

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978

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ENROLLED

*Committee Substitute for*

HOUSE BILL No. 805

(By Mrs. Blatnik)

— ● —

PASSED March 11, 1978

In Effect ninety days from Passage



C 641

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 805**  
**(By MRS. BLATNIK)**

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[Passed March 11, 1978; In effect ninety days from passage.]

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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, permitting application for marriage license to be made and the issuance thereof in the county where either party thereto resides and in the case of nonresidents of this state, permitting such application in any county.

*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:

**ARTICLE 1. MARRIAGE.**

**§48-1-6. Application for license; requirements for issuance of license.**

1 Every license for marriage shall be issued by the clerk of the  
2 county commission of the county in which either party usually  
3 resides, except that where both parties are nonresidents of the  
4 state of West Virginia, the license shall be issued by the clerk of  
5 the county commission of the county in which application is  
6 made. Such license shall be issued not sooner than three days

7 after the filing with said clerk of a written application  
8 therefor. The day upon which such application is filed  
9 shall be counted as the first day, but two full days shall  
10 elapse after the day of such filing before the license shall  
11 be issued. Before any such license is issued each applicant  
12 therefor shall file with the clerk a certificate or certificates  
13 from any physician duly licensed in the state, stating that  
14 each party thereto has been given such examination, includ-  
15 ing a standard serological test, as may be necessary for the  
16 discovery of syphilis, made not more than thirty days prior  
17 to the date on which such license is issued, and stating that  
18 in the opinion of the physician the person therein named  
19 either is not infected with syphilis or, if so infected, is not  
20 in the state of the disease which is or may later become  
21 communicable. Such examinations and tests as are required  
22 hereunder may be given as provided by section nineteen,  
23 article four, chapter sixteen of this code.

24 The application for a marriage license shall contain a  
25 statement of the full names of both parties, their respective  
26 ages and their places of birth and residence. It shall be  
27 signed by both of the parties to the contemplated marriage,  
28 under oath before the clerk of the county commission or  
29 before a person authorized to administer oaths under the  
30 laws of this state. At the time of the execution of such  
31 application, the clerk, or the person administering the oath  
32 to the applicants, shall require some evidence of the age  
33 of each of the applicants. Evidence of the age of each  
34 applicant may be in the form of a certified or photostatic  
35 copy of a birth certificate, a voter's registration certificate,  
36 an operator's or chauffeur's license, an affidavit of both  
37 parents or legal guardian of the applicant or other good and  
38 sufficient evidence of such age. Where such an affidavit is  
39 relied upon as evidence of the age of an applicant, and one  
40 parent is dead, the affidavit of the surviving parent or of  
41 the guardian of the applicant shall suffice; if both parents  
42 are dead, the affidavit of the guardian of the applicant shall  
43 suffice. If the parents of the applicant are living separate and  
44 apart, the affidavit of the parent having custody of the  
45 applicant shall suffice. Such application shall be recorded  
46 in the register of marriages provided for in section eleven

47 of this article. The date of the filing of the application  
48 shall be noted in said register, which notation, or a certified  
49 copy thereof, shall be legal evidence of the facts therein  
50 contained.

51 To the extent otherwise provided by section six-c of this  
52 article, the provisions of this section shall not apply. No  
53 application for license shall be received nor any license  
54 issued on any Sunday, or before the hours of eight o'clock a.m.  
55 and after five o'clock p.m. on any week day; nor any  
56 application be received nor any license issued except in the  
57 office of such clerk.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Blair L. Chestnut  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. H. Willson Jr.  
Clerk of the Senate

C. O. Blankenship  
Clerk of the House of Delegates

W. T. Brotherton Jr.  
President of the Senate

Donald L. Kopp  
Speaker House of Delegates

The within is approved this the 30  
day of March, 1978.

John W. Remy  
Governor

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MAR 17 10 38 AM '78

OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date

Mar. 30, 1978

Time

9:10 A.M.

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OFFICE  
DEPT. OF STATE