

1 **H. B. 4605**

2  
3 (By Delegates Miley, Moore, Walker, Ferro, Boggs, J.  
4 Miller, Manypenny, Michael, Pino, O'Neal and Lane)

5  
6 [Introduced February 17, 2012; referred to the  
7 Committee on the Judiciary then Finance.]

8 **FISCAL  
NOTE**

9  
10 A BILL to amend and reenact §48-2-104 of the Code of West Virginia,  
11 1931, as amended; and to amend said code by adding thereto two  
12 new sections, designated §48-2-701 and §48-2-702; and to amend  
13 and reenact §59-1-10 of said code, all relating generally to  
14 premarital education; providing a premarital education option  
15 to applicants for marriage licenses; providing for minimum  
16 requirements concerning the provision of the premarital  
17 education; encouraging marriage applicants to participate in  
18 premarital education by increased marriage license fees in its  
19 absence; and to create a fund for purposes of administering  
20 the premarital education.

21 *Be it enacted by the Legislature of West Virginia:*

22 That §48-2-104 of the Code of West Virginia, 1931, as amended,  
23 be amended and reenacted; that said code be amended by adding  
24 thereto two new sections, designated §48-2-701 and §48-2-702; and  
25 that §59-1-10 of said code be amended and reenacted, all to read as

1 follows:

2 **CHAPTER 48. DOMESTIC RELATIONS.**

3 **ARTICLE 2. MARRIAGE.**

4 PART I. APPLICATION FOR MARRIAGE LICENSE

5 **§48-2-104. Contents of the application for a marriage license.**

6 (a) The application for a marriage license must contain a  
7 statement of the full names of both female and male parties, their  
8 social security account numbers, dates of birth, places of birth  
9 and residence addresses. The application must state that the  
10 persons seeking the license have or have not completed premarital  
11 education pursuant to section seven-hundred-one, article two,  
12 chapter forty-eight of this code. If the application states that  
13 the applicants seeking issuance of the license have completed  
14 premarital education, then the applicants shall submit a signed and  
15 dated certificate of completion issued by the premarital education  
16 provider.

17 (b) If either of the parties is a legal alien in the United  
18 States of America and has no social security account number, a  
19 tourist or visitor visa number or number equivalent to a United  
20 States social security account number must be provided.

21 (c) Every application for a marriage license must contain the  
22 following statement: "Marriage is designed to be a loving and  
23 lifelong union between a woman and a man.

1       The laws of this state affirm your right to enter into this  
2 marriage and to live within the marriage free from violence and  
3 abuse. Neither of you is the property of the other. Physical  
4 abuse, sexual abuse, battery and assault of a spouse or other  
5 family member and other provisions of the criminal laws of this  
6 state are applicable to spouses and other family members, and these  
7 violations are punishable by law.”

8                               Part VII. PREMARITAL EDUCATION.

9 **§48-2-701. Premarital education encouraged; requirements.**

10       (a) Persons applying for a marriage license may attend a  
11 premarital education course of at least eight hours during the  
12 twelve months immediately preceding the date of the application  
13 for the license.

14       (b) A premarital education course offers instruction involving  
15 marital issues which may include, but not be limited to, the  
16 following:

17               (1) Conflict management;

18               (2) Communication skills;

19               (3) Managing finances;

20               (4) Child and parenting responsibilities;

21               (5) Extended family roles; and

22               (6) Key components of a successful marriage.

23       (c) Premarital education course instructors must have training  
24 in skills-based and research-based marriage preparation curricula.

1       (d) Premarital education courses may be performed by the  
2 following:

3       (1) A professional counselor or marriage and family therapist  
4 licensed pursuant to article thirty-one, chapter thirty of this  
5 code;

6       (2) A social worker licensed pursuant to article thirty,  
7 chapter thirty of this code;

8       (3) A psychiatrist who is licensed as a physician pursuant to  
9 article three, chapter thirty of this code;

10       (4) A psychologist who is licensed pursuant to article  
11 twenty-one, chapter thirty of this code; or

12       (5) An active member of the clergy or his or her designee,  
13 including retired clergy, provided that a designee is trained in  
14 skills-based and research-based marriage preparation curricula  
15 premarital education.

16       (e) The premarital education course curricula must meet the  
17 requirements of this section and provide the skills-based and  
18 research-based curricula of the following:

19       (1) The National Healthy Marriage Resource Center;

20       (2) A church, spiritual assembly, or religious organization;

21 or

22       (3) Other substantially similar resource.

23       (f) The Department of Health and Human Resources shall  
24 maintain an Internet website on which individuals and organizations

1 described in subsection (c) may electronically register with the  
2 department to indicate the skills-based and research-based  
3 curriculum in which the registrant is trained.

4 (g) The premarital education provider shall furnish each  
5 participant who completes the premarital education required by this  
6 section a certificate of completion.

7 **§48-2-702. Marriage education trust fund.**

8 There is hereby created a special revenue account within the  
9 State Treasury known as the Marriage Education Trust Fund. The  
10 account shall be administered by the Secretary of the Department of  
11 Health and Human Resources for the purpose of collecting and  
12 disbursing funds generated from the surplus marriage license fee as  
13 provided in section ten, article one, chapter fifty-nine of this  
14 code to fund marriage education programs that prepare, strengthen,  
15 and restore healthy marriage relationships. The account may be  
16 invested and all earnings and interest accruing shall be retained  
17 in the account. The Auditor shall conduct an audit of the fund at  
18 least every three fiscal years.

19 **CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS;**

20 **LEGAL ADVERTISEMENTS.**

21 **ARTICLE 1. FEES AND ALLOWANCES.**

22 **§59-1-10. Fees to be charged by clerk of county commission.**

23 For the purpose of this section, the word "page" is defined as

1 being a paper or electronic writing of not more than legal size, 8  
2 1/2" x 14".

3 ~~The clerk of the county commission shall charge and collect~~  
4 ~~the following fees:~~

5 (a) When a writing is admitted to record, for receiving proof  
6 of acknowledgment thereof, entering an order in connection  
7 therewith, endorsing clerk's certificate of recordation thereon and  
8 indexing in a proper index, ~~where the writing is a:~~ the clerk of  
9 the county commission shall charge and collect the following fees:

10 (1) Fifteen dollars for a deed of conveyance (with or without  
11 a plat), trust deed, fixture filing or security agreement  
12 concerning real estate lease. ~~\$15.~~

13 (2) Forty dollars for a trustee's report of sale for any  
14 property for which additional information and filing requirements  
15 are required by section eight-a, article one, chapter thirty-eight  
16 of this code. ~~\$40. Provided, That~~ Twenty dollars of each recording  
17 fee received pursuant to this subdivision shall be deposited into  
18 the county's General Revenue Fund and ~~\$20 of each of the aforesaid~~  
19 ~~recording fees shall be~~ paid quarterly by the clerk of the county  
20 commission to the West Virginia Housing Development Fund  
21 established in article eighteen, chapter thirty-one of this code.

22 (3) Ten dollars for a financing, continuation, termination or  
23 other statement or writing permitted to be filed under chapter  
24 forty-six of this code. ~~\$10.~~

1           (4) Ten dollars for a plat or map with no deed of conveyance.

2 ~~\$10.~~

3           (5) No charge for a service discharge record. ~~no charge.~~

4           (6) Ten dollars for any document or writing other than those  
5 referenced in subdivisions (1), (2), (3), (4) and (5) of this  
6 subsection. ~~\$10.~~

7           (7) ~~If any document or writing contains more than five pages,~~  
8 ~~for each additional page, \$1.~~ One dollar for each additional page  
9 for documents or writings containing more than five pages.

10           For any of the documents admitted to record pursuant to this  
11 subsection, if the clerk of the county commission has the  
12 technology available to receive these documents in electronic form  
13 or other media, the clerk shall set a reasonable fee to record  
14 these writings not to exceed the cost for filing paper documents.

15           (8) Of the fees collected pursuant to subdivision (1),  
16 subsection (a) of this section, \$10 shall be deposited in the  
17 County General Fund in accordance with section twenty-eight of this  
18 article and \$1 shall be deposited in the County General Fund and  
19 dedicated to the operation of the county clerk's office. Four  
20 dollars of the fees collected pursuant to subdivision (1),  
21 subsection (a) of this section and \$5 of the fees collected  
22 pursuant to subdivision (6), subsection (a) of this section shall  
23 be paid by the county clerk into the State Treasury and deposited  
24 in equal amounts for deposit into the Farmland Protection Fund

1 created in article twelve, chapter eight-a of this code for the  
2 benefit of the West Virginia Agricultural Land Protection Authority  
3 and into the Outdoor Heritage Conservation Fund created in article  
4 two-g, chapter five-b of this code. ~~Provided, That~~ The funds  
5 deposited in the State Treasury pursuant to this subdivision may  
6 only be used for costs, excluding personnel costs, associated with  
7 purpose of land conservation, as defined in subsection (f), section  
8 seven, article two-g, chapter five-b of this code.

9 (b) Five dollars for administering any oath other than oaths  
10 by officers and employees of the state, political subdivisions of  
11 the state or a public or quasi-public entity of the state or a  
12 political subdivision of the state, taken in his or her official  
13 capacity. ~~\$5.~~

14 (c) Seventy dollars for issuance of marriage license and other  
15 duties pertaining to the marriage license including preparation of  
16 the application, administrating the oath, registering and recording  
17 the license, mailing acknowledgment of minister's return to one of  
18 the licensees and notification to a licensee after sixty days of  
19 the nonreceipt of the minister's return. ~~\$35~~ This fee is reduced to  
20 \$35 if the applicants present a premarital education course  
21 completion certificate issued pursuant to section seven hundred  
22 one, article two, chapter forty-eight of this code, and dated  
23 within one year of the application for a marriage license.

24 (1) One dollar of the marriage license fee received pursuant



1 to this subsection shall be paid by the county clerk into the State  
2 Treasury as a state registration fee in the same manner that  
3 license taxes are paid into the Treasury under article twelve,  
4 chapter eleven of this code;

5 (2) Fifteen dollars of the marriage license fee received  
6 pursuant to this subsection shall be paid by the county clerk into  
7 the State Treasury for the Family Protection Shelter Support Act in  
8 the same manner that license taxes are paid into the Treasury under  
9 article twelve, chapter eleven of this code;

10 (3) Ten dollars of the marriage license fee received pursuant  
11 to this subsection shall be deposited in the Courthouse Facilities  
12 Improvement Fund created by section six, article twenty-six,  
13 chapter twenty-nine of this code; and

14 (4) If a premarital education course completion certificate is  
15 not presented, \$35 of the marriage license fee received pursuant to  
16 this subsection shall be deposited in Marriage Education Trust Fund  
17 created pursuant to section seven-hundred-two, article two, chapter  
18 forty-eight of this code.

19 (d) (1) One dollar and fifty cents for a copy of any writing  
20 or document, if it is not otherwise provided for. ~~\$1.50.~~

21 (2) ~~If the copy of the writing or document contains more than~~  
22 ~~two pages, for each additional page, \$1.—~~ One dollar for each  
23 additional page if the writing or documents contains more than two  
24 pages.

1           (3) One dollar for annexing the seal of the commission or  
2 clerk to any paper. ~~\$1.~~

3           (4) Five dollars for a certified copy of a birth certificate,  
4 death certificate or marriage license. ~~\$5.~~

5           (e) For copies of any record in electronic form or a medium  
6 other than paper, a reasonable fee set by the clerk of the county  
7 commission not to exceed the costs associated with document search  
8 and duplication.

NOTE: The purpose of this bill is to provide a premarital education option to applicants for marriage licenses, provide for minimum requirements concerning the provision of this education, to encourage marriage applicants to participate in premarital education by increased marriage license fees in its absence and to create a fund for purposes of administering the premarital education.

Strike throughs indicate language that would be stricken from and underscoring indicates new language that would be added.