

FEB 15 2000

JUDICIARY

HOUSE FILE

2262

BY WEIDMAN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to applications for marriage licenses and changes  
2 in real property records in conjunction with marital name  
3 changes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

HF 2262

1 Section 1. Section 595.4, unnumbered paragraph 1, Code  
2 1999, is amended to read as follows:

3 Previous to the issuance of any license to marry, the  
4 parties desiring the license shall sign and file a verified  
5 application with the county registrar which application either  
6 may be mailed to the parties at their request or may be signed  
7 by them at the office of the county registrar in the county in  
8 which the license is to be issued. The application shall  
9 include the social security number of each applicant and shall  
10 set forth at least one affidavit of some competent and  
11 disinterested person stating the facts as to age and  
12 qualification of the parties. If an applicant for a marriage  
13 license indicates the adoption of a name change according to  
14 section 595.5, the applicant shall also attach a legal  
15 description of all real property owned in this state by the  
16 applicant, if the applicant requests to have real property  
17 records changed to reflect the new name. Upon the filing of  
18 the application for a license to marry, the county registrar  
19 shall file the application in a record kept for that purpose  
20 and shall take all necessary steps to ensure the  
21 confidentiality of the social security number of each  
22 applicant. All information included on an application may be  
23 provided as mutually agreed upon by the division of records  
24 and statistics and the child support recovery unit, including  
25 by automated exchange.

26 Sec. 2. Section 595.5, subsection 2, Code Supplement 1999,  
27 is amended to read as follows:

28 2. a. If an applicant for a marriage license indicates  
29 the adoption of a name change according to subsection 1, the  
30 applicant shall also attach a legal description of all real  
31 property owned in this state by the applicant, if the  
32 applicant requests to have real property records changed to  
33 reflect the new name. The county registrar shall send a  
34 certified copy of the return of marriage to the recorder's  
35 office in every county in this state where real property is

1 owned by either of the parties, ~~upon request of the parties.~~  
2 The new names and the immediate former names shall appear on  
3 the return of marriage, and the return of marriage shall be  
4 recorded in the miscellaneous records in the recorder's  
5 office, and the change of name shall be indexed. The county  
6 recorder and county auditor of each county in which the  
7 applicant owns real property may charge fees in the amounts  
8 specified in section 331.604 and section 331.507, subsection  
9 2, paragraph "b", for indexing a change of name for each  
10 parcel of real estate.

11 b. This procedure shall apply only to changes of names in  
12 conjunction with marriage, not additions of names of spouses  
13 added as owners of real property in conjunction with marriage.

14 Sec. 3. Section 595.5, Code Supplement 1999, is amended by  
15 adding the following new subsection:

16 NEW SUBSECTION. 4. This section shall not apply to any  
17 applicant for a marriage license who has a civil disability  
18 that would prohibit a name change by application to a court  
19 under chapter 674.

20 EXPLANATION

21 This bill excludes persons with civil disabilities, such as  
22 convicted felons, who would be prohibited from changing the  
23 person's name through a petition filed with the court pursuant  
24 to Code chapter 674, from utilizing the marriage application  
25 process to change the person's name.

26 The bill also amends Code section 595.5 to require that,  
27 when a name change is indicated on the marriage license and  
28 the parties desire to have real property records changed to  
29 reflect the new name, that the parties must attach a  
30 description of the real property to the application for a  
31 marriage license. The Code section is also changed to require  
32 indexing of the name change, and to allow a fee to be charged  
33 in relation to changing the real property records. A related  
34 change is also made to Code section 595.5.

35