

Chapter 48. Domestic Relations

ARTICLE 1. MARRIAGE

- § 4684. [6] Application for license; requirements for issuance of license.
- 4684(1). [6a] Standard serological test.
- 4684(2). [6b] Content and form of statements.
- 4684(3). [6c] Issuance of license in case of emergency or extraordinary circumstances.
- 4684(4). [6d] Penalties.

§ 4684. [6] **Application for License; Requirements for Issuance of License.**—Every license for marriage shall be issued by the clerk of the county court of the county in which the female to be married usually resides, except in cases of a female who is a nonresident of the state of West Virginia, by the clerk of the county court of the county in which application is made: Provided, however, that such license shall be issued not sooner than three days after the filing with said clerk of a written application therefor. The day upon which such application is filed shall be counted as the first day, but two full days shall elapse after the day of such filing before the license shall be issued: Provided, further, that before any such license is issued each applicant therefor shall file with the clerk a certificate or certificates from any physician duly licensed in the state, stating that each party thereto has been given such examination, including a standard serological test, as may be necessary for the discovery of syphilis, made not more than thirty days prior to the date on which such license is issued, and stating that in the opinion of the physician the person therein named either is not infected with syphilis or, if so infected, is not in the state of the disease which is or may later become communicable. Such examinations and tests as are required hereunder may be given as provided by section nineteen, article four, chapter sixteen of this code.

The application for a marriage license shall contain a statement of the full names of both parties, their respective ages and their places of birth and residence. It shall be signed by one or the other of the parties to the contemplated marriage, and shall be verified by such party to be true to the best of his or her knowledge and belief; and shall be recorded in the register of marriages provided for in section eleven of this article. The date of its filing shall be noted in said register, which notation or a certified copy thereof shall be legal evidence of the facts therein contained.

To the extent otherwise provided by section six-c of this article, the provisions of this section shall not apply. No application for license shall be received nor any license issued on any Sunday, or before the hours of eight o'clock A.M. and after five o'clock P.M. on any week day.

§ 4684(1). [6a] **Standard Serological Test.**—A standard serological test, for the purposes of section six [§ 4684], shall be a laboratory test for syphilis approved by the state commissioner of health, and shall be performed by the state department of health or by a laboratory approved for this purpose by the state department of health.

§ 4684(2). [6b] **Content and Form of Statements.**—Each physician's statement, provided for in section six [§ 4684], shall be accompanied by a

statement from the person in charge of the laboratory making the serological test, or from some other person authorized by the person in charge of such laboratory to make such statement, setting forth the name of the test, the date it was completed, and the name and address of the person whose blood was tested, but not stating the result of the test, and shall be attached to the application and forthwith filed with the licensing authority. The physician's statement and the laboratory statement shall be on the same form sheet. Upon a separate form, a detailed report of the laboratory test showing the result of the test shall be transmitted by the person in charge of the laboratory to the physician.

§ 4684(3). [6c] **Issuance of License in Case of Emergency or Extraordinary Circumstances.**—In case of an emergency or extraordinary circumstances, as shown by affidavit or other proof, a judge of the circuit court of the county in which an application for a marriage license is to be filed may direct the clerk of the county court by order, duly entered in the office of the clerk of the circuit court, to issue such license at any time before the expiration of the three-day limit and to dispense with those requirements which relate to the filing with the licensing authority by either or both of the parties of the physician's certificate and laboratory statement. The order shall be accompanied by a written memorandum from the judge reciting his reason or reasons for granting the order.

The order and the accompanying memorandum shall be attached to and filed with the application by the licensing authority who shall thereupon proceed with the issuance of the marriage license in accordance with the terms of the judge's order. The licensing authority and his clerks and employees shall hold the contents of the judge's memorandum in absolute confidence. In the absence or incapacity to act of the judge of the circuit court of the county in which the application is to be filed, the order and accompanying memorandum may be made to the clerk of the county court of such county by the judge of any judicial circuit adjoining the circuit in which such county is situated.

§ 4684(4). [6d] **Penalties.**—Any applicant for a marriage license, any physician or representative of a laboratory who shall knowingly misrepresent any of the facts called for in the physician's statement or laboratory report, respectively; and any licensing authority who shall make a false entry as to the date of application for a marriage license; and any licensing authority who shall issue a marriage license prior to the end of the required three-day period or without the required physician's statement and laboratory report (unless these shall have been dispensed with by judicial order pursuant to section six-c [§ 4684(3)]), or who shall issue such license despite his having reason to believe that any of the facts contained in said statement or report have been misrepresented, or shall issue a license on any Sunday or after five o'clock P.M. and before eight o'clock A.M. on any week day, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two hundred nor more than one thousand dollars, or confined in jail for not less than three nor more than nine months, or both such fine and confinement in the discretion of the court.

N. H. DYER, M.D., M.P.H.
STATE DIRECTOR OF HEALTH



State of West Virginia

DEPARTMENT OF HEALTH

CHARLESTON 25305

November 28, 1967

Honorable Robert D. Bailey
Secretary of State
State Capitol
Charleston, West Virginia 25305

Dear Mr. Bailey:

Enclosed are two copies of a Reference Page and two copies of Index Pages for The Public Health Laws of West Virginia and a Manual of Regulations of the West Virginia Board of Health. These Laws and Regulations are filed in the Odd Size File as item number 3.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "N. H. Dyer".

N. H. Dyer, M. D., M. P. H.
State Director of Health

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 11/28/67