

HSB 657

Eddie, Chair  
Van Engelenhoven  
Reynolds

LOCAL GOVERNMENT

Successed by

SF/HF

HOUSE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
LOCAL GOVERNMENT BILL BY  
CHAIRPERSON HOUSER)

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

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

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

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

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to applications for, the issuance, filing, and  
2 recording of marriage licenses, and solemnization of marriage.

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

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

3 595.4 AGE AND QUALIFICATION -- VERIFIED APPLICATION --  
4 WAITING PERIOD -- EXCEPTION.

5 1. ~~Previous~~ Prior to the issuance of any license to marry,  
6 the parties desiring the license shall sign and file a  
7 verified application with the county registrar ~~which.~~ The  
8 application ~~either~~ may be mailed to the parties at their  
9 request or may be signed by them at the office of the county  
10 registrar in the county in which the license is to be issued.

11 2. The application shall include the following:

12 a. The social security number of each applicant ~~and-shall~~  
13 ~~set-forth-at.~~

14 b. At least one affidavit of some competent and  
15 disinterested person stating the facts as to age and  
16 qualification of the parties.

17 3. Upon the filing of the application for a license to  
18 marry, the county registrar shall file the application in a  
19 record kept for that purpose and shall take all necessary  
20 steps to ensure the confidentiality of the social security  
21 number of each applicant. All information included on an  
22 application may be provided as mutually agreed upon by the  
23 division of records and statistics and the child support  
24 recovery unit, including by automated exchange.

25 4. Upon receipt of a verified application, the county  
26 registrar ~~may~~ shall issue the license ~~which.~~ The license  
27 shall not become valid until ~~the-expiration-of~~ three days  
28 after the date of ~~issuance-of-the-license~~ application for the  
29 license. If the license has not been issued within six months  
30 from the date of the application, the application is void.

31 5. a. A license to marry may be validated prior to the  
32 expiration of three days from the date of ~~issuance-of~~  
33 application for the license in cases of emergency or  
34 extraordinary circumstances.

35 b. An order authorizing the validation of a license may be

1 granted by a judge of the district court under conditions of  
2 emergency or extraordinary circumstances upon application of  
3 the parties filed with the county registrar.

4 c. No An order may shall not be granted unless the parties  
5 have filed an application for a marriage license in a county  
6 within the judicial district.

7 d. An application for an order shall be made on forms  
8 furnished by the county registrar at the same time the  
9 application for the license to marry is made.

10 e. After examining the application for the marriage  
11 license and issuing the license, the county registrar shall  
12 refer the parties to a judge of the district court for action  
13 on the application for an order authorizing the validation of  
14 a marriage license prior to expiration of three days from the  
15 date of issuance-of application for the license. The judge  
16 shall, if satisfied as to the existence of an emergency or  
17 extraordinary circumstances, grant an order authorizing the  
18 validation of a license to marry prior to the expiration of  
19 three days from the date of issuance-of application for the  
20 license to marry.

21 f. The county registrar shall validate a license to marry  
22 upon presentation by the parties of the order authorizing a  
23 license to be validated. A fee of five dollars shall be paid  
24 to the county registrar at the time the application for the  
25 order is made, which fee is in addition to the fee prescribed  
26 by law for the issuance of a marriage license.

27 Sec. 2. Section 595.5, subsection 2, Code Supplement 1999,  
28 is amended by striking the subsection.

29 Sec. 3. Section 595.6, Code 1999, is amended to read as  
30 follows:

31 595.6 FILING AND RECORD REQUIRED.

32 The affidavit-or marriage application and return of  
33 marriage certificate, in each case, shall be filed by the  
34 county registrar and constitute a part of the records of the  
35 registrar's office. A memorandum of the affidavit-or marriage

1 application and return of marriage certificate shall also be  
2 entered in the license book.

3 Sec. 4. Section 595.10, subsection 1, Code 1999, is  
4 amended to read as follows:

5 1. A judge of the Iowa supreme court, Iowa court of  
6 appeals, or Iowa district court, including a district  
7 associate judge, associate juvenile judge, or a judicial  
8 magistrate, and including a senior judge as defined in section  
9 602.9202, subsection 1.

10 Sec. 5. Section 595.13, Code 1999, is amended to read as  
11 follows:

12 595.13 CERTIFICATE -- RETURN.

13 After the marriage has been solemnized, the officiating  
14 minister or magistrate shall:

15 ~~1.---Give each of the parties a certificate of the same.~~

16 2.---Make return of the certificate of marriage within  
17 fifteen days to the county registrar, who issued the marriage  
18 license upon the blank provided for that purpose.

19 EXPLANATION

20 This bill amends several provisions relating to marriage  
21 licenses.

22 The bill amends Code section 595.4 to specify that a  
23 marriage license is not valid until three days after the  
24 application, rather than the issuance of the license. The  
25 bill also reorganizes the section.

26 The bill strikes subsection 2 of Code section 595.5,  
27 related to changes of real property records in conjunction  
28 with name changes due to marriage. The bill removes any  
29 requirement for the recorder to update property records after  
30 a marital name change, or to record a return of marriage  
31 reflecting a name change.

32 The bill amends Code section 595.6 to require filing of the  
33 marriage application and return of marriage certificate,  
34 rather than the affidavit or certificate.

35 The bill amends Code section 595.10 to specify that judges

1 authorized to solemnize marriages must be Iowa judges.

2 The bill amends Code section 595.13 to delete the  
3 requirement of giving a copy of the certificate of marriage to  
4 the parties to eliminate potential conflict with Code section  
5 144.45 regarding provision of copies of marriage certificates.

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3/21/00 Removed from Calendar

FEB 29 2000  
Place On Calendar

HOUSE FILE **2504**  
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 657)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
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**HF 2504**

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