
HOUSE BILL 2376

State of Washington

65th Legislature

2018 Regular Session

By Representatives McDonald, Eslick, Stanford, and Kraft

Prefiled 01/04/18. Read first time 01/08/18. Referred to Committee on Judiciary.

1 AN ACT Relating to the sufficient age for contracting a marriage;
2 and amending RCW 26.04.010 and 26.04.130.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 26.04.010 and 2012 c 3 s 1 are each amended to read
5 as follows:

6 (1) Marriage is a civil contract between two persons who have
7 each attained the age of eighteen years, and who are otherwise
8 capable.

9 (2) Every marriage entered into in which either person has not
10 attained the age of seventeen years is void (~~((except where this~~
11 ~~section has been waived by a superior court judge of the county in~~
12 ~~which one of the parties resides on a showing of necessity))).~~

13 (3) Where necessary to implement the rights and responsibilities
14 of spouses under the law, gender specific terms such as husband and
15 wife used in any statute, rule, or other law must be construed to be
16 gender neutral and applicable to spouses of the same sex.

17 (4) No regularly licensed or ordained minister or any priest,
18 imam, rabbi, or similar official of any religious organization is
19 required to solemnize or recognize any marriage. A regularly licensed
20 or ordained minister or priest, imam, rabbi, or similar official of
21 any religious organization shall be immune from any civil claim or

1 cause of action based on a refusal to solemnize or recognize any
2 marriage under this section. No state agency or local government may
3 base a decision to penalize, withhold benefits from, or refuse to
4 contract with any religious organization on the refusal of a person
5 associated with such religious organization to solemnize or recognize
6 a marriage under this section.

7 (5) No religious organization is required to provide
8 accommodations, facilities, advantages, privileges, services, or
9 goods related to the solemnization or celebration of a marriage.

10 (6) A religious organization shall be immune from any civil claim
11 or cause of action, including a claim pursuant to chapter 49.60 RCW,
12 based on its refusal to provide accommodations, facilities,
13 advantages, privileges, services, or goods related to the
14 solemnization or celebration of a marriage.

15 (7) For purposes of this section:

16 (a) "Recognize" means to provide religious-based services that:

17 (i) Are delivered by a religious organization, or by an
18 individual who is managed, supervised, or directed by a religious
19 organization; and

20 (ii) Are designed for married couples or couples engaged to marry
21 and are directly related to solemnizing, celebrating, strengthening,
22 or promoting a marriage, such as religious counseling programs,
23 courses, retreats, and workshops; and

24 (b) "Religious organization" includes, but is not limited to,
25 churches, mosques, synagogues, temples, nondenominational ministries,
26 interdenominational and ecumenical organizations, mission
27 organizations, faith-based social agencies, and other entities whose
28 principal purpose is the study, practice, or advancement of religion.

29 **Sec. 2.** RCW 26.04.130 and Code 1881 s 2381 are each amended to
30 read as follows:

31 When either party to a marriage shall be incapable of consenting
32 thereto, for want of (~~legal age or~~) a sufficient understanding, or
33 when the consent of either party shall be obtained by force or fraud,
34 such marriage is voidable, but only at the suit of the party laboring
35 under the disability, or upon whom the force or fraud is imposed.

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