

FIRST REGULAR SESSION

HOUSE BILL NO. 1200

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE REUTER.

2631H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 302.178, 451.040, 451.080, and 451.090, RSMo, and to enact in lieu thereof four new sections relating to the age of marriage.

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

Section A. Sections 302.178, 451.040, 451.080, and 451.090, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 302.178, 451.040,
3 451.080, and 451.090, to read as follows:

302.178. 1. Any person between the ages of sixteen and eighteen years who is
2 qualified to obtain a license pursuant to sections 302.010 to 302.340 may apply for, and the
3 director shall issue, an intermediate driver's license entitling the applicant, while having such
4 license in his or her possession, to operate a motor vehicle of the appropriate class upon the
5 highways of this state in conjunction with the requirements of this section. An intermediate
6 driver's license shall be readily distinguishable from a license issued to those over the age of
7 eighteen. All applicants for an intermediate driver's license shall:

- 8 (1) Successfully complete the examination required by section 302.173;
- 9 (2) Pay the fee required by subsection 4 of this section;
- 10 (3) Have had a temporary instruction permit issued pursuant to subsection 1 of
11 section 302.130 for at least a six-month period or a valid license from another state; and
- 12 (4) Have a parent, grandparent, legal guardian, or, if the applicant is a participant in a
13 federal residential job training program, a driving instructor employed by a federal residential
14 job training program, sign the application stating that the applicant has completed at least
15 forty hours of supervised driving experience under a temporary instruction permit issued
16 pursuant to subsection 1 of section 302.130, or, if the applicant is an emancipated minor, the

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.

17 person over twenty-one years of age who supervised such driving. For purposes of this
18 section, the term "emancipated minor" means a person who is at least sixteen years of age, but
19 less than eighteen years of age, who:

20 (a) ~~Marries with the consent of the legal custodial parent or legal guardian pursuant~~
21 ~~to section 451.080;~~

22 ~~(b)~~ Has been declared emancipated by a court of competent jurisdiction;

23 ~~(c)~~ (b) Enters active duty in the Armed Forces;

24 ~~(d)~~ (c) Has written consent to the emancipation from the custodial parent or legal
25 guardian; or

26 ~~(e)~~ (d) Through employment or other means provides for such person's own food,
27 shelter and other cost-of-living expenses;

28 (5) Have had no alcohol-related enforcement contacts as defined in section 302.525
29 during the preceding twelve months; and

30 (6) Have no nonalcoholic traffic convictions for which points are assessed pursuant to
31 section 302.302, within the preceding six months.

32 2. An intermediate driver's license grants the licensee the same privileges to operate
33 that classification of motor vehicle as a license issued pursuant to section 302.177, except that
34 no person shall operate a motor vehicle on the highways of this state under such an
35 intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless
36 accompanied by a person described in subsection 1 of section 302.130; except the licensee
37 may operate a motor vehicle without being accompanied if the travel is to or from a school or
38 educational program or activity, a regular place of employment or in emergency situations as
39 defined by the director by regulation.

40 3. Each intermediate driver's license shall be restricted by requiring that the driver
41 and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt
42 restriction shall not apply to a person operating a motorcycle. For the first six months after
43 issuance of the intermediate driver's license, the holder of the license shall not operate a motor
44 vehicle with more than one passenger who is under the age of nineteen who is not a member
45 of the holder's immediate family. As used in this subsection, an intermediate driver's license
46 holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the
47 driver, including adopted or foster children residing in the same household of the intermediate
48 driver's license holder. After the expiration of the first six months, the holder of an
49 intermediate driver's license shall not operate a motor vehicle with more than three passengers
50 who are under nineteen years of age and who are not members of the holder's immediate
51 family. The passenger restrictions of this subsection shall not be applicable to any
52 intermediate driver's license holder who is operating a motor vehicle being used in
53 agricultural work-related activities.

54 4. Notwithstanding the provisions of section 302.177 to the contrary, the fee for an
55 intermediate driver's license shall be five dollars and such license shall be valid for a period of
56 two years.

57 5. Any intermediate driver's licensee accumulating six or more points in a twelve-
58 month period may be required to participate in and successfully complete a driver-
59 improvement program approved by the state highways and transportation commission. The
60 driver-improvement program ordered by the director of revenue shall not be used in lieu of
61 point assessment.

62 6. (1) An intermediate driver's licensee who has, for the preceding twelve-month
63 period, had no alcohol-related enforcement contacts, as defined in section 302.525 and no
64 traffic convictions for which points are assessed, upon reaching the age of eighteen years or
65 within the thirty days immediately preceding their eighteenth birthday may apply for and
66 receive without further examination, other than a vision test as prescribed by section 302.173,
67 a license issued pursuant to this chapter granting full driving privileges. Such person shall
68 pay the required fee for such license as prescribed in section 302.177.

69 (2) If an intermediate driver's license expires on a Saturday, Sunday, or legal holiday,
70 such license shall remain valid for the five business days immediately following the
71 expiration date. In no case shall a licensee whose intermediate driver's license expires on a
72 Saturday, Sunday, or legal holiday be guilty of an offense of driving with an expired or invalid
73 driver's license if such offense occurred within five business days immediately following an
74 expiration date that occurs on a Saturday, Sunday, or legal holiday.

75 (3) The director of revenue shall deny an application for a full driver's license until
76 the person has had no traffic convictions for which points are assessed for a period of twelve
77 months prior to the date of application for license or until the person is eligible to apply for a
78 six-year driver's license as provided for in section 302.177, provided the applicant is
79 otherwise eligible for full driving privileges. An intermediate driver's license shall expire
80 when the licensee is eligible and receives a full driver's license as prescribed in subdivision
81 (1) of this section.

82 7. No person upon reaching the age of eighteen years whose intermediate driver's
83 license and driving privilege is denied, suspended, cancelled or revoked in this state or any
84 other state for any reason may apply for a full driver's license until such license or driving
85 privilege is fully reinstated. Any such person whose intermediate driver's license has been
86 revoked pursuant to the provisions of sections 302.010 to 302.540 shall, upon receipt of
87 reinstatement of the revocation from the director, pass the complete driver examination, apply
88 for a new license, and pay the proper fee before again operating a motor vehicle upon the
89 highways of this state.

90 8. A person shall be exempt from the intermediate licensing requirements if the
91 person has reached the age of eighteen years and meets all other licensing requirements.

92 9. Any person who violates any of the provisions of this section relating to
93 intermediate drivers' licenses or the provisions of section 302.130 relating to temporary
94 instruction permits is guilty of an infraction, and no points shall be assessed to his or her
95 driving record for any such violation.

96 10. Any rule or portion of a rule, as that term is defined in section 536.010, that is
97 created under the authority delegated in this section shall become effective only if it complies
98 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
99 This section and chapter 536 are nonseverable and if any of the powers vested with the
100 general assembly pursuant to chapter 536 to review, to delay the effective date or to
101 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
102 rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid
103 and void.

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

12 (1) An affidavit or sworn statement is submitted by the incarcerated or military
13 applicant on a form furnished by the recorder of deeds which includes the necessary
14 information for the recorder of deeds to issue a marriage license under this section. The form
15 shall include, but not be limited to, the following:

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

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

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

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

22 (e) An attestation signed by the incarcerated or military applicant stating in
23 substantial part that the applicant is unable to appear in the presence of the recorder of deeds

24 as a result of the applicant's incarceration or because the applicant has been called or ordered
25 to active military duty out of the state or country, which will be verified by the professional or
26 official who directs the operation of the jail or prison or the military applicant's military
27 officer, or such professional's or official's designee, and acknowledged by a notary public
28 commissioned by the state of Missouri at the time of verification. However, in the case of an
29 applicant who is called or ordered to active military duty outside Missouri, acknowledgment
30 may be obtained by a notary public who is duly commissioned by a state other than Missouri
31 or by notarial services of a military officer in accordance with the Uniform Code of Military
32 Justice at the time of verification;

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

37 (3) A copy of a government-issued identification for the incarcerated or military
38 applicant which contains the applicant's photograph. However, in such case the incarcerated
39 applicant does not have such an identification because the jail or prison to which he or she is
40 confined does not issue an identification with a photo his or her notarized application shall
41 satisfy this requirement.

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

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

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

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

57 7. In the event a recorder of deeds utilizes an online process to accept applications for
58 a marriage license or to issue a marriage license and the applicants' identity has not been
59 verified in person, the recorder of deeds shall have a two-step identity verification process or
60 a process that independently verifies the identity of such applicants. Such process shall be

61 adopted as part of any electronic system for marriage licenses if the applicants do not present
 62 themselves to the recorder of deeds or his or her designee in person. It shall be the
 63 responsibility of the recorder of deeds to ensure any process adopted to allow electronic
 64 application or issuance of a marriage license verifies the identities of both applicants. The
 65 recorder of deeds shall not accept applications for or issue marriage licenses through the
 66 process provided in this subsection unless ~~[both applicants are at least eighteen years of age~~
 67 ~~and]~~ at least one of the applicants is a resident of the county or city not within a county in
 68 which the application was submitted.

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,
 3 issue the same which may be in the following form:

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

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

15 2. ~~[If the man is under eighteen or the woman under eighteen, add the following:]~~
 16 ~~[The custodial parent or guardian, as the case may be, of the said A B or C~~
 17 ~~D (A B or C D, as the case may require), has given his or her assent to the~~
 18 ~~said marriage.]~~

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

21 ~~[3-]~~ On which such license the person solemnizing the marriage shall, within fifteen
 22 days after the issuing thereof, make as near as may be the following return, and return such
 23 license to the officer issuing the same:

24 State of Missouri)
 25)
 26 ss.
 27)
 28 County of _____)

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

451.090. 1. No recorder shall issue a license authorizing the marriage of any male or
2 female under ~~[sixteen]~~ **eighteen** years of age ~~[nor shall a license be issued authorizing the~~
3 ~~marriage of any male or female twenty-one years of age or older to a male or female under~~
4 ~~eighteen years of age].~~

5 2. ~~[No recorder shall issue a license authorizing the marriage of any male or female~~
6 ~~under the age of eighteen years, except with the consent of his or her custodial parent or~~
7 ~~guardian, which consent shall be given at the time, in writing, stating the residence of the~~
8 ~~person giving such consent, signed and sworn to before an officer authorized to administer~~
9 ~~oaths.~~

10 ~~3.]~~ The recorder shall state in every license whether the parties applying for same[;
11 one or either or both of them,] are of age[; or whether the male is under the age of eighteen
12 years or the female under the age of eighteen years, and if the male is under the age of
13 eighteen years or the female is under the age of eighteen years, the name of the custodial
14 parent or guardian consenting to such marriage]. Applicants shall provide proof of age to the
15 recorder in the form of a certified copy of the applicant's birth certificate, passport, or other
16 government-issued identification, which shall then be documented by the recorder.

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