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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1865

- 03/04/2021 Authored by Huot and Hanson, J.,
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
- 03/17/2021 Adoption of Report: Placed on the General Register
Read for the Second Time
- 05/17/2021 Pursuant to Rule 4.20, returned to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act

1.2 relating to civil law; removing the in-person appearance requirement for

1.3 applications for a marriage license; removing a sunset for the harmless error statute;

1.4 amending Minnesota Statutes 2020, sections 517.08, subdivision 1b; 524.2-503.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 517.08, subdivision 1b, is amended to read:

1.7 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar shall

1.8 examine upon oath the parties applying for a license relative to the legality of the

1.9 contemplated civil marriage. Examination upon oath of the parties under this section may

1.10 include contemporaneous video or audio transmission or receipt of a verified statement

1.11 signed by both parties attesting to the legality of the marriage. The local registrar may accept

1.12 civil marriage license applications, signed by both parties, by mail, facsimile, or electronic

1.13 filing. Both parties must present proof of age to the local registrar. ~~If one party is unable to~~

1.14 ~~appear in person, the party appearing may complete the absent applicant's information. The~~

1.15 ~~local registrar shall provide a copy of the civil marriage application to the party who is~~

1.16 ~~unable to appear, who must verify the accuracy of the appearing party's information in a~~

1.17 ~~notarized statement. The verification statement must be accompanied by a copy of proof of~~

1.18 ~~age of the party.~~ The civil marriage license must not be released until ~~the verification~~

1.19 ~~statement and~~ proof of age has been received by the local registrar. If the local registrar is

1.20 satisfied that there is no legal impediment to it, including the restriction contained in section

1.21 259.13, the local registrar shall issue the license, containing the full names of the parties

1.22 before and after the civil marriage, and county and state of residence, with the county seal

1.23 attached, and make a record of the date of issuance. The license shall be valid for a period

1.24 of six months. Except as provided in paragraph (b), the local registrar shall collect from the

2.1 applicant a fee of \$115 for administering the oath, issuing, recording, and filing all papers
 2.2 required, and preparing and transmitting to the state registrar of vital records the reports of
 2.3 civil marriage required by this section. If the license should not be used within the period
 2.4 of six months due to illness or other extenuating circumstances, it may be surrendered to
 2.5 the local registrar for cancellation, and in that case a new license shall issue upon request
 2.6 of the parties of the original license without fee. A local registrar who knowingly issues or
 2.7 signs a civil marriage license in any manner other than as provided in this section shall pay
 2.8 to the parties aggrieved an amount not to exceed \$1,000.

2.9 (b) The civil marriage license fee for parties who have completed at least 12 hours of
 2.10 premarital education is \$40. In order to qualify for the reduced license fee, the parties must
 2.11 submit at the time of applying for the civil marriage license a statement that is signed, dated,
 2.12 and notarized or marked with a church seal from the person who provided the premarital
 2.13 education on their letterhead confirming that it was received. The premarital education must
 2.14 be provided by a licensed or ordained minister or the minister's designee, a person authorized
 2.15 to solemnize civil marriages under section 517.18, or a person authorized to practice marriage
 2.16 and family therapy under section 148B.33. The education must include the use of a premarital
 2.17 inventory and the teaching of communication and conflict management skills.

2.18 (c) The statement from the person who provided the premarital education under paragraph
 2.19 (b) must be in the following form:

2.20 "I, (name of educator), confirm that (names of both
 2.21 parties) received at least 12 hours of premarital education that included the use of a premarital
 2.22 inventory and the teaching of communication and conflict management skills. I am a licensed
 2.23 or ordained minister, a person authorized to solemnize civil marriages under Minnesota
 2.24 Statutes, section 517.18, or a person licensed to practice marriage and family therapy under
 2.25 Minnesota Statutes, section 148B.33."

2.26 The names of the parties in the educator's statement must be identical to the legal names
 2.27 of the parties as they appear in the civil marriage license application. Notwithstanding
 2.28 section 138.17, the educator's statement must be retained for seven years, after which time
 2.29 it may be destroyed.

2.30 (d) If section 259.13 applies to the request for a civil marriage license, the local registrar
 2.31 shall grant the civil marriage license without the requested name change. Alternatively, the
 2.32 local registrar may delay the granting of the civil marriage license until the party with the
 2.33 conviction:

3.1 (1) certifies under oath that 30 days have passed since service of the notice for a name
3.2 change upon the prosecuting authority and, if applicable, the attorney general and no
3.3 objection has been filed under section 259.13; or

3.4 (2) provides a certified copy of the court order granting it. The parties seeking the civil
3.5 marriage license shall have the right to choose to have the license granted without the name
3.6 change or to delay its granting pending further action on the name change request.

3.7 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2021.

3.8 Sec. 2. Minnesota Statutes 2020, section 524.2-503, is amended to read:

3.9 **524.2-503 HARMLESS ERROR.**

3.10 (a) If a document or writing added upon a document was not executed in compliance
3.11 with section 524.2-502, the document or writing is treated as if it had been executed in
3.12 compliance with section 524.2-502 if the proponent of the document or writing establishes
3.13 by clear and convincing evidence that the decedent intended the document or writing to
3.14 constitute:

3.15 (1) the decedent's will;

3.16 (2) a partial or complete revocation of the will;

3.17 (3) an addition to or an alteration of the will; or

3.18 (4) a partial or complete revival of the decedent's formerly revoked will or of a formerly
3.19 revoked portion of the will.

3.20 (b) This section applies to documents and writings executed on or after March 13, 2020;
3.21 ~~but before February 15, 2021.~~

3.22 **EFFECTIVE DATE.** This section is effective retroactively from March 13, 2020, and
3.23 applies to documents and writings executed on or after March 13, 2020.