

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, 2008, AND TO PROVIDE AN EXCEPTION FOR A COMMON LAW MARRIAGE EXISTING AS OF DECEMBER 31, 2007; 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, 2008, 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, 2007.

(B) Before January 1, 2008, the probate court may, in its discretion, 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 Section 20-1-360 of the 1976 Code is repealed.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.