

H.680

An act relating to obtaining a marriage license in any town in Vermont

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 5131 is amended to read:

§ 5131. ISSUANCE OF CIVIL MARRIAGE LICENSE; SOLEMNIZATION;
RETURN OF CIVIL MARRIAGE CERTIFICATE;
REGISTRATION

(a)(1) Upon receipt of a completed application in a form prescribed by the State Registrar, which shall require both parties to sign the application certifying to the accuracy of the facts contained ~~therein~~ in the application, a town clerk shall issue to a person a civil marriage license in the form prescribed by the State Registrar only if at least one party has signed the license in the presence of the clerk and shall enter ~~thereon~~ on the license the names of the parties to the proposed marriage and fill out the form as far as practicable. The town clerk shall retain in the clerk's office a copy of the license until the marriage certificate is returned by the solemnizer.

(2) The application forms shall allow each party to a marriage to be designated "bride," "groom," or "spouse," as ~~he or she~~ each party chooses.

This worksheet may be destroyed after the marriage is registered.

(3) The license shall be issued by:

~~(A) the clerk of the incorporated town, city, or village where either party resides;~~

~~(B) the clerk of the county where an unorganized town or gore is situated, if both parties reside in an unorganized town or gore in that county, or if one party so resides and the other party resides in an unorganized town or gore in another county or outside the State; or~~

~~(C) by any town clerk in the State if neither party is a resident of the State any town clerk in the State.~~

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Sec. 2. 18 V.S.A. § 5139 is amended to read:

§ 5139. CLERK'S DUTIES; PENALTY

(a) ~~Except under the circumstances described in subsection (b) of this section, a~~ A town clerk who knowingly issues a civil marriage license ~~upon application of a person other than as described in subdivision 5131(a)(3) of this title, or a clerk who issues such a license without first requiring the applicant to fill out, sign, and make oath to the declaration contained therein~~ certify the accuracy of the application, as provided in section 5131 of this title, shall be fined not more than \$50.00 nor less than \$20.00.

(b) ~~A town clerk may issue a civil marriage license to parties other than as described in subdivision 5131(a)(3) of this title when the office of the town clerk with authority to issue the license is not open during standard business hours and the parties have a compelling, immediate need to be married, as determined by the town clerk issuing the civil marriage license. A compelling,~~

~~immediate need would arise when irreparable harm could occur if the marriage
were delayed. [Repealed.]~~

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022.