

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1180

By: Vaughn, Phillips and  
Sullivan (Leonard) of the  
House

and

Coffee of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to marriage and family; amending 43 O.S. 1991, Section 5, which relates to applications for a marriage license and 28 O.S. 1991, Section 31, as last amended by Section 9, Chapter 400, O.S.L. 1997 (28 O.S. Supp. 1998, Section 31), which relates to court clerk fees; clarifying and updating language; providing for additional information on application relating to premarital counseling; authorizing a reduced marriage license fee for persons receiving certain premarital counseling; providing requirements for premarital counseling program; providing for issuance of certificate; defining term; specifying conditions for reduced fee; increasing marriage license fees if counseling not received; 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 5, is amended to read as follows:

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

1. Each party's place of residence and setting forth their;

1        2. Each party's full ~~names~~ name and ~~ages~~ age as the same appear  
2 upon a certified copy of birth certificate, ~~or upon~~ a current motor  
3 vehicle operator's, chauffeur's or commercial license, ~~or upon~~ a  
4 current voter's registration certificate, ~~or upon~~ a current passport  
5 or visa, or upon any other certificate, license or document issued  
6 by or existing pursuant to the laws of any nation or of any state or  
7 other governmental subdivision thereof, ~~when each such document~~  
8 accepted as proof of identity and age ~~is described with reasonable~~  
9 ~~particularity in the application shall also set forth that such~~  
10 ~~persons to be married;~~

11        3. That the parties are not disqualified from or incapable of  
12 entering into the marriage relation, ~~nor of the relationship~~  
13 ~~prohibited by law,;~~ and being

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

16        B. 1. Upon application pursuant to this section and the  
17 payment of fees as provided in Section 31 of Title 28 of the  
18 Oklahoma Statutes, if the clerk of the district court is satisfied  
19 of the truth and sufficiency of ~~such~~ the application and that there  
20 is no legal impediment to such marriage, ~~and after application for~~  
21 ~~such marriage license has issued,~~ the judge shall issue ~~under his~~  
22 ~~hand and the seal of his court,~~ the license authorizing ~~such~~ the  
23 marriage; ~~provided that in.~~

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

29        C. In the event that one or both of the parties ~~to be married~~  
30 are under legal age and a parent or guardian of ~~each~~ the underage  
31 party ~~under legal age~~ or other authorized person has not signed the  
32 waiver as provided for in Section 3 of this title, ~~such~~ the

1 application shall have been on file in the court clerk's office for  
2 a period of not less than seventy-two (72) hours prior to issuance  
3 of the marriage license. ~~Such~~

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

6 E. The provisions hereof are mandatory and not directory except  
7 under the circumstances set out in the ~~proviso to~~ provisions of  
8 Section 3 of this title.

9 SECTION 2. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 5.1 of Title 43, unless there is  
11 created a duplication in numbering, reads as follows:

12 A. The clerk of the district court shall reduce the fee for a  
13 marriage license as prescribed by Section 31 of Title 28 of the  
14 Oklahoma Statutes to persons who have successfully completed a  
15 premarital counseling program meeting the conditions specified by  
16 this section.

17 B. 1. A premarital counseling program shall be conducted by a  
18 health professional or an official representative of a religious  
19 institution. Upon successful completion of the program, the  
20 counseling program provider shall issue to the persons a certificate  
21 signed by the instructor of the counseling program. The certificate  
22 shall state that the named persons have successfully completed the  
23 premarital counseling requirements.

24 2. For purposes of this subsection, the term "health  
25 professional" means a person licensed or certified by this state to  
26 practice psychiatry or psychology; a licensed social worker with  
27 experience in marriage counseling; a licensed marital and family  
28 therapist; or a licensed professional counselor.

29 SECTION 3. AMENDATORY 28 O.S. 1991, Section 31, as last  
30 amended by Section 9, Chapter 400, O.S.L. 1997 (28 O.S. Supp. 1998,  
31 Section 31), is amended to read as follows:

1 Section 31. Notwithstanding any other provision of law, the  
2 clerk of the district court, or the clerk of any other court of  
3 record, shall charge and collect the following fees for services by  
4 them respectively rendered and none others, except as otherwise  
5 provided by law:

- 6 Approving bond or undertaking,
  - 7 including certificate and seal ..... \$3.00
- 8 Making copy of an instrument of record
  - 9 or on file, first page ..... \$1.00
  - 10 subsequent pages (each) ..... \$0.50
- 11 Certifying to any instrument (each) ..... \$0.50
- 12 Authentication of court records ..... \$5.00
- 13 Receiving and paying out money in
  - 14 pursuance of law or order of court ..... 1%
  - 15 provided, however, that such charge
  - 16 shall not exceed \$300.00.
- 17 In any case which has been on file and
  - 18 pending without activity for a period
  - 19 of five (5) years and in which there
  - 20 is on hand, unexpended, a balance of
  - 21 deposits for costs, there shall be a
  - 22 charge annually thereafter for
  - 23 accounting, to be deducted from any
  - 24 such balance, and to the extent
  - 25 available therefor, an annual fee of ..... \$3.00
- 26 Application, issuing, entering return
  - 27 and recording marriage license
  - 28 if the applicants submit a
  - 29 certificate that states the
  - 30 applicants have completed the
  - 31 premarital counseling program
  - 32 pursuant to Section 2 of this act ..... ~~\$25.00~~ \$5.00

1 Application, issuing, entering return  
2 and recording marriage license if the  
3 applicants do not submit a certificate  
4 that states the applicants have  
5 completed the premarital counseling  
6 program pursuant to Section 2 of this  
7 act ..... \$25.00

8 Conveyance of full-blood Indian heirs  
9 to interest in inherited lands, same  
10 to be accounted for as other fees ..... \$5.00

11 Storage and indexing of wills ..... \$5.00

12 Posting notice outside the courthouse..... \$10.00

13 Mailing, by any type of mail, writs,  
14 warrants, orders, process, command or  
15 notice for each person ..... \$7.00  
16 except ordinary mailing of first-class  
17 mail in probate cases, for each case ..... \$7.00

18 For the actual cost of all postage in  
19 each case in excess of ..... \$7.00

20 For filing and indexing of disclaimers  
21 other than in pending probate or civil  
22 cases pursuant to the provisions of  
23 Section 751 et seq. of Title 60 of  
24 the Oklahoma Statutes ..... \$5.00

25 SECTION 4. This act shall become effective November 1, 1999.

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27 47-1-6905 KSM 6/11/15  
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