

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 669

By: Dahm

AS INTRODUCED

An Act relating to declaration of marriage;
authorizing recording of certain declaration;
establishing procedures for filing of certain
declaration; establishing certain fee; specifying
required contents of certain declaration; creating
certain offense; establishing penalties for certain
offense; providing for codification; and providing an
effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 6.1 of Title 43, unless there is
created a duplication in numbering, reads as follows:

A. Parties whose existing relationship meets all requirements
of a marriage in this state except a marriage license may record a
civil declaration of marriage which shall have the same effect as a
marriage license. The declaration of marriage shall be filed with
the clerk of the district court in the county where the declaration
was executed, and a fee of Fifty-three Dollars (\$53.00) shall be
paid to the clerk at time of filing. The declaration shall be
subscribed by the parties and attested by at least two witnesses and

1 formally acknowledged before the clerk of the district court of the
2 county. Such declaration of marriage shall contain substantially
3 the following:

4 1. The names, ages, and residences of the parties;

5 2. That the couple applying were born one male and one female;

6 3. That there are no legal impediments to the marriage;

7 4. That both parties are legally competent to enter into the
8 marriage contract;

9 5. The name of father and maiden name of mother of both parties
10 and address of each;

11 6. The names that each marital partner wish to assume through
12 the marriage;

13 7. The facts of the marriage:

14 a. in the case of a religious ceremony performed without
15 a civil license, the name of the minister officiating
16 and the date and place of the service shall be
17 included as part of the declaration.

18 b. in the case of recognition of existing common law
19 marriages, a sworn statement that an actual and mutual
20 agreement to enter into the matrimonial relation,
21 permanent and exclusive of all others exists between
22 parties capable of making such a contract which has
23 been consummated by their cohabitation as man and
24

1 wife, or by their mutual assumption openly of marital
2 duties shall be included as part of the declaration.

3 B. It shall be unlawful for any person other than the parties
4 to the written declaration to draft any declaration of marriage
5 unless the person is licensed to practice law in this state. Any
6 person violating the provisions of this section shall, upon first
7 conviction, be subject to a fine not to exceed Three Hundred Dollars
8 (\$300.00) or imprisonment not to exceed (6) months in a county jail,
9 or both such fine and imprisonment. Any person violating the
10 provisions of this section shall, upon subsequent conviction, be
11 subject to a fine not to exceed Five Thousand Dollars (\$5,000.00) or
12 imprisonment not to exceed one (1) year in a county jail, or both
13 such fine and imprisonment.

14 SECTION 2. This act shall become effective November 1, 2015.

15
16 55-1-569 TEK 1/22/2015 5:50:09 PM
17
18
19
20
21
22
23
24