

SENATE BILL 282

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1999 Regular Session
(9lr1158)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Chairman, Judicial Proceedings Committee (Maryland
Judicial Conference)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 ~~or to~~
13 issue and mail a license to certain persons; authorizing a clerk to deliver a
14 license in a certain manner; establishing that, except under certain
15 circumstances, a marriage license is not effective until a certain time after the
16 license is issued; repealing a provision of law that prohibited a clerk from

1 delivering a license until a certain time after an application is made or a
2 notarized application is received; authorizing a judge of the circuit court for the
3 county in which the application for a license is made to sign a certain
4 authorization under certain circumstances; repealing a provision of law
5 concerning the destruction of marriage license applications under certain
6 circumstances; altering the time period within which a marriage ceremony may
7 be performed; prohibiting an individual from performing a marriage ceremony
8 without a license that is effective; altering a certain period of time after which a
9 clerk is required to attempt to make certain determinations; providing for the
10 validity of marriage licenses issued before the effective date of this Act; making
11 clarifying and stylistic changes; and generally relating to marriage licenses.

12 BY renumbering

13 Article - Family Law
14 Section 2-404(d), (e), (f), (g), (h), (i), (l), (m), and (o), respectively
15 to be Section 2-404(e), (j), (l), (m), (d), (g), (i), (h), and (f), respectively
16 Annotated Code of Maryland
17 (1999 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article - Family Law
20 Section 2-402(f), 2-403, 2-404(b), 2-405(a), (d), (e), (f), (g), (h), and (i), 2-406(b)
21 and (e), and 2-409(c)
22 Annotated Code of Maryland
23 (1999 Replacement Volume)

24 BY adding to

25 Article - Family Law
26 Section 2-404(a)(3)
27 Annotated Code of Maryland
28 (1999 Replacement Volume)

29 BY repealing

30 Article - Family Law
31 Section 2-404(j) and ~~2-405(g) and (j)~~ 2-405(j)
32 Annotated Code of Maryland
33 (1999 Replacement Volume)

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

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

Article - Family Law

2 2-402.

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

6 2-403.

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

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

18 \tab
19 \tab (STATE HERE NAME OF INTENDED HUSBAND)
20 \tab
21 \tab (STATE HERE NAME OF INTENDED WIFE)

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

25 (2) A license shall contain:

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

27 1. THE RELATIONSHIP OF THE PARTIES TO BE MARRIED, IF
28 ANY;

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

31 3. THE SOCIAL SECURITY NUMBER OF EACH PARTY WHO
32 VOLUNTARILY DISCLOSES THE NUMBER; AND

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

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

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

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

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

10 \tab
.....

11 \tab (STATE HERE NAME OF HUSBAND)

12 \tab
.....

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

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

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

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

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

21 (i) read, "We hereby certify that on this day of [....., one
22 thousand nine hundred and] (STATE HERE MONTH AND YEAR), (STATE
23 HERE TIME), at (STATE HERE LOCATION), we, (state here name of
24 husband) and (state here name of wife) were united in marriage in
25 accordance with the ceremony of the Society of Friends and in accordance with the
26 license issued by the Clerk of the Circuit Court for (STATE HERE
27 JURISDICTION)";

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

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

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

33 2-404.

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

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

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

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

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

9 [(j)] In Anne Arundel County:

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

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

13 2-405.

14 (a) The clerk for the county in which a marriage ceremony is to be performed
15 may:

16 ~~(1)~~ issue AND DELIVER a license AT THE TIME THE APPLICATION IS
17 MADE TO THE PARTY WHO APPEARS BEFORE THE CLERK TO APPLY; OR

18 ~~(2)~~ ISSUE AND MAIL A LICENSE TO EITHER OF THE PARTIES TO BE
19 MARRIED OR TO ANY PERSON AUTHORIZED IN WRITING BY EITHER OF THE PARTIES
20 TO ACCEPT DELIVERY.

21 (d) (1) Except as provided in [subsection (e) of this section] PARAGRAPH (2)
22 OF THIS SUBSECTION, [the clerk may not deliver] a license IS NOT EFFECTIVE until
23 [48 hours after the time an application is made or a notarized application is received]
24 6 A.M. ON THE SECOND CALENDAR DAY AFTER THE LICENSE IS ISSUED.

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

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

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

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

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

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

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

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

7 (i) birth control information; and

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

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

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

13 (i)] predate an application for a license[; or

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

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

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

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

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

25 2-406.

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

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

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

1 2-409.

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

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

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