

SB 1547

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THE STATE SENATE  
Thursday, February 14, 2008

Senate Bill No. 1547  
As Amended

SENATE BILL NO. 1547 - By: LERBLANCE of the Senate and HARRISON of the House.

An Act relating to marriage; amending 43 O.S. 2001, Section 5, as last amended by Section 2, Chapter 311, O.S.L. 2006 (43 O.S. Supp. 2007, Section 5), which relates to issuance of license; allowing court clerk to issue certain license; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2001, Section 5, as last amended by Section 2, Chapter 311, O.S.L. 2006 (43 O.S. Supp. 2007, 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. The place of residence of each party;
- 2. The full legal name and the age of each party as they appear upon or are calculable from a certified copy of the birth certificate, the current driver license or identification card, the current passport or visa, or any other certificate, license or document issued by or existing pursuant to the laws of any nation or

1 of any state, or political subdivision thereof, accepted as proof of  
2 identity and age;

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

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

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

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

21 2. Parties to be married and who present a certificate to the  
22 clerk of the district court that states the parties have completed  
23 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 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-12-08 - DO  
15 PASS, As Amended and Coauthored.