
ASSEMBLY BILL NO. 139—ASSEMBLYMEN BILBRAY-AXELROD;
BACKUS, FUMO, KRASNER, MUNK, SWANK AND TOLLES

FEBRUARY 14, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to when minors may marry. (BDR 11-1)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 5.3)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 domestic relations; revising provisions relating to when minors may marry; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law allows a minor to marry in certain circumstances. If the minor is at
2 least 16 years of age, the consent of either parent or legal guardian is required.
3 (NRS 122.020, 122.025) If the minor is younger than 16 years of age, in addition to
4 such consent, a district court must authorize the marriage after making certain
5 findings. (NRS 122.025) **Section 1** of this bill: (1) removes the ability of a minor
6 who is under 17 years of age to marry; and (2) allows a minor who is 17 years of
7 age to marry if the minor has the consent of either parent or the minor’s legal
8 guardian and the minor obtains authorization from a district court after the court
9 holds an evidentiary hearing and makes certain findings. **Section 1.5** of this bill sets
10 forth the requirements for the court to authorize the marriage of a minor who is 17
11 years of age.

12 **Sections 2-3.5** of this bill make conforming changes. **Section 5.3** of this bill
13 requires each county clerk to compile a report concerning marriage licenses issued
14 for minors who are 17 years of age and submit the report to the Director of the
15 Legislative Counsel Bureau for distribution to the 81st Session of the Legislature.
16 **Section 6** of this bill ensures that the validity of any marriage existing when the bill
17 becomes effective is not affected, and that any married minor on that date continues
18 to have the same rights.



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

1 **Section 1.** NRS 122.020 is hereby amended to read as follows:

2 122.020 1. Except as otherwise provided in ~~{this section,}~~
3 *subsection 2 and NRS 122.025*, two persons, regardless of gender,
4 *who are* at least 18 years of age, not nearer of kin than second
5 cousins or cousins of the half blood, and not having a spouse living,
6 may be joined in marriage.

7 2. Two persons, regardless of gender, who are married to each
8 other may be rejoined in marriage if the record of their marriage has
9 been lost or destroyed or is otherwise unobtainable.

10 ~~{3.— A person at least 16 years of age but less than 18 years of~~
11 ~~age may marry only if the person has the consent of:~~

12 — (a) Either parent; or

13 — (b) ~~Such person's legal guardian.~~

14 **Sec. 1.5.** NRS 122.025 is hereby amended to read as follows:

15 122.025 1. A ~~{person less than 16}~~ *minor who is 17* years of
16 age may marry only if the ~~{person}~~ *minor* has the consent of:

17 (a) Either parent; or

18 (b) ~~{Such person's}~~ *The minor's* legal guardian,

19 ➔ and ~~{such person}~~ *the minor* also obtains authorization from a
20 district court as provided in ~~{subsection 2.}~~ *this section.*

21 2. In extraordinary circumstances, a district court may
22 authorize the marriage of a ~~{person less than 16}~~ *minor who is 17*
23 years of age if the court finds , *by clear and convincing evidence,*
24 *after an evidentiary hearing in which both parties to the*
25 *prospective marriage provide sworn testimony,* that:

26 (a) *Both parties to the prospective marriage are residents of*
27 *this State;*

28 (b) *The minor has received a high school diploma, a general*
29 *educational development certificate or an equivalent document;*

30 (c) The marriage will serve the best interests of ~~{such person;}~~
31 *the minor;* and

32 ~~{(b) Such person}~~

33 (d) *The minor* has the consent required by paragraph (a) or (b)
34 of subsection 1.

35 ➔ Pregnancy alone does not establish that the best interests of ~~{such~~
36 ~~person}~~ *the minor* will be served by marriage, nor may pregnancy
37 be required by a court as a condition necessary for its authorization
38 for the marriage of ~~{such person.}~~ *the minor.*

39 3. *In determining the best interests of the minor for the*
40 *purposes of subsection 2, the court shall consider, without*
41 *limitation:*



1 (a) *The difference in age between the parties to the prospective*
2 *marriage;*

3 (b) *The need for the marriage to occur before the minor*
4 *reaches 18 years of age; and*

5 (c) *The emotional and intellectual maturity of the minor.*

6 **Sec. 2.** NRS 122.040 is hereby amended to read as follows:

7 122.040 1. Except as otherwise provided in NRS 122.0615,
8 before persons may be joined in marriage, a license must be
9 obtained for that purpose from the county clerk of any county in the
10 State. Except as otherwise provided in this subsection, the license
11 must be issued at the county seat of that county. The board of
12 county commissioners:

13 (a) In a county whose population is 700,000 or more may, at the
14 request of the county clerk, designate not more than five branch
15 offices of the county clerk at which marriage licenses may be
16 issued, if the designated branch offices are located outside of the
17 county seat.

18 (b) In a county whose population is less than 700,000 may, at
19 the request of the county clerk, designate one branch office of the
20 county clerk at which marriage licenses may be issued, if the
21 designated branch office is established in a county office building
22 which is located outside of the county seat.

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

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

31 (b) A passport.

32 (c) A birth certificate and:

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

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

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

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

43 (e) A Certificate of Citizenship, Certificate of Naturalization,
44 Permanent Resident Card or Temporary Resident Card issued by the



1 United States Citizenship and Immigration Services of the
2 Department of Homeland Security.

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

6 3. Except as otherwise provided in subsection 4, the county
7 clerk issuing the license shall require each applicant to answer under
8 oath each of the questions contained in the form of license. The
9 county clerk shall, except as otherwise provided in this subsection,
10 require each applicant to include the applicant's social security
11 number on the affidavit of application for the marriage license. If a
12 person does not have a social security number, the person must state
13 that fact. The county clerk shall not require any evidence to verify a
14 social security number. If any of the information required is
15 unknown to the person, the person must state that the answer is
16 unknown. The county clerk shall not deny a license to an applicant
17 who states that the applicant does not have a social security number
18 or who states that any requested information concerning the
19 applicant's parents is unknown.

20 4. Upon finding that extraordinary circumstances exist which
21 result in only one applicant being able to appear before the county
22 clerk, the county clerk may waive the requirements of subsection 3
23 with respect to the person who is unable to appear before the county
24 clerk, or may refer the applicant to the district court. If the applicant
25 is referred to the district court, the district court may waive the
26 requirements of subsection 3 with respect to the person who is
27 unable to appear before the county clerk. If the district court waives
28 the requirements of subsection 3, the district court shall notify the
29 county clerk in writing. If the county clerk or the district court
30 waives the requirements of subsection 3, the county clerk shall
31 require the applicant who is able to appear before the county clerk
32 to:

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

36 (b) Include the applicant's social security number and the social
37 security number of the other person named in the license on the
38 affidavit of application for the marriage license. If either person
39 does not have a social security number, the person responding to the
40 question must state that fact. The county clerk shall not require any
41 evidence to verify a social security number.

42 ➤ If any of the information required on the application is unknown
43 to the person responding to the question, the person must state that
44 the answer is unknown. The county clerk shall not deny a license to
45 an applicant who states that the applicant does not have a social



1 security number or who states that any requested information
2 concerning the parents of either the person who is responding to the
3 question or the person who is unable to appear is unknown.

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

8 ~~— (a) Personally given before the clerk;~~

9 ~~— (b) Certified under the hand of the parent or guardian, attested
10 by two witnesses, one of whom must appear before the clerk and
11 make oath that the witness saw the parent or guardian subscribe his
12 or her name to the annexed certificate, or heard him or her
13 acknowledge it; or~~

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

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

25 ~~— 7. If the authorization of a district court is required,] *When the*
26 *authorization of a district court is required because the marriage*
27 *involves a minor,* the county clerk shall issue the license if that
28 authorization is given to the county clerk in writing.~~

29 ~~[8.]~~ **6.** At the time of issuance of the license, an applicant or
30 both applicants may elect to change the middle name or last name,
31 or both, by which an applicant wishes to be known after
32 solemnization of the marriage. The first name of each applicant
33 selected for use by the applicant after solemnization of the marriage
34 must be the same as the first name indicated on the proof of the
35 applicant's name submitted pursuant to subsection 2. An applicant
36 may change his or her name pursuant to this subsection only at the
37 time of issuance of the license. One or both applicants may adopt:

38 (a) As a middle name, one of the following:

39 (1) The current last name of the other applicant.

40 (2) The last name of either applicant given at birth.

41 (3) A hyphenated combination of the current middle name
42 and the current last name of either applicant.

43 (4) A hyphenated combination of the current middle name
44 and the last name given at birth of either applicant.

45 (b) As a last name, one of the following:



- 1 (1) The current last name of the other applicant.
- 2 (2) The last name of either applicant given at birth.
- 3 (3) A hyphenated combination of the potential last names
- 4 described in paragraphs (a) and (b).

5 ~~[9.]~~ 7. All records pertaining to marriage licenses are public
6 records and open to inspection pursuant to the provisions of
7 NRS 239.010.

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

10 **Sec. 3.** NRS 122.0615 is hereby amended to read as follows:

11 122.0615 1. In each county whose population is 100,000 or
12 more but less than 700,000, in which a commercial wedding chapel
13 has been in business for 5 years or more, the board of county
14 commissioners shall:

15 (a) Ensure that an office where marriage licenses may be issued
16 is open to the public for the purpose of issuing such licenses from
17 8 a.m. to 12 a.m. every day, including holidays; or

18 (b) Provide for the establishment of a program whereby a
19 commercial wedding chapel that has been in business in the county
20 for 5 years or more is authorized to issue marriage licenses to
21 qualified applicants during the hours when an office where marriage
22 licenses may be issued pursuant to paragraph (a) is not open to the
23 public.

24 2. In each county whose population is less than 100,000, in
25 which a commercial wedding chapel has been in business in the
26 county for 5 years or more, the board of county commissioners may
27 provide for the establishment of a program whereby a commercial
28 wedding chapel that has been in business in the county for 5 years or
29 more is authorized to issue marriage licenses to qualified applicants
30 during the hours when an office where marriage licenses may be
31 issued is not open to the public.

32 3. Except as otherwise provided in subsection 4, a program
33 established pursuant to subsection 1 or 2 must authorize each
34 commercial wedding chapel that has been in business in the county
35 for 5 years or more to begin issuing marriage licenses upon filing
36 with the county clerk a completed registration form prescribed by
37 the board of county commissioners, along with a performance bond
38 in the amount of \$50,000. The performance bond must be
39 conditioned upon the faithful performance of all statutory duties
40 related to the issuance of marriage licenses and compliance with the
41 provisions of NRS 603A.010 to 603A.290, inclusive, that ensure the
42 security of personal information submitted by applicants for a
43 marriage license.

44 4. A commercial wedding chapel shall refer any application for
45 a marriage license ~~[that includes the signature of a guardian]~~ for a



1 minor applicant *who is 17 years of age* to the county clerk for
2 review and issuance of the marriage license pursuant to
3 NRS 122.040.

4 5. The county clerk of the county in which a commercial
5 wedding chapel that issues marriage licenses pursuant to this section
6 is located shall provide to the commercial wedding chapel, without
7 charge, any materials necessary for the commercial wedding chapel
8 to issue marriage licenses. The number of marriage licenses that the
9 commercial wedding chapel may issue must not be limited.

10 6. A commercial wedding chapel that issues marriage licenses
11 pursuant to this section shall comply with all statutory provisions
12 governing the issuance of marriage licenses in the same manner as
13 the county clerk is required to comply, and shall:

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

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

19 (c) Remit all fees collected to the county clerk, in the manner
20 required by the standard of practice adopted by the county clerk.

21 7. The records of a commercial wedding chapel that issues
22 marriage licenses pursuant to this section which pertain to the
23 issuance of a marriage license are public records and must be made
24 available for public inspection at reasonable times. Such a
25 commercial wedding chapel shall comply with the provisions of
26 NRS 603A.010 to 603A.290, inclusive, in the same manner as all
27 other data collectors to ensure the security of all personal
28 information submitted by applicants for a marriage license.

29 8. The persons to whom a commercial wedding chapel issues a
30 marriage license may not be joined in marriage in any county other
31 than the county in which the marriage license is issued.

32 9. A commercial wedding chapel that violates any provision of
33 this section is guilty of a misdemeanor.

34 **Sec. 3.5.** NRS 125.320 is hereby amended to read as follows:

35 125.320 1. When the consent of a parent, guardian or district
36 court, as required by NRS ~~[122.020-or]~~ 122.025, has not been
37 obtained, the marriage is void from the time its nullity is declared by
38 a court of competent jurisdiction.

39 2. If the consent required by NRS ~~[122.020-or]~~ 122.025 is not
40 first obtained, the marriage contracted without the consent of a
41 parent, guardian or district court may be annulled upon application
42 by or on behalf of the person who fails to obtain such consent,
43 unless such person after reaching the age of 18 years freely cohabits
44 for any time with the other party to the marriage as a married



1 couple. Any such annulment proceedings must be brought within 1
2 year after such person reaches the age of 18 years.

3 **Sec. 4.** (Deleted by amendment.)

4 **Sec. 5.** (Deleted by amendment.)

5 **Sec. 5.3.** 1. Each county clerk shall compile a report
6 containing information about each marriage license issued on or
7 after October 1, 2019, for the marriage of a person who is 17 years
8 of age. For each such marriage, the report must include, without
9 limitation, the ages of the parties to the marriage.

10 2. On or before January 1, 2021, each county clerk shall submit
11 the report required pursuant to this section to the Director of the
12 Legislative Counsel Bureau for distribution to the 81st Session of
13 the Legislature.

14 **Sec. 5.7.** The provisions of NRS 354.599 do not apply to any
15 additional expenses of a local government that are related to the
16 provisions of this act.

17 **Sec. 6.** The amendatory provisions of this act do not affect:

18 1. The validity of any marriage entered into by a minor before
19 October 1, 2019; or

20 2. The legal rights or responsibilities of any minor who married
21 before October 1, 2019.

22 **Sec. 7.** (Deleted by amendment.)

