

AN ACT

relating to an additional fee for issuing a marriage license to applicants who are not residents of this state and the form of a marriage license and application for a marriage license.

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

SECTION 1. Section 2.009, Family Code, is amended by adding Subsection (e) to read as follows:

(e) A license issued by a county clerk under this section:

(1) must identify the county in which the license is issued; and

(2) may include the name of the county clerk.

SECTION 2. Section 194.0011(a), Health and Safety Code, is amended to read as follows:

(a) The executive commissioner by rule shall prescribe the format and content of the department form used for the marriage license application. The form must:

(1) require identification of the county in which the application is submitted; and

(2) allow, but may not require, the name of the county clerk to appear on the application.

SECTION 3. Section 118.011(b), Local Government Code, as effective until September 1, 2019, is amended to read as follows:

(b) The county clerk may set and collect the following fee from any person:

1 (1) Returned Check (Sec. 118.0215) not
2 less than \$15 or more than \$30

3 (2) Records Management and Preservation Fee
4 (Sec. 118.0216) not more
5 than \$10

6 (3) Mental Health Background Check for License to
7 Carry a Handgun (Sec. 118.0217) not more than \$2

8 (4) Marriage License for Out-of-State Applicants
9 (Sec. 118.018) \$100

10 SECTION 4. Section 118.011(b), Local Government Code, as
11 effective September 1, 2019, is amended to read as follows:

12 (b) The county clerk may set and collect the following fee
13 from any person:

14 (1) Returned Check (Sec. 118.0215) not
15 less than \$15 or more than \$30

16 (2) Records Management and Preservation Fee (Sec.
17 118.0216) not more
18 than \$5

19 (3) Mental Health Background Check for License to
20 Carry a Handgun (Sec. 118.0217) not more than \$2

21 (4) Marriage License for Out-of-State Applicants
22 (Sec. 118.018) \$100

23 SECTION 5. Section 118.018, Local Government Code, is
24 amended by amending Subsection (b-1) and adding Subsection (d) to
25 read as follows:

26 (b-1) The county clerk shall issue a marriage license
27 without collecting a marriage license fee from an applicant who:

1 (1) completes a premarital education course described
2 by Section 2.013, Family Code; ~~and~~

3 (2) provides to the county clerk a premarital
4 education course completion certificate indicating completion of
5 the premarital education course not more than one year before the
6 date the marriage license application is filed with the clerk; and

7 (3) provides proof satisfactory to the county clerk
8 that the applicant is a resident of this state.

9 (d) If neither applicant for a marriage license provides
10 proof satisfactory to the county clerk that the applicant is a
11 resident of this state, the county clerk may collect an additional
12 fee of \$100 for issuing the marriage license.

13 SECTION 6. The change in law made by this Act applies only
14 to a marriage license issued on or after January 1, 2019. A
15 marriage license issued before January 1, 2019, is governed by the
16 law in effect immediately before the effective date of this Act, and
17 the former law is continued in effect for that purpose.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 555 was passed by the House on May 4, 2017, by the following vote: Yeas 136, Nays 7, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 555 on May 24, 2017, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 555 on May 28, 2017, by the following vote: Yeas 123, Nays 22, 2 present, not voting.

Chief Clerk of the House

H.B. No. 555

I certify that H.B. No. 555 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 24, Nays 7; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 555 on May 28, 2017, by the following vote: Yeas 24, Nays 6.

Secretary of the Senate

APPROVED: _____

Date

Governor