WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 550

(By Senator Kessler)

[Passed March 9, 2007; in effect ninety days from passage.]
AN ACT amend and reenact §48-2-402 of the Code of West Virginia, 1931, as amended, relating to the maintenance of a registry for registration and renewal of persons authorized to perform marriages; eliminating the bonding requirement; providing for the removal of a registrant to inactive status; and establishing a fee for reactivation of a registrant on inactive status.

Be it enacted by the Legislature of West Virginia:

That §48-2-402 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:
ARTICLE 2. MARRIAGES.

§48-2-402. Qualifications of religious representative for celebrating marriages; registry of persons authorized to perform marriage ceremonies; special revenue fund.

(a) Beginning the first day of September, two thousand one, the Secretary of State shall, upon payment of the registration fee established by the Secretary of State pursuant to subsection (d) of this section, make an order authorizing a person who is a religious representative to celebrate the rites of marriage in all the counties of the state, upon proof that the person:

(1) Is eighteen years of age or older;

(2) Is duly authorized to perform marriages by his or her church, synagogue, spiritual assembly or religious organization; and

(3) Is in regular communion with the church, synagogue, spiritual assembly or religious organization of which he or she is a member.

(b) The Secretary of State shall establish a central registry of persons authorized to celebrate marriages in this state. Every person authorized under the provisions of subsection (a) of this section to celebrate marriages shall be listed in this registry. Every county clerk shall, prior to the first day of October, two thousand one, transmit to the Secretary of State the name of every person authorized to celebrate marriages by order issued in his or her county since one thousand nine hundred sixty and the Secretary of State shall include
these names in the registry. The completed registry and
periodic updates shall be transmitted to every county
clerk.

(c) (1) Upon written request from the registrant, the
Secretary of State shall designate the registrant as
inactive on the registry.

(2) Upon written notice from the governing body of
the registrant's authorizing body that the registrant has
died or that the registrant's authority to perform
marriages has been revoked, the Secretary of State shall
attempt to notify the registrant of the change in the
registrant's status by United States mail addressed to
the registrant's last known address. If the registrant
fails to provide the Secretary of State with proof of
good standing with his or her authorizing body within
thirty days, the registrant shall be designated on the
registry as inactive.

(d) A fee not to exceed twenty-five dollars may be
charged by the Secretary of State for each registration
or reactivation of an individual designated as inactive
on the registry received on or after the first day of
September, two thousand one, and all money received
shall be deposited in a special revenue revolving fund
designated the Marriage Celebrants Registration Fee
Administration Fund in the State Treasury to be
administered by the Secretary of State. Expenses
incurred by the secretary in the implementation and
operation of the registry program shall be paid from the
fund.

(e) No marriage performed by a person authorized by
law to celebrate marriages may be invalidated solely
because the person was not listed in the registry provided for in this section.

(f) The Secretary of State shall promulgate rules to implement the provisions of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 27th Day of March, 2007.

Governor