

# S.B. NO. 1370

JAN 25 2023

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## A BILL FOR AN ACT

RELATING TO LICENSES TO SOLEMNIZE MARRIAGES.

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

1           SECTION 1. The legislature finds that Act 211, Session  
2 Laws of Hawaii 2021, authorized the issuance of a civil license  
3 to solemnize marriages. Prior to enactment, only individuals  
4 with religious affiliations or judicial appointments could  
5 obtain a license to solemnize marriages.

6           Act 211, Session Laws of Hawaii 2021, also established fees  
7 for a civil license to solemnize marriages, the intent of which  
8 was to enhance general revenues from approximately 20,000  
9 marriages per year, two-thirds of which are for out-of-state and  
10 international couples. However, there are no fees for licenses  
11 to solemnize marriages for the religious and judicial marriage  
12 solemnizers.

13           The purpose of this Act is to repeal wording related to  
14 fees to assure equity among religious, judicial, and civil  
15 performers.

16           SECTION 2. Section 572-11, Hawaii Revised Statutes, is  
17 amended to read as follows:

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1       "§572-11 Marriage ceremony; license to solemnize[-];  
2 fees. (a) It shall not be lawful for any person to perform the  
3 marriage ceremony within the State without first obtaining from  
4 the department of health a license to solemnize marriages. Any  
5 license to solemnize marriages shall be valid for one year from  
6 the date of issuance.

7       (b) The fee for any license to solemnize marriages shall  
8 be \$100 per year. All fees received for the issuance of  
9 licenses to solemnize marriages shall be remitted to the  
10 director of health. Upon receipt of remittances under this  
11 section, the director shall deposit:

12       (1) Seventy-five dollars to the vital statistics  
13 improvement special fund established under section  
14 338-14.6; and

15       (2) Twenty-five dollars to the general fund."

16       SECTION 3. Section 572-12, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18       "(b) A civil license to solemnize marriages may be issued  
19 to, and the marriage rite may be performed and solemnized by,  
20 any individual at least eighteen years of age, upon presentation  
21 to the individual of a license to marry, as prescribed by this  
22 chapter. An individual with a civil license to solemnize a

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1 marriage may receive the price stipulated by the parties or any  
2 gratuity tendered. [~~The civil license shall be valid for no~~  
3 ~~less than two years from the date of its issuance; provided that~~  
4 ~~a temporary three month civil license may be issued upon an~~  
5 ~~individual's request. The fee for a civil license shall be \$100~~  
6 ~~per year the permit is valid; provided that the fee for a~~  
7 ~~temporary three month license shall be \$25.] An individual who  
8 performs a solemnization of a marriage pursuant to a civil  
9 license issued under this subsection shall obtain the prior  
10 written consent of each person for whom a solemnization is  
11 performed and fulfill all provisions of sections 572-13 and  
12 572-15 applicable to persons authorized to solemnize marriages."~~

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 5. This Act, upon its approval, shall take effect  
16 on July 1, 2023.

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INTRODUCED BY: 

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BY REQUEST

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**Report Title:**

Licenses to Solemnize Marriages; Fees

**Description:**

Establishes a uniform fee for licenses to solemnize marriages.

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

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO LICENSES TO SOLEMNIZE MARRIAGES.

PURPOSE: To establish parity of cost for licenses to solemnize marriages.

MEANS: Amend sections 572-11 and 572-12, Hawaii Revised Statutes.

JUSTIFICATION: Act 211, Session Laws of Hawaii 2021, established fees for a civil license to solemnize marriages of \$100 for one year and \$25 for three months. However, there is no statutorily established fee for religious or judicial performers to acquire a license; thus, establishing a uniform fee for all types of licenses to solemnize marriages is fair.

Impact on the public: The bill will establish equitable fees to acquire a license to solemnize marriages.

Impact on the department and other agencies: This bill will increase deposits to the vital statistics improvement special fund, which will enable the department to make more improvements.

GENERAL FUND: Additional deposits.

OTHER FUNDS: Vital Statistics Improvement Special Fund.

PPBS PROGRAM DESIGNATION: HTH-760.

OTHER AFFECTED AGENCIES: Department of Budget and Finance.

EFFECTIVE DATE: July 1, 2022.