

3 Senate Bill No. 476

4 SENATE BILL NO. 476 - By: CRAIN of the Senate and SULLIVAN of the
5 House.

6 An Act relating to marriage; amending 43 O.S. 2001, Section
7 5, which relates to application; conforming language; and
8 providing an effective date.

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

10 SECTION 1. AMENDATORY 43 O.S. 2001, Section 5, is

11 amended to read as follows:

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

16 1. Each party's place of residence;

17 2. Each party's full name and age as the same appear upon a
18 certified copy of birth certificate, a current motor vehicle
19 operator's, chauffeur's or commercial license, a current voter's
20 registration certificate, a current passport or visa, or any other
21 certificate, license or document issued by or existing pursuant to
22 the laws of any nation or of any state or other governmental
23 subdivision thereof accepted as proof of identity and age;

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

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

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

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

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

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

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

4 SECTION 2. This act shall become effective November 1, 2005.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-15-05 - DO
6 PASS, As Coauthored.