

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

House Bill No. 1362

HOUSE BILL NO. 1362 - By: COOKSEY of the House.

An Act relating to marriage and family; amending 43 O.S. 2001, Section 5, as last amended by Section 1, Chapter 313, O.S.L. 2008 (43 O.S. Supp. 2008, Section 5), which relates to marriage license applications; prohibiting entities from requiring, requesting or using social security numbers for marriage license applications; and providing an effective date.

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

1 SECTION 1. AMENDATORY 43 O.S. 2001, Section 5, as last amended by
2 Section 1, Chapter 313, O.S.L. 2008 (43 O.S. Supp. 2008, Section 5), is amended to read
3 as follows:

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

- 7 1. The place of residence of each party;
- 8 2. The full legal name and the age of each party as they appear upon or are
9 calculable from a certified copy of the birth certificate, the current driver license or
10 identification card, the current passport or visa, or any other certificate, license or
11 document issued by or existing pursuant to the laws of any nation or of any state, or
12 political subdivision thereof, accepted as proof of identity and age;

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

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

6 5. Whether the parties have successfully completed a premarital counseling
7 program.

8 No county, municipality or other governmental entity under the jurisdiction of the State
9 of Oklahoma shall request or require that any person reveal the social security number of
10 such person in order to obtain a marriage license and certificate.

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

19 2. Parties to be married and who present a certificate to the clerk of the district
20 court that states the parties have completed the premarital counseling program pursuant
21 to Section 5.1 of this title shall be entitled to pay a reduced fee for a marriage license in
22 an amount provided in Section 31 of Title 28 of the Oklahoma Statutes.

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

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

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

7 SECTION 2. This act shall become effective November 1, 2009.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-24-09 - DO PASS.