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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3562

February 28, 2008

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to civil law; removing the five-day waiting requirement to issue a
1.3 marriage license; amending Minnesota Statutes 2007 Supplement, section
1.4 517.08, subdivision 1b.

1.5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:**

1.6 Section 1. Minnesota Statutes 2007 Supplement, section 517.08, subdivision 1b,
1.7 is amended to read:

1.8 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar
1.9 shall examine upon oath the party applying for a license relative to the legality of the
1.10 contemplated marriage. ~~If at the expiration of a five-day period,~~ On being satisfied that
1.11 there is no legal impediment to it, including the restriction contained in section 259.13, the
1.12 local registrar shall issue the license, containing the full names of the parties before and
1.13 after marriage, and county and state of residence, with the county seal attached, and make a
1.14 record of the date of issuance. The license shall be valid for a period of six months. ~~In case~~
1.15 ~~of emergency or extraordinary circumstances, a judge of the district court of the county in~~
1.16 ~~which the application is made, may authorize the license to be issued at any time before~~
1.17 ~~the expiration of the five days.~~ Except as provided in paragraph (b), the local registrar
1.18 shall collect from the applicant a fee of \$110 for administering the oath, issuing, recording,
1.19 and filing all papers required, and preparing and transmitting to the state registrar of vital
1.20 statistics the reports of marriage required by this section. If the license should not be used
1.21 within the period of six months due to illness or other extenuating circumstances, it may
1.22 be surrendered to the local registrar for cancellation, and in that case a new license shall
1.23 issue upon request of the parties of the original license without fee. A local registrar who

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

2.3 (b) The marriage license fee for parties who have completed at least 12 hours of
2.4 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
2.5 submit at the time of applying for the marriage license a signed and dated statement from
2.6 the person who provided the premarital education confirming that it was received. The
2.7 premarital education must be provided by a licensed or ordained minister or the minister's
2.8 designee, a person authorized to solemnize marriages under section 517.18, or a person
2.9 authorized to practice marriage and family therapy under section 148B.33. The education
2.10 must include the use of a premarital inventory and the teaching of communication and
2.11 conflict management skills.

2.12 (c) The statement from the person who provided the premarital education under
2.13 paragraph (b) must be in the following form:

2.14 "I, (name of educator), confirm that (names of both parties) received at least 12
2.15 hours of premarital education that included the use of a premarital inventory and the
2.16 teaching of communication and conflict management skills. I am a licensed or ordained
2.17 minister, a person authorized to solemnize marriages under Minnesota Statutes, section
2.18 517.18, or a person licensed to practice marriage and family therapy under Minnesota
2.19 Statutes, section 148B.33."

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

2.24 (d) If section 259.13 applies to the request for a marriage license, the local registrar
2.25 shall grant the marriage license without the requested name change. Alternatively, the local
2.26 registrar may delay the granting of the marriage license until the party with the conviction:

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

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