

House Study Bill 657

Bill Text

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1 1 Section 1. Section [595.4](#), Code 1999, is amended to read as
1 2 follows:
1 3 595.4 AGE AND QUALIFICATION VERIFIED APPLICATION
1 4 WAITING PERIOD EXCEPTION.
1 5 1.

~~Previous~~

- ~~Prior~~ to the issuance of any license to marry,
1 6 the parties desiring the license shall sign and file a
1 7 verified application with the county registrar

~~which~~

- ~~The~~
1 8 application

~~either~~

- may be mailed to the parties at their
1 9 request or may be signed by them at the office of the county
1 10 registrar in the county in which the license is to be issued.
1 11 2. The application shall include the following:
1 12 a. The social security number of each applicant

~~and shall~~

-
1 13

~~set forth at~~

- b. At least one affidavit of some competent and
1 14 disinterested person stating the facts as to age and
1 15 qualification of the parties.
1 16 3. Upon the filing of the application for a license to
1 17 marry, the county registrar shall file the application in a
1 18 record kept for that purpose and shall take all necessary
1 19 steps to ensure the confidentiality of the social security
1 20 number of each applicant. All information included on an
1 21 application may be provided as mutually agreed upon by the
1 22 division of records and statistics and the child support
1 23 recovery unit, including by automated exchange.
1 24 4. Upon receipt of a verified application, the county
1 25 registrar

~~may~~

- shall issue the license

~~which~~

- The license
1 27 shall not become valid until

~~the expiration of~~

- three days
1 28 after the date of

~~issuance of the license~~

- application for the
1 29 license. If the license has not been issued within six months

1 30 from the date of the application, the application is void.
1 31 5. a. A license to marry may be validated prior to the
1 32 expiration of three days from the date of

~~issuance of~~

1 33 application for the license in cases of emergency or
1 34 extraordinary circumstances.

1 35 b. An order authorizing the validation of a license may be
2 1 granted by a judge of the district court under conditions of
2 2 emergency or extraordinary circumstances upon application of
2 3 the parties filed with the county registrar.

2 4 c.

~~No~~

- An order

~~may~~

- shall not be granted unless the parties

2 5 have filed an application for a marriage license in a county
2 6 within the judicial district.

2 7 d. An application for an order shall be made on forms
2 8 furnished by the county registrar at the same time the
2 9 application for the license to marry is made.

2 10 e. After examining the application for the marriage
2 11 license and issuing the license, the county registrar shall
2 12 refer the parties to a judge of the district court for action
2 13 on the application for an order authorizing the validation of
2 14 a marriage license prior to expiration of three days from the
2 15 date of

~~issuance of~~

- application for the license. The judge

2 16 shall, if satisfied as to the existence of an emergency or
2 17 extraordinary circumstances, grant an order authorizing the
2 18 validation of a license to marry prior to the expiration of
2 19 three days from the date of

~~issuance of~~

- application for the

2 20 license to marry.

2 21 f. The county registrar shall validate a license to marry
2 22 upon presentation by the parties of the order authorizing a
2 23 license to be validated. A fee of five dollars shall be paid
2 24 to the county registrar at the time the application for the
2 25 order is made, which fee is in addition to the fee prescribed
2 26 by law for the issuance of a marriage license.

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

2 29 Sec. 3. Section 595.6, Code 1999, is amended to read as
2 30 follows:

2 31 595.6 FILING AND RECORD REQUIRED.

2 32 The

~~affidavit or~~

- marriage application and return of

2 33 marriage certificate, in each case, shall be filed by the
2 34 county registrar and constitute a part of the records of the
2 35 registrar's office. A memorandum of the

~~affidavit or~~

- marriage

3 1 application and return of marriage certificate shall also be
3 2 entered in the license book.

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

3 5 1. A judge of the Iowa supreme court, Iowa court of

3 6 appeals, or Iowa district court, including a district
3 7 associate judge, associate juvenile judge, or a judicial
3 8 magistrate, and including a senior judge as defined in section
3 9 602.9202, subsection 1.
3 10 Sec. 5. Section 595.13, Code 1999, is amended to read as
3 11 follows:
3 12 595.13 CERTIFICATE RETURN.
3 13 After the marriage has been solemnized, the officiating
3 14 minister or magistrate shall

3 15

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

3 16

~~2. Make~~

~~return~~

~~of~~

~~the certificate of marriage within~~

3 17 fifteen days to the county registrar

~~who issued the marriage~~

3 18 license upon the blank provided for that purpose.

3 19 EXPLANATION

3 20 This bill amends several provisions relating to marriage
3 21 licenses.

3 22 The bill amends Code section 595.4 to specify that a
3 23 marriage license is not valid until three days after the
3 24 application, rather than the issuance of the license. The
3 25 bill also reorganizes the section.

3 26 The bill strikes subsection 2 of Code section 595.5,
3 27 related to changes of real property records in conjunction
3 28 with name changes due to marriage. The bill removes any
3 29 requirement for the recorder to update property records after
3 30 a marital name change, or to record a return of marriage
3 31 reflecting a name change.

3 32 The bill amends Code section 595.6 to require filing of the
3 33 marriage application and return of marriage certificate,
3 34 rather than the affidavit or certificate.

3 35 The bill amends Code section 595.10 to specify that judges
4 1 authorized to solemnize marriages must be Iowa judges.

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

4 6 LSB 6593HC 78

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