

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2144

By: Davis of the House

and

Smith of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to marriage and family; amending 43 O.S. 1991, Sections 5, as amended by Section 1, Chapter 174, O.S.L. 1999, and 7, as last amended by Section 1, Chapter 305, O.S.L. 1999 (43 O.S. Supp. 1999, Sections 5 and 7), which relate to marriages; specifying who may solemnize marriages; stating qualifications; defining term; clarifying who may issue marriage licenses; providing for contents; and declaring an emergency.

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

SECTION 1. AMENDATORY 43 O.S. 1991, Section 7, as last amended by Section 1, Chapter 305, O.S.L. 1999 (43 O.S. Supp. 1999, Section 7), is amended to read as follows:

Section 7. A. 1. 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 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 or she belongs to preach the Gospel, or a rabbi and who is at least eighteen (18) years of age~~ person authorized by this subsection to solemnize marriages.

2. The following persons who are at least eighteen (18) years of age are authorized to solemnize marriages:

a. a duly licensed or ordained clergy,

- b. a judge of any court in this state,
- c. a retired judge, and
- d. a Justice of the United States Supreme Court.

B. 1. The A judge shall place ~~his or her~~ the order of appointment on file with the office of the court clerk of the county in which ~~he or she~~ the judge resides.

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

3. The ~~preacher, minister, priest, rabbi, or ecclesiastical dignitary~~ licensed or ordained clergy who is not a resident of this state, but has complied with the laws of the state of which ~~he or she~~ that clergy is a resident, shall have filed once, in the office of the court clerk of the county in which ~~he or she~~ such clergy intends to ~~perform or~~ solemnize a marriage, a copy of the credentials or authority from ~~his or her~~ that church or synagogue authorizing ~~him or her~~ that clergy to solemnize marriages.

4. The filing by resident or nonresident ~~preachers, ministers, priests, rabbis, ecclesiastical dignitaries~~ licensed or ordained clergy or judges shall be effective in and for all counties of this state; provided, no fee shall be charged for such recording.

C. No person ~~herein~~ authorized to ~~perform or~~ solemnize a marriage ceremony pursuant to this section shall do so unless the marriage license issued therefor be first delivered into ~~his or her~~ the possession of such person nor unless ~~he or she~~ such person has good reason to believe the persons presenting themselves ~~before him or her~~ 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.

D. Marriages between persons belonging to the society called Friends, or Quakers, the spiritual assembly of the 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, or assembly.

E. For the purpose of this section, "licensed or ordained clergy" includes but is not limited to ministers, priests, rabbis, preachers, elders or other ecclesiastical dignitaries who by the customs, practices, rules or regulations of a religious or apostolic organization, exempt from federal income taxation pursuant to Section 501(d) of the federal Internal Revenue Code, are ordained or are otherwise authorized or permitted to solemnize marriages or to officiate at marriage ceremonies.

SECTION 2. AMENDATORY 43 O.S. 1991, Section 5, as amended by Section 1, Chapter 174, O.S.L. 1999 (43 O.S. Supp. 1999, Section 5), is amended to read as follows:

Section 5. A. Persons desiring to be married in this state shall submit an application, in writing, and signed and sworn to in person before the clerk of the district court by both of the parties setting forth:

1. Each party's place of residence;

2. Each party's full name and age as the ~~same~~ name and age of each party appear upon a certified copy of birth certificate, a current motor vehicle operator's, chauffeur's or commercial license, a current voter's registration certificate, a current passport or visa, or 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 and accepted as proof of identity and age;

3. That the parties are not disqualified from or incapable of entering into the marriage relation; and

4. Whether the parties have successfully completed a premarital counseling program.

B. 1. Upon application pursuant to this section and the payment of fees as provided in Section 31 of Title 28 of the Oklahoma Statutes, if the clerk of the district court is satisfied of the truth and sufficiency of the application and that there is no legal impediment to such marriage, the ~~judge~~ clerk of the district court shall issue the license authorizing the marriage.

2. Parties to be married and who present a certificate to the clerk of the district court that states the parties have completed the premarital counseling program pursuant to Section ~~2~~ 5.1 of this ~~act~~ title shall be entitled to pay a reduced fee for a marriage license in an amount provided in Section 31 of Title 28 of the Oklahoma Statutes.

C. In the event that one or both of the parties are under legal age and a parent or guardian of the underage party or other authorized person has not signed the waiver as provided for in Section 3 of this title, the application shall have been on file in the court clerk's office for a period of not less than seventy-two (72) hours prior to issuance of the marriage license.

D. The marriage license shall be valid in any county within the state.

E. The provisions hereof are mandatory and not directory except under the circumstances set out in the provisions of Section 3 of this title.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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