

CHAPTER.....

AN ACT relating to marriage; authorizing a notary public to perform a marriage in certain circumstances; establishing a fee to apply for certain authorization to perform marriages and for a certificate of permission to perform marriages; increasing the fee for marriages performed by the commissioner of civil marriages, his or her deputy of commissioner of civil marriages and justices of the peace; revising various provisions governing the performance of marriages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes: (1) licensed, ordained or appointed ministers or certain other church officials who have been authorized to solemnize a marriage according to the usages of that church or religious organization to perform a marriage in this State after obtaining a certificate of permission to perform marriages from a county clerk; (2) a temporary replacement for a licensed, ordained or appointed minister or other church official to perform marriages after receiving a written authorization from the minister or other church official and the county clerk; and (3) certain ministers or other church officials to perform not more than five marriages per year in the county upon receiving a separate written authorization from the county clerk for each marriage performed. (NRS 122.062) **Section 4** of this bill authorizes certain notaries public to perform a marriage after obtaining a certificate of permission to perform marriages from a county clerk. **Section 4** further requires: (1) a temporary replacement to pay to the county clerk in the county in which he or she will perform marriages an application fee of \$25; and (2) a person applying for authorization to perform a specific marriage to pay to the county clerk in the county in which the marriage will be performed an application fee of \$25. **Section 5** of this bill sets forth the requirements for an application for a certificate of permission to perform marriages if the applicant is a notary public. **Section 5** also requires all applicants for a certificate of permission to pay to the county clerk an application fee of \$25. **Section 6** of this bill: (1) provides for the inclusion of notaries public who obtain a certificate of permission to perform marriages in the statewide database of certain persons authorized to perform marriages which is maintained by the Secretary of State under existing law; and (2) provides for the expiration and revocation of the certificate of permission to perform marriages issued to a notary public.

Existing law provides for the performance of marriages by commissioners of civil marriage in certain counties. (NRS 122.173-122.193) **Section 13** of this bill increases from \$45 to \$70 the fee charged by the commissioner of civil marriages or a deputy commissioner for the solemnization of a marriage.

Section 16 of this bill increases from \$50 to \$75 the fee which a justice of the peace shall charge for performing a marriage.

Section 17 of this bill authorizes a notary public to collect a fee of not more than \$75 for performing a marriage ceremony.



EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 122.006 is hereby amended to read as follows:

122.006 “Other ~~person~~ *church or religious official* authorized to solemnize a marriage” means a person of any church or religious organization, other than a minister, who has been authorized to solemnize a marriage according to the usages of that church or religious organization.

Sec. 2. NRS 122.030 is hereby amended to read as follows:

122.030 1. With respect to any marriage solemnized before January 1, 1971, the original certificate and records of marriage made by the judge, justice or minister, as prescribed in this chapter, and the record thereof by the recorder of the county, or a copy or abstract of the record certified by the recorder, must be received in all courts and places as presumptive evidence of the fact of the marriage.

2. With respect to any marriage solemnized on or after January 1, 1971, the original certificate and records of marriage made by the judge, justice, minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage, *notary public*, commissioner of civil marriages or deputy commissioner of civil marriages, as prescribed in this chapter, and the record thereof by the county recorder or the county clerk, as the case may be, or a copy or abstract of the record certified by the county recorder or the county clerk, as the case may be, must be received in all courts and places as presumptive evidence of the fact of the marriage.

Sec. 3. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 and must be substantially in the following form:

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

State of Nevada }
County of } ss.



These presents are to authorize any minister, ~~for~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* who has obtained a certificate of permission to perform marriages, any Supreme Court justice or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080 or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages, to join in marriage of (City, town or location) State of State of birth (If not in U.S.A., name of country); Date of birth Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Wife deceased Divorced Annulled When Where And of (City, town or location) State of State of birth (If not in U.S.A., name of country); Date of birth Father's name Father's state of birth (If not in U.S.A., name of country) Mother's maiden name Mother's state of birth (If not in U.S.A., name of country) Number of this marriage (1st, 2nd, etc.) Husband deceased Divorced Annulled When Where; and to certify the marriage according to law.

Witness my hand and the seal of the county, this day of the month of of the year

(Seal) Clerk

..... Deputy clerk

Sec. 4. NRS 122.062 is hereby amended to read as follows:

122.062 1. Any licensed, ordained or appointed minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage in good standing within his or her church or religious organization, or either of them, incorporated, organized or established in this State, *or a notary public appointed by the Secretary of State pursuant to chapter 240 of NRS and in good standing with the Secretary of State*, may join together as husband and wife persons who present a marriage license obtained from any county clerk of the State, if the minister, ~~for~~ other ~~person~~ *church*



or religious official authorized to solemnize a marriage *or notary public* first obtains a certificate of permission to perform marriages as provided in NRS 122.062 to 122.073, inclusive. The fact that a minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage is retired does not disqualify him or her from obtaining a certificate of permission to perform marriages if, before retirement, the minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage had active charge of a church or religious organization for a period of at least 3 years.

2. A temporary replacement for a licensed, ordained or appointed minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage certified pursuant to NRS 122.062 to 122.073, inclusive, may solemnize marriages pursuant to subsection 1 ~~{during such time as he or she may be authorized to do so by the county clerk in the county in which he or she is a temporary replacement,}~~ for a period not to exceed 90 days ~~{,}~~ *if the requirements of this subsection are satisfied.* The minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage whom he or she temporarily replaces shall provide him or her with a written authorization which states the period during which it is effective ~~{,}~~ *and the temporary replacement shall obtain from the county clerk in the county in which he or she is a temporary replacement a written authorization to solemnize marriage and submit to the county clerk an application fee of \$25.*

3. Any chaplain who is assigned to duty in this State by the Armed Forces of the United States may solemnize marriages if the chaplain obtains a certificate of permission to perform marriages from the county clerk of the county in which his or her duty station is located. The county clerk shall issue such a certificate to a chaplain upon proof of his or her military status as a chaplain and of his or her assignment.

4. A ~~{county clerk may authorize a}~~ licensed, ordained or appointed minister, ~~{or}~~ other ~~{person}~~ *church or religious official* authorized to solemnize a marriage ~~{whose residence and church or religious organization is in another state or who is retired, if his or her service was as described in subsection 1,}~~ *active or retired, or a notary public may submit to the county clerk in the county in which a marriage is to be performed an application to perform ~~{marriages}~~ a specific marriage* in the county. *The application must:*

- (a) Include the full names and addresses of the persons to be married;*
- (b) Include the date and location of the marriage ceremony;*



(c) Include the information and documents required pursuant to subsection 1 of NRS 122.064; and

(d) Be accompanied by an application fee of \$25.

5. A county clerk may grant authorization to perform a specific marriage to a person who submitted an application pursuant to subsection 4 if the county clerk is satisfied that the minister or other ~~{person}~~ church or religious official authorized to solemnize a marriage, whether he or she is active or retired, is in good standing with his or her church or religious organization ~~}; pursuant to this section.~~ or, in the case of a notary public, if the notary public is in good standing with the Secretary of State. The authorization must be in writing and need not be filed with any other public officer. A separate authorization is required for each marriage performed. ~~{Such a minister or other}~~ A person ~~{authorized to solemnize a marriage may perform not more than five marriages in this State}~~ may not obtain more than five authorizations to perform a specific marriage pursuant to this section in any calendar year and must acknowledge that he or she is subject to the jurisdiction of the county clerk with respect to the provisions of this chapter governing the conduct of ministers, ~~{or}~~ other ~~{persons}~~ church or religious officials authorized to solemnize a marriage or notaries public to the same extent as if he or she ~~{were}~~ had obtained a ~~{minister or other person authorized to solemnize a marriage residing in this State}~~ certificate of permission to perform marriages.

Sec. 5. NRS 122.064 is hereby amended to read as follows:

122.064 1. A certificate of permission to perform marriages may be obtained only from the county clerk of the county in which the minister, ~~{or}~~ other ~~{person}~~ church or religious official authorized to solemnize a marriage or notary public resides, after the filing of a proper application. The initial application must:

(a) Be in writing and be verified by the applicant.

(b) *If the applicant is a minister or other church or religious official authorized to solemnize a marriage:*

(1) Include the date of licensure, ordination or appointment of the minister or other ~~{person}~~ church or religious official authorized to solemnize a marriage, and the name of the church or religious organization with which he or she is affiliated ~~{}~~; and

(2) Be accompanied by one copy of the affidavit of authority to solemnize marriages described in subsection 5.

(c) *If the applicant is a notary public:*

(1) Include the date of the appointment of the notary public by the Secretary of State; and



(2) Be accompanied by a verification issued by the Secretary of State within the 3 months immediately preceding the date of the application which states that the applicant has been appointed as a notary public by the Secretary of State pursuant to chapter 240 of NRS and is in good standing with the Secretary of State. The county clerk must refuse to issue a certificate of permission if the appointment of the notary public is suspended or revoked and may refuse to issue a certificate of permission if the notary public has committed any violations of chapter 240 of NRS.

(d) Include the social security number of the applicant.

~~[(d)]~~ (e) Be accompanied by ~~one copy of the affidavit of authority to solemnize marriages described in subsection 5.]~~ *an application fee of \$25.*

2. To determine the qualifications of any minister, ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* who has filed an application for a certificate ~~of permission~~, the county clerk with whom the application has been filed may require:

(a) The church or religious organization of the minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage to furnish any evidence which the county clerk considers necessary or helpful.

(b) ~~The district attorney and the sheriff to conduct an~~ *An* investigation of the background and present activities of the minister or other person authorized to solemnize a marriage. *The cost of an investigation conducted pursuant to this paragraph must be charged to the applicant.*

3. In addition to the requirement of good standing, the county clerk shall, before approving an initial application, satisfy himself or herself that:

(a) ~~The~~ *If the applicant is a minister or other church or religious official authorized to solemnize a marriage, the* applicant's ministry is one of service to his or her church or religious organization or, in the case of a retired minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage, that his or her active ministry was of such a nature.

(b) No certificate previously issued to the applicant has been cancelled for a knowing violation of the laws of this State or of the United States.

(c) The applicant has not been convicted of a felony, released from confinement or completed his or her parole or probation, whichever occurs later, within 10 years before the date of the application.



.....
Telephone Number

Signed and sworn to (or affirmed) before me this.....
day of the month of..... of the year.....

.....
Notary Public for
..... County, Nevada.

My appointment expires.....

6. Not later than 30 days after issuing a certificate of permission to perform marriages to a notary public, the county clerk must submit to the Secretary of State the name of the notary public to whom the certificate has been issued.

7. If a licensed, ordained or appointed minister or other church or religious official authorized to solemnize a marriage who holds a certificate of permission to perform marriages changes his or her mailing address, the minister or other church or religious official authorized to solemnize a marriage must notify the county clerk who issued the certificate of his or her new mailing address not later than 30 days after the change. If a notary public who holds a certificate of permission to perform marriages changes his or her mailing address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment pursuant to NRS 240.036.

Sec. 6. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers , ~~for~~ other ~~persons~~ *church or religious officials* authorized to solemnize a marriage ~~+~~ *or notaries public who have been issued a certificate of permission to perform marriages.* The database must:

(a) Serve as the official list of ministers , ~~for~~ other ~~persons~~ *church or religious officials* authorized to solemnize a marriage *or notaries public* approved to *perform marriages* in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;



(e) Contain the name, mailing address and other pertinent information of each minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage ~~or notary public~~.

2. If the county clerk approves an application for a certificate of permission to perform marriages, the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers , ~~or~~ other ~~persons~~ *church or religious officials* authorized to solemnize a marriage *or notaries public* maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister , ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage ~~or notary public~~:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers , ~~or~~ other ~~persons~~ *church or religious officials* authorized to solemnize a marriage ~~or notaries public~~;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization , *if applicable*, or any other information pertaining to certification ~~or~~ *within 30 days after such a change. If a notary public to whom a certificate of permission to perform marriages has been issued changes his or her address, the notary public must submit to the Secretary of State a request for an amended certificate of appointment in accordance with NRS 240.036.*

4. A certificate of permission is valid until ~~the~~ :

(a) *If the certificate is issued to a minister or other church or religious official authorized to solemnize a marriage, the county clerk has received an affidavit of revocation of authority to solemnize marriages pursuant to NRS 122.0665.*



(b) If the certificate is issued to a notary public, the appointment as a notary public has expired or has been cancelled, revoked or suspended. If, after the expiration of his or her appointment, a notary public receives a new appointment, the notary public may reapply for a certificate of permission to perform marriages, without charge, if the reapplication occurs within 3 months after the expiration of the previous notary public appointment.

5. An affidavit of revocation of authority to solemnize marriages that is received pursuant to *paragraph (a)* of subsection 4 must be sent to the county clerk within 5 days after the minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that ~~{the}~~ :

(a) The minister or other ~~{person}~~ church or religious official authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage, or that such church or religious organization no longer exists ~~{}~~ ; or

(b) The notary public is no longer in good standing with the Secretary of State or that the appointment of the notary public has expired,

↳ the county clerk may require satisfactory proof of the good standing of the minister , ~~{or}~~ other ~~{person}~~ *church or religious official* authorized to solemnize a marriage ~~{}~~ or *notary public*. If such proof is not presented within 15 days, the county clerk shall revoke the certificate of permission by amending the electronic record of the minister , ~~{or}~~ other ~~{person}~~ *church or religious official* authorized to solemnize a marriage or *notary public* in the statewide database pursuant to subsection 1.

7. Except as otherwise provided in subsection 8, if any minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of revocation of authority to



solemnize marriages pursuant to NRS 122.0665. If the minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

8. If any minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is revoked as prescribed by law. The minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage has moved.

9. *If any notary public to whom a certificate of permission has been issued moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such move.*

10. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers , ~~or~~ other ~~persons~~ *church or religious officials* who are authorized to solemnize a marriage *or notaries public to whom a certificate of permission to perform marriages has been issued* in this State.

Sec. 7. NRS 122.0665 is hereby amended to read as follows:

122.0665 1. If a minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage is no longer authorized to solemnize a marriage by the church or religious organization that authorized the minister or other ~~person~~ *church or religious official* to solemnize marriages when he or she applied for a certificate of permission to perform marriages pursuant to NRS 122.064, the church or religious organization shall, within 5 days after the authorization is terminated, file an affidavit of revocation of authority to solemnize marriages with the county clerk of the county where the original affidavit of authority to solemnize marriages was filed.



2. The affidavit of revocation of authority to solemnize marriages must be in substantially the following form:

AFFIDAVIT OF REVOCATION OF AUTHORITY TO SOLEMNIZE MARRIAGES **FOR CHURCHES OR RELIGIOUS ORGANIZATIONS**

State of Nevada }
County of } ss.

The..... (name of church or religious organization) is organized and carries on its work in the State of Nevada. Its active meetings are located at..... (street address, city or town). The..... (name of church or religious organization) hereby revokes the authority of..... (name of minister or other ~~person~~ church or religious official authorized to solemnize marriages), filed in the County of....., on the..... day of the month of....., of the year....., to solemnize marriages.

I am duly authorized by..... (name of church or religious organization) to complete and submit this affidavit.

.....
Signature of Official

.....
Name of Official
(type or print name)

.....
Title of Official

.....
Address

.....
City, State and Zip Code



.....
Telephone Number

Signed and sworn to (or affirmed) before me this.....
day of the month of..... of the year.....

.....
Notary Public for
..... County, Nevada.

My appointment expires.....

Sec. 8. NRS 122.068 is hereby amended to read as follows:

122.068 1. Any county clerk who has issued a certificate of permission to perform marriages to a minister , ~~for~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* pursuant to NRS 122.062 to 122.073, inclusive, may revoke the certificate for good cause shown after a hearing.

2. If the certificate of permission to perform marriages of any minister , ~~for~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* is revoked, the county clerk shall inform the Secretary of State of that fact, and the Secretary of State shall immediately remove the name of the minister , ~~for~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* from the official list contained in the database of ministers , ~~for~~ other ~~persons~~ *church or religious officials* authorized to solemnize a marriage *or notaries public* and shall notify each county clerk and county recorder in the State of the revocation.

Sec. 9. NRS 122.071 is hereby amended to read as follows:

122.071 Any minister , ~~for~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* whose application for a certificate of permission to perform marriages or renewal of such certificate is denied, or whose certificate of permission is revoked, is entitled to judicial review of such action in the district court of the county in which such action was taken.

Sec. 10. NRS 122.090 is hereby amended to read as follows:

122.090 No marriage solemnized before any person professing to be a judge, justice, minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage, *notary public to whom a certificate of permission to perform marriages has been issued*, commissioner of civil marriages or deputy commissioner of civil marriages shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of



jurisdiction or authority, provided it be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 11. NRS 122.110 is hereby amended to read as follows:

122.110 1. In the solemnization of marriage, no particular form is required except that the parties shall declare, in the presence of the justice, judge, minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage, *notary public to whom a certificate of permission to perform marriages has been issued*, justice of the peace, commissioner of civil marriages or deputy commissioner of civil marriages, and the attending witness, that they take each other as husband and wife.

2. In every case, there shall be at least one witness present besides the person performing the ceremony.

Sec. 12. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If a male and female person who are the husband and wife of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the male and female person were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

STATE OF NEVADA
MARRIAGE CERTIFICATE

State of Nevada }
County of } ss.

This is to certify that the undersigned, (a minister or other ~~{person}~~ *church or religious official* authorized to solemnize a marriage, *notary public*, judge, justice of the peace of County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the day of the month of of the year, at (address or church), (city), Nevada, join or rejoin, as the case may be, in lawful wedlock (name), of



..... (city), State of, date of birth, and
..... (name), of(city), State of, date of
birth, with their mutual consent, in the presence of
..... and (witnesses). (If a male and female person
who are the husband and wife of each other are being rejoined in
marriage pursuant to subsection 2 of NRS 122.020, this certificate
replaces the record of the marriage of the male and female person
who are being rejoined in marriage.)

(Seal of County Clerk)

.....
Signature of person performing
the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person performing
the marriage

.....
.....
.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 13. NRS 122.181 is hereby amended to read as follows:

122.181 1. The commissioner of civil marriages or his or her deputy commissioner of civil marriages is entitled to receive as his or her fee for solemnizing a marriage ~~+\$45-~~ **\$70**. The fee must be deposited in the county general fund.

2. The commissioner of civil marriages or his or her deputy commissioner of civil marriages shall also at the time of solemnizing a marriage collect the additional sum of \$5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over



to the county treasurer by the county clerk on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the clerk to the State Controller for credit to that Account.

Sec. 14. NRS 122.185 is hereby amended to read as follows:

122.185 The office of the commissioner of civil marriages and each room therein shall prominently display on the wall, or other appropriate place, a sign informing all people who avail themselves of the services of the commissioner of civil marriages of the following facts:

1. That the solemnization of the marriage by the commissioner of civil marriages is not necessary for a valid marriage and that the parties wishing to be married may have a justice of the peace within a township where such justice of the peace is permitted to perform marriages, or any minister, ~~or~~ other ~~person~~ *church or religious official* authorized to solemnize a marriage *or notary public* of their choice who holds a valid certificate of permission to perform marriages within the State, perform the ceremony;

2. The amount of the fee to be charged for solemnization of a marriage, including any extra charge to be made for solemnizing a marriage after regular working hours in the office of the commissioner of civil marriages;

3. That all fees charged are paid into the county general fund of the particular county involved;

4. That other than the statutory fee, the commissioner of civil marriages and the deputy commissioners of civil marriages are precluded by law from receiving any gratuity fee or remuneration whatsoever for solemnizing a marriage; and

5. That if the commissioner of civil marriages, any deputy commissioner of civil marriages, or any other employee in the office of the commissioner or in the office of the county clerk solicits such an extra gratuity fee or other remuneration, the matter should be reported to the district attorney for such county.

Sec. 15. NRS 122.220 is hereby amended to read as follows:

122.220 1. It is unlawful for any Supreme Court justice, judge of a district court, justice of the peace, municipal judge, minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage, *notary public*, commissioner of civil marriages or deputy commissioner of civil marriages to join together as husband and wife persons allowed by law to be joined in marriage, until the persons proposing such marriage exhibit to him or her a license from the county clerk as provided by law.



2. Any Supreme Court justice, judge of a district court, justice of the peace, municipal judge, minister or other ~~person~~ *church or religious official* authorized to solemnize a marriage, *notary public*, commissioner of civil marriages or deputy commissioner of civil marriages who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 16. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed \$1,000.....	\$28.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....	50.00
If the sum claimed exceeds \$2,500 but does not exceed \$4,500.....	100.00
If the sum claimed exceeds \$4,500 but does not exceed \$6,500.....	125.00
If the sum claimed exceeds \$6,500 but does not exceed \$7,500.....	150.00
If the sum claimed exceeds \$7,500 but does not exceed \$10,000.....	175.00
In all other civil actions.....	28.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed \$1,000.....	\$25.00
If the sum claimed exceeds \$1,000 but does not exceed \$2,500.....	45.00
If the sum claimed exceeds \$2,500 but does not exceed \$5,000.....	65.00
If the sum claimed exceeds \$5,000 but does not exceed \$7,500.....	125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:



In all civil actions \$12.00
For every additional defendant, appearing separately 6.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention \$6.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court \$6.00

(g) For filing a notice of appeal, and appeal bonds \$12.00

One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court \$12.00

(i) For preparation and transmittal of transcript and papers on appeal..... \$12.00

(j) For celebrating a marriage and returning the certificate to the county recorder or county clerk ~~50.00~~ **\$75.00**

(k) For entering judgment by confession..... \$6.00

(l) For preparing any copy of any record, proceeding or paper, for each page..... \$.30

(m) For each certificate of the clerk, under the seal of the court \$3.00

(n) For searching records or files in his or her office, for each year..... \$1.00

(o) For filing and acting upon each bail or property bond \$40.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:



(a) An amount equal to \$5 of each fee collected pursuant to paragraph (j) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

Sec. 17. NRS 240.100 is hereby amended to read as follows:

240.100 1. Except as otherwise provided in subsection 3, a notary public may charge the following fees and no more:

For taking an acknowledgment, for the first signature of each signer.....	\$5.00
For each additional signature of each signer.....	2.50
For administering an oath or affirmation without a signature.....	2.50
For a certified copy.....	2.50
For a jurat, for each signature on the affidavit.....	5.00
<i>For performing a marriage ceremony.....</i>	<i>75.00</i>

2. All fees prescribed in this section are payable in advance, if demanded.

3. A notary public may charge an additional fee for traveling to perform a notarial act if:

(a) The person requesting the notarial act asks the notary public to travel;

(b) The notary public explains to the person requesting the notarial act that the fee is in addition to the fee authorized in subsection 1 and is not required by law;

(c) The person requesting the notarial act agrees in advance upon the hourly rate that the notary public will charge for the additional fee; and

(d) The additional fee does not exceed:

(1) If the person requesting the notarial act asks the notary public to travel between the hours of 6 a.m. and 7 p.m., \$10 per hour.

(2) If the person requesting the notarial act asks the notary public to travel between the hours of 7 p.m. and 6 a.m., \$25 per hour.

↳ The notary public may charge a minimum of 2 hours for such travel and shall charge on a pro rata basis after the first 2 hours.



4. A notary public is entitled to charge the amount of the additional fee agreed to in advance by the person requesting the notarial act pursuant to subsection 3 if:

(a) The person requesting the notarial act cancels the request after the notary public begins his or her travel to perform the requested notarial act.

(b) The notary public is unable to perform the requested notarial act as a result of the actions of the person who requested the notarial act or any other person who is necessary for the performance of the notarial act.

5. For each additional fee that a notary public charges for traveling to perform a notarial act pursuant to subsection 3, the notary public shall enter in the journal that he or she keeps pursuant to NRS 240.120:

(a) The amount of the fee; and

(b) The date and time that the notary public began and ended such travel.

6. A person who employs a notary public may prohibit the notary public from charging a fee for a notarial act that the notary public performs within the scope of the employment. Such a person shall not require the notary public whom the person employs to surrender to the person all or part of a fee charged by the notary public for a notarial act performed outside the scope of the employment of the notary public.

Sec. 18. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public may be assessed a civil penalty by the Secretary of State of not more than \$2,000 for each violation specified in subsection 4 committed by the notary public, and the employer is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to



the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that a notary public has been convicted of a crime described in paragraph (c) of subsection 2 of NRS 240.010:

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

(b) The appointment of the notary public may be revoked after a hearing; or

(c) The notary public may be assessed a civil penalty of not more than \$2,000 for each violation.

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension; ~~and~~

(b) Cause notice of the revocation or suspension to be published on the website of the Secretary of State ~~and~~; *and*

(c) If a county clerk has issued a certificate of permission to perform marriages to the notary public pursuant to NRS 122.064, notify the county clerk of the revocation or suspension.

6. Except as otherwise provided by law, the Secretary of State may assess the civil penalty that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the civil penalty before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.



