

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1902

By: Representative Milligan

By: Senator Crowell

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING A CERTIFICATE OF MARRIAGE AND BOND; TO AMEND THE LAW CONCERNING A LOST, BURNED, OR DESTROYED CERTIFICATE OF MARRIAGE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING A CERTIFICATE OF MARRIAGE AND BOND; AND TO AMEND THE LAW CONCERNING A LOST, BURNED, OR DESTROYED CERTIFICATE OF MARRIAGE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 9-11-218 is amended to read as follows:
9-11-218. Return of executed license to clerk – Effect on bond.

(a) Any person obtaining a license under the provisions of this act shall be required to return the license to the office of the clerk of the county court within sixty (60) days from the date of the license.

(b)(1) ~~If the license is duly executed and officially signed by some person authorized by law to solemnize marriage in this state, the~~ The bond required by § 9-11-210 shall be deemed null and void if the license:

(A) Is duly executed;

(B) Is officially signed by a person authorized by law to solemnize marriage in this state; and

(C) Is returned to the county clerk within sixty (60) days from the date of licensure.

(2) Otherwise, ~~it~~ the bond under § 9-11-210 shall remain in full



force and effect.

(c) If a marriage has been legally solemnized and the certificate of marriage issued by a county in this state required to be returned to the county clerk under subsection (a) of this section has been lost, burned, or destroyed, the procedure to request a new certificate of marriage shall be as follows:

(1) If both parties to the marriage are living, the parties may request a new certificate of marriage by submitting a notarized affidavit signed by both parties to the county clerk of the county where the lost or destroyed certificate of marriage was issued stating:

(A) That the parties applied for and were issued a certificate of marriage in the county;

(B) That the marriage was solemnized in accordance with this subchapter and the date the marriage was solemnized;

(C) The name of the person who solemnized the marriage and stating the person's authority to solemnize the marriage under § 9-11-213;

(D) If the person who solemnized the marriage is a minister or priest, the county in which the credentials of the minister or priest are recorded; and

(E) That the certificate of marriage was lost, burned, or otherwise destroyed and is not able to be returned to the clerk;

(2) If one (1) party to the marriage is living, and the other party is deceased or otherwise incapacitated, the party that is not deceased or incapacitated shall request a new certificate of marriage by submitting a notarized affidavit signed by the party to the county clerk of the county where the lost, burned, or destroyed certificate of marriage was issued stating:

(A) The names of both parties who applied for and were issued a certificate of marriage in the county;

(B) That the marriage was solemnized in accordance with this subchapter and the date the marriage was solemnized;

(C) The name of the person who solemnized the marriage and stating the person's authority to solemnize the marriage under § 9-11-213;

(D) If the person who solemnized the marriage is a minister or priest, the county in which the credentials of the minister or priest are recorded; and

(E) That the certificate of marriage was lost, burned, or otherwise destroyed and is not able to be returned to the clerk; or

(3) If both parties to the marriage are deceased or otherwise incapacitated, the heirs of the parties to the marriage may request a new certificate of marriage by submitting, along with a certificate of death of at least one (1) of the parties, a notarized affidavit signed by the heirs of the parties to the county clerk of the county where the lost, burned, or destroyed certificate of marriage was issued stating:

(A) The names of both parties who applied for and were issued a certificate of marriage in the county;

(B) That the marriage was solemnized in accordance with this subchapter and the date the marriage was solemnized;

(C) The name of the person who solemnized the marriage and stating the person's authority to solemnize the marriage under § 9-11-213, if known;

(D) If the person who solemnized the marriage is a minister or priest, the county in which the credentials of the minister or priest are recorded, if known;

(E) That the certificate of marriage was lost, burned, or otherwise destroyed and is not able to be returned to the clerk; and

(F) That the requestor is an heir of the parties to the marriage and that the heirs need a new certificate of marriage to carry out the business of the estate of a party to the marriage.

(d)(1) If a party or heir submits an affidavit under subsection (c) of this section, the fee for filing the affidavit and furnishing a new certificate of marriage shall be ten dollars (\$10.00) and the one-hundred-dollar bond required under § 9-11-210 shall be deemed null and void.

(2) The party or heir receiving the certificate of marriage may, within ninety (90) days after procuring the certificate of marriage from the county clerk, file the certificate of marriage in the office of the county clerk where the certificate of marriage was received, whose duty it shall be to record the certificate of marriage in his or her record of marriage certificates.

(3) At the time of filing the certificate of marriage, the party or heir filing the replacement certificate of marriage shall also remit the current fee for the county clerk to submit the certificate of marriage to the

Division of Vital Records.

(4) The certificate of marriage shall relate back and have full force and effect from the date of the solemnization of the marriage.

SECTION 2. Arkansas Code § 14-20-111, concerning marriage license fees, is amended to add an additional subsection to read as follows:

(d) If a replacement certificate of marriage is requested under § 9-11-218(c), the one-hundred-dollar bond required under § 9-11-210 shall be deemed null and void and the fee for filing the affidavit and furnishing a new certificate of marriage shall be ten dollars (\$10.00).

SECTION 3. Arkansas Code § 16-119-107 is repealed.

~~16-119-107. Restoration of marriage records.~~

~~(a)(1) In cases where any marriage has been legally solemnized in any county, and the certificate of marriage required by law to be filed in the office of the recorder for the county, together with the record thereof, has been lost, destroyed, or burned, it shall be the duty of the person who solemnized the marriage, at the request and on the demand of either of the parties between whom the marriage was solemnized, to furnish him, her, or them, under his or her hand, a certificate of marriage.~~

~~(2) The certificate, in addition to setting forth the date of the marriage and the names, ages, and residences of the parties at the time the marriage ceremony was performed between them and that he or she performed the marriage ceremony between them, shall also set forth in what capacity the person granting the certificate acted, whether as a judge, justice of the peace, minister, priest, or otherwise, at the time of the solemnization of the marriage, and that the original certificate of the marriage was made out by him or her and duly filed in the office of the clerk and recorder for the county, as required by law.~~

~~(3) The person so receiving the certificate may, within ninety (90) days after procuring the certificate from the person who solemnized the marriage, file the certificate in the office of the clerk and recorder of the county, whose duty it shall be to record the certificate in his or her record of marriage certificates.~~

~~(4) The certificate shall relate back and have full force and effect from the date of the solemnization of such marriage.~~

~~(b)(1) In case the person who solemnized the marriage has died or resides beyond the limits of this state so that the certificate cannot be obtained, then the parties between whom the marriage was originally solemnized, or the one surviving if either be dead, or their heirs, by their guardian, in case both the parties are dead, wishing to reinstate the record of the marriage may file their petition in the office of the clerk of the county court setting forth therein the substance of the original marriage certificate or the time when and the person by whom the marriage was performed, in what capacity the person acted, whether as judge, justice of the peace, minister, or priest, and that the certificate, with the record thereof, was lost, destroyed, or burned.~~

~~(2) Upon hearing the petition, if the county court is advised of the truth of the matters contained in the petition, it shall decree that the marriage record be reinstated upon the records of the recorder's office, and the clerk of the court shall certify a copy of the petition and decree down to the recorder, who shall record them.~~

~~(3) The marriage record shall relate back and have the same force and effect from the time when the marriage ceremony was first performed as though the original record had never been lost, destroyed, or burned.~~

~~(4) No such decree shall be made or rendered by the county court unless:~~

~~(A) The petition has been filed in the office of the clerk of the county court, verified by the affidavit of the petitioner or some other reputable person for him, her, or them; and~~

~~(B) The petitioner has caused a notice of the intended application to be published in some newspaper printed in the county at least six (6) weeks before filing the petition with the county court calling on all persons who might feel themselves concerned to file notice with the county court as to why the record should not be reinstated upon the records of the recorder of the county. If no newspaper is printed in the county at the time of the publication, then the publication may be made in some newspaper printed in the City of Little Rock, Arkansas.~~

APPROVED: 4/17/25