HOUSE OF REPRESENTATIVES
Tuesday, February 16, 1999

House Bill No. 1180

HOUSE BILL NO. 1180 -- By VAUGHN of the House and COFFEE of the Senate.

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 judge or 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~~;

2. Each party's full ~~names~~ name and ~~ages~~ age 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 each such document~~ accepted as proof of identity and age ~~is described with reasonable particularity in the application shall also set forth that such persons to be married~~;

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

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

2. Parties to be married presenting a certificate to the judge or clerk of the district court that states the parties have completed the premarital counseling program pursuant to Section 2 of this act 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 ~~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~~ 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. ~~Such~~

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 ~~proviso~~ to provisions of Section 3 of this title.

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

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

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

2. For purposes of this subsection, "health professional" means a person licensed or certified in this state to practice psychiatry or psychology, or a licensed social worker with experience in marriage counseling, marital and family therapy or licensed professional counseling.

SECTION 3. AMENDATORY 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), is amended to read as follows:

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

Approving bond or undertaking, including certificate and seal $3.00

Making copy of an instrument of record or on file,

first page $1.00

subsequent pages (each)..... $0.50

Certifying to any instrument (each)..... $0.50

Authentication of court records $5.00

Receiving and paying out money in

pursuance of law or order of court 1%

provided, however, that such charge shall not exceed $300.00.

In any case which has been on file and

pending without activity for a period

of five (5) years and in which there

is on hand, unexpended, a balance of

deposits for costs, there shall be a

charge annually thereafter for

accounting, to be deducted from any

such balance, and to the extent

available therefor, an annual fee of $3.00

Application, issuing, entering return

and recording marriage license

if the applicants submit a

certificate that states the

applicants have completed the

premarital counseling program

pursuant to Section 2 of this act .....~~$25.00~~ $5.00

Application, issuing, entering return

and recording marriage license if the

applicants do not submit a certificate

that states the applicants have

completed the premarital counseling

program pursuant to Section 2 of this act.....$25.00

Conveyance of full-blood Indian heirs

to interest in inherited lands, same

to be accounted for as other fees $5.00

Storage and indexing of wills $5.00

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

Mailing, by any type of mail, writs,

warrants, orders, process, command or

notice for each person $7.00

except ordinary mailing of first-class

mail in probate cases, for each case $7.00

For the actual cost of all postage in

each case in excess of $7.00

For filing and indexing of disclaimers

other than in pending probate or civil

cases pursuant to the provisions of

Section 751 et seq. of Title 60 of

the Oklahoma Statutes $5.00

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

COMMITTEE REPORT BY: COMMITTEE ON COMMUNITY AND FAMILY RESPONSIBILITIES, dated 2-15-99 -- DO PASS, As Coauthored.