

No: 1084

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL No. 1084

(By ~~HE~~ Delegate Casey + Delegate Reed

— ● —

Passed March 3, 1986

In Effect Ninety days from Passage

ENROLLED
H. B. 1084

(By DELEGATE CASEY and DELEGATE REED)

[Passed March 3, 1986; 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 allowing clerks of county commissions to accept applications for marriage licenses and to issue marriage licenses at anytime the clerk's office is officially open for business.

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
2 of the county commission of the county in which either
3 party usually resides, except that where both parties are
4 nonresidents of the state of West Virginia, the license
5 shall be issued by the clerk of the county commission of
6 the county in which application is made. Such license
7 shall be issued not sooner than three days after the filing
8 with said clerk of a written application therefor. The day
9 upon which such application is filed shall be counted as
10 the first day, but two full days shall elapse after the day
11 of such filing before the license shall be issued. Before

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

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

54 contained.

55 To the extent otherwise provided by section six-c of
56 this article, the provisions of this section shall not apply.
57 Applications for licenses may be received and licenses
58 may be issued by the clerk of the county commission at
59 anytime his office is officially open for the conduct of
60 business.

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

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Ladd C. Smith
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Don Tomlinson
President of the Senate

Joseph P. Allwright
Speaker of the House of Delegates

The within approved this the 25th
day of March, 1986.

Arthur A. Shaver Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 3/11/86

Time 1:59 p.m.

PROF/PP

1996 MAR 26 PM 4: 24

OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86