

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 157
91ST GENERAL ASSEMBLY

0774L.06T

2001

AN ACT

To repeal sections 193.185, 451.022, 451.040, 451.080 and 451.130, RSMo 2000, relating to marriage, and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Sections 193.185, 451.022, 451.040, 451.080 and 451.130, RSMo 2000, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 193.185, 451.022,
3 451.040, 451.080 and 451.130, to read as follows:

193.185. 1. A report of each marriage performed in this state shall be filed with the
2 department and shall be registered if it has been completed and filed in accordance with this
3 section.

4 2. The official who issues the marriage license shall prepare the report on the form
5 prescribed and furnished by the state registrar upon the basis of information obtained from one
6 of the parties to be married.

7 3. Each person who performs a marriage shall certify the fact of marriage and return the
8 license to the official who issued the license within [ten] **fifteen** days after the ceremony. This
9 license shall be signed by the witnesses to the ceremony. A marriage certificate shall be given
10 to the parties.

11 4. Every official issuing marriage licenses shall complete and forward to the department
12 on or before the fifteenth day of each calendar month the reports of marriages returned to such
13 official during the preceding calendar month.

[451.022. 1. It is the public policy of this state to recognize marriage only
2 between a man and a woman.

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

3 2. Any purported marriage not between a man and a woman is invalid.

4 3. No recorder shall issue a marriage license, except to a man and a woman.]

2 **451.022. 1. It is the public policy of this state to recognize marriage only between
a man and a woman.**

3 **2. Any purported marriage not between a man and a woman is invalid.**

4 **3. No recorder shall issue a marriage license, except to a man and a woman.**

5 **4. A marriage between persons of the same sex will not be recognized for any
6 purpose in this state even when valid where contracted.**

2 451.040. 1. Previous to any marriage in this state, a license for that purpose shall be
obtained from the officer authorized to issue the same, and no marriage contracted shall be
3 recognized as valid unless the license has been previously obtained, and unless the marriage is
4 solemnized by a person authorized by law to solemnize marriages.

5 2. Before applicants for a marriage license shall receive a license, and before the recorder
6 of deeds shall be authorized to issue a license, the parties to the marriage shall present an
7 application for the license, duly executed and signed in the presence of the recorder of deeds or
8 their deputy. Each application for a license shall contain the Social Security number of the
9 applicant, **provided that the applicant in fact has a Social Security number, or the applicant
10 shall sign a statement provided by the recorder that the applicant does not have a Social
11 Security number.** The Social Security number contained in an application for a marriage license
12 shall be exempt from examination and copying pursuant to section 610.024, RSMo. Upon the
13 expiration of three days after the receipt of the application the recorder of deeds shall issue the
14 license, unless one of the parties withdraws the application. The license shall be void after thirty
15 days from the date of issuance.

16 3. Provided, however, that such license may be issued on order of a circuit or associate
17 circuit judge of the county in which the license is applied for, without waiting three days, such
18 license being issued only for good cause shown and by reason of such unusual conditions as to
19 make such marriage advisable.

20 4. Any person violating the provisions of this section shall be deemed guilty of a
21 misdemeanor.

22 5. Common-law marriages shall be null and void.

23 6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall
24 the validity be in any way affected for want of authority in any person so solemnizing the
25 marriage pursuant to section 451.100, if consummated with the full belief on the part of the
26 persons, so married, or either of them, that they were lawfully joined in marriage.

2 451.080. 1. The recorders of the several counties of this state, and the recorder of the
city of St. Louis, shall, when applied to by any person legally entitled to a marriage license, issue
3 the same which may be in the following form:

4 State of Missouri)
5) ss.
6)
7 County of)

8 This license authorizes any judge, associate circuit judge, licensed or ordained preacher
9 of the gospel, or other person authorized under the laws of this state, to solemnize marriage
10 between A B of, county of and state of, who is the age of eighteen years, and
11 C D of, in the county of, state of, who is the age of eighteen years.

12 2. If the man is under eighteen or the woman under eighteen, add the following:

13 The custodial parent or guardian, as the case may be, of the said A B or C D (A B or C
14 D, as the case may require), has given his or her assent to the said marriage.

15 Witness my hand as recorder, with the seal of office hereto affixed, at my office, in,
16 the day of, [19]20., recorder.

17 3. On which such license the person solemnizing the marriage shall, within [ninety]
18 **fifteen** days after the issuing thereof, make as near as may be the following return, and return
19 such license to the officer issuing the same:

20 State of Missouri)
21) ss.
22)
23 County of)

24 This is to certify that the undersigned did at, in said county, on the day of
25 A. D. [19]20., unite in marriage the above-named persons.

451.130. 1. If any recorder willfully neglect or refuse to issue a license to any person
2 legally entitled thereto on application, on payment or tender of the fee provided for in section
3 451.150, or shall fail to refuse to record such license, with the return thereon, as herein provided,
4 he shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not
5 less than five nor more than one hundred dollars.

6 2. Every officer or person who shall fail to return a license within [ninety] **fifteen** days
7 after the issuing of the same, or who shall make a false return thereon, or any recorder who shall
8 willfully make a false record of any marriage license or return thereon, shall be deemed guilty
9 of a misdemeanor, and, on conviction thereof, shall be punished as provided in the preceding part
10 of this section.