

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1362

By: Cooksey

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5  
6 AS INTRODUCED

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

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

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

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

- 22 1. The place of residence of each party;
- 23 2. The full legal name and the age of each party as they appear  
24 upon or are calculable from a certified copy of the birth  
certificate, the current driver license or identification card, the

1 current passport or visa, or any other certificate, license or  
2 document issued by or existing pursuant to the laws of any nation or  
3 of any state, or political subdivision thereof, accepted as proof of  
4 identity and age;

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

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

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

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

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

1 immediately following the marriage, and the marriage license and  
2 certificate shall be returned to the court clerk.

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

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

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

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

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

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20 52-1-5938 GRS 01/09/09

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