

SB0081S01 compared with SB0081

~~{deleted text}~~ shows text that was in SB0081 but was deleted in SB0081S01.

inserted text shows text that was not in SB0081 but was inserted into SB0081S01.

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Senator Todd D. Weiler proposes the following substitute bill:

COUNTY CLERK AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd D. Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to the solemnization of marriages.

Highlighted Provisions:

This bill:

- ▶ ~~{requires that at least one party to a marriage solemnized in Utah be}~~ establishes requirements for solemnization of marriage when one or both participants are not physically present in the state ~~{ at the time of solemnization of marriage }~~;
- ▶ prohibits the use of a power of attorney to secure a marriage license for another individual;
- ▶ creates a criminal penalty for an officiant who knowingly or intentionally makes a false statement on a marriage certificate; and
- ▶ updates language for clarity.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30-1-5, as last amended by Laws of Utah 2011, Chapter 297

30-1-7, as last amended by Laws of Utah 2021, Chapter 305

30-1-8, as last amended by Laws of Utah 2021, Chapter 305

30-1-10, as last amended by Laws of Utah 2019, Chapter 317

30-1-11, as last amended by Laws of Utah 2019, Chapter 420

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **30-1-5** is amended to read:

30-1-5. Marriage solemnization -- Before unauthorized person -- Validity.

(1) A marriage solemnized before a person professing to have authority to perform marriages may not be invalidated for lack of authority, if consummated in the belief of the parties or either of them that the person had authority and that they have been lawfully married.

(2) [~~This~~] Except as otherwise explicitly provided by law, this section may not be construed to validate a marriage that:

(a) is prohibited or void under Section 30-1-2[~~;~~]; or

(b) fails to meet the requirements of Section 30-1-7, as validated by a court with jurisdiction.

Section 2. Section **30-1-7** is amended to read:

30-1-7. Marriage licenses -- Use within state -- ~~{Physical presence required}~~Solemnization requirements -- Expiration.

(1) [~~No marriage may be~~] A marriage may not be solemnized in this state without a license issued by the county clerk of any county of this state.

(2) (a) A license issued within this state by a county clerk may only be used within this state.

(~~{3}~~b) {Beginning May 1, 2024, at least one of the individuals being married must

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be} A license is considered used within this state if the officiant is physically present in the state at the time of solemnization of the marriage.

(3) A marriage is considered solemnized if:

(a) The parties to the marriage have a valid marriage license;

(b) Each party to the marriage willingly declares their intent to enter into the marriage;

(c) An officiant pronounces the parties as married; and

(d) At least two individuals 18 years old or older witness the declarations of intent and the pronouncement.

[3] (4) A license that is not used within 32 days after the day on which the ~~licensed~~ license is issued is ~~void~~ invalid.

Section 3. Section 30-1-8 is amended to read:

30-1-8. Application for license -- Contents -- Power of attorney not permitted.

(1) As used in this section, "minor" means the same as that term is defined in Section 30-1-9.

(2) A county clerk may issue a marriage license only after:

(a) the age, legal name, and identity of each applicant is verified; and

(b) an application is filed with the county clerk's office, requiring the following information:

[a] (i) the full names of the applicants, including the maiden or bachelor name of each applicant;

[b] (ii) the social security numbers of the applicants, unless an applicant has not been assigned a number;

[c] (iii) the current address of each applicant;

[d] (iv) the date and place of birth, including the town or city, county, state or country, if possible;

[e] (v) the names of the applicants' respective parents, including the maiden name of a mother; and

[f] (vi) the birthplaces of the applicants' respective parents, including the town or city, county, state or country, if possible.

(3) A power of attorney may not be used to secure a marriage license on behalf of a party to a marriage.

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~~[(3)]~~ (4) (a) If one or both of the applicants is a minor, the county clerk shall provide each minor with a standard petition on a form provided by the Judicial Council to be presented to the juvenile court to obtain the authorization required by Section 30-1-9.

(b) The form described in Subsection ~~[(3)(a)]~~ (4)(a) shall include:

(i) all information described in Subsection ~~[(2)]~~ (2)(b);

(ii) in accordance with Subsection 30-1-9(2)(a), a place for the parent or legal guardian to indicate the parent or legal guardian's relationship to the minor;

(iii) an affidavit for the parent or legal guardian to acknowledge the penalty described in Section 30-1-9.1 signed under penalty of perjury;

(iv) an affidavit for each applicant regarding the accuracy of the information contained in the marriage application signed under penalty of perjury; and

(v) a place for the clerk to sign that indicates that the following have provided documentation to support the information contained in the form:

(A) each applicant; and

(B) the minor's parent or legal guardian.

~~[(4)]~~ (5) (a) The social security numbers obtained under the authority of this section may not be recorded on the marriage license, and are not open to inspection as a part of the vital statistics files.

(b) The Department of Health and Human Services, Bureau of Vital Records and Health Statistics shall, upon request, supply the social security numbers to the Office of Recovery Services within the Department of Health and Human Services.

(c) The Office of Recovery Services may not use a social security number obtained under the authority of this section for any reason other than the administration of child support services.

Section 4. Section **30-1-10** is amended to read:

30-1-10. Affidavit before the clerk -- Criminal penalty.

(1) A clerk may not issue a license until an affidavit is ~~[made before]~~ provided to the clerk, which shall be filed and preserved by the clerk, by a party applying for the license, showing that there is no lawful reason ~~[in the way of]~~ preventing the marriage.

(2) A party who makes an affidavit described in Subsection (1), or a subscribing witness to the affidavit, who falsely swears in the affidavit is guilty of perjury and may be

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prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.

Section 5. Section 30-1-11 is amended to read:

30-1-11. Return of license after ceremony -- Penalty for failure to return -- Criminal penalty for false statement.

(1) The individual solemnizing the marriage shall within 30 days after solemnizing the marriage return the license to the clerk of the county that issues the license, with a certificate of the marriage over the individual's signature, giving the date and place of celebration and the names of two or more witnesses present at the marriage.

(2) An individual described in Subsection (1) who fails to return the license is guilty of an infraction.

(3) An individual described in Subsection (1) who knowingly or intentionally makes a false statement on a certificate of marriage is guilty of perjury and may be prosecuted and punished as provided in Title 76, Chapter 8, Part 5, Falsification in Official Matters.

Section 6. Effective date.

This bill takes effect on May 1, 2024.