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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

HOUSE BILL No. 2024

(By Delegates L. White and Kiser)



Passed April 8, 1993

In Effect Ninety Days from Passage

ENROLLED
H. B. 2024

(By DELEGATES L. WHITE AND KISS)

[Passed April 8, 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.

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
6 of the county in which application is made. The license
7 shall be issued not sooner than three days after the filing
8 with the clerk of a written application therefor. The day
9 on which the application is filed shall be counted as the
10 first day, but two full days shall elapse after the day of
11 filing before the license shall be issued. Before any

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


25 The application for a marriage license shall contain
26 a statement of the full names of both parties, their social
27 security account numbers, their respective ages and
28 their places of birth and residence. Effective the first
29 day of September, one thousand nine hundred ninety-
30 three, the application for a marriage license shall also
31 contain the following statement:

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

40 It shall be signed by both of the parties to the
41 contemplated marriage, under oath before the clerk of
42 the county commission or before a person authorized to
43 administer oaths under the laws of this state. At the
44 time of the execution of the application, the clerk, or the
45 person administering the oath to the applicants, shall
46 require some evidence of the age of each of the
47 applicants. Evidence of the age of each applicant may
48 be in the form of a certified or photostatic copy of a birth
49 certificate, a voter's registration certificate, an opera-
50 tor's or chauffeur's license, an affidavit of both parents
51 or legal guardian of the applicant or other good and
52 sufficient evidence. Where such an affidavit is relied

53 upon as evidence of the age of an applicant, and one
54 parent is dead, the affidavit of the surviving parent or
55 of the guardian of the applicant shall suffice; if both
56 parents are dead, the affidavit of the guardian of the
57 applicant shall suffice. If the parents of the applicant
58 are living separate and apart, the affidavit of the parent
59 having custody of the applicant shall suffice. The
60 application shall be recorded in the register of mar-
61 riages provided for in section eleven of this article. The
62 date of the filing of the application shall be noted in the
63 register. The notation, or a certified copy thereof, is
64 legal evidence of the facts therein contained.

65 To the extent otherwise provided by section six-c of
66 this article, the provisions of this section do not apply.
67 Applications for licenses may be received and licenses
68 may be issued by the clerk of the county commission at
69 anytime his or her office is officially open for the
70 conduct of business.



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

[Handwritten Signature]
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Narvel E. Adams
.....
Clerk of the Senate

Donald J. Papp
.....
Clerk of the House of Delegates

[Handwritten Signature]
.....
President of the Senate

[Handwritten Signature]
.....
Speaker of the House of Delegates

The within is approved this the *26th*
day of *April*, 1993.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/20/93

Time 10:20 am