
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 marriage will serve the best interests of ~~{such person;}~~
29 *the minor;* and

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

31 (c) *The minor* has the consent required by paragraph (a) or (b)
32 of subsection 1.

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

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

40 (a) *The difference in age between the parties to the prospective*
41 *marriage;*



1 ***(b) The need for the marriage to occur before the minor***
2 ***reaches 18 years of age; and***
3 ***(c) The emotional and intellectual maturity of the minor.***

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

5 122.040 1. Except as otherwise provided in NRS 122.0615,
6 before persons may be joined in marriage, a license must be
7 obtained for that purpose from the county clerk of any county in the
8 State. Except as otherwise provided in this subsection, the license
9 must be issued at the county seat of that county. The board of
10 county commissioners:

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

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

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

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

29 (b) A passport.

30 (c) A birth certificate and:

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

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

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

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

41 (e) A Certificate of Citizenship, Certificate of Naturalization,
42 Permanent Resident Card or Temporary Resident Card issued by the
43 United States Citizenship and Immigration Services of the
44 Department of Homeland Security.



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

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

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

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

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

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



1 concerning the parents of either the person who is responding to the
2 question or the person who is unable to appear is unknown.

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

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

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

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

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

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

28 ~~[8.]~~ 6. At the time of issuance of the license, an applicant or
29 both applicants may elect to change the middle name or last name,
30 or both, by which an applicant wishes to be known after
31 solemnization of the marriage. The first name of each applicant
32 selected for use by the applicant after solemnization of the marriage
33 must be the same as the first name indicated on the proof of the
34 applicant's name submitted pursuant to subsection 2. An applicant
35 may change his or her name pursuant to this subsection only at the
36 time of issuance of the license. One or both applicants may adopt:

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

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

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

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

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

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

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



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

4 ~~19.1~~ 7. All records pertaining to marriage licenses are public
5 records and open to inspection pursuant to the provisions of
6 NRS 239.010.

7 ~~10.1~~ 8. A marriage license issued on or after July 1, 1987,
8 expires 1 year after its date of issuance.

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

10 122.0615 1. In each county whose population is 100,000 or
11 more but less than 700,000, in which a commercial wedding chapel
12 has been in business for 5 years or more, the board of county
13 commissioners shall:

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

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

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

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

43 4. A commercial wedding chapel shall refer any application for
44 a marriage license ~~[that includes the signature of a guardian]~~ for a
45 minor applicant *who is 17 years of age* to the county clerk for



1 review and issuance of the marriage license pursuant to
2 NRS 122.040.

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

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

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

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

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

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

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

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

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

34 125.320 1. When the consent of a parent, guardian or district
35 court, as required by NRS ~~[122.020 or]~~ 122.025, has not been
36 obtained, the marriage is void from the time its nullity is declared by
37 a court of competent jurisdiction.

38 2. If the consent required by NRS ~~[122.020 or]~~ 122.025 is not
39 first obtained, the marriage contracted without the consent of a
40 parent, guardian or district court may be annulled upon application
41 by or on behalf of the person who fails to obtain such consent,
42 unless such person after reaching the age of 18 years freely cohabits
43 for any time with the other party to the marriage as a married
44 couple. Any such annulment proceedings must be brought within 1
45 year after such person reaches the age of 18 years.



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

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

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

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

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

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

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

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

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

