

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4605**

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

7 [Passed March 10, 2012; in effect ninety days from passage.]

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10 AN ACT 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  
15 incentive to applicants for marriage licenses; providing for  
16 curriculum requirements for premarital education; identifying  
17 instructors for premarital education; increasing the fee for  
18 marriage license without completion of a premarital education  
19 course; creating a fund for purposes of administering the  
20 premarital education; and creating a fund for purposes of  
21 administering civil legal services for low income persons.

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

23 That §48-2-104 of the Code of West Virginia, 1931, as amended,  
24 be amended and reenacted; that said code be amended by adding  
25 thereto two new sections, designated §48-2-701 and §48-2-702; and  
26 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 the female and the male  
8 parties, their social security account numbers, dates of birth,  
9 places of birth and residence addresses. The application must state  
10 whether or not the persons seeking the license have completed  
11 premarital education pursuant to section seven-hundred-one, article  
12 two, chapter forty-eight of this code. If the application states  
13 that the applicants seeking issuance of the license have completed  
14 premarital education, then the applicants must 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.

24 The laws of this state affirm your right to enter into this  
25 marriage and to live within the marriage free from violence and

1 abuse. Neither of you is the property of the other. Physical  
2 abuse, sexual abuse, battery and assault of a spouse or other  
3 family member, and other provisions of the criminal laws of this  
4 state are applicable to spouses and other family members, and these  
5 violations are punishable by law.”

6 Part VII. PREMARITAL EDUCATION.

7 **§48-2-701. Premarital education encouraged; requirements.**

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

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

- 15 (1) Conflict management;
- 16 (2) Communication skills;
- 17 (3) Managing finances;
- 18 (4) Child and parenting responsibilities;
- 19 (5) Extended family roles; and
- 20 (6) Key components of a successful marriage.

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

23 (d) Premarital education courses may be performed by the  
24 following:

- 25 (1) A professional counselor or marriage and family therapist  
26 licensed pursuant to article thirty-one, chapter thirty of this

1 code;

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

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

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

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

12 (e) The premarital education course curricula must meet the  
13 requirements of this section and provide a skills-based and  
14 research-based curricula of the following:

15 (1) The National Healthy Marriage Resource Center;

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

18 (3) Other substantially similar resource.

19 (f) The Department of Health and Human Resources shall  
20 maintain an Internet website on which individuals and organizations  
21 described in subsection (c) may electronically register with the  
22 department to indicate the skills-based and research-based  
23 curriculum in which the registrant is trained.

24 (g) The premarital education provider shall furnish each  
25 participant, who completes the premarital education required by  
26 this section, a certificate of completion.

1 **§48-2-702. Marriage education fund.**

2 (a) There is hereby created a special revenue account within  
3 the State Treasury known as the Marriage Education Fund. The  
4 account shall be administered by the Secretary of the Department of  
5 Health and Human Resources.

6 (b) Any balance in the account at the end of each fiscal year  
7 shall not revert to the general revenue fund but shall remain in  
8 the account and be expended as provided by in this section.

9 (c) The account shall consist of all fees collected under the  
10 provisions of paragraph (C), subdivision (4), subsection (c), of  
11 section ten, article one, chapter fifty-nine of this code,  
12 legislative appropriations, and all interest or other returned  
13 earned from investment of the fund.

14 (d) Expenditures from the account shall be made by the  
15 secretary for the purposes set forth in section seven-hundred-one  
16 of this article, and are not authorized from collections, but are  
17 to be made only in accordance with appropriation by the Legislature  
18 and in accordance with the provisions of article three, chapter  
19 twelve of this code and upon the fulfillment of the provisions set  
20 forth in article two, chapter eleven-b of this code: *Provided*, That  
21 for fiscal year ending June 30, 2013, expenditures are authorized  
22 from collections rather than pursuant to an appropriation by the  
23 Legislature.

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

25 **LEGAL ADVERTISEMENTS.**

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

2 **§59-1-10. Fees to be charged by clerk of county commission.**

3 For the purpose of this section, the word "page" is defined as  
4 being a paper or electronic writing of not more than legal size, 8  
5 1/2" x 14".

6

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

12 (1) Fifteen dollars for a deed of conveyance (with or without  
13 a plat), trust deed, fixture filing or security agreement  
14 concerning real estate lease.

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

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

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

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2 (5) No charge for a service discharge record.

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

6 (7) One dollar for each additional page for documents or  
7 writings containing more than five pages.

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

13 (8) Of the fees collected pursuant to subdivision (1),  
14 subsection (a) of this section, \$10 shall be deposited in the  
15 county general fund in accordance with section twenty-eight of this  
16 article and \$1 shall be deposited in the county general fund and  
17 dedicated to the operation of the county clerk's office. Four  
18 dollars of the fees collected pursuant to subdivision (1),  
19 subsection (a) of this section and \$5 of the fees collected  
20 pursuant to subdivision (6), subsection (a) of this section shall  
21 be paid by the county clerk into the State Treasury and deposited  
22 in equal amounts for deposit into the Farmland Protection Fund  
23 created in article twelve, chapter eight-a of this code for the  
24 benefit of the West Virginia Agricultural Land Protection Authority  
25 and into the Outdoor Heritage Conservation Fund created in article  
26 two-g, chapter five-b of this code. The funds deposited in the

1 State Treasury pursuant to this subdivision may only be used for  
2 costs, excluding personnel costs, associated with purpose of land  
3 conservation, as defined in subsection (f), section seven, article  
4 two-g, chapter five-b of this code.

5 (b) Five dollars for administering any oath other than oaths  
6 by officers and employees of the state, political subdivisions of  
7 the state or a public or quasi-public entity of the state or a  
8 political subdivision of the state, taken in his or her official  
9 capacity.

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

21 (1) One dollar of the marriage license fee received pursuant  
22 to this subsection shall be paid by the county clerk into the State  
23 Treasury as a state registration fee in the same manner that  
24 license taxes are paid into the Treasury under article twelve,  
25 chapter eleven of this code;

26 (2) Fifteen dollars of the marriage license fee received



1 pursuant to this subsection shall be paid by the county clerk into  
2 the State Treasury for the Family Protection Shelter Support Act in  
3 the same manner that license taxes are paid into the Treasury under  
4 article twelve, chapter eleven of this code;

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

9 (4) If a premarital education course completion certificate is  
10 not presented, the county clerk shall, on or before the tenth day  
11 of each month, transmit \$20 of the marriage license fee received  
12 pursuant to this subsection to the state treasurer for deposit in  
13 the state treasury as follows:

14 (A) Five dollars to the credit of the Family Protection  
15 Shelter Support Act in the same manner that license taxes are paid  
16 into the Treasury under article twelve, chapter eleven of this  
17 code;

18 (B) Five dollars to the credit of the special revenue account,  
19 hereby created, designated the "Fund for Civil Legal Services for  
20 Low Income Persons," which shall consist of all gifts, grants,  
21 bequests, transfers, appropriations or other donations or payments  
22 which may be received and administered by the Division of Justice  
23 and Community Services from any governmental entity or unit or any  
24 person, firm, foundation, or corporation for the purposes of this  
25 section, and all interest or other return earned from investment of  
26 the fund. Expenditures from the fund shall be made by the Director

1 of the Division of Justice and Community Services and shall be  
2 limited to grants to nonprofit agencies which provide civil legal  
3 services to low income persons made at his or her discretion. Any  
4 balance in the fund at the end of each fiscal year shall not revert  
5 to the general revenue fund but shall remain in the fund and be  
6 expended as provided by this section.

7 (C) Ten dollars to the credit of the Marriage Education Fund  
8 created pursuant to section seven-hundred-two, article two, chapter  
9 forty-eight of this code.

10 (d) (1) One dollar and fifty cents for a copy of any writing  
11 or document, if it is not otherwise provided for.

12 (2) One dollar for each additional page if the writing or  
13 documents contains more than two pages.

14 (3) One dollar for annexing the seal of the commission or  
15 clerk to any paper.

16 (4) Five dollars for a certified copy of a birth certificate,  
17 death certificate or marriage license.

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