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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4361

03/17/2022   Authored by Hanson, J.,
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1   A bill for an act

1.2   relating to civil marriage; amending marriage record provisions; making technical
1.3   and clarifying changes; amending Minnesota Statutes 2020, sections 144.2181;
1.4   144.226, subdivision 1; 517.08, subdivision 1a; 517.10; Minnesota Statutes 2021
1.5   Supplement, section 144.223.

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

1.7   Section 1. Minnesota Statutes 2020, section 144.2181, is amended to read:

1.8   **144.2181 AMENDMENT AND CORRECTION OF VITAL RECORDS.**

1.9   (a) A vital record ~~registered under sections 144.212 to 144.227~~ may be amended or

1.10   corrected only according to sections 144.212 to 144.227 and rules adopted by the

1.11   commissioner of health to protect the integrity and accuracy of vital records.

1.12   (b)(1) A vital record that is amended under this section shall indicate that it has been

1.13   amended, except as otherwise provided in this section or by rule.

1.14   (2) Electronic documentation shall be maintained by the state or local registrar that

1.15   identifies the evidence upon which the amendment or correction was based, the date of the

1.16   amendment or correction, and the identity of the authorized person making the amendment

1.17   or correction.

1.18   (c) Upon receipt of a certified copy of an order of a court of competent jurisdiction

1.19   changing the name of a person whose birth is registered in Minnesota and upon request of

1.20   such person if 18 years of age or older or having the status of emancipated minor, the state

1.21   registrar shall amend the birth record to show the new name. If the person is a minor or an

1.22   incapacitated person then a parent, guardian, or legal representative of the minor or

1.23   incapacitated person may make the request.

Section 1.   1

2.1   (d) When an applicant does not submit the minimum documentation required for

2.2   amending a vital record or when the state or local registrar has cause to question the validity

2.3   or completeness of the applicant's statements or the documentary evidence, and the

2.4   deficiencies are not corrected, the state or local registrar shall not amend the vital record.

2.5   The state or local registrar shall advise the applicant of the reason for this action and shall

2.6   further advise the applicant of the right of appeal to a court with competent jurisdiction over

2.7   the ~~Department of Health~~ state or local registrar.

2.8   (e) To correct a data error in a marriage record, both parties to the marriage must submit

2.9   to the state or local registrar:

2.10   (1) a notarized request with the signatures of both parties to the marriage and, if the

2.11   request relates to the date or place of the marriage, the signature of the marriage officiant;

2.12   and

2.13   (2) documentation supporting the correction.

2.14   If one party to the marriage is unavailable, the available party seeking to correct a data error

2.15   in a marriage record must follow the requirements in paragraph (f).

2.16   (f) To correct a data error in a marriage record when one party to the marriage is

2.17   unavailable, the available party to the marriage must submit to the state or local registrar:

2.18   (1) a notarized request to correct the data error and, if the request relates to the date or

2.19   place of the marriage, the signature of the marriage officiant;

2.20   (2) an affidavit stating the reasons the other party to the marriage is unavailable to make

2.21   the request; and

2.22   (3) documentation supporting the correction.

2.23   (g) If one party to the marriage is unavailable and the available party submits a request

2.24   under paragraph (f), the registrar must not change any data in the marriage record that relates

2.25   exclusively to the unavailable party.

2.26   (h) Upon receiving a request to correct a data error in a marriage record under paragraph

2.27   (e) or (f), the registrar must amend the marriage record as long as the registrar determines

2.28   that the notarized request and supporting documents establish that the marriage record

2.29   contains a data error.

2.30   (i) When correcting a data error in a marriage record, a state or local registrar must

2.31   document amending the marriage record with a copy of the party's or parties' notarized

2.32   request to correct the data error and any supporting documentation submitted by the party

3.1   or parties to the marriage. The amended marriage record must include the party's or parties'

3.2   notarized request and supporting documentation.

3.3   Sec. 2. Minnesota Statutes 2021 Supplement, section 144.223, is amended to read:

3.4   **144.223 REPORT OF NUMBER OF CERTIFICATES OF MARRIAGE.**

3.5   Data relating to the number of certificates of marriage registered shall be reported to the

3.6   state registrar by the local registrar or designee of the county board in each of the 87

3.7   registration districts ~~pursuant to the rules of the commissioner~~ in a format and with the

3.8   frequency determined by the state registrar. ~~The information in clause (1) necessary to~~

3.9   ~~compile the report shall be furnished by the applicant prior to the issuance of the marriage~~

3.10   ~~license. The report shall contain the following:~~

3.11   ~~(1) personal information on bride and groom:~~

3.12   ~~(i) name;~~

3.13   ~~(ii) residence;~~

3.14   ~~(iii) date and place of birth;~~

3.15   ~~(iv) if previously married, how terminated; and~~

3.16   ~~(v) signature of applicant, date signed, and Social Security number; and~~

3.17   ~~(2) information concerning the marriage:~~

3.18   ~~(i) date of marriage;~~

3.19   ~~(ii) place of marriage; and~~

3.20   ~~(iii) civil or religious ceremony.~~

3.21   Sec. 3. Minnesota Statutes 2020, section 144.226, subdivision 1, is amended to read:

3.22   Subdivision 1. **Which services are for fee.** (a) The fees for the following services shall

3.23   be the following or an amount prescribed by rule of the commissioner~~:~~.

3.24   (b) The fee for the administrative review and processing of a request for a certified vital

3.25   record or a certification that the vital record cannot be found is $9. The fee is payable at the

3.26   time of application and is nonrefundable. This fee must not be charged for a marriage record

3.27   unless paragraph (c) applies.

3.28   (c) The fee for a certified marriage record or a letter of no record must be up to $25 for

3.29   the first copy and up to $9 for any additional copy requested at the same time. The fee for

4.1 an uncertified marriage record must be up to $9. These fees must be retained by the local

4.2 registrar issuing the records. The fee is payable at the time of application and is

4.3 nonrefundable.

4.4 ~~(c)~~ (d) The fee for processing a request for the replacement of a birth record for all events,

4.5 except when filing a recognition of parentage pursuant to section 257.73, subdivision 1, is

4.6 $40. The fee is payable at the time of application and is nonrefundable.

4.7 ~~(d)~~ (e) The fee for administrative review and processing of a request for the filing of a

4.8 delayed registration of ~~birth, stillbirth, or death~~ any vital record is $40. The fee is payable

4.9 at the time of application and is nonrefundable.

4.10 ~~(e)~~ (f) The fee for administrative review and processing of a request for the amendment

4.11 of any vital record is $40. The fee is payable at the time of application and is nonrefundable.

4.12 ~~(f)~~ (g) The fee for administrative review and processing of a request for the verification

4.13 of information from vital records is $9 when the applicant furnishes the specific information

4.14 to locate the vital record. When the applicant does not furnish specific information, the fee

4.15 is $20 per hour for staff time expended. Specific information includes the correct date of

4.16 the event and the correct name of the subject of the record. Fees charged shall approximate

4.17 the costs incurred in searching and copying the vital records. The fee is payable at the time

4.18 of application and is nonrefundable.

4.19 ~~(g)~~ (h) The fee for administrative review and processing of a request for the issuance of

4.20 a copy of any document on file pertaining to a vital record or statement that a related

4.21 document cannot be found is $9. The fee is payable at the time of application and is

4.22 nonrefundable.

4.23 Sec. 4. Minnesota Statutes 2020, section 517.08, subdivision 1a, is amended to read:

4.24 Subd. 1a. **Form.** Application for a civil marriage license shall be made by both of the

4.25 parties upon a form provided for the purpose and shall contain the following information:

4.26 (1) the full names of the parties ~~and the sex of each party~~;

4.27 (2) their post office addresses and county and state of residence;

4.28 (3) their full ages and dates of birth;

4.29 (4) if either party has previously been married, the party's married name, and for each

4.30 previous marriage, the date, place and court in which the civil marriage was dissolved or

4.31 annulled or the date and place of death of the former spouse;

4.32 (5) whether the parties are related to each other, and, if so, their relationship;

5.1　　　　(6) the address of the parties after the civil marriage is entered into to which the local

5.2　　　registrar shall send a certified copy of the civil marriage certificate;

5.3　　　　(7) the full names the parties will have after the civil marriage is entered into and the

5.4　　　parties' Social Security numbers. The Social Security numbers must be collected for the

5.5　　　application but must not appear on the civil marriage license. If a party listed on a civil

5.6　　　marriage application does not have a Social Security number, the party must certify on the

5.7　　　application, or a supplement to the application, that the party does not have a Social Security

5.8　　　number;

5.9　　　　(8) if one or both of the parties to the civil marriage license has a felony conviction under

5.10　　Minnesota law or the law of another state or federal jurisdiction, the parties shall provide

5.11　　to the county proof of service upon the prosecuting authority and, if applicable, the attorney

5.12　　general, as required by section 259.13; and

5.13　　　　(9) notice that a party who has a felony conviction under Minnesota law or the law of

5.14　　another state or federal jurisdiction may not use a different name after a civil marriage

5.15　　except as authorized by section 259.13, and that doing so is a gross misdemeanor.

5.16　　　Sec. 5. Minnesota Statutes 2020, section 517.10, is amended to read:

5.17　　　**517.10 CERTIFICATE; WITNESSES.**

5.18　　　　The person solemnizing a civil marriage shall prepare and sign a certificate provided by

5.19　　the local registrar. The certificate shall contain the full names of the parties before and after

5.20　　the civil marriage, the birth dates of the parties, and county and state of residences of the

5.21　　parties and the date and place of the civil marriage. The certificate shall also contain the

5.22　　signatures of at least two of the witnesses present at the civil marriage who shall be at least

5.23　　16 years of age. The person solemnizing the civil marriage shall immediately make a record

5.24　　of such civil marriage, and file such certificate with the local registrar of the county in which

5.25　　the license was issued within five days after the ceremony. The local registrar shall record

5.26　　such certificate in the county civil marriage records.