

# Bill as Introduced

SB 201 - AS AMENDED BY THE SENATE

02/19/14 0557s

2014 SESSION

14-2593  
05/03

SENATE BILL **201**

AN ACT relative to marriage registration forms.

SPONSORS: Sen. Larsen, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Gilmour, Dist 12; Sen. Lasky, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Pierce, Dist 5; Sen. Hosmer, Dist 7; Sen. Woodburn, Dist 1; Sen. Stiles, Dist 24; Sen. Carson, Dist 14; Rep. Weber, Ches 1; Rep. Bouchard, Merr 18; Rep. Kaen, Straf 5

COMMITTEE: Judiciary

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ANALYSIS

This bill provides that, upon marriage, either person may retain his or her surname prior to marriage, take the surname of the other party, or hyphenate the surnames of both parties. A person who takes the other party's surname also may change his or her middle name to his or her surname prior to marriage.

.....

Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 201 - AS AMENDED BY THE SENATE

02/19/14 0557s

14-2593  
05/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT relative to marriage registration forms.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1           1 New Paragraph; Marriage Registration Forms; Name Change. Amend RSA 5-C:41 by  
2 inserting after paragraph II the following new paragraph:

3                   (a) Upon entering into marriage, either party may retain his or her surname prior to the  
4 marriage or change his or her surname to the surname of the other party or change the surname to a  
5 hyphenated combination of the full surnames of both parties. If a party requests a surname change  
6 under this paragraph, that party may also change his or her middle name to his or her surname  
7 prior to the marriage. Each party shall indicate on the marriage application worksheet the party's  
8 name after marriage.

9                   (b) Provided that the change is not made for a fraudulent criminal or wrongful purpose,  
10 the name of each party after marriage as indicated on the marriage application worksheet and  
11 marriage license shall become the sole legal name of each party after marriage. If a party indicates a  
12 name change other than as described in subparagraph (a), the party shall request approval of the  
13 court.

14           2 Effective Date. This act shall take effect January 1, 2015.

# Speakers



# Hearing Minutes

**HOUSE COMMITTEE ON JUDICIARY**  
**PUBLIC HEARING ON SENATE BILL 201**

**BILL TITLE:** relative to marriage registration forms.

**DATE:** April 1, 2014

**LOB ROOM:** 208      **Time Public Hearing Called to Order:** 11:30 am

**Time Adjourned:** 12:05 pm

(please circle if present)

**Committee Members:** Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, Kappler and Hagan.

**Bill Sponsors:** Sen. Larsen, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Gilmour, Dist 12; Sen. Lasky, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Pierce, Dist 5; Sen. Hosmer, Dist 7; Sen. Woodburn, Dist 1; Sen. Stiles, Dist 24; Sen. Carson, Dist 14; Rep. Weber, Ches 1; Rep. Bouchard, Merr 18; Rep. Kaen, Straf 5

**TESTIMONY**

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Wall** introduced the bill to the committee on behalf of the sponsor.

**Stephen Wurtz, State Registrar, Division of Vital Records, Secretary of State's Office - support**

This bill would allow name changes at marriage certification. This bill would allow individuals who wish to change their names at the event of a marriage to do so legally and officially on the marriage certificate thereby eliminating the need to involve the Probate Court to oversee such name changes in these instances.

**Senator Larsen, Dist. 15, prime sponsor - support**

This bill would allow for an easy and transparent process for marriage partners to clarify any/all name changes by amending the state marriage application to reflect same. Formalizing said name changes at marriage would facilitate legal changes to Department of Motor Vehicles, Social Security Administration and other legal identifying documents.

**Rick Bailey, New Hampshire Moto Vehicle Division - support**

Endorses this proposed change; sees it as consumer responsive that will facilitate.

**Wayne and Meredith Goertel, representing selves - support**

Submitted written testimony on their own behalf in support of this bill.

Respectfully submitted,



Rep. Sylvia E. Gale, Clerk

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON SENATE BILL 201

BILL TITLE: relative to marriage registration forms.

DATE: 4/1/14

LOB ROOM: 208

Time Public Hearing Called to Order: 11:30

Time Adjourned: 12:05

(please circle if present)

Committee Members: Reps. Marjorie Smith, Wall, P. Sullivan, Horrigan, Watrous, Hackel, Woodbury, Berch, Phillips, Gale, Heffron, Rowe, Luther, Sylvia, Hopper, Peterson, Takesian, Kappler and Hagan

Bill Sponsors: Sen. Larsen, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Gilmour, Dist 12; Sen. Lasky, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Sen. Pierce, Dist 5; Sen. Hosmer, Dist 7; Sen. Woodburn, Dist 1; Sen. Stiles, Dist 24; Sen. Carson, Dist 14; Rep. Weber, Ches 1; Rep. Bouchard, Merr 18; Rep. Kaen, Straf 5

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

① Rep Wall to introduce bill on behalf of sponsors

① Stephen Wurtz - State Registrar - Div of Vital Records - Secy of State - This bill would allow ~~collecting~~ name changes as marriage on certified

④ Sen Larsen - prime sponsor - This bill would allow for an easy & transparent process for marriage partners to clarify any/all name changes by amending the state marriage application to reflect same. Formalizing said name changes as marriage would thus facilitate legal changes to DMV, Social Security and other legal identifying documents. →



(2)

## Wurtz (cont)

This bill would allow individuals who wish to change their names at the event of a marriage to do so legally and officially on the marriage certificate thereby eliminating the need to involve the Probate Court to ~~do~~ oversee such name changes in these instances.

- (+) Rick Bailey - NH Div. of Motor Vehicles - endorses this proposed change - sees it as consumer responsive that will facilitate
- (+) Wayne & Meredith Goertel on their own behalf in support of this bill.

# Testimony

Wayne Goertel  
Meredith Pellenz Goertel  
33 Park Lane  
Hooksett, NH 03106

Rep. Marjorie Smith, Chair of the Committee  
NH House Judiciary Committee  
Legislative Office Building, Room 208  
Concord, NH 03301

April 1, 2014

Dear House Judiciary Committee Members,

We are writing to provide our support for SB 201, to resolve problems that many New Hampshire residents experience with the New Hampshire Department of Motor Vehicles (DMV) not recognizing common name changes occurring at time of marriage.

My wife Meredith and I were married in September, 2012, and we received our New Hampshire marriage license a few days thereafter. Meredith changed her name from **Meredith Leigh Pellenz** to **Meredith Pellenz Goertel**, replacing her middle name with her maiden name to preserve it, and taking my family name as her new family name.

It was a bit puzzling to us at the time that our marriage license application didn't have a location to specify changes of name. Nonetheless, our NH marriage license was sufficient documentation for her to convey this change to the US Social Security Administration (SSA), her first step to update various official records with her name change.

Unfortunately, Meredith was unable to update her name at the DMV in Concord, even with her NH marriage license in hand and a completed DMV Record Change Request form (DSMV 30, Rev 05/12), and despite having already made the same change at Social Security. Specifically, we were told by DMV staff that Meredith could only change her last name at the DMV with a NH marriage license, but not her middle name. We were told it was necessary for her to obtain a name change via NH Probate Court for the DMV to recognize a change to her middle name.

When we pressed the clerk on her assertion, she could not produce or direct us to any written documentation to corroborate this claim, and requested the aid of a manager. The manager likewise didn't produce documentation. He then advised us to change only Meredith's **last** name at the DMV -- which would have resulted in **Meredith Leigh Goertel**, not her correct new name -- or to first seek a name change via Probate Court.

We later learned that, had we followed this DMV manager's errant advice to change just her last name, we would have actually created different federal and state identities because of the varying middle names. Completing a name change petition through NH Probate Court was an additional \$90 expense (now \$110), and required additional effort and delay because of visits to probate court to file and later appear before a judge.

The DMV web site states "Any New Hampshire driver who changes his or her name is required by law (RSA 263:9) to submit written notification to the DMV within 10 days." NH Administrative Rule Saf-C 511.08 Change of Name simply indicated form DSMV-30 would require the former and new names, date of birth, signature, and one of six documents as evidence of the new name. But our experience was that the DMV was acting without authority as an agency to actually deny permitted name changes. **We could find no statute, rule, or reference corroborating the assertions of the DMV that there were different documentation requirements for different types of name changes.**

In our research, we found the Social Security Administration review of NH law regarding name changes, completed in 2007 after NH changes regarding civil unions. Interestingly, their policy analysis for NH name changes brings documentation requirements entirely into question.

"New Hampshire follows the common law with respect to name changes, under which a person may lawfully change his or her name without resort to any legal proceedings where such a change is not made for a fraudulent, criminal or wrongful purpose. *Moskowitz v. Moskowitz*, 385 A.2d 120, 122 (N.H. 1978).

...

"We could find no New Hampshire legal authority requiring that an individual take additional action other than usage to change his or her name.

We depicted our experience and research results in a letter to NH DMV Director Richard C. Bailey, Jr. A week or two later I received a call from DMV staff indicating they were looking into the issue, but we heard nothing from them ever again on this topic.

We decided to obtain legal assistance from Devine Millimet. We were advised to request a US passport for Meredith, using her correct new name, which we obtained without issue. With solely the US passport in hand, no marriage certificate, the DMV subsequently updated their records to match Meredith's name as we originally requested and issued her an updated driver's license. The DMV web site excludes "passport" as an accepted document, despite being specified in NH rules Saf-C 511.08.

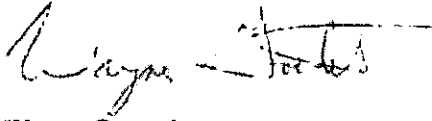
Talking with friends and family, we learned this was a common NH-specific injustice. Several women had wanted to make this kind of name change, but were forced into a last-name only change by the DMV because they didn't want to undertake the hassle and cost of probate court. One pressed a DMV supervisor who could not provide any documentation; the supervisor insisted in their training they were told this was against policy, and ultimately conceded that she was enforcing an *unwritten* policy. This friend changed her name at probate court after paying the filing fee.

We reasonably infer that thousands, if not tens of thousands, of NH women have been rejected from making their desired name upon marriage, by the DMV enforcing an "unwritten policy". How many tens of thousands of dollars have unnecessarily been paid to Probate Courts to reaffirm legally allowed name changes not recognized by the DMV?

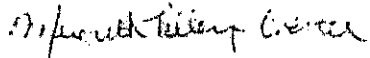
Regarding SB201, we welcome the proposal that applications for marriage license are amended to specify intended names after marriage. It would provide useful documentation, and consolidate these details at time of marriage. We understand the language iterating a number of allowable permutations of name change is to be in compliance with federal guidelines for name changes at time of marriage.

We appreciate your time, please feel free to contact us with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayne Goertel". The signature is written in a cursive style with a horizontal line extending to the right.

Wayne Goertel

A handwritten signature in black ink, appearing to read "Meredith Pellenz Goertel". The signature is written in a cursive style.

Meredith Pellenz Goertel

**Attachments:**

1. NH DMV web site, Name Change
2. New Hampshire Code of Administrative Rules; Saf-C 511.08, Change of Name
3. Social Security Administration PR 08-043, Use of New Hampshire Civil Union Documents as Name Change Documents

## 1. NH DMV web site, Name Change

<http://www.nh.gov/safety/divisions/dmv/driver-licensing/update-personal-information/name-change.htm> Driver Licensing > Record Change Request > Name Change

Any New Hampshire driver who changes his or her name is required by law (RSA 263:9) to submit written notification to the DMV within 10 days. Appear in person at any DMV office with the following:

1. A completed and signed Record Change Request Adobe Acrobat Reader Symbol.
2. Your current New Hampshire Driver License.
3. Legal documentation of the name change, such as:
  - o Marriage certificate.
  - o Divorce decree.
  - o Adoption decree.
  - o Name change petition from the court of Probate.
  - o Other court decree authorizing a legal name change.

*[Note that "Passport" is missing]*

## 2. New Hampshire Code of Administrative Rules; Saf-C 511.08, Change of Name

[http://www.gencourt.state.nh.us/rules/state\\_agencies/saf-c500.html](http://www.gencourt.state.nh.us/rules/state_agencies/saf-c500.html)

Saf-C 511.08 Change of Name.

(a) Whenever a registrant, other than a corporation, alters his/her name, the registrant shall furnish the following on form DSMV-30:

- (1) Date of birth;
- (2) Former name;
- (3) New name; and
- (4) Signature of the registrant.

(b) As evidence of a new name, a registrant shall:

- (1) Present a copy of one of the following:
  - a. Name change petition from the court of Probate;
  - b. Marriage certificate;
  - c. Divorce decree;
  - d. **Passport**;
  - e. Adoption decree; or
  - f. Court decree.

Source. #7972, eff 10-17-03 (See Revision Note at chapter heading for Saf-C 500); ss by #9995, INTERIM, eff 9-17-11, EXPIRED: 3-15-12

New. #10135, eff 5-23-12

### 3. Social Security Administration PR 08-043, Use of New Hampshire Civil Union Documents as Name Change Documents

<https://secure.ssa.gov/apps10/poms.nsf/links/1502705032>

#### Analysis

New Hampshire follows the common law with respect to name changes, under which a person may lawfully change his or her name without resort to any legal proceedings where such a change is not made for a fraudulent, criminal or wrongful purpose. *Moskowitz v. Moskowitz*, 385 A.2d 120, 122 (N.H. 1978).

...

Under common law, a name change is effectuated simply by use of the new name. 57 Am. Jur. 2d Name § 16 (2007); *Corpus Juris Secundum*, vol. 65, § 21 (2000).

Thus, any document showing use of the new name could conceivably serve as an indication that a name change has occurred. See, e.g., N.H. CODE ADMIN. R. ANN. Saf-C 511.08(b) (2007) (name change petition, marriage certificate, divorce decree, passport, adoption decree, court decree or notarized statement for New Hampshire driver's license); N.H. CODE ADMIN. R. ANN. Den 301.07 (2007) ("copy of the documentation that legally changed the name, if any" for New Hampshire Board of Dental Examiners). While an individual may petition the court for a name change under N.H. REV. STAT. ANN. § 547:3-1 (2007) (name change generally) or N.H. REV. STAT. ANN. § 490-D:2, X (2007) (name change relative to a family court matter), such a petition is not necessary under New Hampshire law. We could find no New Hampshire legal authority requiring that an individual take additional action other than usage to change his or her name.

# Voting Sheets



**HOUSE COMMITTEE ON JUDICIARY**  
**EXECUTIVE SESSION on SENATE BILL 201**

**BILL TITLE:** relative to marriage registration forms.

**DATE:** April 8, 2014

**LOB ROOM:** 208

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:**  OTP,  OTP/A,  ITL, Interim Study (Please circle one.)

Moved by Rep. Sullivan

Seconded by Rep. Hagan

Vote: 16-1 (Please attach record of roll call vote.)

**Motions:**  OTP,  OTP/A,  ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

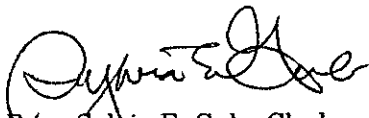
Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:**  YES  NO

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

  
Rep. Sylvia E. Gale, Clerk

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on SENATE BILL 201

BILL TITLE: relative to marriage registration forms.

DATE: 4/8/14

LOB ROOM: 208

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions:  OTP,  OTP/A,  ITL, Interim Study (Please circle one.)

Moved by Rep. Sullivan

Seconded by Rep. Hagem

Vote: (Please attach record of roll call vote.) 16-1

Motions:  OTP,  OTP/A,  ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:  YES  NO

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Sylvia E. Gale, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/30/2014 12:30:23 PM  
Roll Call Committee Registers  
Report

2014 SESSION

JUDICIARY

Bill #: SB 201

Title: relative to marriage registration forms.

PH Date: 1/1/14

Exec Session Date: 4, 8, 14

Motion: OT P

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Smith, Marjorie K, Chairman	16	
Wall, Janet G, V Chairman	1	
Hackel, Paul L	2	
Watrous, Rick H	3	
Sullivan, Peter M	4	
Horrigan, Timothy O	5	
Berch, Paul S	6	
Gale, Sylvia E, Clerk	7	
Heffron, Frank H	8	
Phillips, Larry R	9	
Woodbury, David	10	
Rowe, Robert H,	11	
Hagan, Joseph M	12	
Peterson, Lenette M,		
Hopper, Gary S		
Kappler, Lawrence M		1
Luther, Robert A	13	
Sylvia, Michael J	14	
Takesian, Charlene F	15	
<b>TOTAL VOTE:</b>	<b>16</b>	<b>1</b>

# Committee Report

**CONSENT CALENDAR**

**April 10, 2014**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on JUDICIARY to which was referred  
SB 201,**

**AN ACT relative to marriage registration forms. Having  
considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Peter M. Sullivan**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>JUDICIARY</b>
Bill Number:	<b>SB 201</b>
Title:	<b>relative to marriage registration forms.</b>
Date:	<b>April 10, 2014</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS</b>

### STATEMENT OF INTENT

This bill brings state law into alignment with contemporary cultural practice and allows individuals entering into marriage to decide the name they wish to be considered their legal name. The current system creates situations where a newly-married individual is forced to go through an expensive and time-consuming legal and bureaucratic process. This bill which has the support of the Secretary of State and the Division of Motor Vehicles provides individuals with reasonable choices while allowing state agencies to effectively manage information

Vote 16-1.

Rep. Peter M. Sullivan  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### JUDICIARY

**SB201**, relative to marriage registration forms. **OUGHT TO PASS.**

Rep. Peter M. Sullivan for JUDICIARY. This bill brings state law into alignment with contemporary cultural practice and allows individuals entering into marriage to decide the name they wish to be considered their legal name. The current system creates situations where a newly-married individual is forced to go through an expensive and time-consuming legal and bureaucratic process. This bill which has the support of the Secretary of State and the Division of Motor Vehicles provides individuals with reasonable choices while allowing state agencies to effectively manage information  
**Vote 16-1.**

Original: House Clerk  
Cc: Committee Bill File

**CONSENT CALENDAR**

**JUDICIARY**

**SB 201, relative to marriage registration forms.**

**OUGHT TO PASS**

**VOTE: 16-1**

**REP. PETER M. SULLIVAN**

This bill brings state law into alignment with contemporary cultural practice and allows individuals entering into marriage to decide the name they wish to be considered their legal name. The current system creates situations where a newly-married individual is forced to go through an expensive and time-consuming legal and bureaucratic process. This bill which has the support of the Secretary of State and the Division of Motor Vehicles provides individuals with reasonable choices while allowing state agencies to effectively manage information.

OK  
MKS



*Sullivan*

# COMMITTEE REPORT

COMMITTEE: Judiciary

BILL NUMBER: SB 201

TITLE: relative to marriage registration forms.

DATE: 4/8/14 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No.  
\_\_\_\_\_

### STATEMENT OF INTENT:

SB 201 brings state law into alignment with contemporary cultural practice and allows individuals entering into marriage to ~~see~~ decide the name they wish to be considered their legal name. The current system creates situations where a newly-married individual is forced to go through an expensive and time-consuming legal and bureaucratic process. SB 201, which has the support of the Secretary of State and the Division of Motor Vehicles, provides individuals with reasonable choices while allowing state agencies to effectively manage information.

*OK  
mks*

COMMITTEE VOTE: 16-1

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Peter M. Sullivan *[Signature]*  
For the Committee