

HOUSE BILL NO. 1252

Introduced by

Representatives Mueller, Dahl, Delmore, Hawken

Senators Heckaman, Nelson

1 A BILL for an Act to amend and reenact section 14-03-20.1 of the North Dakota Century Code,
2 relating to surname options.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-03-20.1 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-03-20.1. Surname options.**

- 7 1. Every person has the right to adopt any surname by which that person wishes to
8 be known by using that surname consistently and without intent to defraud.
- 9 2. A person's surname does not automatically change upon marriage. Neither party
10 to the marriage must change the party's surname. Parties to a marriage need not
11 have the same surname.
- 12 3. One party or both parties to a marriage may elect to change the surname by which
13 that party wishes to be known after the solemnization of the marriage by entering
14 the new surname in the space provided on the marriage license application. The
15 entry on the application must consist of one of the following surnames:
- 16 a. The surname of the other spouse;
- 17 b. Any former surname of either spouse;
- 18 c. A name combining into a single surname all or a segment of the premarriage
19 surname or any former surname of either spouse; ~~or~~
- 20 d. A name combining into a middle and surname the premarriage surname or
21 former surname as the party's middle name and the surname or former
22 surname of the other spouse as the party's surname; or

- 1 e. A combination name separated by a hyphen, provided that each part of the
- 2 combination surname is the premarriage surname or former surname of either
- 3 spouse.
- 4 4. Use of the option under subsection 3 has the effect of providing a record of the
- 5 surname change. The marriage certificate containing the new surname, if any,
- 6 constitutes proof that the use of the new surname, or the retention of the former
- 7 surname, is lawful.
- 8 5. Neither the use of nor the failure to use the option of selecting a new surname by
- 9 means of a marriage license application, as provided in subsection 3, abrogates
- 10 the right of either party to adopt a different surname through usage at a future date.
- 11 6. Compliance with the surname provisions of this section is sufficient to meet the
- 12 satisfactory evidence requirements of section 39-06-07.1.