

FIRST REGULAR SESSION

HOUSE BILL NO. 32

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GASKILL.

Pre-filed December 1, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0469L.011

AN ACT

To repeal section 451.040, RSMo 2000, relating to marriage licenses, and to enact in lieu thereof one new section relating to the same subject, with a penalty provision.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 451.040, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 451.040, to read as follows:

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be obtained from the officer authorized to issue [the same] **such a license**, and no marriage contracted shall be recognized as valid unless the license has been previously obtained, and unless the marriage is solemnized by a person authorized by law to solemnize marriages.

2. **Both applicants for a marriage license may complete a program in premarital education or counseling before a marriage license is issued. Such program may be conducted by any of the following:**

(1) **A professional counselor licensed pursuant to sections 337.500 to 337.540, RSMo;**

(2) **A marriage and family therapist licensed pursuant to sections 337.700 to 337.739, RSMo;**

(3) **A psychologist licensed pursuant to sections 337.010 to 337.093, RSMo;**

(4) **A social worker licensed pursuant to sections 337.600 to 337.639, RSMo;**

(5) **A board certified psychiatrist; or**

(6) **An official representative of a religious institution or congregation. If such**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 **representative conducts the program, the program may omit any of the topics provided in**
17 **this subsection if training on such a topic would violate a tenet of the religious institution**
18 **or congregation.**

19 **3. Before applicants for a marriage license shall receive a license, and before the recorder**
20 **of deeds shall be authorized to issue a license, the parties to the marriage shall present to the**
21 **recorder of deeds or the recorder's deputy:**

22 **(1) An application for the license, duly executed and signed in the presence of the**
23 **recorder of deeds or [their] the recorder's deputy; and**

24 **(2) If both applicants complete a program in premarital education or counseling:**

25 **(a) An affidavit of completion of such program, executed and signed by the**
26 **applicants in the presence of the recorder of deeds or the recorder's deputy; or**

27 **(b) A certificate of completion issued by the premarital education or counseling**
28 **program provider.**

29

30 Each application for a license shall contain the Social Security number of the applicant. The
31 Social Security number contained in an application for a marriage license shall be exempt from
32 examination and copying pursuant to section 610.024, RSMo. Upon [the expiration of three days
33 after] the receipt of the application **and if the applicant presents an affidavit or certificate**
34 **pursuant to subdivision (2) of this section, the recorder of deeds shall immediately issue the**
35 **license. The recorder of deeds shall not be required to maintain an official record of any**
36 **affidavits or certificates presented pursuant to subdivision (2) of this subsection. In all**
37 **other cases, the recorder of deeds shall issue the license in three days, unless one of the**
38 **parties withdraws the application. The license shall be void after thirty days from the date of**
39 **issuance.**

40 [3. Provided, however, that such]

41 **4. A marriage license may be issued on order of a circuit or associate circuit judge of**
42 **the county in which the license is applied for, without waiting three days as provided in**
43 **subsection 3 of this section, if such license [being] is issued only [for] on a showing of good**
44 **cause [shown] and [by reason of] for such unusual conditions as to make such marriage**
45 **advisable.**

46 [4.] **5. Any person violating the provisions of this section [shall be deemed] is guilty of**
47 **a misdemeanor.**

48 [5.] **6. Common-law marriages shall be null and void.**

49 [6. Provided, however, that] **7. Except as provided in subsection 6 of this section, no**
50 **marriage shall be deemed or adjudged invalid, nor shall the validity be in any way affected for**
51 **want of authority in any person so solemnizing the marriage pursuant to section 451.100, if the**

52 **marriage is** consummated with the full belief on the part of **either of** the persons, so married,
53 [or either of them, that they] **such persons** were lawfully joined in marriage.