

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 2983

By: Albright

AS INTRODUCED

An Act relating to marriage; amending 43 O.S. 2011, Section 3, which relates to eligibility to marry; conferring the rights of majority on married minors; amending 43 O.S. 2011, Section 5, as amended by Section 1, Chapter 192, O.S.L. 2013 (43 O.S. Supp. 2019, Section 5), which relates to marriage license applications; requiring presentation of proof of identity and age; and providing an effective date.

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

SECTION 1. AMENDATORY 43 O.S. 2011, Section 3, is amended to read as follows:

Section 3. A. Any unmarried person who is at least eighteen (18) years of age and not otherwise disqualified is capable of contracting and consenting to marriage with a person of the opposite sex.

B. 1. Except as otherwise provided by this subsection, no person under ~~the age of~~ eighteen (18) years of age shall enter into the marriage relation, nor shall any license issue therefor, except:

- a. upon the consent and authority expressly given by the parent or guardian of such underage applicant in the presence of the authority issuing such license,
- b. upon the written consent of the parent or guardian of such underage applicant executed and acknowledged in person before a judge of the district court or the court clerk of any county within the State of Oklahoma,
- c. if the parent or guardian resides outside of the State of Oklahoma, upon the written consent of the parent or guardian executed before a judge or clerk of a court of record. The executed foreign consent shall be duly authenticated in the same manner as proof of documents from foreign jurisdictions,
- d. if the certificate of a duly licensed medical doctor or osteopath, acknowledged in the manner provided by law for the acknowledgment of deeds, ~~and~~ stating that such parent or guardian is unable by reason of health or incapacity to be present in person, is presented to such licensing authority, upon the written consent of the parent or guardian, acknowledged in the same manner as the accompanying medical certificate,
- e. if the parent or guardian is on active duty with the Armed Forces of the United States, upon the written

1 permission of the parent or guardian, acknowledged in
2 the manner provided by law for acknowledgment of deeds
3 by military personnel authorized to administer oaths.
4 Such permission shall be presented to the licensing
5 authority, accompanied by a certificate executed by a
6 commissioned officer in command of the ~~applicant~~
7 parent or guardian, to the effect that the parent or
8 guardian is on active duty in the Armed Forces of the
9 United States, or

10 f. upon affidavit of three ~~(3)~~ reputable persons stating
11 that both parents of the minor are deceased, or
12 mentally incompetent, or their whereabouts are unknown
13 to the minor, and that no guardian has theretofore
14 been appointed for the minor. The judge of the
15 district court issuing the license may in his or her
16 discretion consent to the marriage in the same manner
17 as in all cases in which consent may be given by a
18 parent or guardian.

19 2. Every person under ~~the age of~~ sixteen (16) years of age is
20 expressly forbidden and prohibited from entering into the marriage
21 relation except when authorized by the court:

- 22 a. in settlement of a suit for seduction or paternity, or
23 b. if the unmarried ~~female~~ applicant is pregnant, or has
24 given birth to ~~an illegitimate~~ a child and at least

1 one parent of each minor, or the guardian or custodian
2 of such ~~child~~ minor, is present before the court and
3 has an opportunity to present evidence in the event
4 such parent, guardian, or custodian objects to the
5 issuance of a marriage license. If they are not
6 present the parent, guardian, or custodian may be
7 given notice of the hearing at the discretion of the
8 court.

9 3. A parent or a guardian of any minor child under ~~the age of~~
10 eighteen (18) years of age who is in the custody of the Department
11 of Human Services or the ~~Department~~ Office of Juvenile ~~Justice~~
12 Affairs shall not be eligible to consent to the marriage of such
13 minor child as required by the provisions of this subsection.

14 4. Any certificate or written permission required by this
15 subsection shall be retained by the official issuing the marriage
16 license.

17 C. No marriage may be authorized when such marriage would be
18 incestuous under this chapter.

19 D. Any person under eighteen (18) years of age who enters into
20 the marriage relation pursuant to subsection B of this section shall
21 enjoy the rights of majority, including, but not limited to, the
22 rights to contract, transact business, make health care decisions
23 and engage in legal proceedings, with the same effect as if such act
24 or thing were done by a person above that age, and every act done by

1 a person so authorized shall have the same force and effect in law
2 as if done by persons at the age of majority.

3 SECTION 2. AMENDATORY 43 O.S. 2011, Section 5, as
4 amended by Section 1, Chapter 192, O.S.L. 2013 (43 O.S. Supp. 2019,
5 Section 5), is amended to read as follows:

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

10 1. The place of residence of each party;

11 2. The full legal name and ~~the~~ age of each party as they appear
12 upon or are calculable from any of the following documents, at least
13 one of which must be presented to the clerk of the district court in
14 support of the application:

15 a. a certified copy of the birth certificate,

16 b. the current driver license or identification card,

17 c. the current passport or visa, or

18 d. any other certificate, license or document issued by
19 or existing pursuant to the laws of any nation or of
20 any state, or political subdivision thereof, accepted
21 as proof of identity and age;

22 3. For each party, the full name by which the party will be
23 known after the marriage, which shall become the full legal name of
24 the party upon the filing of the marriage license and certificate

1 with the court, as required by law; provided, however, a marriage
2 certificate issued prior to June 8, 2006, shall be reissued upon
3 request by the certificate holder to include the information
4 required by this paragraph. Such reissued certificate shall reflect
5 the original marriage date and shall be signed by the court clerk.
6 Signatures of the officiant and original witnesses shall not be
7 required;

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 as provided for in Section 5.1 of this title.

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 court clerk shall issue the
17 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~~ be 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 3. This act shall become effective November 1, 2020.

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15 57-2-9507 AB 12/30/19

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