

House Study Bill 214

Bill Text

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1 1 Section 1. Section [595.4](#), Code 1997, is amended to read as
1 2 follows:
1 3 595.4 AGE AND QUALIFICATION - VERIFIED APPLICATION -
1 4 WAITING PERIOD - EXCEPTION.
1 5

~~Previous~~

~~Prior to the issuance of any license to marry, the~~
1 6 parties desiring the license shall sign and file a verified
1 7 application with the county registrar which application either
1 8 may be mailed to the parties at their request or may be signed
1 9 by them at the office of the county registrar in the county in
1 10 which the license is to be issued. The application shall set
1 11 forth at least one affidavit of some competent and
1 12 disinterested person stating the facts as to age and
1 13 qualification of the parties. Upon the filing of the
1 14 application for a license to marry, the county registrar shall
1 15 issue the license and file the application in a record kept
1 16 for that purpose. The license shall become valid the day
1 17 after issuance.
1 18

~~After expiration of three days from the date of filing the~~

1 19

~~application by the parties, the county registrar shall issue~~

1 20

~~the license. If the license has not been issued within six~~

1 21

~~months from the date of the application, the application is~~

1 22

~~void.~~

1 23

~~A license to marry may be issued prior to the expiration of~~

1 24

~~three days from the date of filing the application for the~~

1 25

~~license in cases of emergency or extraordinary circumstances.~~

1 26

~~An order authorizing the issuance of a license may be granted~~

1 27

~~by a judge of the district court under conditions of emergency~~

1 28

~~or extraordinary circumstances upon application of the parties~~

1 29

~~filed with the county registrar. No order may be granted~~

1 30

~~unless the parties have filed an application for a marriage~~

1 31

~~license in a county within the judicial district. An~~

1 32

~~application for an order shall be made on forms furnished by~~

1 33

~~the county registrar at the same time the application for the~~

1 34

~~license to marry is made. After examining the application for~~

1 35

~~the marriage license, the county registrar shall refer the~~

2 1

~~parties to a judge of the district court for action on the~~

2 2

~~application for an order authorizing the issuance of a~~

2 3

~~marriage license prior to expiration of three days from the~~

2 4

~~date of filing the application for the license. The judge~~

2 5

~~shall, if satisfied as to the existence of an emergency or~~

2 6

~~extraordinary circumstances, grant an order authorizing the~~

2 7

~~issuance of a license to marry prior to the expiration of~~

2 8

~~three days from the date of filing the application for the~~

2 9

~~license to marry. The county registrar shall issue a license~~

2 10

~~to marry upon presentation by the parties of the order~~

2 11

~~authorizing a license to be issued. A fee of five dollars~~

2 12

~~shall be paid to the county registrar at the time the~~

2 13

~~application for the order is made, which fee is in addition to~~

2 14

~~the fee prescribed by law for the issuance of a marriage~~

2 15

~~license.~~

2 16 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
2 17 immediate importance, takes effect upon enactment.

2 18 EXPLANATION

2 19 This bill amends Code section 595.4 by removing all parts
2 20 of the section relating to the three-day waiting requirement
2 21 for the issuance of a marriage license. The bill also amends
2 22 Code section 595.4 by providing that a marriage license shall
2 23 be issued by the county registrar upon the filing of the
2 24 application. The license shall become valid the day after
2 25 issuance.

2 26 The bill takes effect upon enactment.

2 27 LSB 2702HC 77

2 28 tm/sc/14