

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE BILL 1310**

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

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Sponsors: Senators Forrester; Allran, Jacumin, Stevens, and Tillman.

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Referred to: Judiciary I (Civil).

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March 26, 2007

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE MARRIAGE LICENSE LAWS TO MAKE IT  
2 UNLAWFUL FOR A MAN AND WOMAN TO SOLEMNIZE A MARRIAGE  
3 WITHOUT FIRST OBTAINING A MARRIAGE LICENSE FROM THE  
4 APPROPRIATE LOCAL REGISTER OF DEEDS.  
5

6 The General Assembly of North Carolina enacts:

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

8 **"§ 51-6. Solemnization without license unlawful.**

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

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

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

1 confirmation ceremony shall be issued by a register of deeds, and no record of such  
2 confirmation ceremony may be kept by a register of deeds."

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

4 **"§ 51-7. Penalty for solemnizing without license.**

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

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

15 **"§ 51-7.1. Effect of Article on solemnizing without license.**

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

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