

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1404

By: Cargill

AS INTRODUCED

An Act relating to marriage and family; amending 28 O.S. 2001, Section 31, as last amended by Section 1, Chapter 288, O.S.L. 2004 (28 O.S. Supp. 2004, Section 31), which relates to fees of court clerks; deleting certain service fees charged and collected by court clerks; amending 43 O.S. 2001, Section 5, which relates to applications of marriage; eliminating certain fee for obtaining a marriage license under certain circumstances; amending 43 O.S. 2001, Section 5.1, which relates to premarital counseling; prohibiting the charge or collection of marriage license fee under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 31, as last amended by Section 1, Chapter 288, O.S.L. 2004 (28 O.S. Supp. 2004, 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.

~~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 5.1 of Title 43 of the
Oklahoma Statutes.....\$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 5.1 of Title
43 of the Oklahoma Statutes.....\$50.00

Conveyance of full-blood Indian heirs to
interest in inherited lands, same to be
accounted for as other fees.....\$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.....\$10.00, or
actual expense, whichever is greater,
except ordinary mailing of first-class
mail in probate cases, for each case.....\$10.00, or
actual expense, whichever is greater.

For the actual cost of all postage in each
case in excess of.....\$10.00, or
actual expense, whichever is greater.

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 2. AMENDATORY 43 O.S. 2001, 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 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 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 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 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~~ not be required 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. AMENDATORY 43 O.S. 2001, Section 5.1, is amended to read as follows:

Section 5.1 A. The clerk of the district court shall ~~reduce~~ the not charge or collect a 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, the term "health professional" means a person licensed or certified by this state to practice psychiatry or psychology; a licensed social worker with

experience in marriage counseling; a licensed marital and family therapist; or a licensed professional counselor.

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

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