

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 404

Short Title: Waive Marr. Lic. Fee/Pre. Counseling/Funds. (Public)

Sponsors: Representatives Hilton, Burris-Floyd, Neumann (Primary Sponsors); Blackwell, Current, Frye, Gillespie, Holloway, Hurley, Johnson, McGee, Steen, and Wiley.

Referred to: Judiciary III, if favorable, Finance, if favorable, Appropriations.

March 5, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO WAIVE THE FEE FOR A MARRIAGE LICENSE FOR INDIVIDUALS WHO  
3 RECEIVE PREMARITAL COUNSELING AND TO APPROPRIATE FUNDS FOR  
4 THAT PURPOSE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 51-8 reads as rewritten:

7 "§ 51-8. License issued by register of deeds.

8 (a) Every register of deeds shall, upon proper application, issue a license for the  
9 marriage of any two persons who are able to answer the questions regarding age, marital status,  
10 and intention to marry, and, based on the answers, the register of deeds determines the persons  
11 are authorized to be married in accordance with the laws of this State. In making a  
12 determination as to whether or not the parties are authorized to be married under the laws of  
13 this State, the register of deeds may require the applicants for the license to marry to present  
14 certified copies of birth certificates or such other evidence as the register of deeds deems  
15 necessary to the determination. The register of deeds may administer an oath to any person  
16 presenting evidence relating to whether or not parties applying for a marriage license are  
17 eligible to be married pursuant to the laws of this State. Each applicant for a marriage license  
18 shall provide on the application the applicant's social security number. If an applicant does not  
19 have a social security number and is ineligible to obtain one, the applicant shall present a  
20 statement to that effect, sworn to or affirmed before an officer authorized to administer oaths.  
21 Upon presentation of a sworn or affirmed statement, the register of deeds shall issue the  
22 license, provided all other requirements are met, and retain the statement with the register's  
23 copy of the license. The register of deeds shall not issue a marriage license unless all of the  
24 requirements of this section have been met.

25 (b) As an incentive and in an effort to strengthen the marital relationship, marriage  
26 license applicants who have received premarital counseling shall be entitled to a waiver of the  
27 marriage license fee established in G.S. 161-10(a)(2). To receive the waiver, applicants shall  
28 submit documentation to the register of deeds that they have received premarital counseling at  
29 least 15 days before applying for a marriage license. Applicants may submit documentation of  
30 premarital counseling from a priest, minister, rabbi, other clergy of a recognized religious  
31 denomination, a licensed marriage and family therapist, or a qualified mental health provider.  
32 Premarital counseling shall include discussions of any issues relevant to sustaining a marriage  
33 as well as the following topics:

34 (1) A discussion about the seriousness of marriage.

35 (2) Communication of the fact that marriage is intended to be a lifelong  
36 commitment.



1           (3)    A discussion about the various factors that lead to marital difficulties.

2           (4)    A discussion regarding the need to seek marital counseling in times of  
3               marital difficulty.

4   For purposes of this subsection, the phrase 'recognized religious denomination' shall include  
5   nondenominational ministries, interdenominational and ecumenical organizations, and other  
6   entities whose principal purpose is the study or advancement of religion.

7       (c)    The register of deeds shall submit to the Office of State Budget and Management  
8   documentation of the total amount of the waivers granted. On a monthly basis, the Office of  
9   State Budget and Management shall forward to the county register of deeds, the State  
10   Treasurer, and the Department of Administration the respective amounts that would have gone  
11   to the county general fund pursuant to G.S. 161-10(a), the Children's Trust Fund pursuant to  
12   G.S. 161-11.1, and the Domestic Violence Center Fund pursuant to G.S. 161-11.2, had the fee  
13   specified in G.S. 161-10(a)(2) not been waived. Any cost in excess of the funding appropriated  
14   for this purpose shall be allocated from and paid out of the Contingency and Emergency Fund."

15           **SECTION 2.** G.S. 161-10(a)(2) reads as rewritten:

16           "(2)    Marriage Licenses. – For issuing a license fifty dollars (~~(\$50.00);(\$50.00).~~  
17               except that the fee shall be waived for issuing a license to applicants who  
18               have received and submitted documentation of premarital counseling  
19               pursuant to G.S. 51-8; for issuing a delayed certificate with one certified  
20               copy twenty dollars (\$20.00); and for a proceeding for correction of an  
21               application, license or certificate, with one certified copy ten dollars  
22               (\$10.00)."

23           **SECTION 3.(a)** There is appropriated from the General Fund to the Office of State  
24   Budget and Management the sum of one hundred fifty thousand dollars (\$150,000) for the  
25   2009-2010 fiscal year and the sum of one hundred fifty thousand dollars (\$150,000) for the  
26   2010-2011 fiscal year for the purpose of reimbursing a local register of deeds for waivers  
27   granted on marriage license fees to marriage license applicants submitting documentation of  
28   premarital counseling to the register of deeds in accordance with G.S. 51-8.

29           **SECTION 3.(b)** The Office of State Budget and Management shall track and  
30   report on the number of waivers granted pursuant to G.S. 51-8 and shall submit the report on a  
31   quarterly basis to the Fiscal Research Division.

32           **SECTION 4.** This act becomes effective July 1, 2009.