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# A BILL FOR AN ACT

RELATING TO LICENSING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that marriage in the  
2 United States is a civil institution and the right to marry  
3 belongs to citizens without regard to their moral beliefs or  
4 religious creed. However, apart from justices, judges, or  
5 magistrates, state law requires a marriage officiant to be  
6 affiliated with or ordained by a religious denomination or  
7 society. While those with a religious affiliation may have  
8 their trusted pastor or minister officiate their wedding, those  
9 without a religious affiliation are legally unable to have a  
10 trusted friend or mentor officiate their wedding.

11           The purpose of this Act is to broaden who may solemnize  
12 marriage by authorizing the issuance of civil licenses and  
13 allowing this rite to be performed by persons without requiring  
14 a religious affiliation for those families who may not share  
15 one.



1 SECTION 2. Section 572-12, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§572-12 By whom solemnized.** (a) A license to solemnize  
4 marriages may be issued to, and the marriage rite may be  
5 performed and solemnized by [any]:

6 (1) Any minister, priest, or officer of any religious  
7 denomination or society who has been ordained or is  
8 authorized to solemnize marriages according to the  
9 usages of ~~[such]~~ that denomination or society~~[, or~~  
10 any];

11 (2) Any religious society not having clergy but providing  
12 solemnization in accordance with the rules and customs  
13 of that society~~[, or any]~~; or

14 (3) Any justice or judge or magistrate, active or retired,  
15 of a state or federal court in the State,

16 upon presentation to ~~[such]~~ the person or society solemnizing  
17 the marriage of a license to marry, as prescribed by this

18 chapter. ~~[Such]~~ A person or society licensed to solemnize a  
19 marriage may receive the price stipulated by the parties or the  
20 gratification tendered.



1       (b) A civil license to solemnize marriages may be issued  
2 to, and the marriage rite may be performed and solemnized by,  
3 any individual at least eighteen years of age, upon presentation  
4 to the individual of a license to marry, as prescribed by this  
5 chapter. An individual with a civil license to solemnize a  
6 marriage may receive the price stipulated by the parties or the  
7 gratification tendered. The civil license shall be valid for no  
8 less than two years from the date of its issuance. The fee for  
9 a civil license shall be \$100 per year the permit is valid. An  
10 individual who performs a solemnization of a marriage pursuant  
11 to a civil license issued under this subsection shall obtain the  
12 prior written consent of each person for whom a solemnization is  
13 performed and fulfill all provisions of sections 572-13  
14 and 572-15 applicable to persons authorized to solemnize  
15 marriages."

16       SECTION 3. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18       SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Marriage; License to Solemnize

**Description:**

Authorizes the issuance of a civil license to solemnize marriage and allows solemnization by any individual at least eighteen years of age. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

