

By: Hopson

H.B. No. 726

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting informal marriage and repealing procedures
3 for recognition of those marriages.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 6.101(a), Family Code, is amended to
6 read as follows:

7 (a) The court may grant an annulment of a [~~licensed~~]
8 marriage of a person under 16 years of age unless a court order has
9 been obtained as provided in Subchapter B, Chapter 2.

10 SECTION 2. Section 6.102(a), Family Code, is amended to
11 read as follows:

12 (a) The court may grant an annulment of a [~~licensed or~~
13 ~~informal~~] marriage of a person 16 years of age or older but under 18
14 years of age that occurred without parental consent or without a
15 court order as provided by Subchapter [~~Subchapters~~] B [~~and E~~],
16 Chapter 2.

17 SECTION 3. Section 194.001, Health and Safety Code, is
18 amended to read as follows:

19 Sec. 194.001. REPORT OF MARRIAGE. [~~(a)~~] The county clerk
20 shall file with the bureau of vital statistics a copy of each
21 completed marriage license application. The clerk shall file the
22 copy not later than the 90th day after the date of the application.
23 The clerk may not collect a fee for filing the copy.

24 [~~(b) The county clerk shall file with the bureau of vital~~

1 ~~statistics a copy of each declaration of informal marriage executed~~
2 ~~under Section 1.92, Family Code. The clerk shall file the copy not~~
3 ~~later than the 90th day after the date on which the declaration is~~
4 ~~executed.]~~

5 SECTION 4. Section 194.003(a), Health and Safety Code, is
6 amended to read as follows:

7 (a) The bureau of vital statistics shall maintain a
8 statewide alphabetical index, under the names of both parties, of
9 each marriage license application and of each ~~or~~ declaration of
10 informal marriage executed before September 1, 2007. The statewide
11 index does not replace the indexes required in each county.

12 SECTION 5. Section 118.011(a), Local Government Code, is
13 amended to read as follows:

14 (a) A county clerk shall collect the following fees for
15 services rendered to any person:

16 (1) Personal Property Records Filing (Sec. 118.012):
17 for the first page \$ 5.00
18 for each additional page or part of a page on which
19 there are visible marks of any kind \$ 4.00

20 (2) Real Property Records Filing (Sec. 118.013):
21 for the first page \$ 5.00
22 for each additional page or part of a page on which
23 there are visible marks of any kind \$ 4.00

24 for all or part of each 8-1/2" X 14" attachment or
25 rider \$ 4.00

26 for each name in excess of five names that has to be
27 indexed in all records in which the document must be

- 1 indexed \$ 0.25
- 2 (3) Certified Papers (Sec. 118.014):
- 3 for the clerk's certificate \$ 5.00
- 4 plus a fee for each page or part of a page \$ 1.00
- 5 (4) Noncertified Papers (Sec. 118.0145):
- 6 for each page or part of a page \$ 1.00
- 7 (5) Birth or Death Certificate (Sec.
- 8 118.015) same as state registrar
- 9 (6) Bond Approval (Sec. 118.016) \$ 3.00
- 10 (7) Marriage License (Sec. 118.018) \$30.00
- 11 (8) [~~Declaration of Informal Marriage (Sec.~~
- 12 ~~118.019)~~ ~~\$25.00~~
- 13 [~~9~~] Brand Registration (Sec. 118.020) \$ 5.00
- 14 (9) [~~10~~] Oath Administration (Sec. 118.021) \$ 1.00

15 SECTION 6. The heading to Section 118.022, Local Government
16 Code, is amended to read as follows:

17 Sec. 118.022. DISPOSITION OF MARRIAGE LICENSE [~~AND~~
18 ~~DECLARATION~~] FEES.

19 SECTION 7. Section 118.022(a), Local Government Code, is
20 amended to read as follows:

21 (a) The county clerk shall deposit, as provided by
22 Subchapter B, Chapter 133, \$12.50 of each fee collected for
23 issuance of a marriage license [~~or declaration of informal~~
24 ~~marriage~~] to be sent to the comptroller and deposited as provided by
25 Subsection (b).

26 SECTION 8. Section 133.004, Local Government Code, is
27 amended to read as follows:

1 Sec. 133.004. CIVIL FEES. This chapter applies to the
2 following civil fees:

3 (1) the consolidated fee on filing in district court
4 imposed under Section 133.151;

5 (2) the filing fee in district court for basic civil
6 legal services for indigents imposed under Section 133.152;

7 (3) the filing fee in courts other than district court
8 for basic civil legal services for indigents imposed under Section
9 133.153;

10 (4) the filing fees for the judicial fund imposed in
11 certain statutory county courts under Section 51.702, Government
12 Code;

13 (5) the filing fees for the judicial fund imposed in
14 certain county courts under Section 51.703, Government Code;

15 (6) the filing fees for the judicial fund imposed in
16 certain statutory probate courts under Section 51.704, Government
17 Code;

18 (7) fees collected under Section 118.015;

19 (8) marriage license fees for the family trust fund
20 collected under Section 118.018;

21 (9) marriage license [~~or declaration of informal~~
22 ~~marriage~~] fees for the child abuse and neglect prevention trust
23 fund account collected under Section 118.022; and

24 (10) the filing fee for the judicial fund imposed in
25 district court, statutory county court, and county court under
26 Section 133.154.

27 SECTION 9. The following provisions are repealed:

1 (1) Subchapter E, Chapter 2, Family Code; and

2 (2) Section 118.019, Local Government Code.

3 SECTION 10. (a) A person may not enter into an informal
4 marriage on or after the effective date of this Act.

5 (b) An informal marriage entered into before the effective
6 date of this Act is governed by the law in effect immediately before
7 the effective date of this Act, and the former law is continued in
8 effect for that purpose, provided that before the effective date of
9 this Act:

10 (1) the parties to the informal marriage signed a
11 declaration of informal marriage under Subchapter E, Chapter 2,
12 Family Code, as that subchapter existed before repeal by this Act,
13 in the presence of the county clerk, as provided by that subchapter;
14 or

15 (2) a party to the informal marriage commenced a
16 proceeding to prove the existence of the informal marriage in the
17 manner provided by Section 2.401(a)(2), Family Code, as that
18 section existed before repeal by this Act.

19 SECTION 11. This Act takes effect September 1, 2007.