
A BILL FOR AN ACT

RELATING TO LICENSING.

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

1 SECTION 1. 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 minister, priest, or officer of
6 any religious denomination or society who has been ordained or
7 is authorized to solemnize marriages according to the usages of
8 [~~such~~] that denomination or society, or any religious society
9 not having clergy but providing solemnization in accordance with
10 the rules and customs of that society, or any justice or judge
11 or magistrate, active or retired, of a state or federal court in
12 the State, upon presentation to such person or society of a
13 license to marry, as prescribed by this chapter. [~~Such~~] A
14 person or society licensed to solemnize a marriage may receive
15 the price stipulated by the parties or the gratification
16 tendered.

17 (b) A temporary license to solemnize marriages may be
18 issued to, and the marriage rite may be performed and solemnized



1 by, any individual who has the prior written consent of both
2 persons whose marriage the individual will be licensed to
3 solemnize. A person who performs a solemnization of a marriage
4 using a temporary license under this subsection shall fulfill
5 all provisions of section 572-13."

6 SECTION 2. Act 1, Session Laws of Hawaii 2011, section 2,
7 is amended by amending section -4, relating to
8 solemnization; license to perform; refusal to join persons in a
9 civil union, to read as follows:

10 "§ -4 **Solemnization; license to perform; refusal to join**
11 **persons in a civil union.** (a) A civil union shall become valid
12 only upon completion of a solemnization by a person licensed in
13 accordance with this section.

14 (b) Any judge or retired judge, including a federal judge
15 or judge of another state who may legally join persons in
16 chapter 572 or a civil union, may solemnize a civil union. Any
17 ordained or licensed member of the clergy may solemnize a civil
18 union. Solemnization may be entirely secular or may be
19 performed according to the forms and usages of any religious
20 denomination in this State. Nothing in this section shall be
21 construed to require any person authorized to perform
22 solemnizations of marriages or civil unions to perform a



1 solemnization of a civil union, and no such authorized person
2 who fails or refuses for any reason to join persons in a civil
3 union shall be subject to any fine or other penalty for the
4 failure or refusal.

5 (c) Nothing in this section shall be construed to require
6 any person authorized to perform solemnizations pursuant to
7 chapter 572 or civil unions pursuant to this chapter to perform
8 a solemnization of a civil union, and no such authorized person
9 who fails or refuses for any reason to join persons in a civil
10 union shall be subject to any fine or other penalty for the
11 failure or refusal.

12 (d) No agent may solemnize a civil union; nor may any
13 assistant or deputy of the agent solemnize a civil union.

14 (e) No person shall perform the solemnization of a civil
15 union without first having obtained a license from the
16 department of health. The department of health shall issue
17 licenses to solemnize civil unions in the same manner as it
18 issues licenses pursuant to chapter 572. The department of
19 health may revoke or suspend a license to solemnize civil
20 unions. Any penalties or fines that may be levied or assessed
21 by the department of health for violation of chapter 572 shall
22 apply equally to a person licensed to solemnize civil unions.



1 (f) A temporary license to solemnize a civil union may be
2 issued to, and the solemnization may be performed by, any
3 individual who has the prior written consent of both persons
4 whose civil union the individual will be licensed to solemnize.
5 A person who performs a solemnization of a civil union using a
6 temporary license under this subsection shall be responsible for
7 fulfilling all provisions of section -8."

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on January 7, 2059.



Report Title:

Marriage; Temporary License to Solemnize

Description:

Authorizes the issuance of a temporary license to solemnize marriages. Effective January 7, 2059. (HB1112 HD1)

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