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ENGROSSED HOUSE
BILL NO. 2466

BY: THOMPSON of the HOUSE

and

SHEDRICK of the SENATE

(MARRIAGE - AMENDING 43 O.S. 1991, SECTIONS 5

AND 6 - LEGAL NAME DURING THE MARRIAGE

RELATIONSHIP -

EFFECTIVE DATE)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43 O.S. 1991, Section 5, is amended to read as follows:

Section 5. The judge or clerk of the district court, shall issue a marriage license under the conditions provided for in this section upon application in writing signed and sworn to in person before him by both of the parties to be married setting forth their places of residence and ~~setting forth~~ their full names and ages as the same appear upon a certified copy of birth certificate, or upon a current motor vehicle operator's, chauffeur's or commercial license, or upon a current voter's registration certificate, or upon a current passport or visa or upon any other certificate, license or document issued by or existing pursuant to the laws of any nation or of any state or other governmental subdivision thereof, ~~when.~~

When each such document is accepted as proof of identity and age is described with reasonable particularity in the application, it shall also set forth:

1. the name each party intends to keep or take as such person's legal name during the marriage relationship, provided however, such name must be either the current legal name of the party as it appears pursuant to the provisions of this section, or the legal last name of the party to which such person is entering into the marriage relationship or a combination of said names; and

2. that such persons to be married are not disqualified or incapable of entering into the marriage relation, nor of the relationship prohibited by law, and.

Upon being satisfied of the truth and sufficiency of such application and that there is no legal impediment to such marriage, and after application for such marriage license has ~~issued~~ been completed, the judge or clerk shall issue under his hand and the seal of his court, the license authorizing such marriage; ~~provided.~~

Provided, however, that in the event one or both of the parties to be married are under legal age and a parent or guardian of each party under legal age or other authorized person has not signed the waiver as provided for in Section 3 of this title, such application shall have been on file in the court clerk's office for a period of not less than seventy-two (72) hours. Such license shall be valid in any county within the state. The provisions hereof are mandatory and not directory except under the circumstances set out in the ~~proviso to~~ provisions of Section 3 of this title.

SECTION 2. AMENDATORY 43 O.S. 1991, Section 6, is amended to read as follows:

Section 6. The license herein provided for shall contain the date of its issuance, name of the court, the name of the city or town and county in which it is located, the full names of the persons to be married thereunder, the name each party intends to

keep or take as such person's legal name during the marriage relationship pursuant to Section 1 of this act, their ages and places of residence and shall be directed to any person authorized by law to perform and solemnize the marriage ceremony, and shall fix the time of the return thereof, which shall not be more than thirty (30) days from the date of its issuance, and shall contain a blank certificate to be made out by the person solemnizing or performing the marriage ceremony thereunder.

SECTION 3. This act shall become effective January 1, 1993.

Passed the House of Representatives the 26th day of February, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate