

FIRST REGULAR SESSION

HOUSE BILL NO. 153

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SWINGER (Sponsor), KUESSNER AND WITTE (Co-sponsors).

Pre-filed December 18, 2006 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0052L.011

AN ACT

To repeal sections 451.040 and 451.080, RSMo, and to enact in lieu thereof two new sections relating to marriage licenses, with a penalty provision.

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

Section A. Sections 451.040 and 451.080, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 451.040 and 451.080, to read as follows:

451.040. 1. Previous to any marriage in this state, a license for that purpose shall be
2 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 **date of birth and the** Social
9 Security number of the applicant, provided that the applicant in fact has a Social Security
10 number, or the applicant shall sign a statement provided by the recorder that the applicant does
11 not have a Social Security number. The Social Security number contained in an application for
12 a marriage license shall be exempt from examination and copying pursuant to section 610.024,
13 RSMo. Upon the expiration of three days after the receipt of the application the recorder of
14 deeds shall issue the license, unless one of the parties withdraws the application. The license
15 shall be void after thirty days from the date of issuance.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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.

451.080. 1. The recorders of the several counties of this state, and the recorder of the
2 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 County of)

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

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

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

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

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