

FIRST REGULAR SESSION

HOUSE BILL NO. 903

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MAYFIELD (Sponsor) AND CURTIS (Co-sponsor).

0731H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 451.040 and 451.151, RSMo, and to enact in lieu thereof three new sections relating to marriage licenses, with penalty provisions.

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

Section A. Sections 451.040 and 451.151, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 451.040, 451.045, and 451.151, to read as
3 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 Social Security number of the
9 applicant, provided that the applicant in fact has a Social Security number, or the applicant shall
10 sign a statement provided by the recorder that the applicant does not have a Social Security
11 number. The Social Security number contained in an application for a marriage license shall be
12 exempt from examination and copying pursuant to section 610.024. After the receipt of the
13 application the recorder of deeds shall issue the license, unless one of the parties withdraws the
14 application. The license shall be void after thirty days from the date of issuance.

15 3. Any person violating the provisions of this section shall be deemed guilty of a
16 misdemeanor.

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 4. Common-law marriages shall be null and void.

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

22 **6. All applicants for a marriage license who are under twenty-five years of age shall**
23 **submit a certificate at the time the marriage license application is submitted that states that**
24 **the applicants have completed the premarital counseling requirements of section 451.045.**

451.045. 1. All applicants for a marriage license who are under twenty-five years
2 **of age shall be required to obtain at least three hours of premarital counseling. All**
3 **applicants required to obtain premarital counseling pursuant to this section shall submit**
4 **a certificate of compliance to the recorder of deeds at the time the marriage license**
5 **application is submitted.**

6 **2. The premarital counseling shall be conducted by any clergy member in good**
7 **standing in the state of Missouri, any licensed psychologist or psychiatrist, any licensed**
8 **therapist or counselor, any current high school counselor or any married couple who is**
9 **currently married and has been married for at least twenty-five years. Upon completion,**
10 **the person conducting the counseling shall sign a certificate of compliance verifying that**
11 **the marriage applicants have obtained the required three hours of premarital counseling.**

451.151. 1. In addition to any other fee for the issuance of a marriage license there is
2 hereby imposed a fee of twenty dollars to be paid by the person applying for such license. Such
3 fee shall be collected by the recorder of deeds at the time the marriage license is issued.

4 2. In addition to any other fee for a certified copy of a marriage license there is hereby
5 imposed a fee of seven dollars to be paid by the person applying for such certified copy. Such
6 fee shall be collected by the recorder of deeds at the time the certified copy is issued. The
7 recorder of deeds shall have the authority to differentiate, for fee imposition purposes, between
8 a certified copy and a mere photocopy copy.

9 3. The recorder of deeds shall, at the end of each month, forward fifteen dollars for the
10 issuance of a marriage license to the director of the department of revenue for deposit in the
11 children's trust fund established in section 210.173, and five dollars for the issuance of a
12 marriage license shall be paid to the county treasurer and deposited in a special trust fund to be
13 expended only to provide financial assistance to shelters for victims of domestic violence,
14 established pursuant to sections 455.200 to 455.230. The recorder of deeds shall at the end of
15 each month forward seven dollars for each certified copy of a marriage license to the children's
16 trust fund established in section 210.173.

17 **4. In addition to any other fee for the issuance of a marriage license any county may**
18 **impose a fee of no more than five dollars for the issuance of a license pursuant to section**
19 **451.045 to be paid by the person applying for such license. Such fee shall be collected by**
20 **the recorder of deeds at the time the marriage license is issued. Any county that imposes**
21 **such a fee shall retain no more than two dollars and fifty cents of said fee and the**
22 **remaining fee amount shall be forwarded to the director of the department of revenue for**
23 **deposit into the children's trust fund established in section 210.173.**

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