

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2271 Session of
2002

INTRODUCED BY WILT, BASTIAN, BENNINGHOFF, CAPPELLI, CLYMER,
COLEMAN, HALUSKA, HERSHEY, SEMMEL, SHANER, STABACK, STEELMAN,
STERN, R. STEVENSON, THOMAS, WATSON AND EGOLF,
JANUARY 14, 2002

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 14, 2002

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania
2 Consolidated Statutes, further providing for common-law
3 marriage.

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

6 Section 1. Section 1103 of Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 [§ 1103. Common-law marriage.

9 This part shall not be construed to change the existing law
10 with regard to common-law marriage.]

11 Section 2. Title 23 is amended by adding a section to read:

12 § 1705. Abolition of common-law marriage.

13 (a) General rule.--Except as provided in subsection (b),
14 common-law marriage is prohibited in this Commonwealth, and the
15 marriage of a man and woman may occur in this Commonwealth only
16 if the marriage is solemnized by a person described in section
17 1503 (relating to persons qualified to solemnize marriages) and

1 the marriage otherwise is in compliance with this part.

2 (b) Exceptions.--A common-law marriage that satisfies either
3 of the following remains valid on and after the effective date
4 of this section:

5 (1) the common-law marriage originated in this
6 Commonwealth prior to the effective date of this section and
7 has not been terminated by death, divorce, dissolution of
8 marriage or annulment; or

9 (2) (i) the common-law marriage originated in another
10 state or nation that recognizes the validity of common-
11 law marriages, and the common-law marriage is in
12 accordance with all relevant aspects of the law of that
13 state or nation; and

14 (ii) the common-law marriage has not been terminated
15 by death, divorce, dissolution of marriage, annulment or
16 other judicial determination in this Commonwealth or
17 another state or nation.

18 Section 3. This act shall take effect in 60 days.