WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1978

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ENROLLED
Committee Substitute for
HOUSE BILL No. 805

(By Mrs. Blatnick)

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PASSED March 11, 1978
In Effect ninety days from Passage

C 641
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 county commission of the county in which either party usually resides, except that where both parties are nonresidents of the state of West Virginia, the license shall be issued by the clerk of the county commission of the county in which application is made. 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. 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 communicable. 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 commission 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 or legal guardian 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 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; nor any application be received nor any license issued except in the office of such clerk.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James D. Davis  
Chairman Senate Committee

Clarence C. Shepherd  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. William J.  
Clerk of the Senate

W. T. Bostic Jr.  
Clerk of the House of Delegates

W. T. Bostic Jr.  
President of the Senate

Donald L. Young  
Speaker House of Delegates

The within is approved this the 70th day of March, 1978.

John R. Bryan  
Governor
RECEIVED
Mar 17 10 38 AM '78
OFFICE OF THE GOVERNOR

APPROVED AND SIGNED BY THE GOVERNOR

Date Mar 30 '78
Time 9:18 A.M.

OFFICE OF THE GOVERNOR
MAR 30 P9:25
RECEIVED