

By: Birdwell, et al.
(Flynn, Burkett)

S.B. No. 522

A BILL TO BE ENTITLED

AN ACT

relating to issuing a marriage license and conducting a marriage ceremony.

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

SECTION 1. Subchapter A, Chapter 2, Family Code, is amended by adding Sections 2.0001 and 2.0002 to read as follows:

Sec. 2.0001. DEFINITION: CERTIFYING OFFICIAL. In this chapter, "certifying official" means a person, other than the county clerk, authorized to certify a completed application for a marriage license, administer the oath, and issue the license.

Sec. 2.0002. FUNCTIONS OF CERTIFYING OFFICIAL. (a) This section applies only to a county in which the county clerk has notified the commissioners court of a sincerely held religious belief under Section 2.603.

(b) The county clerk in the county in which an application for a marriage license is filed may delegate the duty to certify the application, administer the oath, and issue the license to a deputy clerk if the deputy clerk is willing and available to perform those functions.

(c) A judge or magistrate who is willing and available to certify an application for a marriage license, administer the oath, and issue the license may act as the certifying official in any county, regardless of whether the magistrate or judge normally has jurisdiction in that county.

1 (d) If the commissioners court of a county determines that a
2 county clerk has made a notification under Section 2.603 and an
3 insufficient number of deputy county clerks, judges, or magistrates
4 in the county are willing and available to certify an application
5 for a marriage license, administer the oath, and issue the license,
6 the commissioners court shall designate one or more county
7 employees or employ or contract with one or more individuals to
8 provide those services as a certifying official under Section
9 81.035, Local Government Code. A certifying official contracted
10 with under this subsection is not required to be an employee of the
11 county.

12 (e) A certifying official under this section is not
13 authorized to perform the functions of a county clerk other than
14 certifying a completed marriage license application, administering
15 the oath, and issuing the license.

16 SECTION 2. Section 2.001(a), Family Code, is amended to
17 read as follows:

18 (a) A man and a woman desiring to enter into a ceremonial
19 marriage must obtain a marriage license from the county clerk of any
20 county of this state or a certifying official.

21 SECTION 3. Section 2.002, Family Code, is amended to read as
22 follows:

23 Sec. 2.002. APPLICATION FOR LICENSE. Except as provided by
24 Section 2.006, each person applying for a license must[+]

25 [~~1~~] appear before the county clerk or certifying
26 official, in person or by telephone or electronic means, and, in any
27 order, shall:[+]

1 (1) [~~(2)~~] submit the person's proof of identity and
2 age as provided by Section 2.005(b);

3 (2) [~~(3)~~] provide the information applicable to that
4 person for which spaces are provided in the application for a
5 marriage license;

6 (3) [~~(4)~~] mark the appropriate boxes provided in the
7 application; ~~and~~

8 (4) [~~(5)~~] take the oath printed on the application
9 administered by the county clerk or certifying official; and

10 (5) sign the application [~~before the county clerk~~].

11 SECTION 4. Section 2.003, Family Code, is amended to read as
12 follows:

13 Sec. 2.003. APPLICATION FOR LICENSE BY MINOR. In addition
14 to the other requirements provided by this chapter, a person under
15 18 years of age applying for a license must provide to the county
16 clerk or certifying official:

17 (1) documents establishing, as provided by Section
18 2.102, parental consent for the person to the marriage;

19 (2) documents establishing that a prior marriage of
20 the person has been dissolved; or

21 (3) a court order granted under Section 2.103
22 authorizing the marriage of the person.

23 SECTION 5. Sections 2.004(a) and (b), Family Code, are
24 amended to read as follows:

25 (a) The county clerk or certifying official shall furnish
26 the application form as prescribed by the bureau of vital
27 statistics.

1 (b) The application form must contain:

2 (1) a heading entitled "Application for Marriage
3 License, _____ County, Texas";

4 (2) spaces for each applicant's full name, including
5 the woman's maiden surname, address, social security number, if
6 any, date of birth, and place of birth, including city, county, and
7 state;

8 (3) a space for indicating the document tendered by
9 each applicant as proof of identity and age;

10 (4) spaces for indicating whether each applicant has
11 been divorced within the last 30 days;

12 (5) printed boxes for each applicant to check "true"
13 or "false" in response to the following statement: "I am not
14 presently married and the other applicant is not presently
15 married.";

16 (6) printed boxes for each applicant to check "true"
17 or "false" in response to the following statement: "The other
18 applicant is not related to me as:

19 (A) an ancestor or descendant, by blood or
20 adoption;

21 (B) a brother or sister, of the whole or half
22 blood or by adoption;

23 (C) a parent's brother or sister, of the whole or
24 half blood or by adoption;

25 (D) a son or daughter of a brother or sister, of
26 the whole or half blood or by adoption;

27 (E) a current or former stepchild or stepparent;

1 or

2 (F) a son or daughter of a parent's brother or
3 sister, of the whole or half blood or by adoption.";

4 (7) printed boxes for each applicant to check "true"
5 or "false" in response to the following statement: "I am not
6 presently delinquent in the payment of court-ordered child
7 support.";

8 (8) a printed oath reading: "I SOLEMNLY SWEAR (OR
9 AFFIRM) THAT THE INFORMATION I HAVE GIVEN IN THIS APPLICATION IS
10 CORRECT.";

11 (9) spaces immediately below the printed oath for the
12 applicants' signatures;

13 (10) a certificate of the county clerk or certifying
14 official that:

15 (A) each applicant made the oath and the date and
16 place that the oath [~~it~~] was made; or

17 (B) an applicant did not appear personally but
18 the prerequisites for the license have been fulfilled as provided
19 by this chapter;

20 (11) spaces for indicating the date of the marriage
21 and the county in which the marriage is performed;

22 (12) a space for the address to which the applicants
23 desire the completed license to be mailed; and

24 (13) a printed box for each applicant to check
25 indicating that the applicant wishes to make a voluntary
26 contribution of \$5 to promote healthy early childhood by supporting
27 the Texas Home Visiting Program administered by the Office of Early

1 Childhood Coordination of the Health and Human Services Commission.

2 SECTION 6. Sections 2.005(a) and (b), Family Code, are
3 amended to read as follows:

4 (a) The county clerk or certifying official shall require
5 proof of the identity and age of each applicant.

6 (b) The proof must be established by:

7 (1) a driver's license or identification card issued
8 by this state, another state, or a Canadian province that is current
9 or has expired not more than two years preceding the date the
10 identification is submitted to the county clerk or certifying
11 official in connection with an application for a license;

12 (2) a United States passport;

13 (3) a current passport issued by a foreign country or a
14 consular document issued by a state or national government;

15 (4) an unexpired Certificate of United States
16 Citizenship, Certificate of Naturalization, United States Citizen
17 Identification Card, Permanent Resident Card, Temporary Resident
18 Card, Employment Authorization Card, or other document issued by
19 the federal Department of Homeland Security or the United States
20 Department of State including an identification photograph;

21 (5) an unexpired military identification card for
22 active duty, reserve, or retired personnel with an identification
23 photograph;

24 (6) an original or certified copy of a birth
25 certificate issued by a bureau of vital statistics for a state or a
26 foreign government;

27 (7) an original or certified copy of a Consular Report

1 of Birth Abroad or Certificate of Birth Abroad issued by the United
2 States Department of State;

3 (8) an original or certified copy of a court order
4 relating to the applicant's name change or sex change;

5 (9) school records from a secondary school or
6 institution of higher education;

7 (10) an insurance policy continuously valid for the
8 two years preceding the date of the application for a license;

9 (11) a motor vehicle certificate of title;

10 (12) military records, including documentation of
11 release or discharge from active duty or a draft record;

12 (13) an unexpired military dependent identification
13 card;

14 (14) an original or certified copy of the applicant's
15 marriage license or divorce decree;

16 (15) a voter registration certificate;

17 (16) a pilot's license issued by the Federal Aviation
18 Administration or another authorized agency of the United States;

19 (17) a license to carry a handgun under Subchapter H,
20 Chapter 411, Government Code;

21 (18) a temporary driving permit or a temporary
22 identification card issued by the Department of Public Safety; or

23 (19) an offender identification card issued by the
24 Texas Department of Criminal Justice.

25 SECTION 7. Section 2.006, Family Code, is amended to read as
26 follows:

27 Sec. 2.006. ABSENT APPLICANT. (a) If an applicant is

1 unable to appear personally before the county clerk or to appear
2 personally or by telephone or electronic means before the
3 certifying official to apply for a marriage license, any adult
4 person or the other applicant may apply on behalf of the absent
5 applicant.

6 (b) The person applying on behalf of an absent applicant
7 shall provide to the clerk or certifying official:

8 (1) notwithstanding Section 132.001, Civil Practice
9 and Remedies Code, the notarized affidavit of the absent applicant
10 as provided by this subchapter;

11 (2) proof of the identity and age of the absent
12 applicant under Section 2.005(b); and

13 (3) if required because the absent applicant is a
14 person under 18 years of age, documents establishing that a prior
15 marriage has been dissolved, a court order authorizing the marriage
16 of the absent, underage applicant, or documents establishing
17 consent by a parent or a person who has legal authority to consent
18 to the marriage, including:

19 (A) proof of identity of the parent or person
20 with legal authority to consent to the marriage under Section
21 2.005(b); and

22 (B) proof that the parent or person has the legal
23 authority to consent to the marriage for the applicant under rules
24 adopted under Section 2.102(j).

25 (c) Notwithstanding Subsection (a), the clerk or certifying
26 official may not issue a marriage license for which both applicants
27 are absent unless the person applying on behalf of each absent

1 applicant provides to the clerk or certifying official an affidavit
2 of the applicant declaring that the applicant is a member of the
3 armed forces of the United States stationed in another country in
4 support of combat or another military operation.

5 SECTION 8. Section 2.007, Family Code, is amended to read as
6 follows:

7 Sec. 2.007. AFFIDAVIT OF ABSENT APPLICANT. The affidavit of
8 an absent applicant must include:

9 (1) the absent applicant's full name, including the
10 maiden surname of a female applicant, address, date of birth, place
11 of birth, including city, county, and state, citizenship, and
12 social security number, if any;

13 (2) a declaration that the absent applicant has not
14 been divorced within the last 30 days;

15 (3) a declaration that the absent applicant is:

16 (A) not presently married; or

17 (B) married to the other applicant and they wish
18 to marry again;

19 (4) a declaration that the other applicant is not
20 presently married and is not related to the absent applicant as:

21 (A) an ancestor or descendant, by blood or
22 adoption;

23 (B) a brother or sister, of the whole or half
24 blood or by adoption;

25 (C) a parent's brother or sister, of the whole or
26 half blood or by adoption;

27 (D) a son or daughter of a brother or sister, of

1 the whole or half blood or by adoption;

2 (E) a current or former stepchild or stepparent;

3 or

4 (F) a son or daughter of a parent's brother or
5 sister, of the whole or half blood or by adoption;

6 (5) a declaration that the absent applicant desires to
7 marry and the name, age, and address of the person to whom the
8 absent applicant desires to be married;

9 (6) the approximate date on which the marriage is to
10 occur;

11 (7) the reason the absent applicant is unable to
12 appear personally before the county clerk or to appear personally
13 or by telephone or electronic means before the certifying official
14 for the issuance of the license; and

15 (8) the appointment of any adult, other than the other
16 applicant, to act as proxy for the purpose of participating in the
17 ceremony, if the absent applicant is:

18 (A) a member of the armed forces of the United
19 States stationed in another country in support of combat or another
20 military operation; and

21 (B) unable to attend the ceremony.

22 SECTION 9. Section 2.0071, Family Code, is amended to read
23 as follows:

24 Sec. 2.0071. MAINTENANCE OF RECORDS BY CLERK RELATING TO
25 LICENSE FOR ABSENT APPLICANT. If a [A] county clerk or certifying
26 official [who] issues a marriage license for an absent applicant,
27 the clerk shall maintain the affidavit of the absent applicant and

1 the application for the marriage license in the same manner that the
2 clerk maintains an application for a marriage license submitted by
3 two applicants in person.

4 SECTION 10. Section 2.008, Family Code, is amended to read
5 as follows:

6 Sec. 2.008. CERTIFICATION [~~EXECUTION~~] OF APPLICATION [~~BY~~
7 ~~CLERK~~]. (a) The county clerk or certifying official shall:

8 (1) determine that all necessary information, other
9 than the date of the marriage ceremony, the county in which the
10 ceremony is conducted, and the name of the person who performs the
11 ceremony, is recorded on the application and that all necessary
12 documents are submitted;

13 (2) administer the oath to each applicant appearing
14 personally before the clerk or appearing personally or by telephone
15 or electronic means before the certifying official; and

16 (3) ensure that [~~have~~] each applicant appearing
17 personally before the clerk or appearing personally or by telephone
18 or electronic means before the certifying official has signed
19 [~~sign~~] the application.

20 (a-1) If the county clerk certifies the application, the
21 clerk shall [~~in the clerk's presence, and~~

22 [~~(4)~~] execute the clerk's certificate on the
23 application. If a certifying official certifies the application,
24 the certifying official shall:

25 (1) include on the application:

26 (A) the county to which the marriage license is
27 to be returned; and

1 (B) the name, job title, and signature of the
2 certifying official; and

3 (2) return the certified application and any
4 supporting documentation by facsimile or electronic or other means
5 to the county clerk.

6 (a-2) If the county clerk has given notice under Section
7 2.603 that the clerk is unwilling to certify the application,
8 administer the oath, and issue the license, and the deputy clerk is
9 not performing those functions in that county, the clerk shall
10 provide the applicants with notice of any certifying officials
11 serving in that county. If no certifying official is located in the
12 county, the county clerk shall provide the applicants with contact
13 information for a certifying official designated under Section
14 81.035, Local Government Code.

15 (a-3) In the event an applicant is referred to a certifying
16 official located outside the county under Subsection (a-2), the
17 applicant may submit the completed application and all supporting
18 documentation to the applicable certifying official via facsimile
19 or electronic or other means. A certifying official described by
20 this subsection shall:

21 (1) determine that all necessary information, other
22 than the date of the marriage ceremony, the county in which the
23 ceremony is conducted, and the name of the person who performs the
24 ceremony, is recorded on the application and that all necessary
25 documents are submitted;

26 (2) administer the oath to each applicant, which may
27 be accomplished telephonically or electronically;

1 (3) ensure that each applicant appearing by telephone
2 or electronic means before the certifying official has signed the
3 application;

4 (4) certify the application and include on the
5 application:

6 (A) the county to which the marriage license is
7 to be returned; and

8 (B) the name, job title, signature, and location
9 of the certifying official; and

10 (5) return the certified application and any
11 supporting documentation by facsimile or electronic or other means
12 to the appropriate county clerk.

13 (b) A person appearing before the clerk or certifying
14 official on behalf of an absent applicant is not required to take
15 the oath on behalf of the absent applicant.

16 SECTION 11. Section 2.009, Family Code, is amended to read
17 as follows:

18 Sec. 2.009. ISSUANCE OF LICENSE. (a) Except as provided
19 by Subsections (b) and (d), the county clerk or certifying official
20 may not issue a license if either applicant:

21 (1) fails to provide the information required by this
22 subchapter;

23 (2) fails to submit proof of age and identity;

24 (3) is under 16 years of age and has not been granted a
25 court order as provided by Section 2.103;

26 (4) is 16 years of age or older but under 18 years of
27 age and has not presented at least one of the following:

1 (A) parental consent as provided by Section
2 2.102;

3 (B) documents establishing that a prior marriage
4 of the applicant has been dissolved; or

5 (C) a court order as provided by Section 2.103;

6 (5) checks "false" in response to a statement in the
7 application, except as provided by Subsection (b) or (d), or fails
8 to make a required declaration in an affidavit required of an absent
9 applicant; or

10 (6) indicates that the applicant has been divorced
11 within the last 30 days, unless:

12 (A) the applicants were divorced from each other;
13 or

14 (B) the prohibition against remarriage is waived
15 as provided by Section 6.802.

16 (b) If an applicant checks "false" in response to the
17 statement "I am not presently married and the other applicant is not
18 presently married," the county clerk or certifying official shall
19 inquire as to whether the applicant is presently married to the
20 other applicant. If the applicant states that the applicant is
21 currently married to the other applicant, the county clerk or
22 certifying official shall record that statement on the license
23 [~~before the administration of the oath~~]. The county clerk or
24 certifying official may not refuse to issue a license on the ground
25 that the applicants are already married to each other.

26 (c) On the proper certification [~~execution~~] of the
27 application, the clerk or certifying official, as applicable,

1 shall:

2 (1) prepare the license;

3 (2) enter on the license the names of the licensees,
4 the date that the license is issued, and, if applicable, the name of
5 the person appointed to act as proxy for an absent applicant, if
6 any;

7 (3) record the time at which the license was issued;

8 (4) give [~~distribute to~~] each applicant [~~written~~]
9 notice in writing or by facsimile or electronic or other means of
10 the online location of the information prepared under Section 2.010
11 regarding acquired immune deficiency syndrome (AIDS) and human
12 immunodeficiency virus (HIV) and note on the license that the
13 notice [~~distribution~~] was given [~~made~~]; and

14 (5) inform each applicant, in person or by telephone
15 or electronic means:

16 (A) that a premarital education handbook
17 developed by the child support division of the office of the
18 attorney general under Section 2.014 is available on the child
19 support division's Internet website; or

20 (B) if the applicant does not have Internet
21 access, how the applicant may obtain a paper copy of the handbook
22 described by Paragraph (A).

23 (d) The county clerk or certifying official may not refuse
24 to issue a license to an applicant on the ground that the applicant
25 checked "false" in response to the statement "I am not presently
26 delinquent in the payment of court-ordered child support."

27 SECTION 12. Section 2.012, Family Code, is amended to read

1 as follows:

2 Sec. 2.012. VIOLATION OF SUBCHAPTER [~~BY COUNTY CLERK~~];
3 PENALTY. (a) A county clerk, [~~or~~] deputy county clerk, or
4 certifying official who violates or fails to comply with this
5 subchapter commits an offense.

6 (b) An offense under this section is a Class C misdemeanor
7 punishable by a fine of [~~not less than \$200 and~~] not more than \$500.

8 SECTION 13. Section 2.101, Family Code, is amended to read
9 as follows:

10 Sec. 2.101. GENERAL AGE REQUIREMENT. Except as otherwise
11 provided by this subchapter or on a showing that a prior marriage
12 has been dissolved, a county clerk or certifying official may not
13 issue a marriage license if either applicant is under 18 years of
14 age.

15 SECTION 14. Sections 2.102(a), (b), and (c), Family Code,
16 are amended to read as follows:

17 (a) If an applicant is 16 years of age or older but under 18
18 years of age, the county clerk or certifying official shall issue
19 the license if parental consent is given as provided by this
20 section.

21 (b) Parental consent must be evidenced by a written
22 declaration on a form supplied by the county clerk or certifying
23 official in which the person consents to the marriage and swears
24 that the person is a parent (if there is no person who has the
25 court-ordered right to consent to marriage for the applicant) or a
26 person who has the court-ordered right to consent to marriage for
27 the applicant (whether an individual, authorized agency, or court).

1 (c) Except as otherwise provided by this section, consent
2 must be acknowledged before a county clerk or certifying official.
3 Consent may be acknowledged by telephone or electronic means if the
4 certifying official is not in the same county as the applicant.

5 SECTION 15. Section 2.202, Family Code, is amended by
6 adding Subsection (e) to read as follows:

7 (e) A person authorized to conduct a marriage ceremony under
8 this section may decline to conduct a marriage ceremony and, unless
9 the person declines to conduct the ceremony for a reason prohibited
10 under Section 2.205:

11 (1) the person is not subject to an administrative or
12 civil penalty imposed by this state, an agency of this state, or a
13 political subdivision of this state; and

14 (2) a civil cause of action may not be brought against
15 the person based on the person's refusal to conduct the marriage
16 ceremony.

17 SECTION 16. Section 2.204(b), Family Code, is amended to
18 read as follows:

19 (b) The 72-hour waiting period after issuance of a marriage
20 license does not apply to an applicant who:

21 (1) is a member of the armed forces of the United
22 States and on active duty;

23 (2) is not a member of the armed forces of the United
24 States but performs work for the United States Department of
25 Defense as a department employee or under a contract with the
26 department;

27 (3) obtains a written waiver under Subsection (c); or

1 (4) completes a premarital education course described
2 by Section 2.013, and who provides to the county clerk or certifying
3 official a premarital education course completion certificate
4 indicating completion of the premarital education course not more
5 than one year before the date the marriage license application is
6 filed with the clerk or certifying official.

7 SECTION 17. Section 2.206(a), Family Code, is amended to
8 read as follows:

9 (a) The person who conducts a marriage ceremony shall record
10 on the license the date on which and the county in which the
11 ceremony is performed and the person's name, subscribe the license,
12 and return the license to the county clerk of the county that is
13 designated on the license [~~who issued it~~] not later than the 30th
14 day after the date the ceremony is conducted.

15 SECTION 18. Section 2.207(a), Family Code, is amended to
16 read as follows:

17 (a) A person who is to conduct a marriage ceremony shall
18 determine whether the license has expired from the date of
19 certification of [~~county clerk's endorsement on~~] the license.

20 SECTION 19. Section 2.209(b), Family Code, is amended to
21 read as follows:

22 (b) If a marriage license [~~issued by a county clerk~~] is
23 lost, destroyed, or rendered useless, the clerk or applicable
24 certifying official shall issue a duplicate license.

25 SECTION 20. The heading to Subchapter G, Chapter 2, Family
26 Code, is amended to read as follows:

1 SUBCHAPTER G. FREEDOM OF RELIGION WITH RESPECT TO RECOGNIZING,
2 LICENSING, OR PERFORMING CERTAIN MARRIAGES

3 SECTION 21. Subchapter G, Chapter 2, Family Code, is
4 amended by adding Section 2.603 to read as follows:

5 Sec. 2.603. REFUSAL BY COUNTY CLERK; DESIGNATION OF
6 CERTIFYING OFFICIAL. (a) If a county clerk has a sincerely held
7 religious belief that conflicts with the clerk's ability to fulfill
8 the clerk's duties with regard to certifying an application for a
9 marriage license, administering the oath for a marriage license,
10 and issuing the license, the clerk shall notify the commissioners
11 court of the county of that belief in writing.

12 (b) A county clerk may not be required to certify an
13 application for a marriage license, administer the oath, or issue
14 the license if the clerk has made the notification under Subsection
15 (a).

16 (c) On receipt of a notification under Subsection (a), the
17 commissioners court shall:

18 (1) ensure that a deputy clerk or other certifying
19 official is available in that county to certify an application for a
20 marriage license, administer the oath, and issue the license; or

21 (2) if there is an insufficient number of certifying
22 officials willing or available in that county, provide for one or
23 more certifying officials under Section 81.035, Local Government
24 Code.

25 (d) A commissioners court of a county in which the clerk has
26 made a notification under Subsection (a) shall ensure that all
27 eligible persons applying for a marriage license are given equal

1 access to the process and are not subject to undue burden due to the
2 county clerk's refusal to certify the application for a marriage
3 license, administer the oath, and issue the license.

4 SECTION 22. Subchapter B, Chapter 81, Local Government
5 Code, is amended by adding Section 81.035 to read as follows:

6 Sec. 81.035. CERTIFYING OFFICIAL FOR APPLICATION FOR
7 MARRIAGE LICENSE. On receipt of a notification under Section
8 2.603, Family Code, a commissioners court shall designate one or
9 more county employees or employ or contract with one or more
10 individuals to certify applications for marriage licenses,
11 administer oaths for a marriage license, and issue licenses as
12 provided by Section 2.0002, Family Code. A certifying official
13 designated, employed, or contracted with under this section is not
14 required to be an employee of the county and is not required to be
15 located in the county.

16 SECTION 23. Sections 118.018(b-1) and (c), Local Government
17 Code, are amended to read as follows:

18 (b-1) The county clerk or certifying official shall issue a
19 marriage license without collecting a marriage license fee from an
20 applicant who:

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

23 (2) provides to the county clerk or certifying
24 official a premarital education course completion certificate
25 indicating completion of the premarital education course not more
26 than one year before the date the marriage license application is
27 filed with the clerk or certifying official.

1 (c) A person applying for a marriage license may make a
2 voluntary contribution of \$5 to promote healthy early childhood by
3 supporting the Texas Home Visiting Program administered by the
4 Office of Early Childhood Coordination of the Health and Human
5 Services Commission. A county clerk or certifying official shall
6 collect the additional voluntary contribution under this section.

7 SECTION 24. Section 118.022, Local Government Code, is
8 amended by adding Subsection (a-1) to read as follows:

9 (a-1) If a certifying official collects the fee for issuing
10 a marriage license, the certifying official shall remit the fee to
11 the county clerk of the county to which the marriage license was
12 returned. The county clerk shall deposit the fee in the manner
13 described by Subsection (a).

14 SECTION 25. Sections 194.0011(a), (b), and (d), Health and
15 Safety Code, are amended to read as follows:

16 (a) The executive commissioner by rule shall prescribe the
17 format and content of the department form used for the marriage
18 license application. The executive commissioner may not prescribe
19 a form that requires a county clerk to personally certify the
20 application, administer the oath for a marriage license, or issue
21 the marriage license. The executive commissioner may prescribe a
22 form that requires that a certifying official perform those
23 functions as provided by Section 2.0002, Family Code.

24 (b) The vital statistics unit shall print and distribute the
25 department forms to each county clerk throughout the state. On
26 request, the vital statistics unit shall provide the department
27 forms to a certifying official.

1 (d) A county clerk or certifying official may reproduce the
2 department form locally.

3 SECTION 26. This Act takes effect September 1, 2017.