

1 ENGROSSED SENATE
2 BILL NO. 1547

By: Lerblance of the Senate

3 and

4 Harrison of the House

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6
7 An Act relating to marriage; amending 43 O.S. 2001,
8 Section 5, as last amended by Section 2, Chapter 311,
9 O.S.L. 2006 (43 O.S. Supp. 2007, Section 5), which
10 relates to issuance of license; allowing court clerk
11 to issue certain license; modifying procedure for
12 return of license; and providing an effective date.

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

14 SECTION 1. AMENDATORY 43 O.S. 2001, Section 5, as last
15 amended by Section 2, Chapter 311, O.S.L. 2006 (43 O.S. Supp. 2007,
16 Section 5), is amended to read as follows:

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

21 1. The place of residence of each party;

22 2. The full legal name and the age of each party as they appear
23 upon or are calculable from a certified copy of the birth
24 certificate, the current driver license or identification card, the
current passport or visa, or any other certificate, license or

1 document issued by or existing pursuant to the laws of any nation or
2 of any state, or political subdivision thereof, accepted as proof of
3 identity and age;

4 3. For each party, the full name by which the party will be
5 known after the marriage, which shall become the full legal name of
6 the party upon the filing of the marriage license and certificate
7 with the court, as required by law;

8 4. That the parties are not disqualified from or incapable of
9 entering into the marriage relation; and

10 5. Whether the parties have successfully completed a premarital
11 counseling program.

12 B. 1. Upon application pursuant to this section and the
13 payment of fees as provided in Section 31 of Title 28 of the
14 Oklahoma Statutes, if the clerk of the district court is satisfied
15 of the truth and sufficiency of the application and that there is no
16 legal impediment to such marriage, the ~~judge~~ court clerk shall issue
17 the marriage license authorizing the marriage and a marriage
18 certificate, which shall be incorporated as one document. As
19 required by law, the marriage certificate shall be completed
20 immediately following the marriage, and the marriage license and
21 certificate shall be returned to the court clerk.

22 2. Parties to be married and who present a certificate to the
23 clerk of the district court that states the parties have completed
24 the premarital counseling program pursuant to Section 5.1 of this

1 title shall be entitled to pay a reduced fee for a marriage license
2 in an amount provided in Section 31 of Title 28 of the Oklahoma
3 Statutes.

4 C. In the event that one or both of the parties are under legal
5 age, the application shall have been on file in the court clerk's
6 office for a period of not less than seventy-two (72) hours prior to
7 issuance of the marriage license.

8 D. The marriage license shall be valid in any county within the
9 state.

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

13 SECTION 2. This act shall become effective November 1, 2008.

14 Passed the Senate the 27th day of February, 2008.

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17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2008.

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22 Presiding Officer of the House
23 of Representatives
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