

1 **SENATE FLOOR VERSION**

2 February 19, 2013

3 SENATE BILL NO. 928

By: Brinkley of the Senate

4 and

5 Derby of the House

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7
8 An Act relating to marriage certificate; amending 43
9 O.S. 2011, Section 5, which relates to application;
10 authorizing reissuance of certificate under certain
11 circumstances; establishing requirements for certain
12 reissued certificate; and providing an effective
13 date.

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

15 SECTION 1. AMENDATORY 43 O.S. 2011, Section 5, is
16 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; provided, however, a marriage
8 certificate issued prior to June 8, 2006, shall be reissued upon
9 request by the certificate holder to include the information
10 required by this paragraph. Such reissued certificate shall reflect
11 the original marriage date and shall be signed by the court clerk.
12 Signatures of the officiant and original witnesses shall not be
13 required;

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

16 5. Whether the parties have successfully completed a premarital
17 counseling program.

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

1 required by law, the marriage certificate shall be completed
2 immediately following the marriage, and the marriage license and
3 certificate shall be returned to the court clerk.

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

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

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

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

19 SECTION 2. This act shall become effective November 1, 2013.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
21 February 19, 2013 - DO PASS

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