 months immediately preceding the*  
10 *date of the application which states that the applicant has been*  
11 *appointed as a notary public by the Secretary of State pursuant to*  
12 *chapter 240 of NRS and is in good standing with the Secretary of*  
13 *State. The county clerk must refuse to issue a certificate of*  
14 *permission if the appointment of the notary public is suspended or*  
15 *revoked and may refuse to issue a certificate of permission if the*  
16 *notary public has committed any violations of chapter 240 of NRS.*

17 (d) Include the social security number of the applicant.

18 ~~†(d) (e) Be accompanied by ~~one copy of the affidavit of~~~~  
19 ~~authority to solemnize marriages described in subsection 5.] an~~  
20 ~~application fee of \$25.~~

21 2. To determine the qualifications of any minister, ~~or~~ other  
22 ~~person~~ church or religious official authorized to solemnize a  
23 marriage or notary public who has filed an application for a  
24 certificate ~~†~~ of permission, the county clerk with whom the  
25 application has been filed may require:

26 (a) The church or religious organization of the minister or other  
27 ~~person~~ church or religious official authorized to solemnize a  
28 marriage to furnish any evidence which the county clerk considers  
29 necessary or helpful.

30 (b) ~~†The district attorney and the sheriff to conduct an~~ An  
31 investigation of the background and present activities of the minister  
32 or other person authorized to solemnize a marriage. *The cost of an*  
33 *investigation conducted pursuant to this paragraph must be*  
34 *charged to the applicant.*

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

38 (a) ~~†The~~ *If the applicant is a minister or other church or*  
39 *religious official authorized to solemnize a marriage, the*  
40 applicant's ministry is one of service to his or her church or  
41 religious organization or, in the case of a retired minister or other  
42 ~~person~~ church or religious official authorized to solemnize a  
43 marriage, that his or her active ministry was of such a nature.



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

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

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

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

13  
14 AFFIDAVIT OF AUTHORITY TO SOLEMNIZE  
15 MARRIAGES *FOR CHURCHES AND*  
16 *RELIGIOUS ORGANIZATIONS*  
17

18 State of Nevada }  
19 }ss.  
20 County of ..... }

21  
22 The..... (name of church or  
23 religious organization) is organized and carries on its work in  
24 the State of Nevada. Its active meetings are located  
25 at..... (street address, city or  
26 town). The..... (name of church or  
27 religious organization) hereby finds  
28 that..... (name of minister or other  
29 person authorized to solemnize marriages) is in good standing  
30 and is authorized by the..... (name  
31 of church or religious organization) to solemnize a marriage.

32 I am duly authorized by.....  
33 (name of church or religious organization) to complete and  
34 submit this affidavit.

35  
36 .....  
37 Signature of Official

38  
39 .....  
40 Name of Official  
41 (type or print name)

42  
43 .....  
44 Title of Official



1 .....  
2 Address

3  
4 .....  
5 City, State and Zip Code

6  
7 .....  
8 Telephone Number

9  
10 Signed and sworn to (or affirmed) before me this.....  
11 day of the month of..... of the year.....

12  
13 .....  
14 Notary Public for  
15 ..... County, Nevada.

16  
17 My appointment expires.....

18  
19 *6. Not later than 30 days after issuing a certificate of*  
20 *permission to perform marriages to a notary public, the county*  
21 *clerk must submit to the Secretary of State the name of the notary*  
22 *public to whom the certificate has been issued.*

23 *7. If a licensed, ordained or appointed minister or other*  
24 *church or religious official authorized to solemnize a marriage*  
25 *who holds a certificate of permission to perform marriages*  
26 *changes his or her mailing address, the minister or other church*  
27 *or religious official authorized to solemnize a marriage must*  
28 *notify the county clerk who issued the certificate of his or her new*  
29 *mailing address not later than 30 days after the change. If a*  
30 *notary public who holds a certificate of permission to perform*  
31 *marriages changes his or her mailing address, the notary public*  
32 *must submit to the Secretary of State a request for an amended*  
33 *certificate of appointment pursuant to NRS 240.036.*

34 **Sec. 6.** NRS 122.066 is hereby amended to read as follows:  
35 122.066 1. The Secretary of State shall establish and  
36 maintain a statewide database of ministers , ~~for~~ other ~~persons~~  
37 *church or religious officials* authorized to solemnize a marriage ~~+~~  
38 *or notaries public who have been issued a certificate of permission*  
39 *to perform marriages.* The database must:

40 (a) Serve as the official list of ministers , ~~for~~ other ~~persons~~  
41 *church or religious officials* authorized to solemnize a marriage *or*  
42 *notaries public* approved *to perform marriages* in this State;

43 (b) Provide for a single method of storing and managing the  
44 official list;

45 (c) Be a uniform, centralized and interactive database;





1 (d) Be electronically secure and accessible to each county clerk  
2 in this State;

3 (e) Contain the name, mailing address and other pertinent  
4 information of each minister , ~~or~~ other ~~person~~ *church or*  
5 *religious official* authorized to solemnize a marriage *or notary*  
6 *public* as prescribed by the Secretary of State; and

7 (f) Include a unique identifier assigned by the Secretary of State  
8 to each minister , ~~or~~ other ~~person~~ *church or religious official*  
9 authorized to solemnize a marriage ~~or~~ *notary public*.

10 2. If the county clerk approves an application for a certificate  
11 of permission to perform marriages, the county clerk shall:

12 (a) Enter all information contained in the application into the  
13 electronic statewide database of ministers , ~~or~~ other ~~persons~~  
14 *church or religious officials* authorized to solemnize a marriage *or*  
15 *notaries public* maintained by the Secretary of State not later than  
16 10 days after the certificate of permission to perform marriages is  
17 approved by the county clerk; and

18 (b) Provide to the Secretary of State all information related to  
19 the minister , ~~or~~ other ~~person~~ *church or religious official*  
20 authorized to solemnize a marriage *or notary public* pursuant to  
21 paragraph (e) of subsection 1.

22 3. Upon approval of an application pursuant to subsection 2,  
23 the minister , ~~or~~ other ~~person~~ *church or religious official*  
24 authorized to solemnize a marriage ~~or~~ *notary public*:

25 (a) Shall comply with the laws of this State governing the  
26 solemnization of marriage and conduct of ministers , ~~or~~ other  
27 ~~persons~~ *church or religious officials* authorized to solemnize a  
28 marriage ~~or~~ *notaries public*;

29 (b) Is subject to further review or investigation by the county  
30 clerk to ensure that he or she continues to meet the statutory  
31 requirements for a person authorized to solemnize a marriage; and

32 (c) Shall provide the county clerk with any changes to his or her  
33 status or information, including, without limitation, the address or  
34 telephone number of the church or religious organization , *if*  
35 *applicable*, or any other information pertaining to certification ~~or~~  
36 *within 30 days after such a change. If a notary public to whom a*  
37 *certificate of permission to perform marriages has been issued*  
38 *changes his or her address, the notary public must submit to the*  
39 *Secretary of State a request for an amended certificate of*  
40 *appointment in accordance with NRS 240.036.*

41 4. A certificate of permission is valid until ~~the~~ :

42 (a) *If the certificate is issued to a minister or other church or*  
43 *religious official authorized to solemnize a marriage, the* county  
44 clerk has received an affidavit of revocation of authority to  
45 solemnize marriages pursuant to NRS 122.0665.



1       ***(b) If the certificate is issued to a notary public, the***  
2 ***appointment as a notary public has expired or has been cancelled,***  
3 ***revoked or suspended. If, after the expiration of his or her***  
4 ***appointment, a notary public receives a new appointment, the***  
5 ***notary public may reapply for a certificate of permission to***  
6 ***perform marriages, without charge, if the reapplication occurs***  
7 ***within 3 months after the expiration of the previous notary public***  
8 ***appointment.***

9       5. An affidavit of revocation of authority to solemnize  
10 marriages that is received pursuant to ***paragraph (a) of*** subsection 4  
11 must be sent to the county clerk within 5 days after the minister or  
12 other ~~person~~ ***church or religious official*** authorized to solemnize a  
13 marriage ceased to be a member of the church or religious  
14 organization in good standing or ceased to be a minister or other  
15 ~~person~~ ***church or religious official*** authorized to solemnize a  
16 marriage for the church or religious organization.

17       6. If the county clerk in the county where the certificate of  
18 permission was issued has reason to believe that ~~the~~ :

19       ***(a) The*** minister or other ~~person~~ ***church or religious official***  
20 authorized to solemnize a marriage is no longer in good standing  
21 within his or her church or religious organization, or that he or she is  
22 no longer a minister or other ~~person~~ ***church or religious official***  
23 authorized to solemnize a marriage, or that such church or religious  
24 organization no longer exists ~~it~~ ; or

25       ***(b) The notary public is no longer in good standing with the***  
26 ***Secretary of State or that the appointment of the notary public has***  
27 ***expired,***

28       ↳ the county clerk may require satisfactory proof of the good  
29 standing of the minister , ~~or~~ other ~~person~~ ***church or religious***  
30 ***official*** authorized to solemnize a marriage ~~it~~ or ***notary public.*** If  
31 such proof is not presented within 15 days, the county clerk shall  
32 revoke the certificate of permission by amending the electronic  
33 record of the minister , ~~or~~ other ~~person~~ ***church or religious***  
34 ***official*** authorized to solemnize a marriage or ***notary public*** in the  
35 statewide database pursuant to subsection 1.

36       7. Except as otherwise provided in subsection 8, if any minister  
37 or other ~~person~~ ***church or religious official*** authorized to  
38 solemnize a marriage to whom a certificate of permission has been  
39 issued severs ties with his or her church or religious organization or  
40 moves from the county in which his or her certificate was issued, the  
41 certificate shall expire immediately upon such severance or move,  
42 and the church or religious organization shall, within 5 days after  
43 the severance or move, file an affidavit of revocation of authority to  
44 solemnize marriages pursuant to NRS 122.0665. If the minister or  
45 other ~~person~~ ***church or religious official*** authorized to solemnize a



1 marriage voluntarily advises the county clerk of the county in which  
2 his or her certificate was issued of his or her severance with his or  
3 her church or religious organization, or that he or she has moved  
4 from the county, the certificate shall expire immediately upon such  
5 severance or move without any notification to the county clerk by  
6 the church or religious organization.

7 8. If any minister or other ~~person~~ *church or religious official*  
8 authorized to solemnize a marriage, who is retired and to whom a  
9 certificate of permission has been issued, moves from the county in  
10 which his or her certificate was issued to another county in this  
11 State, the certificate remains valid until such time as the certificate  
12 otherwise expires or is revoked as prescribed by law. The minister  
13 or other ~~person~~ *church or religious official* authorized to  
14 solemnize a marriage must provide his or her new address to the  
15 county clerk in the county to which the minister or other ~~person~~  
16 *church or religious official* authorized to solemnize a marriage has  
17 moved.

18 9. *If any notary public to whom a certificate of permission*  
19 *has been issued moves from the county in which his or her*  
20 *certificate was issued, the certificate shall expire immediately*  
21 *upon such move.*

22 10. The Secretary of State may adopt regulations concerning  
23 the creation and administration of the statewide database. This  
24 section does not prohibit the Secretary of State from making the  
25 database publicly accessible for the purpose of viewing ministers ,  
26 ~~or~~ other ~~persons~~ *church or religious officials* who are authorized  
27 to solemnize a marriage *or notaries public to whom a certificate of*  
28 *permission to perform marriages has been issued* in this State.

29 **Sec. 7.** NRS 122.0665 is hereby amended to read as follows:

30 122.0665 1. If a minister or other ~~person~~ *church or*  
31 *religious official* authorized to solemnize a marriage is no longer  
32 authorized to solemnize a marriage by the church or religious  
33 organization that authorized the minister or other ~~person~~ *church or*  
34 *religious official* to solemnize marriages when he or she applied for  
35 a certificate of permission to perform marriages pursuant to NRS  
36 122.064, the church or religious organization shall, within 5 days  
37 after the authorization is terminated, file an affidavit of revocation  
38 of authority to solemnize marriages with the county clerk of the  
39 county where the original affidavit of authority to solemnize  
40 marriages was filed.

41 2. The affidavit of revocation of authority to solemnize  
42 marriages must be in substantially the following form:





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.....

**Sec. 8.** NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued a certificate of permission to perform marriages to a minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* is revoked, the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* from the official list contained in the database of ministers , ~~or~~ other ~~persons~~ *church or religious officials* authorized to solemnize a marriage *or notaries public* and shall notify each county clerk and county recorder in the State of the revocation.

**Sec. 9.** NRS 122.071 is hereby amended to read as follows:

122.071 Any minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* whose application for a certificate of permission to perform marriages or renewal of such certificate is denied, or whose certificate of permission is revoked, is entitled to judicial review of such action in the district court of the county in which such action was taken.

**Sec. 10.** NRS 122.090 is hereby amended to read as follows:

122.090 No marriage solemnized before any person professing to be a judge, justice, minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage, *notary public to whom a certificate of permission to perform marriages has been issued*, commissioner of civil marriages or deputy commissioner of civil marriages shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.





1 marriage pursuant to subsection 2 of NRS 122.020, this certificate  
2 replaces the record of the marriage of the male and female person  
3 who are being rejoined in marriage.)

4  
5  
6  
7 (Seal of County Clerk)

.....  
Signature of person performing  
the marriage

8  
9  
10 Name under signature typewritten  
11 or printed in black ink

12  
13 .....  
14 County Clerk

15  
16 .....  
17 Official title of person performing  
18 the marriage

19  
20 .....  
21 .....  
22 .....  
23 Couple's mailing address

24  
25 3. All information contained in the certificate of marriage must  
26 be typewritten or legibly printed in black ink, except the signatures.  
27 The signature of the person performing the marriage must be an  
28 original signature.

29 **Sec. 13.** NRS 122.181 is hereby amended to read as follows:

30 122.181 1. The commissioner of civil marriages or his or her  
31 deputy commissioner of civil marriages is entitled to receive as his  
32 or her fee for solemnizing a marriage ~~+\$45+~~ \$70. The fee must be  
33 deposited in the county general fund.

34 2. The commissioner of civil marriages or his or her deputy  
35 commissioner of civil marriages shall also at the time of  
36 solemnizing a marriage collect the additional sum of \$5 for the  
37 Account for Aid for Victims of Domestic Violence in the State  
38 General Fund. The fees collected for this purpose must be paid over  
39 to the county treasurer by the county clerk on or before the fifth day  
40 of each month for the preceding calendar month, and must be  
41 credited to that Account. The county treasurer shall, on or before the  
42 15th day of each month, remit those fees deposited by the clerk to  
43 the State Controller for credit to that Account.



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1       **Sec. 14.** NRS 122.185 is hereby amended to read as follows:

2       122.185 The office of the commissioner of civil marriages and  
3 each room therein shall prominently display on the wall, or other  
4 appropriate place, a sign informing all people who avail themselves  
5 of the services of the commissioner of civil marriages of the  
6 following facts:

7       1. That the solemnization of the marriage by the commissioner  
8 of civil marriages is not necessary for a valid marriage and that the  
9 parties wishing to be married may have a justice of the peace within  
10 a township where such justice of the peace is permitted to perform  
11 marriages, or any minister, ~~or~~ other ~~person~~ *church or religious*  
12 *official* authorized to solemnize a marriage *or notary public* of their  
13 choice who holds a valid certificate of permission to perform  
14 marriages within the State, perform the ceremony;

15       2. The amount of the fee to be charged for solemnization of a  
16 marriage, including any extra charge to be made for solemnizing a  
17 marriage after regular working hours in the office of the  
18 commissioner of civil marriages;

19       3. That all fees charged are paid into the county general fund of  
20 the particular county involved;

21       4. That other than the statutory fee, the commissioner of civil  
22 marriages and the deputy commissioners of civil marriages are  
23 precluded by law from receiving any gratuity fee or remuneration  
24 whatsoever for solemnizing a marriage; and

25       5. That if the commissioner of civil marriages, any deputy  
26 commissioner of civil marriages, or any other employee in the office  
27 of the commissioner or in the office of the county clerk solicits such  
28 an extra gratuity fee or other remuneration, the matter should be  
29 reported to the district attorney for such county.

30       **Sec. 15.** NRS 122.220 is hereby amended to read as follows:

31       122.220 1. It is unlawful for any Supreme Court justice,  
32 judge of a district court, justice of the peace, municipal judge,  
33 minister or other ~~person~~ *church or religious official* authorized to  
34 solemnize a marriage, *notary public*, commissioner of civil  
35 marriages or deputy commissioner of civil marriages to join together  
36 as husband and wife persons allowed by law to be joined in  
37 marriage, until the persons proposing such marriage exhibit to him  
38 or her a license from the county clerk as provided by law.

39       2. Any Supreme Court justice, judge of a district court, justice  
40 of the peace, municipal judge, minister or other ~~person~~ *church or*  
41 *religious official* authorized to solemnize a marriage, *notary public*,  
42 commissioner of civil marriages or deputy commissioner of civil  
43 marriages who violates the provisions of subsection 1 is guilty of a  
44 misdemeanor.





1     **Sec. 16.** NRS 4.060 is hereby amended to read as follows:  
2     4.060 1. Except as otherwise provided in this section and  
3 NRS 33.017 to 33.100, inclusive, each justice of the peace shall  
4 charge and collect the following fees:

5     (a) On the commencement of any action or proceeding in the  
6 justice court, other than in actions commenced pursuant to chapter  
7 73 of NRS, to be paid by the party commencing the action:

8		
9	If the sum claimed does not exceed \$1,000.....	\$28.00
10	If the sum claimed exceeds \$1,000 but does not	
11	exceed \$2,500.....	50.00
12	If the sum claimed exceeds \$2,500 but does not	
13	exceed \$4,500.....	100.00
14	If the sum claimed exceeds \$4,500 but does not	
15	exceed \$6,500.....	125.00
16	If the sum claimed exceeds \$6,500 but does not	
17	exceed \$7,500.....	150.00
18	If the sum claimed exceeds \$7,500 but does not	
19	exceed \$10,000.....	175.00
20	In all other civil actions .....	28.00
21		

22     (b) For the preparation and filing of an affidavit and order in an  
23 action commenced pursuant to chapter 73 of NRS:

24		
25	If the sum claimed does not exceed \$1,000.....	\$25.00
26	If the sum claimed exceeds \$1,000 but does not	
27	exceed \$2,500.....	45.00
28	If the sum claimed exceeds \$2,500 but does not	
29	exceed \$5,000.....	65.00
30	If the sum claimed exceeds \$5,000 but does not	
31	exceed \$7,500.....	125.00
32		

33     (c) On the appearance of any defendant, or any number of  
34 defendants answering jointly, to be paid by the defendant or  
35 defendants on filing the first paper in the action, or at the time of  
36 appearance:

37		
38	In all civil actions .....	\$12.00
39	For every additional defendant, appearing separately .....	6.00
40		

41     (d) No fee may be charged where a defendant or  
42 defendants appear in response to an affidavit and order  
43 issued pursuant to the provisions of chapter 73 of NRS.

44     (e) For the filing of any paper in intervention ..... \$6.00



- 1 (f) For the issuance of any writ of attachment, writ of
- 2 garnishment, writ of execution or any other writ designed
- 3 to enforce any judgment of the court ..... \$6.00
- 4 (g) For filing a notice of appeal, and appeal bonds ..... \$12.00
- 5 One charge only may be made if both papers are
- 6 filed at the same time.
- 7 (h) For issuing supersedeas to a writ designed to
- 8 enforce a judgment or order of the court ..... \$12.00
- 9 (i) For preparation and transmittal of transcript and
- 10 papers on appeal..... \$12.00
- 11 (j) For celebrating a marriage and returning the
- 12 certificate to the county recorder or county clerk ..... ~~12.00~~ **\$75.00**
- 13 (k) For entering judgment by confession..... \$6.00
- 14 (l) For preparing any copy of any record, proceeding or
- 15 paper, for each page..... \$3.00
- 16 (m) For each certificate of the clerk, under the seal of
- 17 the court ..... \$3.00
- 18 (n) For searching records or files in his or her office,
- 19 for each year..... \$1.00
- 20 (o) For filing and acting upon each bail or property
- 21 bond ..... \$40.00

22 2. A justice of the peace shall not charge or collect any of the

23 fees set forth in subsection 1 for any service rendered by the justice

24 of the peace to the county in which his or her township is located.

25 3. A justice of the peace shall not charge or collect the fee

26 pursuant to paragraph (j) of subsection 1 if the justice of the peace

27 performs a marriage ceremony in a commissioner township.

28 4. Except as otherwise provided by an ordinance adopted

29 pursuant to the provisions of NRS 244.207, the justice of the peace

30 shall, on or before the fifth day of each month, account for and pay

31 to the county treasurer all fees collected during the preceding month,

32 except for the fees the justice of the peace may retain as

33 compensation and the fees the justice of the peace is required to pay

34 to the State Controller pursuant to subsection 5.

35 5. The justice of the peace shall, on or before the fifth day of

36 each month, pay to the State Controller:

37 (a) An amount equal to \$5 of each fee collected pursuant to

38 paragraph (j) of subsection 1 during the preceding month. The State

39 Controller shall deposit the money in the Account for Aid for

40 Victims of Domestic Violence in the State General Fund.

41 (b) One-half of the fees collected pursuant to paragraph (o) of

42 subsection 1 during the preceding month. The State Controller shall

43 deposit the money in the Fund for the Compensation of Victims of

44 Crime.



1     **Sec. 17.** NRS 240.100 is hereby amended to read as follows:  
2     240.100 1. Except as otherwise provided in subsection 3, a  
3 notary public may charge the following fees and no more:

- 4
- 5         For taking an acknowledgment, for the first
- 6             signature of each signer..... \$5.00
- 7             For each additional signature of each signer ..... 2.50
- 8         For administering an oath or affirmation without a
- 9             signature ..... 2.50
- 10         For a certified copy..... 2.50
- 11         For a jurat, for each signature on the affidavit ..... 5.00
- 12         *For performing a marriage ceremony ..... 75.00*
- 13

14     2. All fees prescribed in this section are payable in advance, if  
15 demanded.

16     3. A notary public may charge an additional fee for traveling to  
17 perform a notarial act if:

18         (a) The person requesting the notarial act asks the notary public  
19 to travel;

20         (b) The notary public explains to the person requesting the  
21 notarial act that the fee is in addition to the fee authorized in  
22 subsection 1 and is not required by law;

23         (c) The person requesting the notarial act agrees in advance  
24 upon the hourly rate that the notary public will charge for the  
25 additional fee; and

26         (d) The additional fee does not exceed:  
27             (1) If the person requesting the notarial act asks the notary  
28 public to travel between the hours of 6 a.m. and 7 p.m., \$10 per  
29 hour.

30             (2) If the person requesting the notarial act asks the notary  
31 public to travel between the hours of 7 p.m. and 6 a.m., \$25 per  
32 hour.

33     ➤ The notary public may charge a minimum of 2 hours for such  
34 travel and shall charge on a pro rata basis after the first 2 hours.

35     4. A notary public is entitled to charge the amount of the  
36 additional fee agreed to in advance by the person requesting the  
37 notarial act pursuant to subsection 3 if:

38         (a) The person requesting the notarial act cancels the request  
39 after the notary public begins his or her travel to perform the  
40 requested notarial act.

41         (b) The notary public is unable to perform the requested notarial  
42 act as a result of the actions of the person who requested the notarial  
43 act or any other person who is necessary for the performance of the  
44 notarial act.



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1 5. For each additional fee that a notary public charges for  
2 traveling to perform a notarial act pursuant to subsection 3, the  
3 notary public shall enter in the journal that he or she keeps pursuant  
4 to NRS 240.120:

5 (a) The amount of the fee; and

6 (b) The date and time that the notary public began and ended  
7 such travel.

8 6. A person who employs a notary public may prohibit the  
9 notary public from charging a fee for a notarial act that the notary  
10 public performs within the scope of the employment. Such a person  
11 shall not require the notary public whom the person employs to  
12 surrender to the person all or part of a fee charged by the notary  
13 public for a notarial act performed outside the scope of the  
14 employment of the notary public.

15 **Sec. 18.** NRS 240.150 is hereby amended to read as follows:

16 240.150 1. For misconduct or neglect in a case in which a  
17 notary public appointed pursuant to the authority of this State may  
18 act, either by the law of this State or of another state, territory or  
19 country, or by the law of nations, or by commercial usage, the  
20 notary public is liable on his or her official bond to the parties  
21 injured thereby, for all the damages sustained.

22 2. The employer of a notary public may be assessed a civil  
23 penalty by the Secretary of State of not more than \$2,000 for each  
24 violation specified in subsection 4 committed by the notary public,  
25 and the employer is liable for any damages proximately caused by  
26 the misconduct of the notary public, if:

27 (a) The notary public was acting within the scope of his or her  
28 employment at the time the notary public engaged in the  
29 misconduct; and

30 (b) The employer of the notary public consented to the  
31 misconduct of the notary public.

32 3. The Secretary of State may refuse to appoint or may suspend  
33 or revoke the appointment of a notary public who fails to provide to  
34 the Secretary of State, within a reasonable time, information that the  
35 Secretary of State requests from the notary public in connection  
36 with a complaint which alleges a violation of this chapter.

37 4. Except as otherwise provided in this chapter, for any willful  
38 violation or neglect of duty or other violation of this chapter, or  
39 upon proof that a notary public has been convicted of a crime  
40 described in paragraph (c) of subsection 2 of NRS 240.010:

41 (a) The appointment of the notary public may be suspended for  
42 a period determined by the Secretary of State, but not exceeding the  
43 time remaining on the appointment;

44 (b) The appointment of the notary public may be revoked after a  
45 hearing; or



1 (c) The notary public may be assessed a civil penalty of not  
2 more than \$2,000 for each violation.

3 5. If the Secretary of State revokes or suspends the  
4 appointment of a notary public pursuant to this section, the  
5 Secretary of State shall:

6 (a) Notify the notary public in writing of the revocation or  
7 suspension; ~~and~~

8 (b) Cause notice of the revocation or suspension to be published  
9 on the website of the Secretary of State ~~H~~; and

10 (c) *If a county clerk has issued a certificate of permission to*  
11 *perform marriages to the notary public pursuant to NRS 122.064,*  
12 *notify the county clerk of the revocation or suspension.*

13 6. Except as otherwise provided by law, the Secretary of State  
14 may assess the civil penalty that is authorized pursuant to this  
15 section upon a notary public whose appointment has expired if the  
16 notary public committed the violation that justifies the civil penalty  
17 before his or her appointment expired.

18 7. The appointment of a notary public may be suspended or  
19 revoked by the Secretary of State pending a hearing if the Secretary  
20 of State believes it is in the public interest or is necessary to protect  
21 the public.

