

ACT 206

S.B. NO. 1370

A Bill for an Act Relating to Licenses to Solemnize Marriages.

Be It Enacted by the Legislature of the State of Hawaii:

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

Act 211 also established fees for a civil license to solemnize marriages, the intent of which was to enhance general revenues from approximately twenty thousand marriages per year, two-thirds of which are for out-of-state and international couples. However, there are no fees for religious and judicial licenses to solemnize marriages.

The purpose of this Act is to:

- (1) Establish standard and short-term licenses and license fees to solemnize marriages;
- (2) Specify in what amount and to which fund license fees shall be deposited; and
- (3) Repeal language related to civil license fees to assure equity among religious, judicial, and civil performers.

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

“§572-11 Marriage ceremony; license to solemnize[-]; fees. (a) It shall ~~[not]~~ be ~~[lawful]~~ unlawful for any person to perform ~~[the]~~ a marriage ceremony within the State without first obtaining from the department of health a license to solemnize marriages. A standard license to solemnize marriages shall be valid for one year from the date of issuance. A short-term license to solemnize marriages shall be valid for sixty days from the date of issuance.

(b) The fee for a standard license to solemnize marriages shall be \$100 per year. The fee for a short-term license to solemnize marriages shall be \$25 per sixty-day period. All fees received for the issuance of licenses to solemnize marriages shall be remitted to the director of health. Upon receipt of a fee for a license under this section, the director shall deposit:

- (1) For standard licenses, \$75 to the vital statistics improvement special fund established under section 338-14.6, and \$25 to the general fund; and
- (2) For short-term licenses, \$20 to the vital statistics improvement special fund established under section 338-14.6, and \$5 to the general fund.”

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

~~“(b) A civil license to solemnize marriages may be issued to, and the marriage rite may be performed and solemnized by, any individual at least eighteen years of age, upon presentation to the individual of a license to marry, as prescribed by this chapter. An individual with a civil license to solemnize a marriage may receive the price stipulated by the parties or any gratuity tendered. [The civil license shall be valid for no less than two years from the date of its issuance; provided that a temporary three-month civil license may be issued upon an individual’s request. The fee for a civil license shall be \$100 per year the permit is valid; provided that the fee for a temporary three-month license shall be \$25.] An individual who performs a solemnization of a marriage pursuant to a civil license issued under this subsection shall obtain the prior written consent of each person for whom a solemnization is performed and fulfill all provisions of sections 572-13 and 572-15 applicable to persons authorized to solemnize marriages.”~~

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

SECTION 5. This Act shall take effect on July 1, 2023.

(Approved July 3, 2023.)