

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL**  
**No. 2719** Session of  
2004

---

INTRODUCED BY DIVEN, COSTA, PISTELLA AND MANN, JUNE 16, 2004

---

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
OCTOBER 5, 2004

---

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, ABOLISHING COMMON-LAW MARRIAGE; AND <—  
3 further providing for waiting period after application for  
4 marriage license.

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

7 ~~Section 1. Section 1303 of Title 23 of the Pennsylvania~~ <—  
8 ~~Consolidated Statutes is amended to read:~~

9 SECTION 1. SECTIONS 1103 AND 1303 OF TITLE 23 OF THE <—  
10 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

11 § 1103. COMMON-LAW MARRIAGE.

12 [THIS PART SHALL NOT BE CONSTRUED TO CHANGE THE EXISTING LAW  
13 WITH REGARD TO COMMON-LAW MARRIAGE.]

14 NO COMMON-LAW MARRIAGE, CONTRACTED AFTER JANUARY 1, 2005,  
15 SHALL BE VALID. NOTHING IN THIS PART SHALL BE DEEMED OR TAKEN TO  
16 RENDER ANY COMMON-LAW MARRIAGE, OTHERWISE LAWFUL AND CONTRACTED  
17 ON OR BEFORE JANUARY 1, 2005, INVALID.

18 § 1303. Waiting period after application.

1 (a) General rule.--No marriage license shall be issued prior  
2 to the third day following the making of application therefor.

3 (b) [Exception.--In case of emergency or extraordinary  
4 circumstances, the] Exceptions.--The court may authorize a  
5 license to be issued at any time after the making of the  
6 application[.] in the following cases:

7 (1) In case of emergency or extraordinary circumstances.

8 (2) If an applicant is a member of the Pennsylvania  
9 National Guard or other reserve component of the armed forces  
10 of the United States and is called or ordered to active duty  
11 with the armed forces of the United States.

12 Section 2. This act shall take effect in 60 days.