WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

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ENROLLED

HOUSE BILL No. 1084...

(By Delegate Casey and 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.

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, includ-
ing 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 social
security account numbers, and 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 certif-
icate, 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. Applications for licenses may be received and licenses may be issued by the clerk of the county commission at anytime his office is officially open for the conduct of 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.

Ned C. Hill  
Clerk of the Senate

Dorothy L. Ferguson  
Clerk of the House of Delegates

Dan Tomblin  
President of the Senate

Joseph P. Allworth  
Speaker of the House of Delegates

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

A.J. SHAVER, Jr.  
Governor