

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 1050

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Dianna J. Duran

AN ACT

RELATING TO DOMESTIC AFFAIRS; WAIVING THE MARRIAGE LICENSE AND  
MARRIAGE CERTIFICATE FEE FOR PERSONS WHO HAVE COMPLETED  
PREMARITAL EDUCATION.

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. --

A. Before any county clerk issues any 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] rule of the [~~health and environment~~] department of health. Such tests and examinations shall be made not more

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 than thirty days prior to the date of application for license.  
2 The certificate shall state that medical evaluation or that  
3 treatment, as indicated, has been made such that there is no  
4 bar to marriage, as specified by the [~~regulations~~] rules of the  
5 [~~health and environment~~] department of health.

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

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

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

22 E. Except as provided in Subsection F of this  
23 section, the county clerk shall receive a fee of twenty-five  
24 dollars (\$25.00) for issuing, acknowledging and recording a  
25 marriage license and marriage certificate. Fifteen dollars

. 153636. 1

underscored material = new  
[bracketed material] = delete

1 (\$15.00) of each fee shall be remitted by the county treasurer  
2 to the state treasurer, within fifteen days of the last day of  
3 each month, for credit to the children's trust fund.

4 F. Applicants who have completed at least twelve  
5 hours of premarital education are not required to pay a  
6 marriage license and marriage certificate fee. In order to  
7 receive a license and certificate at no charge, the applicants  
8 shall provide a dated statement signed by the person who  
9 provided the premarital education. The statement shall include  
10 the legal names of the applicants as they will appear on the  
11 marriage license and certificate, confirmation that the  
12 applicants received at least twelve hours of premarital  
13 education and the name, contact information, professional title  
14 and state license number, if applicable, of the person who  
15 provided the premarital education. The premarital education  
16 shall be provided by a member of the clergy, licensed  
17 psychiatrist, licensed psychologist, licensed marriage and  
18 family therapist, licensed independent social worker or  
19 licensed professional clinical mental health counselor. The  
20 education shall include the use of a premarital inventory and  
21 the teaching of communication and conflict management skills."