

MAR 14 2001
HUMAN RESOURCES

HOUSE FILE 599
BY WARNSTADT

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
● Approved _____

A BILL FOR

1 An Act relating to marriage including options related to
2 premarital education, marriage license fees, and the time
3 period that must expire prior to a marriage license becoming
4 valid.

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

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1 Section 1. Section 331.605, subsection 6, Code 2001, is
2 amended to read as follows:

3 6. a. (1) For Except as provided in subparagraph (2),
4 for filing an application for the license to marry, thirty-
5 five seventy dollars, which includes payment for one certified
6 copy of the original certificate of marriage, to be issued
7 following filing of the original certificate of marriage, four
8 dollars of which shall be retained by the county pursuant to
9 subsection 5.

10 (2) For filing an application for the license to marry,
11 five dollars, if the applicants submit and the county
12 registrar approves the certificate of completion of premarital
13 education pursuant to section 595.3B. The fee includes
14 payment for one certified copy of the original certificate of
15 marriage, to be issued following filing of the original
16 certificate of marriage, which fee shall be retained by the
17 county pursuant to subsection 5.

18 b. For issuing an application for an order of the district
19 court authorizing the validation of a license to marry before
20 the expiration of three thirty days from the date of issuance
21 of the license, five dollars. The district court shall
22 authorize the early validation of a marriage license without
23 the payment of any fees imposed in this subsection upon
24 showing that the applicant is unable to pay the fees.

25 Sec. 2. NEW SECTION. 595.3B APPLICATION -- PREMARITAL
26 EDUCATION.

27 1. An application form for a marriage license shall have
28 attached a certificate form to be used by the parties to
29 document completion of premarital education by the parties.
30 The certificate shall be completed by the parties and signed
31 by the person who provided the premarital education. The
32 certificate shall require provision of all of the following
33 information:

34 a. The name of the person providing the premarital
35 education and the person's signature verifying completion of

1 the premarital education by the parties.

2 b. The number of hours of premarital education completed.

3 c. Whether the premarital education was provided by
4 personal instruction, videotaped instruction, instruction via
5 other electronic media, or a combination of these methods.

6 2. Only premarital education provided by the following
7 persons meet the requirements of provision of premarital
8 education under this section:

9 a. A person ordained or designated as a leader of a
10 party's religious faith.

11 b. A person licensed to practice psychology pursuant to
12 chapter 154B.

13 c. A person licensed to practice social work pursuant to
14 chapter 154C.

15 d. A person licensed to practice marital and family
16 therapy pursuant to chapter 154D.

17 3. If the parties applying for a license to marry complete
18 the premarital education certificate and the certificate is
19 approved, the parties shall pay a fee of only five dollars
20 pursuant to section 331.605, subsection 6.

21 Sec. 3. Section 595.4, Code 2001, is amended to read as
22 follows:

23 595.4 AGE AND QUALIFICATION -- VERIFIED APPLICATION --
24 WAITING PERIOD -- EXCEPTION.

25 1. Previous to the issuance of any license to marry, the
26 parties desiring the license shall sign and file a verified
27 application with the county registrar which application either
28 may be mailed to the parties at their request or may be signed
29 by them at the office of the county registrar in the county in
30 which the license is to be issued. The application shall
31 include the social security number of each applicant and shall
32 set forth at least one affidavit of some competent and
33 disinterested person stating the facts as to age and
34 qualification of the parties. Upon the filing of the
35 application for a license to marry, the county registrar shall

1 file the application in a record kept for that purpose and
2 shall take all necessary steps to ensure the confidentiality
3 of the social security number of each applicant. All
4 information included on an application may be provided as
5 mutually agreed upon by the division of records and statistics
6 and the child support recovery unit, including by automated
7 exchange.

8 2. Upon receipt of a verified application, the county
9 registrar may issue the license ~~which shall not become valid~~
10 ~~until the expiration of three days after the date of issuance~~
11 ~~of the license.~~ If the license has not been issued within six
12 months from the date of the application, the application is
13 void.

14 3. A license that is issued under subsection 2, shall
15 become valid as follows:

16 a. If the parties desiring the license have participated
17 in premarital education and have documented completion of
18 premarital education in accordance with section 595.3B, the
19 license shall become valid upon the date of issuance of the
20 license.

21 b. If the parties desiring the license have not
22 participated in premarital education and have not documented
23 completion of premarital education in accordance with section
24 595.3B, the license shall not become valid until the
25 expiration of thirty days after the date of issuance of the
26 license.

27 4. A license to marry may be validated prior to the
28 expiration of ~~three~~ thirty days from the date of issuance of
29 the license in cases of emergency or extraordinary
30 circumstances. An order authorizing the validation of a
31 license may be granted by a judge of the district court under
32 conditions of emergency or extraordinary circumstances upon
33 application of the parties filed with the county registrar.
34 No order may be granted unless the parties have filed an
35 application for a marriage license in a county within the

1 judicial district. An application for an order shall be made
2 on forms furnished by the county registrar at the same time
3 the application for the license to marry is made. After
4 examining the application for the marriage license and issuing
5 the license, the county registrar shall refer the parties to a
6 judge of the district court for action on the application for
7 an order authorizing the validation of a marriage license
8 prior to expiration of three thirty days from the date of
9 issuance of the license. The judge shall, if satisfied as to
10 the existence of an emergency or extraordinary circumstances,
11 grant an order authorizing the validation of a license to
12 marry prior to the expiration of three thirty days from the
13 date of issuance of the license to marry. The county
14 registrar shall validate a license to marry upon presentation
15 by the parties of the order authorizing a license to be
16 validated. A fee of five dollars shall be paid to the county
17 registrar at the time the application for the order is made,
18 which fee is in addition to the fee prescribed by law for the
19 issuance of a marriage license.

20

EXPLANATION

21 This bill establishes options for premarital education,
22 which if completed and documented in a certificate attached to
23 a marriage license application allow the parties applying for
24 the marriage license to pay only a \$5 fee for the filing of
25 the marriage license application. If the parties do not
26 complete premarital education, the fee for filing a marriage
27 license application is \$70.

28 The bill specifies the persons who may provide the
29 premarital education in order to meet the requirements of the
30 bill and specifies the other information which must be
31 provided by the applicants in order to pay the reduced
32 marriage license application fee.

33 The bill also provides that if the parties complete
34 premarital education, the marriage license is valid upon the
35 date of the issuance of the license. If the parties do not

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1 participate in premarital education, the license is not valid
2 until the expiration of 30 days from the date of issuance of
3 the license.

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