

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE DRS85284-LU-17 (1/31)

Short Title: Amend Laws/Marriage Without a License. (Public)

Sponsors: Senator Forrester.

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE MARRIAGE LICENSE LAWS TO MAKE IT  
UNLAWFUL FOR A MAN AND WOMAN TO SOLEMNIZE A MARRIAGE  
WITHOUT FIRST OBTAINING A MARRIAGE LICENSE FROM THE  
APPROPRIATE LOCAL REGISTER OF DEEDS.

The General Assembly of North Carolina enacts:

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

**"§ 51-6. Solemnization without license unlawful.**

(a) It shall be unlawful for a man and a woman to solemnize a marriage under the laws of this State without first obtaining a marriage license, signed by the register of deeds of the county in which the marriage license was issued or by a lawful deputy or assistant.

(b) No minister, officer, or any other person authorized to solemnize a marriage under the laws of this State shall perform a ceremony of marriage between a man and woman, or shall declare them to be husband and wife, until there is delivered to that person a license for the marriage of the said persons, signed by the register of deeds of the county in which the marriage license was issued or by a lawful deputy or assistant. There must be at least two witnesses to the marriage ceremony.

(c) Whenever a man and woman have been lawfully married in accordance with the laws of the state in which the marriage ceremony took place, and said marriage was performed by a magistrate or some other civil official duly authorized to perform such ceremony, and the parties thereafter wish to confirm their marriage vows before an ordained minister or minister authorized by a church, or in a ceremony recognized by any religious denomination, federally or State recognized Indian Nation or Tribe, nothing herein shall be deemed to prohibit such confirmation ceremony; provided, however, that such confirmation ceremony shall not be deemed in law to be a marriage ceremony, such confirmation ceremony shall in no way affect the validity or invalidity

1 of the prior marriage ceremony performed by a civil official, no license for such  
2 confirmation ceremony shall be issued by a register of deeds, and no record of such  
3 confirmation ceremony may be kept by a register of deeds."

4 **SECTION 2.** G.S. 51-7 reads as rewritten:

5 **"§ 51-7. Penalty for solemnizing without license.**

6 Every couple who solemnizes a marriage under the laws of this State without first  
7 obtaining a marriage license and every minister, officer, or any other person authorized  
8 to solemnize a marriage under the laws of this State, who marries any couple without a  
9 license being first delivered to that person, as required by law, or after the expiration of  
10 such license, or who fails to return such license to the register of deeds within 10 days  
11 after any marriage celebrated by virtue thereof, with the certificate appended thereto  
12 duly filled up and signed, shall forfeit and pay two hundred dollars (\$200.00) to any  
13 person who sues therefore, and shall also be guilty of a Class 1 misdemeanor."

14 **SECTION 3.** Article 2 of Chapter 51 of the General Statutes is amended by  
15 adding a new section to read:

16 **"§ 51-7.1. Effect of Article on solemnizing without license.**

17 Nothing in this Article shall render illegal any marriage contracted without the  
18 issuance of a license."

19 **SECTION 4.** This act is effective when it becomes law and applies to  
20 marriage licenses applied for on or after that date.