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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. 360 Session of  
2019

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INTRODUCED BY TOPPER, WARREN, TOOHIL, BERNSTINE, BIZZARRO, BRIGGS, CALTAGIRONE, CIRESI, T. DAVIS, DRISCOLL, ECKER, EMRICK, GOODMAN, HERSHEY, HILL-EVANS, HOWARD, IRVIN, ISAACSON, KAUFFMAN, KINSEY, KLUNK, McCLINTON, McNEILL, D. MILLER, MIZGORSKI, NEILSON, PETRARCA, RABB, SANKEY, SCHEMEL, SCHLOSSBERG, SCHWEYER, SHUSTERMAN, STAATS, ULLMAN, DONATUCCI, HELM, GILLEN, NESBIT, RAVENSTAHL, DAWKINS, HENNESSEY, SAPPEY, MALAGARI, MACKENZIE, MIHALEK, CONKLIN, FRANKEL, HICKERNELL, BARRAR, DALEY, STURLA, INNAMORATO, BROWN, READSHAW, PASHINSKI, MADDEN, HOHENSTEIN, MERSKI, METCALFE, COOK, MILLARD, SCHLEGEL CULVER, SANCHEZ, SIMS, BRADFORD, COMMITTA, SOLOMON, FLYNN, HARRIS, KIM, FITZGERALD, JAMES, DIGIROLAMO, RYAN, MASSER, MARKOSEK, MALONEY, DAVIDSON, BROOKS, JOHNSON-HARRELL, ROZZI, THOMAS, HANBIDGE, WEBSTER AND DUSH, FEBRUARY 4, 2019

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SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED, APRIL 20, 2020

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## AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in marriage license, further providing  
3 for restrictions on issuance of license AND FOR ORAL <--  
4 EXAMINATION.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 ~~Section 1. Section 1304(b) of Title 23 of the Pennsylvania~~ <--  
8 ~~Consolidated Statutes is amended to read:~~

9 SECTION 1. SECTIONS 1304(B) AND 1306(B) OF TITLE 23 OF THE <--  
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 1304. Restrictions on issuance of license.

12 (b) Minors.--

1 (1) No marriage license may be issued if either of the  
2 applicants for a license is under [16 years of age unless the  
3 court decides that it is to the best interest of the  
4 applicant and authorizes the issuance of the license.

5 (2) No marriage license may be issued if either of the  
6 applicants is under 18 years of age unless the consent of the  
7 custodial parent or guardian of the applicant is personally  
8 given before the person issuing the license or is certified  
9 under the hand of the custodial parent or guardian attested  
10 by two adult witnesses and, in the latter case, the signature  
11 of the custodial parent or guardian is acknowledged before an  
12 officer authorized by law to take acknowledgments. When the  
13 minor has no guardian and a judge of the court is absent or  
14 not accessible for any reason, the office issuing the license  
15 may appoint a guardian pro hac vice for the minor.] 18 years  
16 of age.

17 \* \* \*

18 ~~Section 2. This act shall take effect in 60 days.~~ <--

19 § 1306. ORAL EXAMINATION. <--

20 \* \* \*

21 (B) EXCEPTION.--IF AN APPLICANT IS UNABLE TO APPEAR IN  
22 PERSON BECAUSE OF HIS ACTIVE MILITARY SERVICE OR BECAUSE THE  
23 OFFICE OF THE REGISTER OF WILLS IS CLOSED DUE TO A STATE OF  
24 DISASTER EMERGENCY DECLARED BY THE GOVERNOR UNDER 35 PA.C.S. §  
25 7301(C) (RELATING TO GENERAL AUTHORITY OF GOVERNOR) OR A  
26 DECLARATION OF JUDICIAL EMERGENCY UNDER ARTICLE V OF THE  
27 CONSTITUTION OF PENNSYLVANIA, A LAW OF THIS COMMONWEALTH, A RULE  
28 OF COURT OR OTHER JUDICIAL ORDER BY THE SUPREME COURT OR ANY  
29 AGENCY OR UNIT OF THE UNIFIED JUDICIAL SYSTEM EXERCISING A POWER  
30 OR PERFORMING A DUTY UNDER 42 PA.C.S. § 1721 (RELATING TO

1 DELEGATION OF POWERS), THE APPLICANT SHALL BE PERMITTED TO  
2 FORWARD AN AFFIDAVIT, WHICH VERIFIES ALL OF THE INFORMATION  
3 REQUIRED UNDER SUBSECTION (A), TO THE ISSUING AUTHORITY.

4 \* \* \*

5 SECTION 2. THE AMENDMENT OF 23 PA.C.S. § 1306(B) SHALL BE  
6 RETROACTIVE TO MARCH 18, 2020.

7 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

8 (1) THE AMENDMENT OF 23 PA.C.S. § 1304(B) SHALL TAKE  
9 EFFECT IN 60 DAYS.

10 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
11 IMMEDIATELY.