

SENATE BILL 282

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1999 Regular Session
9r1158
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By: **Chairman, Judicial Proceedings Committee (Maryland Judicial Conference)**

Introduced and read first time: February 4, 1999

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 establishing that, except under certain circumstances, a marriage license is not
14 effective until a certain time after the license is issued; repealing a provision of
15 law that prohibited a clerk from delivering a license until a certain time after an
16 application is made or a notarized application is received; authorizing a judge of
17 the circuit court for the county in which the application for a license is made to
18 sign a certain authorization under certain circumstances; repealing a provision
19 of law concerning the destruction of marriage license applications under certain
20 circumstances; altering the time period within which a marriage ceremony may
21 be performed; prohibiting an individual from performing a marriage ceremony
22 without a license that is effective; altering a certain period of time after which a
23 clerk is required to attempt to make certain determinations; providing for the
24 validity of marriage licenses issued before the effective date of this Act; making
25 clarifying and stylistic changes; and generally relating to marriage licenses.

26 BY renumbering

27 Article - Family Law
28 Section 2-404(d), (e), (f), (g), (h), (i), (l), (m), and (o), respectively
29 to be Section 2-404(e), (j), (l), (m), (d), (g), (i), (h), and (f), respectively
30 Annotated Code of Maryland
31 (1999 Replacement Volume)

32 BY repealing and reenacting, with amendments,

1 Article - Family Law
 2 Section 2-402(f), 2-403, 2-404(b), 2-405(a), (d), (e), (f), (h), and (i), 2-406(b) and
 3 (e), and 2-409(c)
 4 Annotated Code of Maryland
 5 (1999 Replacement Volume)

6 BY adding to
 7 Article - Family Law
 8 Section 2-404(a)(3)
 9 Annotated Code of Maryland
 10 (1999 Replacement Volume)

11 BY repealing
 12 Article - Family Law
 13 Section 2-404(j) and 2-405(g) and (j)
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume)

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

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

22 **Article - Family Law**

23 2-402.

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

27 2-403.

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

29 "State of Maryland and County of To any individual authorized by the
 30 laws of this State to perform a marriage ceremony. You are hereby authorized to join
 31 together in matrimony according to the rules and ceremonies of your church, society
 32 or religious sect and the laws of this State, or according to the laws of this State,
 33 [..... (state here name of intended husband), whose place of residence is
 34; whose age is; and who is (state here whether single,
 35 widower, or divorced, as the case may be), and (state here name of intended
 36 wife), whose place of residence is; and who is (state here whether single,

1 widow, or divorced, as the case may be), and who are (state here also whether the
2 parties to be married are in any way related).] THE FOLLOWING INDIVIDUALS:

3 \tab
4

4 \tab (STATE HERE NAME OF INTENDED HUSBAND)

5 \tab
6

6 \tab (STATE HERE NAME OF INTENDED WIFE)

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

10 (2) A license shall contain:

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

12 1. THE RELATIONSHIP OF THE PARTIES TO BE MARRIED, IF
13 ANY;

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

16 3. THE SOCIAL SECURITY NUMBER OF EACH PARTY WHO
17 VOLUNTARILY DISCLOSES THE NUMBER; AND

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

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

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

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

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

30 \tab
31

31 \tab (STATE HERE NAME OF HUSBAND)

32 \tab
33

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

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

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

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

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

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

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

15 [(ii) (III) provide spaces for the signatures of the parties and the 2
16 overseers of the marriage ceremony[; and

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

18 2-404.

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

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

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

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

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

29 [(j) In Anne Arundel County:

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

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

1 2-405.

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

5 (d) (1) Except as provided in [subsection (e) of this section] PARAGRAPH (2)
6 OF THIS SUBSECTION, [the clerk may not deliver] a license IS NOT EFFECTIVE until
7 [48 hours after the time an application is made or a notarized application is received]
8 6 A.M. ON THE SECOND CALENDAR DAY AFTER THE LICENSE IS ISSUED.

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

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

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

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

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

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

20 (2) any authorized official, if in the application either of the parties to be
21 married authorizes the delivery.]

22 [(h)] (F) (1) The Department of Health and Mental Hygiene shall provide to
23 each clerk:

24 (i) birth control information; and

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

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

29 [(i)] (G) (1) A clerk may not[:

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

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

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

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

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

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

8 2-406.

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

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

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

16 2-409.

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

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

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