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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2294

05/01/2015 Authored by Smith, Hoppe and Applebaum

The bill was read for the first time and referred to the Committee on Civil Law and Data Practices

1.1 A bill for an act
1.2 relating to marriage; eliminating waiting period for issuance of a marriage
1.3 license; amending Minnesota Statutes 2014, section 517.08, subdivision 1b.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2014, section 517.08, subdivision 1b, is amended to read:

1.6 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar
1.7 shall examine upon oath the parties applying for a license relative to the legality of the
1.8 contemplated civil marriage. If one party is unable to appear in person, the party appearing
1.9 may complete the absent applicant's information. The local registrar shall provide a copy
1.10 of the civil marriage application to the party who is unable to appear, who must verify the
1.11 accuracy of the appearing party's information in a notarized statement. The civil marriage
1.12 license must not be released until the verification statement has been received by the local
1.13 registrar. ~~If at the expiration of a five-day period, on being~~ the local registrar is satisfied
1.14 that there is no legal impediment to it, including the restriction contained in section
1.15 259.13, the local registrar shall issue the license, containing the full names of the parties
1.16 before and after the civil marriage, and county and state of residence, with the county seal
1.17 attached, and make a record of the date of issuance. The license shall be valid for a period
1.18 of six months. Except as provided in paragraph ~~(e)~~ (b), the local registrar shall collect
1.19 from the applicant a fee of \$115 for administering the oath, issuing, recording, and filing
1.20 all papers required, and preparing and transmitting to the state registrar of vital statistics
1.21 the reports of civil marriage required by this section. If the license should not be used
1.22 within the period of six months due to illness or other extenuating circumstances, it may
1.23 be surrendered to the local registrar for cancellation, and in that case a new license shall
1.24 issue upon request of the parties of the original license without fee. A local registrar who

2.1 knowingly issues or signs a civil marriage license in any manner other than as provided in
2.2 this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

2.3 ~~(b) In case of emergency or extraordinary circumstances, a judge of the district court~~
2.4 ~~of the county in which the application is made may authorize the license to be issued at~~
2.5 ~~any time before expiration of the five-day period required under paragraph (a). A waiver~~
2.6 ~~of the five-day waiting period must be in the following form:~~

2.7 STATE OF MINNESOTA, COUNTY OF (insert county name)

2.8 APPLICATION FOR WAIVER OF CIVIL MARRIAGE LICENSE WAITING
2.9 PERIOD:

2.10 (legal names of the applicants)

2.11 Represent and state as follows:

2.12 That on (date of application) the applicants applied to the local
2.13 registrar of the above-named county for a license to marry.

2.14 That it is necessary that the license be issued before the expiration of five days
2.15 from the date of the application by reason of the following: (insert reason for requesting
2.16 waiver of waiting period)

2.17
2.18
2.19

2.20 WHEREAS, the applicants request that the judge waive the required five-day
2.21 waiting period and the local registrar be authorized and directed to issue the civil marriage
2.22 license immediately.

2.23 Date:

2.24
2.25

2.26 (Signatures of applicants)

2.27 Acknowledged before me on this day of

2.28

2.29 NOTARY PUBLIC

2.30 COURT ORDER AND AUTHORIZATION:

2.31 STATE OF MINNESOTA, COUNTY OF (insert county name)

2.32 After reviewing the above application, I am satisfied that an emergency or
2.33 extraordinary circumstance exists that justifies the issuance of the civil marriage license
2.34 before the expiration of five days from the date of the application. IT IS HEREBY
2.35 ORDERED that the local registrar is authorized and directed to issue the license forthwith.

2.36

3.1 (judge of district court)

3.2 (date).

3.3 (e) (b) The civil marriage license fee for parties who have completed at least 12
3.4 hours of premarital education is \$40. In order to qualify for the reduced license fee, the
3.5 parties must submit at the time of applying for the civil marriage license a statement that is
3.6 signed, dated, and notarized or marked with a church seal from the person who provided
3.7 the premarital education on their letterhead confirming that it was received. The premarital
3.8 education must be provided by a licensed or ordained minister or the minister's designee,
3.9 a person authorized to solemnize civil marriages under section 517.18, or a person
3.10 authorized to practice marriage and family therapy under section 148B.33. The education
3.11 must include the use of a premarital inventory and the teaching of communication and
3.12 conflict management skills.

3.13 (d) (c) The statement from the person who provided the premarital education under
3.14 paragraph (e) (b) must be in the following form:

3.15 "I, (name of educator), confirm that (names of
3.16 both parties) received at least 12 hours of premarital education that included the use of a
3.17 premarital inventory and the teaching of communication and conflict management skills. I
3.18 am a licensed or ordained minister, a person authorized to solemnize civil marriages under
3.19 Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family
3.20 therapy under Minnesota Statutes, section 148B.33."

3.21 The names of the parties in the educator's statement must be identical to the
3.22 legal names of the parties as they appear in the civil marriage license application.
3.23 Notwithstanding section 138.17, the educator's statement must be retained for seven
3.24 years, after which time it may be destroyed.

3.25 (e) (d) If section 259.13 applies to the request for a civil marriage license, the
3.26 local registrar shall grant the civil marriage license without the requested name change.
3.27 Alternatively, the local registrar may delay the granting of the civil marriage license
3.28 until the party with the conviction:

3.29 (1) certifies under oath that 30 days have passed since service of the notice for a
3.30 name change upon the prosecuting authority and, if applicable, the attorney general and no
3.31 objection has been filed under section 259.13; or

3.32 (2) provides a certified copy of the court order granting it. The parties seeking the
3.33 civil marriage license shall have the right to choose to have the license granted without the
3.34 name change or to delay its granting pending further action on the name change request.