

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 680

By: Laughlin

AS INTRODUCED

An Act relating to marriage; 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; removing certain fee; amending 43 O.S. 2001, Sections 5 and 5.1, which relate to applications and counseling; removing certain fee reduction; requiring premarital counseling; specifying counseling requirements; requiring certain proof; 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 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 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 fee for a marriage license as prescribed by Section 31 of Title 28 of the Oklahoma Statutes to persons who~~ No clerk of the district court shall issue a marriage license unless the persons, prior to the issuance of the license, 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.

3. Premarital counseling required by this section shall include but not be limited to:

- a. the nature, purpose and responsibilities of a marital relationship,
- b. responsibilities regarding children,
- c. conflict management, and
- d. financial responsibilities of the parties.

4. Prior to issuing a marriage license, the court clerk shall require the applicants to state, under oath or by affidavit, that they have received premarital counseling pursuant to this section within six (6) months preceding the date of their application. The application shall also include a notarized affidavit, signed by the person performing the counseling, attesting that the applicants were counseled as required by this section.

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

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