

SECOND REGULAR SESSION

SENATE BILL NO. 953

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

Read 1st time January 30, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4477S.02I

AN ACT

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

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Section A. Section 451.040, RSMo, is repealed and one new section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, **or electronically**
10 **through an online process**. If an applicant is unable to sign the application
11 in the presence of the recorder of deeds as a result of the applicant's incarceration
12 or because the applicant has been called or ordered to active military duty out of
13 the state or country, the recorder of deeds may issue a license if:

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

- 18 (a) The names of both applicants for the marriage license;
19 (b) The date of birth of the incarcerated or military applicant;
20 (c) An attestation by the incarcerated or military applicant that both

21 applicants are not related;

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

24 (e) An attestation signed by the incarcerated or military applicant stating
25 in substantial part that the applicant is unable to appear in the presence of the
26 recorder of deeds as a result of the applicant's incarceration or because the
27 applicant has been called or ordered to active military duty out of the state or
28 country, which will be verified by the professional or official who directs the
29 operation of the jail or prison or the military applicant's military officer, or such
30 professional's or official's designee, and acknowledged by a notary public
31 commissioned by the state of Missouri at the time of verification. However, in the
32 case of an applicant who is called or ordered to active military duty outside
33 Missouri, acknowledgement may be obtained by a notary public who is duly
34 commissioned by a state other than Missouri or by notarial services of a military
35 officer in accordance with the Uniform Code of Military Justice at the time of
36 verification;

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

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

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

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

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

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



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