

MARRIAGE DEFINITION - IMPACTED SECTIONS

Several states have required the use of gender-neutral language when applying laws and regulations to same-sex couples. This memorandum is a compilation of North Dakota Century Code provisions that would require consideration for revision to gender-neutral language. The statutes listed in the chart provide the topic addressed in each impacted section as well as the wording used.

Section	Topic	Current Terminology
1-04-12	Deed to property	Husband and wife, married man or woman
9-03-05	Definition of duress	Husband or wife
9-03-06	Definition of menace	Husband or wife
12.1-23-09(1)	Defenses and proof as to theft and related offenses	Defines "spouse" as husband and wife
13-04.1-09.2(6)	Maximum charges for loans under \$1,000	Husband and wife
14-02-07	Force to protect	Husband, wife
14-02.1-03	Consent to abortion	Husband
14-03-01	Definition of spouse	Person of the opposite sex who is a husband or a wife
14-03-01.1	Members of armed forces as residents	Husband, wife
14-03-06	Exception to marriage of person having husband or wife	Husband, wife
14-03-08	Recognition of foreign marriages	One man and one woman as husband and wife
14-04-01	Annulment of marriage	Husband or wife
14-04-02	Action to annul	Husband or wife
14-05-04	Adultery defined	Husband or wife
14-05-06	Divorce - Desertion defined	Husband and wife
14-05-18	Divorce - Domicile	Husband and wife
14-05-20	Legitimacy of children	Husband, wife
14-05-21	Legitimacy of children	Husband, wife
14-07-01	Mutual obligations	Husband and wife
14-07-03	Mutual duty to support - Property and labor	Husband and wife
14-07-04	Separate property rights and privileges	Husband and wife
14-07-06	Property contracts with third party	Husband and wife
14-07-07	Contract to alter marital relations	Husband and wife
14-07-08	Separate and mutual rights and liabilities	Husband and wife
14-07-12	Transfer of property when abandoned or imprisoned	Husband and wife
14-07-13	Binding contracts on both parties	Husband and wife
14-07-14	Order for transfer	Husband and wife
14-08-01	Action for support	Husband or wife
14-08-03	Procedure for action	Husband or wife
14-12.2-28(9)	Evidentiary rules - Defense of immunity	Husband and wife
14-14.1-30(4)	Child custody - Hearing	Husband and wife
14-15-03	Adoption - Who may adopt	Husband and wife
14-15-20	Adoption and legitimation by conduct	Husband and wife
14-18-08	Gestational carrier agreements	Husband
16.1-05-02	Qualifications of members of board of electors	Husband, wife
16.1-15-16	Qualifications of members of canvassing board	Husband, wife
16.1-15-34	Member of canvassing board	Husband, wife
16.1-16-01	Election recounts	Husband, wife

Section	Topic	Current Terminology
20.1-03-06	Resident game, fur-bearer, fishing licenses	Husband and wife
20.1-03-12(8)	Residential fishing license	Husband and wife
20.1-03-12(29)	Resident frog license	Husband and wife
20.1-03-12(32)	Nonresident fishing license	Husband and wife
23-06-03	Duty of burial	Husband, wife
23-06-13	Dissection	Husband, wife
28-22-01.1	Head of family defined	Husband, wife
30-16-03	Homestead	Husband or wife
30.1-10-02(1)	Effect of divorce, annulment, separation	Husband and wife
30.1-10-04(1)(b)	Revocation of probate and nonprobate transfers by divorce	Husband and wife
31-11-03	Disputable presumptions	Husband and wife, man and woman
32-21-03	Who may bring action	Husband or wife
35-01-04	Creation of lien	Husband and wife
37-26-01	Veterans' compensation	Husband or wife
47-18-04	Execution of homestead	Husband and wife
47-18-05	Conveyance of homestead	Husband and wife
47-18-14	Proceeds of sale	Husband and wife
47-18-22	Conveyance in case of mental illness	Husband or wife
47-18-23	Requisites of a petition in case of mental illness	Husband or wife
47-18-26	Sale of homestead	Husband or wife
47-18-27	Conveyance of homestead when spouse is mentally ill	Husband or wife
47-19-33	Prohibition on self-interested individuals from proving documents	Husband or wife
50-10.2-01	Health care definitions	Husband, wife
50-25.1-10	Privileged communication	Husband and wife
54-52.4-01(9)	State employee leave definitions	Husband or wife
54-52.4-02(3)	Family leave	Husband and wife
57-38-31(2)	Duty to file income tax return	Husband and wife
57-40.3-04(5)	Motor vehicle tax exemption	Husband and wife
57-40.3-06	Presentation of motor vehicle purchaser's certificate	Husband or wife
57-40.3-07	Motor vehicle title or license	Husband and wife
57.40.5-03(3)	Aircraft excise tax exemption	Husband and wife
65-01-02(28)	Workforce safety definitions	Husband or wife

The District of Columbia, Minnesota, New Hampshire, Rhode Island, Vermont, and Washington include gender-neutral requirements in statute or allow for equal treatment of same-sex couples under other family laws, including the Uniform Parentage Act. These six states enacted same-sex marriage prior to the United States Supreme Court decision in June 2015. Several different options exist for alternative language, the most common being "individuals who are married to each other" and "spouse."