WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED

HOUSE BILL No. 2024

(By Delegates L. White and Kiss)

Passed April 7, 1993

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 including a statement on the application for a marriage license that each applicant has protected rights in a marriage and that certain activities among spouses and other family members are crimes punishable by law.

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. The license shall be issued not sooner than three days after the filing with the clerk of a written application therefor. The day on which the application is filed shall be counted as the first day, but two full days shall elapse after the day of filing before the license shall be issued. Before any
license is issued, each applicant shall file with the clerk a certificate or certificates from any physician duly licensed in the state, stating that each party has been given an 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 license is issued, and stating that in the opinion of the physician the applicant 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. The examinations and tests required by this section 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, their respective ages and their places of birth and residence. Effective the first day of September, one thousand nine hundred ninety-three, the application for a marriage license shall also contain the following statement:

"The laws of this state affirm your right to enter into this marriage and at the same time to live within the marriage free from violence and abuse. Neither of you is the property of the other. Physical abuse, sexual abuse, battery and assault of a spouse or other family member, as well as other provisions of the criminal laws of this state, are applicable to spouses and other family members and violations thereof are punishable by law."

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 the 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. 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. The
application shall be recorded in the register of mar-
riages provided for in section eleven of this article. The
date of the filing of the application shall be noted in the
register. The notation, or a certified copy thereof, is
legal evidence of the facts therein contained.

To the extent otherwise provided by section six-c of
this article, the provisions of this section do not apply.
Applications for licenses may be received and licenses
may be issued by the clerk of the county commission at
anytime his or her office is officially open for the
conduct of business.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Presidential of the Senate

Speaker of the House of Delegates

The within is approved this the ___ day of April, 1993.

Governor
PRESENTED TO THE
GOVERNOR

Date 4/30/93
Time 10:30 AM