WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 34

(By Mr.)

Judiciary Committee

Passed March 17, 1965
In Effect 30 Days from Passage

Filed in the Office of
Joe F. Burdett
Secretary of State
This Date 3-18-65

#34
ENROLLED
JUDICIARY
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 34
(By Mr. KAUFMAN original sponsor)

[Passed March 12, 1965; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the application for a marriage license, and the requirements for the issuance of a marriage license.

Be it enacted by the Legislature of West Virginia:

That section six, article one, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 6. Application for License; Requirements for Issuance of License.—Every license for marriage shall be
issued by the clerk of the county court of the county in which the female to be married usually resides except, in cases of a female who is a non-resident of the state of West Virginia, by the clerk of the county court of the county in which application is made: Provided, That such license shall be issued not sooner than three days after the filing with said clerk of a written application therefor. The day upon which such application is filed shall be counted as the first day, but two full days shall elapse after the day of such filing before the license shall be issued: Provided, however, That before any such license is issued each applicant therefor shall file with the clerk a certificate or certificates from any physician duly licensed in the state, stating that each party thereto has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than thirty days prior to the date on which such license is issued, and stating that in the opinion of the physician the person therein named either is not infected with syphilis or, if so infected, is not in the state of the disease which is or may later become
Such examinations and tests as are required hereunder may be given as provided by section nineteen, article four, chapter sixteen of this code. The application for a marriage license shall contain a statement of the full names of both parties, their respective ages and their places of birth and residence. It shall be signed by both of the parties to the contemplated marriage, under oath before the clerk of the county court or before a person authorized to administer oaths under the laws of this state. At the time of the execution of such application, the clerk, or the person administering the oath to the applicants, shall require some evidence of the age of each of the applicants. Evidence of the age of each applicant may be in the form of a certified or photostatic copy of a birth certificate, a voter's registration certificate, an operator's or chauffeur's license, an affidavit of both parents of the applicant or other good and sufficient evidence of such age. Where such an affidavit is relied upon as evidence of the age of an applicant, and one parent is dead, the affidavit of the surviving parent or of the guardian of the applicant shall suffice; if both
parents are dead, the affidavit of the guardian of the applicant shall suffice. If the parents of the applicant are living separate and apart, the affidavit of the parent having the custody of the applicant shall suffice. Such application shall be recorded in the register of marriages provided for in section eleven of this article. The date of the filing of the application shall be noted in said register, which notation, or a certified copy thereof, shall be legal evidence of the facts therein contained.

To the extent otherwise provided by section six-c of this article, the provisions of this section shall not apply.

No application for license shall be received nor any license issued on any Sunday, or before the hours of eight o'clock A. M. and after five o'clock P. M. on any week day.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ray Parker
Chairman Senate Committee

James L. Long
Chairman House Committee

Originated in the Senate.

Takes effect according to the Senate
Passage.

J. Thomas McPeek
Clerk of the Senate

C. J. Blankenship
Clerk of the House of Delegates

Howard W. Lawn
President of the Senate

H. Dallas Embree
Speaker House of Delegates

The within approved this the 18

day of March, 1965.

Hulet C. Smith
Governor