**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3167**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Whipper, Harrison, Brady, Littlejohn and H.B. Brown

Document Path: l:\council\bills\ms\7095ahb09.docx

Companion/Similar bill(s): 426

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Common law marriage

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑75

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑75

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3167_20081216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20‑1‑110 SO AS TO PROVIDE THAT COMMON LAW MARRIAGE IN THE STATE MAY NOT BE RECOGNIZED ON AND AFTER JANUARY 1, 2010, AND TO PROVIDE AN EXCEPTION FOR A COMMON LAW MARRIAGE EXISTING AS OF DECEMBER 31, 2009; AND TO REPEAL SECTION 20‑1‑360 RELATING TO THE VALIDITY OF A MARRIAGE CONTRACTED WITHOUT THE ISSUANCE OF A LICENSE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

“Section 20‑1‑110. (A) A common law marriage in this State must not be recognized after January 1, 2010, unless it is established, by a preponderance of the evidence in a court of competent jurisdiction, that the common law marriage existed as of December 31, 2009.

(B) Before January 1, 2010, the probate court, in its discretion, may waive the marriage license application fee for parties who are in a common law marriage as attested to in a form affidavit provided to the parties by the probate court.”

SECTION 2. Section 20‑1‑360 of the 1976 Code is repealed.

SECTION 3. Except as otherwise provided for in this act, this act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑