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SENATE BILL 172

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO COUNTY CLERKS; CHANGING THE MARRIAGE LICENSE FEE;  
ELIMINATING THE PHYSICAL EXAM REQUIREMENT FOR A MARRIAGE  
LICENSE; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 40-1-11 NMSA 1978 (being Laws 1957,  
Chapter 33, Section 1, as amended) is amended to read:

"40-1-11. ~~[CERTIFICATE REQUIRED]~~ MARRIAGE LICENSE FEE. -- ~~[A.]~~

Before ~~[any]~~ a county clerk issues ~~[any]~~ a marriage license, ~~[each~~  
~~applicant for a marriage license shall file with the county clerk~~  
~~a certificate from a physician licensed to practice medicine,~~  
~~which certificate shall state that the applicant has had those~~  
~~tests and examinations as required by regulation of the health and~~  
~~environment department. Such tests and examinations shall be made~~  
~~not more than thirty days prior to the date of application for~~

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1 ~~license. The certificate shall state that medical evaluation~~  
2 ~~or that treatment, as indicated, has been made such that there~~  
3 ~~is no bar to marriage, as specified by the regulations of the~~  
4 ~~of health and environment department.~~

5 ~~B. The certificate of the physician shall be on a~~  
6 ~~form to be provided and distributed by the health services~~  
7 ~~division to all officers authorized to issue marriage licenses~~  
8 ~~and to all physicians within the state.~~

9 ~~C. The secretary of health and environment shall~~  
10 ~~make rules and regulations and employ personnel necessary to~~  
11 ~~effectuate the purposes of Sections 40-1-11 through 40-1-13~~  
12 ~~NMSA 1978. If regulations require a laboratory test, it shall~~  
13 ~~be done in a laboratory approved by the secretary of health~~  
14 ~~and environment.~~

15 ~~D. A county clerk shall accept, in lieu of the~~  
16 ~~physician's certificate, a certificate from any other state~~  
17 ~~having premarital laws, if issued within the time limits~~  
18 ~~prescribed in Subsection A of this section and if such laws~~  
19 ~~meet the regulations of the secretary of health and~~  
20 ~~environment.~~

21 ~~E.]~~ the county clerk shall receive a fee of  
22 [~~twenty-five dollars (\$25.00)] forty dollars (\$40.00) for  
23 issuing, acknowledging and recording [a] the marriage license  
24 and marriage certificate. Fifteen dollars (\$15.00) of each  
25 fee shall be remitted by the county treasurer to the state~~

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1 treasurer, within fifteen days of the last day of each month,  
2 for credit to the children's trust fund."

3 Section 2. Section 40-1-18 NMSA 1978 (being Laws 1961,  
4 Chapter 99, Section 1) is amended to read:

5 "40-1-18. FORM OF APPLICATION, LICENSE AND  
6 CERTIFICATE. --

7 "APPLICATION FOR MARRIAGE LICENSE

8 No. \_\_\_\_\_

9 State of New Mexico)

10 County of \_\_\_\_\_) ss. TO THE COUNTY CLERK

11 [~~STATEMENTS~~

12 ~~RECEIVED AND FILED~~

13 ~~IN COUNTY CLERK'S OFFICE~~

14 at \_\_\_\_\_ o'clock \_\_\_\_\_m-

15 \_\_\_\_\_ 19 \_\_\_\_\_

16 ~~DATE OF PREMARITAL PHYSICAL EXAMINATION~~

17 Bride \_\_\_\_\_

18 Groom \_\_\_\_\_

19 COUNTY CLERK \_\_\_\_\_ COUNTY

20 By \_\_\_\_\_ Deputy

21 ~~To the County Clerk:] We the undersigned hereby make~~  
22 application to be united in marriage and certify that we are  
23 not related within the degree prohibited by the laws of this  
24 state; that neither is bound by marriage to another; that  
25 there exists no legal impediment to this marriage; and that

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the information contained herein is correct.

Male Applicant

Female Applicant

Date of Birth

Date of Birth

\_\_\_\_\_

\_\_\_\_\_

Place of Birth

Place of Birth

\_\_\_\_\_

\_\_\_\_\_

Present Address \_\_\_\_\_

Present Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature

Signature

Subscribed and sworn to before me this \_\_\_\_\_ day

of \_\_\_\_\_ A. D. [19] 20\_\_\_\_\_.

(seal)

\_\_\_\_\_

By \_\_\_\_\_ Deputy

Signature County Clerk

CONSENT OF PARENT OR GUARDIAN (where either party is under age)

I, the parent (guardian) of \_\_\_\_\_, hereby consent to the granting of a license to marry, waiving the question of minority.

\_\_\_\_\_

Signature Parent (Guardian)

I, the parent (guardian) of \_\_\_\_\_, hereby consent to the granting of a license to marry, waiving the question of minority.

\_\_\_\_\_

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Signature Parent (Guardian)

MARRIAGE LICENSE

State of New Mexico, )  
County of \_\_\_\_\_) ss.

To any Person Authorized by Law to Perform the Marriage  
Ceremony:

Greeting:

You are hereby authorized to join in marriage \_\_\_\_\_  
of \_\_\_\_\_ and \_\_\_\_\_ of  
\_\_\_\_\_ and of this license you will make  
due return to my office within the time prescribed by law.

Witness my hand and the seal of said ~~court~~ office at  
\_\_\_\_\_ this \_\_\_\_\_ day of  
\_\_\_\_\_, [19] 20\_\_\_\_\_.  
\_\_\_\_\_

County Clerk

Recorded \_\_\_\_\_, [19] 20\_\_\_\_\_, at  
\_\_\_\_\_m.

In marriage record book no. \_\_\_\_\_, page \_\_\_\_\_  
\_\_\_\_\_

County Clerk

MARRIAGE CERTIFICATE

State of New Mexico, )  
County of \_\_\_\_\_ ) ss.

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_,

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1 A. D. , [19] 20\_\_\_\_\_, at \_\_\_\_\_ in said  
2 county and state, I, the undersigned, a \_\_\_\_\_,  
3 did join in the Holy Bonds of Matrimony in accordance with the  
4 laws of the State of New Mexico and the authorization of the  
5 foregoing license \_\_\_\_\_ of \_\_\_\_\_ and  
6 \_\_\_\_\_ of \_\_\_\_\_.

7 Witness my hand and seal the day and year last above  
8 written.

9 \_\_\_\_\_  
10 (Official Title)

11 WITNESSES:  
12 \_\_\_\_\_  
13 \_\_\_\_\_

14 Signed \_\_\_\_\_ Groom Signed \_\_\_\_\_ Bride.

15 Recorded this \_\_\_\_\_ day of \_\_\_\_\_,

16 A. D. , [19] 20\_\_\_\_\_, at \_\_\_\_\_ m

17 Marriage Record Book No. \_\_\_\_\_, Page No. \_\_\_\_\_

18 \_\_\_\_\_  
19 County Clerk. ""

20 Section 3. REPEAL. --Section 40-1-12 NMSA 1978 (being  
21 Laws 1957, Chapter 33, Section 2) is repealed.

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