

HOUSE BILL 250

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1999 Regular Session
9r1157
CF 9r1158

By: **Chairman, Judiciary Committee (Maryland Judicial Conference)**

Introduced and read first time: February 3, 1999

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 23, 1999

CHAPTER _____

1 AN ACT concerning

2 **Family Law - Marriage Licenses**

3 FOR the purpose of altering the period of time during which disclosure of an
4 application for a marriage license is prohibited; altering the contents of a
5 marriage license and certificate; establishing that a license is valid for six
6 months from the effective date and time stated on the license; expanding a
7 provision of law that authorizes the issuance of replacement licenses only in
8 Anne Arundel County to include the other counties in the State; establishing a
9 fee for a replacement license in the State; requiring that the fee for a
10 replacement license be paid into the general fund of the State; altering the time
11 period for obtaining a replacement license; authorizing a clerk to issue and
12 deliver a marriage license at the time an application for a license is made;
13 authorizing a clerk to deliver a license in a certain manner; establishing that,
14 except under certain circumstances, a marriage license is not effective until a
15 certain time after the license is issued; repealing a provision of law that
16 prohibited a clerk from delivering a license until a certain time after an
17 application is made or a notarized application is received; authorizing a judge of
18 the circuit court for the county in which the application for a license is made to
19 sign a certain authorization under certain circumstances; repealing a provision
20 of law concerning the destruction of marriage license applications under certain
21 circumstances; altering the time period within which a marriage ceremony may
22 be performed; prohibiting an individual from performing a marriage ceremony
23 without a license that is effective; altering a certain period of time after which a
24 clerk is required to attempt to make certain determinations; providing for the
25 validity of marriage licenses issued before the effective date of this Act; making
26 clarifying and stylistic changes; and generally relating to marriage licenses.

27 BY renumbering

1 Article - Family Law
 2 Section 2-404(d), (e), (f), (g), (h), (i), (l), (m), and (o), respectively
 3 to be Section 2-404(e), (j), (l), (m), (d), (g), (i), (h), and (f), respectively
 4 Annotated Code of Maryland
 5 (1999 Replacement Volume)

6 BY repealing and reenacting, with amendments,
 7 Article - Family Law
 8 Section 2-402(f), 2-403, 2-404(b), 2-405(a), (d), (e), (f), (g), (h), and (i), 2-406(b)
 9 and (e), and 2-409(c)
 10 Annotated Code of Maryland
 11 (1999 Replacement Volume)

12 BY adding to
 13 Article - Family Law
 14 Section 2-404(a)(3)
 15 Annotated Code of Maryland
 16 (1999 Replacement Volume)

17 BY repealing
 18 Article - Family Law
 19 Section 2-404(j) and ~~2-405(e) and (j)~~ 2-405(j)
 20 Annotated Code of Maryland
 21 (1999 Replacement Volume)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That Section(s) 2-404(d), (e), (f), (g), (h), (i), (l), (m), and (o),
 24 respectively, of the Article - Family Law of the Annotated Code of Maryland be
 25 renumbered to be Section(s) 2-404(e), (j), (l), (m), (d), (g), (i), (h), and (f), respectively.

26 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 27 read as follows:

28 **Article - Family Law**

29 2-402.

30 (f) Until a license [is issued] BECOMES EFFECTIVE, a clerk may not disclose
 31 the fact that an application for a license has been made except to the parent or
 32 guardian of a party to be married.

33 2-403.

34 (a) (1) A license shall read SUBSTANTIALLY as follows:

1 "State of Maryland and County of To any individual authorized by the
 2 laws of this State to perform a marriage ceremony. You are hereby authorized to join
 3 together in matrimony according to the rules and ceremonies of your church, society
 4 or religious sect and the laws of this State, or according to the laws of this State,
 5 [..... (state here name of intended husband), whose place of residence is
 6; whose age is; and who is (state here whether single,
 7 widower, or divorced, as the case may be), and (state here name of intended
 8 wife), whose place of residence is; and who is (state here whether single,
 9 widow, or divorced, as the case may be), and who are (state here also whether the
 10 parties to be married are in any way related).] THE FOLLOWING INDIVIDUALS:

11 \tab
 12 \tab (STATE HERE NAME OF INTENDED HUSBAND)
 13 \tab
 14 \tab (STATE HERE NAME OF INTENDED WIFE)

15 Given under my hand and seal of the Circuit Court for, [at] this
 16 day of [A.D., one thousand nine hundred and] (STATE
 17 HERE MONTH AND YEAR)."

18 (2) A license shall contain:

19 (I) APPROPRIATE SPACES IN WHICH THE CLERK SHALL ENTER:

20 1. THE RELATIONSHIP OF THE PARTIES TO BE MARRIED, IF
 21 ANY; AND

22 2. AS TO EACH PARTY, THE NAME, AGE, STATE IN WHICH
 23 BORN, RESIDENCE, AND MARITAL STATUS (SINGLE, WIDOWED, OR DIVORCED); AND

24 3. ~~THE SOCIAL SECURITY NUMBER OF EACH PARTY WHO~~
 25 ~~VOLUNTARILY DISCLOSES THE NUMBER; AND~~

26 (II) a statement that the license is valid only:

27 [(i)] 1. for 6 months from the EFFECTIVE date [it is issued] AND
 28 TIME STATED ON THE LICENSE; and

29 [(ii)] 2. in the county in which it is issued.

30 (b) (1) Attached to a license shall be 2 certificate forms that:

31 (i) read, "I hereby certify that on this day of [.....,
 32 one thousand nine hundred and] (STATE HERE MONTH AND YEAR),
 33 (STATE HERE TIME), at (STATE HERE LOCATION), [..... (state here
 34 name of husband) and (state here name of wife) were by me united in
 35 marriage] in accordance with the license issued by the Clerk of the Circuit Court for
 36(STATE HERE JURISDICTION), I UNITED IN MARRIAGE THE FOLLOWING
 37 INDIVIDUALS:

1 \tab

2 \tab (STATE HERE NAME OF HUSBAND)

3 \tab

4 \tab (STATE HERE NAME OF WIFE)";

5 (II) RESTATE ALL INFORMATION CONCERNING THE INDIVIDUALS
6 MARRIED THAT IS STATED ON THE MARRIAGE LICENSE; AND

7 [(ii)] (III) provide a space for the signature of the authorized official
8 who performs the marriage ceremony[; and

9 (iii) provide spaces for the Social Security numbers of the parties].

10 (2) Attached to a license, in the case of a Society of Friends marriage
11 ceremony, shall be 2 certificate forms that:

12 (i) read, "We hereby certify that on this day of [....., one
13 thousand nine hundred and] (STATE HERE MONTH AND YEAR), (STATE
14 HERE TIME), at (STATE HERE LOCATION), we, (state here name of
15 husband) and (state here name of wife) were united in marriage in
16 accordance with the ceremony of the Society of Friends and in accordance with the
17 license issued by the Clerk of the Circuit Court for (STATE HERE
18 JURISDICTION)";

19 (II) RESTATE ALL INFORMATION CONCERNING THE INDIVIDUALS
20 MARRIED THAT IS STATED ON THE MARRIAGE LICENSE; AND

21 [(ii)] (III) provide spaces for the signatures of the parties and the 2
22 overseers of the marriage ceremony[; and

23 (iii) provide spaces for the Social Security numbers of the parties].

24 2-404.

25 (a) (3) (I) A PARTY TO BE MARRIED MAY OBTAIN A REPLACEMENT FOR A
26 VALID MARRIAGE LICENSE WHILE THE LICENSE IS VALID.

27 (II) THE FEE FOR A REPLACEMENT LICENSE IS \$10, PAYABLE INTO
28 THE GENERAL FUND OF THE STATE.

29 (b) [(1)] Except as OTHERWISE provided in [subsections (c), (e), (f), (g), (l),
30 (m), (n), and (o) of] this section[.];

31 (1) any county or group of 2 or more counties may set an additional fee of
32 up to \$25 for each license[.]; AND

33 (2) [The] THE proceeds shall be used to fund domestic violence
34 programs.

35 [(j)] In Anne Arundel County:

1 (1) an individual who has a valid marriage license may within 6 months
2 of issuance obtain a replacement for the license; and

3 (2) the fee for a replacement license is \$10.]

4 2-405.

5 (a) The clerk for the county in which a marriage ceremony is to be performed
6 may issue AND DELIVER a license AT THE TIME THE APPLICATION IS MADE ~~TO THE~~
7 ~~PARTY WHO APPEARS BEFORE THE CLERK TO APPLY.~~

8 (d) (1) Except as provided in [subsection (e) of this section] PARAGRAPH (2)
9 OF THIS SUBSECTION, [the clerk may not deliver] a license IS NOT EFFECTIVE until
10 [48 hours after the time an application is made or a notarized application is received]
11 6 A.M. ON THE SECOND CALENDAR DAY AFTER THE LICENSE IS ISSUED.

12 [(e)] (2) For good cause shown, a judge of the circuit court for the county in
13 which the application is made may sign an authorization for [the clerk to deliver] a
14 license TO BECOME EFFECTIVE AT A TIME before the [48-hour] waiting period
15 expires, AS STATED IN THE AUTHORIZATION, if 1 of the parties to be married is:

16 [(1)] (I) a resident of this State; or

17 [(2)] (II) a member of the United States armed forces.

18 [(f)] (E) If, during the questioning of an applicant for a license, the clerk finds
19 that there is a legal reason why the applicants should not be married, the clerk shall
20 withhold the license unless ordered by the court to issue the license.

21 [(g)] (F) A license may be delivered personally or by mail to:

22 (1) either of the parties to be married; or

23 (2) ~~any authorized official, if in the application either of the parties to be~~
24 ~~married authorizes the delivery.]~~ ANY PERSON AUTHORIZED IN WRITING BY EITHER
25 OF THE PARTIES TO ACCEPT DELIVERY.

26 [(h)] ~~(G)~~ (1) The Department of Health and Mental Hygiene shall provide to
27 each clerk:

28 (i) birth control information; and

29 (ii) a list of the family planning clinics located in the county where
30 the license is issued.

31 (2) When the clerk issues a license, the clerk shall make the information
32 and list available to each applicant for a license.

33 [(i)] ~~(H)~~ (1) A clerk may not[:

34 (i)] predate an application for a license[: or

1 (ii) deliver any license before the 48-hour waiting period expires,
2 unless a judge of the circuit court for the county in which the application is made
3 signs an authorization for the clerk to deliver the license before the waiting period
4 expires].

5 (2) A clerk who violates any provision of this subsection is guilty of a
6 misdemeanor and on conviction is subject:

7 (i) for a first offense, to a fine not exceeding \$100; and

8 (ii) for each subsequent offense, to a fine not exceeding \$500 or
9 imprisonment not exceeding 90 days or both.

10 [(j) A clerk may destroy an application if the applicant has not obtained a
11 license within 90 days after applying.]

12 2-406.

13 (b) Within 6 months after a license [is issued] BECOMES EFFECTIVE, any
14 authorized official may perform the marriage ceremony of the individuals named in
15 the license.

16 (e) (1) An individual may not perform a marriage ceremony without a
17 license [issued] THAT IS EFFECTIVE under this subtitle.

18 (2) An individual who violates the provisions of this subsection is guilty
19 of a misdemeanor and on conviction is subject to a fine not exceeding \$500.

20 2-409.

21 (c) If the marriage certificate is not returned within [30 days from] 6
22 MONTHS AFTER the date ON WHICH the license [is issued] BECOMES EFFECTIVE, the
23 clerk who issued the license shall attempt to determine whether the marriage
24 ceremony was performed and, if so, the name of the authorized official who performed
25 the marriage ceremony.

26 SECTION 3. AND BE IT FURTHER ENACTED, That a license issued before
27 the effective date of this Act remains as valid as if this Act had not been enacted.

28 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1999.

