

SENATE BILL 282

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

Introduced and read first time: February 4, 1999  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 2, 1999

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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; establishing that, except under  
14 certain circumstances, a marriage license is not effective until a certain time  
15 after the license is issued; repealing a provision of law that prohibited a clerk  
16 from delivering a license until a certain time after an application is made or a  
17 notarized application is received; authorizing a judge of the circuit court for the  
18 county in which the application for a license is made to sign a certain  
19 authorization under certain circumstances; repealing a provision of law  
20 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.

1 BY renumbering  
2 Article - Family Law  
3 Section 2-404(d), (e), (f), (g), (h), (i), (l), (m), and (o), respectively  
4 to be Section 2-404(e), (j), (l), (m), (d), (g), (i), (h), and (f), respectively  
5 Annotated Code of Maryland  
6 (1999 Replacement Volume)

7 BY repealing and reenacting, with amendments,  
8 Article - Family Law  
9 Section 2-402(f), 2-403, 2-404(b), 2-405(a), (d), (e), (f), (h), and (i), 2-406(b) and  
10 (e), and 2-409(c)  
11 Annotated Code of Maryland  
12 (1999 Replacement Volume)

13 BY adding to  
14 Article - Family Law  
15 Section 2-404(a)(3)  
16 Annotated Code of Maryland  
17 (1999 Replacement Volume)

18 BY repealing  
19 Article - Family Law  
20 Section 2-404(j) and 2-405(g) and (j)  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume)

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

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

29 **Article - Family Law**

30 2-402.

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

34 2-403.

35 (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;

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:

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

9 (2) ISSUE AND MAIL A LICENSE TO EITHER OF THE PARTIES TO BE  
10 MARRIED OR TO ANY PERSON AUTHORIZED IN WRITING BY EITHER OF THE PARTIES  
11 TO ACCEPT DELIVERY.

12 (d) (1) Except as provided in [subsection (e) of this section] PARAGRAPH (2)  
13 OF THIS SUBSECTION, [the clerk may not deliver] a license IS NOT EFFECTIVE until  
14 [48 hours after the time an application is made or a notarized application is received]  
15 6 A.M. ON THE SECOND CALENDAR DAY AFTER THE LICENSE IS ISSUED.

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

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

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

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

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

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

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

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

31 (i) birth control information; and

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

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

3 [(i)] (G) (1) A clerk may not[

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

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

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

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

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

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

16 2-406.

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

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

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

24 2-409.

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

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

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

