HOUSE BILL NOs. 1972 & 2366

100TH GENERAL ASSEMBLY

AN ACT

To repeal section 451.040, RSMo, and to enact in lieu thereof one new section relating to applications for a marriage license.

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Section A. Section 451.040, RSMo, is repealed and one new section enacted in lieu
2 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 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 **or electronically through an online process**. If an applicant is unable to sign the
9 application in the presence of the recorder of deeds as a result of the applicant's incarceration or
10 because the applicant has been called or ordered to active military duty out of the state or
11 country, the recorder of deeds may issue a license if:
12   (1) An affidavit or sworn statement is submitted by the incarcerated or military applicant
13 on a form furnished by the recorder of deeds which includes the necessary information for the
14 recorder of deeds to issue a marriage license under this section. The form shall include, but not
15 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;

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.

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 previously
21   married;
22   (e) An attestation signed by the incarcerated or military applicant stating in substantial
23   part that the applicant is unable to appear in the presence of the recorder of deeds as a result of
24   the applicant's incarceration or because the applicant has been called or ordered to active military
25   duty out of the state or country, which will be verified by the professional or official who directs
26   the operation of the jail or prison or the military applicant's military officer, or such professional's
27   or official's designee, and acknowledged by a notary public commissioned by the state of
28   Missouri at the time of verification. However, in the case of an applicant who is called or
29   ordered to active military duty outside Missouri, **[**acknowledgement**]** **acknowledgment** may be
30   obtained by a notary public who is duly commissioned by a state other than Missouri or by
31   notarial services of a military officer in accordance with the Uniform Code of Military Justice
32   at the time of verification;
33   (2) The completed marriage license application of the incarcerated or military applicant
34   is submitted which includes the applicant's Social Security number; except that, in the event the
35   applicant does not have a Social Security number, a sworn statement by the applicant to that
36   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 shall
44   sign a statement provided by the recorder that the applicant does not have a Social Security
45   number. The Social Security number contained in an application for a marriage license shall be
46   exempt from examination and copying pursuant to section 610.024. After the receipt of the
47   application the recorder of deeds shall issue the license, unless one of the parties withdraws the
48   application. The license shall be void after thirty days from the date of issuance.
49   4. Any person violating the provisions of this section shall be deemed guilty of a
50   misdemeanor.
51   5. Common-law marriages shall be null and void.
52   6. Provided, however, that no marriage shall be deemed or adjudged invalid, nor shall
53   the validity be in any way affected for want of authority in any person so solemnizing the

54   marriage pursuant to section 451.100, if consummated with the full belief on the part of the
55   persons, so married, or either of them, that they were lawfully joined in marriage.

56   **7. In the event a recorder of deeds utilizes an online process to accept applications**
57   **for a marriage license or to issue a marriage license and the applicants' identity has not**
58   **been verified in person, the recorder shall have a two-step identity verification process or**
59   **a process that independently verifies the identity of such applicants. Such process shall be**
60   **adopted as part of any electronic system for marriage licenses if the applicants do not**
61   **present themselves to the recorder or his or her designee in person. It shall be the**
62   **responsibility of the recorder to ensure any process adopted to allow electronic application**
63   **or issuance of a marriage license verifies the identities of both applicants. The recorder**
64   **shall not accept applications for or issue marriage licenses through the process provided**
65   **in this subsection unless at least one of the applicants is a resident of the county or city not**
66   **within a county in which the application was submitted.**

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