

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1076

By: Morgan of the Senate
and
Ingmire of the House

COMMITTEE SUBSTITUTE

An Act relating to marriage; amending 43 O.S. 1991,
Section 7, which relates to solemnization of
marriages; authorizing certain judges to perform
marriage ceremony; requiring judge to file order of
appointment with court clerk; eliminating
recognition of common law marriage after certain
date; providing for codification; and providing an
effective date.

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

SECTION 1. AMENDATORY 43 O.S. 1991, Section 7, is
amended to read as follows:

Section 7. A. All marriages must be contracted by a formal
ceremony performed or solemnized in the presence of at least two
adult, competent persons as witnesses, by a judge or retired judge
of any court ~~of record~~ in this state, or an ordained or authorized

preacher or minister of the Gospel, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which ~~he~~ that person belongs to preach the Gospel, or a rabbi and who is at least eighteen (18) years of age.

B. 1. The judge or retired judge of any court of this state shall place the order of appointment on file with the office of the court clerk of the county in which the judge or retired judge resides.

2. The preacher, minister, priest, rabbi, or ecclesiastical dignitary who is a resident of this state shall have filed, in the office of the court clerk of the county in which ~~he~~ that person resides, a copy of ~~his~~ the credentials or authority from ~~his~~ the church of that person or synagogue authorizing ~~him~~ that person to solemnize marriages.

3. The preacher, minister, priest, rabbi, or ecclesiastical dignitary who is not a resident of this state, but has complied with the laws of the state of which ~~he~~ that person is a resident, shall have filed once, in the office of the court clerk of the county in which ~~he~~ that person intends to perform or solemnize a marriage, a copy of ~~his~~ the credentials or authority from ~~his~~ the church or synagogue of that person authorizing ~~him~~ that person to solemnize marriages. ~~Such~~ The filing by resident or nonresident preachers, ministers, priests, rabbis, or ecclesiastical dignitaries shall be effective in and for all counties of this state; provided, ~~that~~ no fee shall be charged for such recording; ~~but no.~~

C. No person herein authorized to perform or solemnize ~~the~~ a marriage ceremony shall do so unless the license issued therefor be first delivered into ~~his~~ the possession of that person nor unless ~~he~~ that person has good reason to believe the persons presenting themselves before ~~him~~ that person for marriage are the identical persons named in the license, and for whose marriage the same was

issued, and that there is no legal objection or impediment to such marriage.

~~B.~~ D. Marriages between persons belonging to the society called Friends, or Quakers, the spiritual assembly of the ~~Baha'Is~~ Baha'is, or the Church of Jesus Christ of Latter Day Saints, which have no ordained minister, may be solemnized by the persons and in the manner prescribed by and practiced in any such society, church, l or assembly.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.2 of Title 43, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided for in this section, on and after November 1, 1998, a common law marriage shall not be recognized as a valid form of marriage in Oklahoma.

Any common law marriage recognized as valid in this state prior to November 1, 1998, shall continue to be recognized as valid in this state. A common law marriage recognized in another state shall not be recognized as valid and binding in this state in accordance with paragraph (3) of subsection (b) of Section 713 of Title 12 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 1998.

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