

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1514**  
**97TH GENERAL ASSEMBLY**

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Reported from the Committee on Seniors, Families and Pensions, April 28, 2014, with recommendation that the Senate Committee Substitute do pass.

5459S.04C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal section 451.040, RSMo, and to enact in lieu thereof one new section relating to marriage licenses, with an existing penalty provision.

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

Section A. Section 451.040, RSMo, is repealed and one new section  
2 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  
2 purpose shall be obtained from the officer authorized to issue the same, and no  
3 marriage contracted shall be recognized as valid unless the license has been  
4 previously obtained, and unless the marriage is solemnized by a person  
5 authorized by law to solemnize marriages.

6 2. Before applicants for a marriage license shall receive a license, and  
7 before the recorder of deeds shall be authorized to issue a license, the parties to  
8 the marriage shall present an application for the license, duly executed and  
9 signed in the presence of the recorder of deeds or their deputy. **If an applicant**  
10 **is unable to sign the application in the presence of the recorder of**  
11 **deeds as a result of the applicant's incarceration or because the**  
12 **applicant has been called or ordered to active military duty out of the**  
13 **state or country, the recorder of deeds may issue a license if:**

14 (1) **An affidavit or sworn statement is submitted by the**  
15 **incarcerated or military applicant on a form furnished by the recorder**  
16 **of deeds which includes the necessary information for the recorder of**  
17 **deeds to issue a marriage license under this section. The form shall**

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

18 include, but not be limited to, the following:

19 (a) The names of both applicants for the marriage license;

20 (b) The date of birth of the incarcerated or military applicant;

21 (c) An attestation by the incarcerated or military applicant that  
22 both applicants are not related;

23 (d) The date the marriage ended if the incarcerated or military  
24 applicant was previously married;

25 (e) An attestation signed by the incarcerated or military  
26 applicant stating in substantial part that the applicant is unable to  
27 appear in the presence of the recorder of deeds as a result of the  
28 applicant's incarceration or because the applicant has been called or  
29 ordered to active military duty out of the state or country, which shall  
30 be verified by the professional or official who directs the operations of  
31 the jail or prison or the military applicant's sponsor, or such  
32 professional's or official's designee, and acknowledged by a notary  
33 public commissioned by the state of Missouri at the time of verification;

34 (2) The completed marriage license application of the  
35 incarcerated or military applicant is submitted which includes the  
36 applicant's Social Security number and proof thereof; except that, in  
37 the event the applicant does not have a Social Security number, a  
38 sworn statement by the applicant to that effect; and

39 (3) A copy of a government-issued identification for the  
40 incarcerated or military applicant which contains the applicant's  
41 photograph.

42 3. Each application for a license shall contain the Social Security number  
43 of the applicant, provided that the applicant in fact has a Social Security number,  
44 or the applicant shall sign a statement provided by the recorder that the  
45 applicant does not have a Social Security number. The Social Security number  
46 contained in an application for a marriage license shall be exempt from  
47 examination and copying pursuant to section 610.024. After the receipt of the  
48 application the recorder of deeds shall issue the license, unless one of the parties  
49 withdraws the application. The license shall be void after thirty days from the  
50 date of issuance.

51 [3.] 4. Any person violating the provisions of this section shall be deemed  
52 guilty of a misdemeanor.

53 [4.] 5. Common-law marriages shall be null and void.

54 [5.] 6. Provided, however, that no marriage shall be deemed or adjudged

55 invalid, nor shall the validity be in any way affected for want of authority in any  
56 person so solemnizing the marriage pursuant to section 451.100, if consummated  
57 with the full belief on the part of the persons, so married, or either of them, that  
58 they were lawfully joined in marriage.

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