

AMENDED IN ASSEMBLY APRIL 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1102**

**Introduced by Assembly Member Hancock**

February 22, 2005

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An act to amend Sections 300, 302, 303, 306, 307, 309, 351, 354, 355, 357, 358, 359, 360, 400, 420, 422, 425, 500, 501, ~~502~~, 503, 505, 506, 508, 509, 510, 511, 530, 531, 532, 533, 534, 535, and 536 of, to amend the heading of Part 2 (commencing with Section 350) of Division 3 of, *to add Section 426 to*, and to repeal Sections 353, ~~424~~, ~~and 502~~ and 424 of, the Family Code, and to amend Sections 100430, 102130, 102140, 102310, 102325, 102355, 103125, 103175, 103180, 103200, 103235, 103730, 103780, and 103785 of, and to repeal Section 103595 of, the Health and Safety Code, relating to marriage.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, Hancock. Marriage.

Existing law provides that marriage is a personal relation arising out of a civil contract between a man and a woman, and requires the licensure and solemnization thereof. Existing law provides for the issuance of marriage and confidential marriage licenses and sets the fees thereof. Existing law further imposes duties on county clerks in that connection, as specified.

This bill would, among other things, revise and recast those provisions and related terms. The bill would conform various statutory provisions of law to those changes. The bill would further ~~prohibit~~ *regulate* the issuance of confidential marriage licenses based upon an inability of the parties to appear, *as specified*, and would make related changes with regard to notary publics and the state registrar. In issuing a duplicate marriage license or confidential marriage license, the bill

would allow the county clerk to charge any fee to cover the actual costs of issuing that duplicate license, and would change the fee charged notary publics for approval to issue confidential marriage licenses to ~~an unspecified amount~~ \$400.

By adding to the duties of county employees to comply with those changes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 300 of the Family Code is amended to  
2 read:

3 300. (a) Marriage is a personal relation arising out of a civil  
4 contract between a man and a woman, to which the consent of  
5 the parties capable of making that contract is necessary. Consent  
6 alone does not constitute marriage. Consent must be followed by  
7 the issuance of a license and solemnization as authorized by this  
8 division, except as provided by Section 425 and Part 4  
9 (commencing with Section 500).

10 (b) For purposes of this part, the document issued by the  
11 county clerk is a marriage license until it is registered with the  
12 county recorder ~~or county clerk~~, at which time the license  
13 becomes a marriage certificate.

14 SEC. 2. Section 302 of the Family Code is amended to read:

15 302. (a) An unmarried male or female under the age of 18  
16 years is capable of consenting to and consummating marriage  
17 upon obtaining a court order granting permission to the  
18 underage person or persons to marry.

19 (b) The court order and written consent of the parents of each  
20 underage person, or of one of the parents or the guardian of each  
21 underage person

1 shall be filed with the clerk of the court, and a certified copy of  
2 the order shall be presented to the county clerk at the time the  
3 marriage license is issued.

4 SEC. 3. Section 303 of the Family Code is amended to read:

5 303. If it appears to the satisfaction of the court by  
6 application of a minor that the minor requires a written consent to  
7 marry and that the minor has no parent or has no parent capable  
8 of consenting, the court may make an order consenting to the  
9 issuance of a marriage license and granting permission to the  
10 minor to marry. The order shall be filed with the clerk of the  
11 court and a certified copy of the order shall be presented to the  
12 county clerk at the time the marriage license is issued.

13 SEC. 4. Section 306 of the Family Code is amended to read:

14 306. Except as provided in Section 307, a marriage shall be  
15 licensed, solemnized, and authenticated, and the authenticated  
16 marriage license shall be returned to the county recorder of the  
17 county where the marriage license was issued, as provided in this  
18 part. Noncompliance with this part by a nonparty to the marriage  
19 does not invalidate the marriage.

20 SEC. 5. Section 307 of the Family Code is amended to read:

21 307. This division, so far as it relates to the solemnizing of  
22 marriage, is not applicable to members of a particular religious  
23 society or denomination not having clergy for the purpose of  
24 solemnizing marriage or entering the marriage relation, if all of  
25 the following requirements are met:

26 (a) The parties to the marriage sign and endorse on the form  
27 prescribed by the State Department of Health Services, showing  
28 all of the following:

- 29 (1) The fact, time, and place of entering into the marriage.  
30 (2) The printed names, signatures, and mailing addresses of  
31 two witnesses to the ceremony.  
32 (3) The religious society or denomination of the parties to the  
33 marriage, and that the marriage was entered into in accordance  
34 with the rules and customs of that religious society or  
35 denomination. The statement of the parties to the marriage that  
36 the marriage was entered into in accordance with the rules and  
37 customs of the religious society or denomination is conclusively  
38 presumed to be true.

39 (b) The License and Certificate of Non-Clergy Marriage,  
40 endorsed pursuant to subdivision (a), is returned to the county

1 recorder of the county in which the license was issued within 10  
2 days after the ceremony.

3 SEC. 6. Section 309 of the Family Code is amended to read:

4 309. If either party to a marriage denies the marriage, or  
5 refuses to join in a declaration of the marriage, the other party  
6 may proceed, by action pursuant to Section 103450 of the Health  
7 and Safety Code, to have the validity of the marriage determined  
8 and declared.

9 SEC. 7. The heading of Part 2 (commencing with Section  
10 350) of Division 3 of the Family Code is amended to read:

11  
12 PART 2. MARRIAGE LICENSE  
13

14 SEC. 8. Section 351 of the Family Code is amended to read:

15 351. The marriage license shall show all of the following:

- 16 (a) The identity of the parties to the marriage.  
17 (b) The parties' full given names at birth or by court order, and  
18 mailing addresses.  
19 (c) The parties' dates of birth.

20 SEC. 9. Section 353 of the Family Code is repealed.

21 SEC. 10. Section 354 of the Family Code is amended to read:

22 354. (a) Each applicant for a marriage license shall be  
23 required to present authentic photo identification acceptable to  
24 the county clerk as to name and date of birth. A credible witness  
25 affidavit or affidavits may be used ~~at the discretion of the county~~  
26 ~~clerk~~ in lieu of authentic photo identification.

27 (b) For the purpose of ascertaining the facts mentioned or  
28 required in this part, if the clerk deems it necessary, the clerk  
29 may examine the applicants for a marriage license on oath at the  
30 time of the application. The clerk shall reduce the examination to  
31 writing and the applicants shall sign it.

32 (c) If necessary, the clerk may request additional documentary  
33 proof as to the accuracy of the facts stated.

34 (d) Applicants for a marriage license shall not be required to  
35 state, for any purpose, their race or color.

36 (e) If a marriage is to be entered into pursuant to subdivision  
37 (b) of Section 420, the attorney-in-fact shall comply with the  
38 requirements of this section on behalf of the applicant who is  
39 overseas, if necessary.

40 SEC. 11. Section 355 of the Family Code is amended to read:

1 355. (a) The forms for the marriage license shall be  
2 prescribed by the State Department of Health Services, and shall  
3 be adapted to set forth the facts required in this part.

4 (b) The marriage license shall include an affidavit , which the  
5 applicants shall sign, affirming that they have received the  
6 brochure provided for in Section 358. If the marriage is to be  
7 entered into pursuant to subdivision (b) of Section 420, the  
8 attorney-in-fact shall sign the affidavit on behalf of the applicant  
9 who is overseas.

10 SEC. 12. Section 357 of the Family Code is amended to read:

11 357. (a) The county clerk shall number each marriage license  
12 issued and shall transmit at periodic intervals to the county  
13 recorder a list or copies of the licenses issued.

14 (b) Not later than 60 days after the date of issuance, the county  
15 recorder shall notify licenseholders whose marriage license has  
16 not been returned of that fact and that the marriage license will  
17 automatically expire on the date shown on its face.

18 (c) The county recorder shall notify the licenseholders of the  
19 obligation of the person solemnizing their marriage to return the  
20 marriage license to the recorder's office within 10 days after the  
21 ceremony.

22 SEC. 13. Section 358 of the Family Code is amended to read:

23 358. (a) The State Department of Health Services shall  
24 prepare and publish a brochure that shall contain the following:

25 (1) Information concerning the possibilities of genetic defects  
26 and diseases and contain a listing of centers available for the  
27 testing and treatment of genetic defects and diseases.

28 (2) Information concerning acquired immune deficiency  
29 syndrome (AIDS) and the availability of testing for antibodies to  
30 the probable causative agent of AIDS.

31 (3) Information concerning domestic violence, including  
32 resources available to victims and a statement that physical,  
33 emotional, psychological, and sexual abuse, and assault and  
34 battery, are against the law.

35 (b) The State Department of Health Services shall make the  
36 brochures available to county clerks who shall distribute a copy  
37 of the brochure to each applicant for a marriage license,  
38 including applicants for a confidential marriage license and  
39 notary publics receiving a confidential marriage license pursuant  
40 to Section 503.

1 (c) Each notary public issuing a confidential marriage license  
2 under Section 503 shall distribute a copy of the brochure to the  
3 applicants for a confidential marriage license.

4 (d) To the extent possible, the State Department of Health  
5 Services shall seek to combine in a single brochure all statutorily  
6 required information for marriage license applicants.

7 SEC. 14. Section 359 of the Family Code is amended to read:

8 359. (a) Except as provided in ~~Section 420~~ *Sections 420 and*  
9 *426*, applicants to be married shall first appear together in person  
10 before the county clerk to obtain a marriage license.

11 (b) The contents of the marriage license are provided in Part 1  
12 (commencing with Section 102100) of Division 102 of the  
13 Health and Safety Code.

14 (c) The issued marriage license shall be presented to the  
15 person solemnizing the marriage by the parties to be married.

16 (d) The person solemnizing the marriage shall complete the  
17 solemnization sections on the marriage license, and shall cause to  
18 be entered on the marriage license the printed name, signature,  
19 and mailing address of at least one, and no more than two,  
20 witnesses to the marriage ceremony.

21 (e) The marriage license shall be returned by the person  
22 solemnizing the marriage to the county recorder of the county in  
23 which the license was issued within 10 days after the ceremony.

24 (f) As used in this division, “returned” means presented to the  
25 appropriate person in person, or postmarked, before the  
26 expiration of the specified time period.

27 SEC. 15. Section 360 of the Family Code is amended to read:

28 360. (a) If a marriage license is lost, damaged, or destroyed  
29 after the marriage ceremony, but before it is returned to the  
30 county recorder, or deemed unacceptable for registration by the  
31 county recorder, the person solemnizing the marriage, in order to  
32 comply with Section 359, shall obtain a duplicate marriage  
33 license by filing an affidavit setting forth the facts with the  
34 county clerk of the county in which the license was issued.

35 (b) The duplicate marriage license may not be issued later than  
36 one year after issuance of the original license and shall be  
37 returned by the person solemnizing the marriage to the county  
38 recorder within one year of the issuance date shown on the  
39 original marriage license.

1 (c) The county clerk may charge a fee to cover the actual costs  
2 of issuing a duplicate marriage license.

3 (d) If a marriage license is lost, damaged, or destroyed before  
4 a marriage ceremony takes place, the applicants shall purchase a  
5 new marriage license and the old license shall be voided.

6 SEC. 16. Section 400 of the Family Code is amended to read:

7 400. Marriage may be solemnized by any of the following  
8 who is of the age of 18 years or older:

9 (a) A priest, minister, rabbi, or authorized person of any  
10 religious denomination.

11 (b) A judge or retired judge, commissioner of civil marriages  
12 or retired commissioner of civil marriages, commissioner or  
13 retired commissioner, or assistant commissioner of a court of  
14 record in this state.

15 (c) A judge or magistrate who has resigned from office.

16 (d) Any of the following judges or magistrates of the United  
17 States:

18 (1) A justice or retired justice of the United States Supreme  
19 Court.

20 (2) A judge or retired judge of a court of appeals, a district  
21 court, or a court created by an act of Congress the judges of  
22 which are entitled to hold office during good behavior.

23 (3) A judge or retired judge of a bankruptcy court or a tax  
24 court.

25 (4) A United States magistrate or retired magistrate.

26 (e) A legislator or constitutional officer of this state or a  
27 member of Congress who represents a district within this state,  
28 while that person holds office.

29 SEC. 17. Section 420 of the Family Code is amended to read:

30 420. (a) No particular form for the ceremony of marriage is  
31 required for solemnization of the marriage, but the parties shall  
32 declare, in the physical presence of the person solemnizing the  
33 marriage and necessary witnesses, that they take each other as  
34 husband and wife.

35 (b) Notwithstanding subdivision (a), a member of the Armed  
36 Forces of the United States who is stationed overseas and serving  
37 in a conflict or a war and is unable to appear for the licensure and  
38 solemnization of the marriage may enter into that marriage by the  
39 appearance of an attorney-in-fact, commissioned and empowered  
40 in writing for that purpose through a power of attorney. The

1 attorney-in-fact must personally appear at the county clerk's  
2 office with the party who is not stationed overseas, and present  
3 the original power of attorney duly signed by the party stationed  
4 overseas and acknowledged by a notary or witnessed by two  
5 officers of the United States Armed Forces. Copies in any form,  
6 including by facsimile, are not acceptable. The power of attorney  
7 shall state the full given names at birth, or by court order, of the  
8 parties to be married, and that the power of attorney is solely for  
9 the purpose of authorizing the attorney-in-fact to obtain a  
10 marriage license on the person's behalf and participate in the  
11 solemnization of the marriage. The original power of attorney  
12 shall be a part of the marriage certificate upon registration.

13 (c) No contract of marriage, if otherwise duly made, shall be  
14 invalidated for want of conformity to the requirements of any  
15 religious sect.

16 SEC. 18. Section 422 of the Family Code is amended to read:

17 422. The person solemnizing a marriage shall, sign and print  
18 or type upon the marriage license a statement, in the form  
19 prescribed by the State Department of Health Services, showing  
20 all of the following:

21 (a) The fact, date (month, day, year), and place (city and  
22 county) of solemnization.

23 (b) The printed names, signatures, and mailing addresses of at  
24 least one, and no more than two, witnesses to the ceremony.

25 (c) The official position of the person solemnizing the  
26 marriage, or of the denomination of which that person is a priest,  
27 minister, rabbi, or other authorized person of any religious  
28 denomination.

29 (d) The person solemnizing the marriage shall also type or  
30 print his or her name and mailing address.

31 SEC. 19. Section 424 of the Family Code is repealed.

32 SEC. 20. Section 425 of the Family Code is amended to read:

33 425. If no record of the solemnization of a California  
34 marriage previously contracted under this division for that  
35 marriage is known to exist, the parties may purchase a License  
36 and Certificate of Declaration of Marriage from the county clerk  
37 in the parties' county of residence one year or more from the date  
38 of the marriage. The license and certificate shall be returned to  
39 the county recorder of the county in which the license was  
40 issued.

1     *SEC. 21. Section 426 is added to the Family Code, to read:*

2     426. *If for sufficient reason, as described in subdivision (d),*  
3 *either or both of the parties to be married are physically unable*  
4 *to appear in person before the county clerk, a marriage license*  
5 *may be issued by the county clerk to the person solemnizing the*  
6 *marriage if the following requirements are met:*

7     *(a) The person solemnizing the marriage physically presents*  
8 *an affidavit to the county clerk explaining the reason for the*  
9 *inability to appear.*

10    *(b) The affidavit is signed under penalty of perjury by the*  
11 *person solemnizing the marriage and by both parties.*

12    *(c) The signature of any party to be married who is unable to*  
13 *appear in person before the county clerk is authenticated by a*  
14 *notary public or a court prior to the county clerk issuing the*  
15 *marriage license.*

16    *(d) Sufficient reason includes proof of hospitalization,*  
17 *incarceration, or any other reason proved to the satisfaction of*  
18 *the county clerk.*

19    ~~SEC. 21.~~

20    *SEC. 22. Section 500 of the Family Code is amended to read:*

21    500. (a) An unmarried man and an unmarried woman, not  
22 minors, may be married pursuant to this chapter by a person  
23 authorized to solemnize a marriage under Chapter 1  
24 (commencing with Section 400) of Part 3.

25    (b) For purposes of this part, the document issued by the  
26 county clerk is a marriage license until it is registered with the  
27 ~~county recorder or~~ county clerk, at which time the license  
28 becomes a marriage certificate.

29    ~~SEC. 22.~~

30    *SEC. 23. Section 501 of the Family Code is amended to read:*

31    501. ~~A~~ *Except as provided in Section 502, a confidential*  
32 *marriage license shall be issued by the county clerk upon the*  
33 *personal appearance together of the parties to be married and*  
34 *their payment of the fees required by Sections 26840.1 and*  
35 *26840.8 of the Government Code and any fee imposed pursuant*  
36 *to the authorization of Section 26840.3 of the Government Code.*

37    ~~SEC. 23. Section 502 of the Family Code is repealed.~~

38    *SEC. 24. Section 502 of the Family Code is amended to read:*

39    502. If, ~~for any reason,~~ *sufficient reason, as described in*  
40 *subdivision (d), either or both of the parties to be married is are*

1 physically unable to appear in person before the county clerk, a  
2 confidential marriage license ~~shall~~ *may* be issued by the county  
3 clerk to the person solemnizing the marriage ~~upon that person's~~  
4 ~~presenting an affidavit to the county clerk, signed by the person~~  
5 ~~and the parties to be married, explaining the reason for the~~  
6 ~~inability to appear.~~ *if the following requirements are met:*

7 *(a) The person solemnizing the marriage physically presents*  
8 *an affidavit to the county clerk explaining the reason for the*  
9 *inability to appear.*

10 *(b) The affidavit is signed under penalty of perjury by the*  
11 *person solemnizing the marriage and by both parties.*

12 *(c) The signature of any party to be married who is unable to*  
13 *appear in person before the county clerk is authenticated by a*  
14 *notary public or a court prior to the county clerk issuing the*  
15 *confidential marriage license.*

16 *(d) Sufficient reason includes proof of hospitalization,*  
17 *incarceration, or any other reason proved to the satisfaction of*  
18 *the county clerk.*

19 ~~SEC. 24.~~

20 *SEC. 25.* Section 503 of the Family Code is amended to read:

21 503. The county clerk shall issue a confidential marriage  
22 license upon the request of a notary public approved by the  
23 county clerk to issue confidential marriage licenses pursuant to  
24 Chapter 2 (commencing with Section 530) and upon payment by  
25 the notary public of the fees specified in Sections 26840.1 and  
26 26840.8 of the Government Code. The parties shall reimburse a  
27 notary public who issues a confidential marriage license for the  
28 amount of the fees.

29 ~~SEC. 25.~~

30 *SEC. 26.* Section 505 of the Family Code is amended to read:

31 505. (a) The form of the confidential marriage license shall  
32 be prescribed by the State Registrar of Vital Statistics.

33 (b) The form shall be designed to require that the parties to be  
34 married declare or affirm that they meet all of the requirements  
35 of this chapter.

36 (c) The form shall include an affidavit, which the bride and  
37 groom shall sign, affirming that they have received the brochure  
38 provided for in Section 358.

39 ~~SEC. 26.~~

40 *SEC. 27.* Section 506 of the Family Code is amended to read:

1 506. (a) The confidential marriage license shall be presented  
2 to the person solemnizing the marriage.

3 (b) Upon performance of the ceremony, the solemnization  
4 section on the confidential marriage license shall be completed  
5 by the person solemnizing the marriage.

6 (c) The confidential marriage license shall be returned by the  
7 person solemnizing the marriage to the office of the county clerk  
8 in the county in which the license was issued within 10 days after  
9 the ceremony.

10 ~~SEC. 27.~~

11 *SEC. 28.* Section 508 of the Family Code is amended to read:

12 508. Upon issuance of a confidential marriage license, parties  
13 shall be provided with an application to obtain a certified copy of  
14 the confidential marriage certificate from the county clerk.

15 ~~SEC. 28.~~

16 *SEC. 29.* Section 509 of the Family Code is amended to read:

17 509. (a) A party to a confidential marriage may obtain a  
18 certified copy of the confidential marriage certificate from the  
19 county clerk of the county in which the certificate is filed in any  
20 of the following ways:

21 (1) By submitting the application for a certified copy of the  
22 confidential marriage certificate provided to the parties pursuant  
23 to Section 508.

24 (2) By personally appearing before a notary public or at the  
25 county clerk's office in the party's county of residence,  
26 producing ~~proper~~ *valid photo* identification ~~that is acceptable to~~  
27 ~~the county clerk~~, obtaining a certificate attesting to the party's  
28 identity from the notary public or county clerk, and mailing or  
29 faxing that certificate, together with a request for the certified  
30 copy of the confidential marriage certificate, to the county clerk  
31 of the county with which the certificate is filed.

32 (3) By personally appearing at the county clerk's office where  
33 the certificate is filed and producing proper identification.

34 (b) Copies of a confidential marriage certificate may be issued  
35 to the parties to the marriage upon payment of the fee equivalent  
36 to that charged for copies of a marriage certificate.

37 ~~SEC. 29.~~

38 *SEC. 30.* Section 510 of the Family Code is amended to read:

39 510. (a) If a confidential marriage license is lost, damaged,  
40 or destroyed after the performance of the marriage, but before it

1 is returned to the county clerk, or deemed unacceptable for  
2 registration by the county clerk, the person solemnizing the  
3 marriage, in order to comply with Section 506, shall obtain a  
4 duplicate marriage license by filing an affidavit setting forth the  
5 facts with the county clerk of the county in which the license was  
6 issued.

7 (b) The duplicate license may not be issued later than one year  
8 after issuance of the original license and shall be returned by the  
9 person solemnizing the marriage to the county clerk within one  
10 year of the issuance date shown on the original marriage license.

11 (c) The county clerk may charge a fee to cover the actual costs  
12 of issuing a duplicate marriage license.

13 (d) If a marriage license is lost, damaged, or destroyed before  
14 a marriage ceremony takes place, the applicants shall purchase a  
15 new marriage license and the old license shall be voided.

16 ~~SEC. 30.~~

17 *SEC. 31.* Section 511 of the Family Code is amended to read:

18 511. (a) Except as provided in subdivision (b), the county  
19 clerk shall maintain confidential marriage certificates filed  
20 pursuant to Section 506 as permanent records which shall not be  
21 open to public inspection except upon order of the court issued  
22 upon a showing of good cause. The confidential marriage license  
23 is a confidential record and not open to public inspection without  
24 an order from the court.

25 (b) The county clerk shall keep all original certificates of  
26 confidential marriages for one year from the date of filing. After  
27 one year, the clerk may reproduce the certificates pursuant to  
28 Section 26205 of the Government Code, and dispose of the  
29 original certificates. The county clerk shall promptly seal and  
30 store at least one original negative of each microphotographic  
31 film made in a manner and place as reasonable to ensure its  
32 preservation indefinitely against loss, theft, defacement, or  
33 destruction. The microphotograph shall be made in a manner that  
34 complies with the minimum standards or guidelines, or both,  
35 recommended by the American National Standards Institute or  
36 the Association for Information and Image Management. Every  
37 reproduction shall be deemed and considered an original. A  
38 certified copy of any reproduction shall be deemed and  
39 considered a certified copy of the original.

1 (c) The county clerk may conduct a search for a confidential  
2 marriage certificate for the purpose of confirming the existence  
3 of a marriage, but the date of the marriage and any other  
4 information contained in the certificate shall not be disclosed  
5 except upon order of the court.

6  
7 ~~SEC. 31.~~

8 *SEC. 32.* Section 530 of the Family Code is amended to read:

9 530. (a) No notary public shall issue a confidential marriage  
10 license pursuant to this part unless the notary public is approved  
11 by the county clerk to issue confidential marriage licenses  
12 pursuant to this chapter.

13 (b) A violation of subdivision (a) is a misdemeanor punishable  
14 by a fine not to exceed one thousand dollars (\$1,000) or six  
15 months in jail.

16 ~~SEC. 32.~~

17 *SEC. 33.* Section 531 of the Family Code is amended to read:

18 531. (a) ~~The county clerk may, at his or her discretion,~~  
19 ~~choose to establish a policy to accept applications for approval of~~  
20 ~~a notary public to issue confidential marriage licenses. The~~ *If the*  
21 *county clerk chooses to accept applications authorizing a notary*  
22 *public to issue confidential marriage licenses, the county clerk*  
23 *shall establish a policy that outlines the requirements for filing*  
24 *the application and maintaining the registration. The* notary  
25 public shall file an application for approval to issue confidential  
26 marriage licenses pursuant to this part with the county clerk in  
27 the county in which the notary public who is applying for the  
28 approval is commissioned and resides. The county clerk shall  
29 exercise reasonable discretion as to whether to approve  
30 applications. Any violation of the policy set forth by the county  
31 clerk shall result in the suspension or revocation of the  
32 authorization for the notary public to issue confidential marriage  
33 licenses.

34 (b) The application shall include all of the following:

35 (1) The full name of the applicant.

36 (2) The date of birth of the applicant.

37 (3) The applicant's current residential address and telephone  
38 number.

1 (4) The address and telephone number of the place where the  
2 applicant will issue ~~authorizations for the performance of a~~  
3 ~~marriage~~ *confidential marriage licenses*.

4 (5) The full name of the applicant's employer if the applicant  
5 is employed by another person.

6 (6) Whether or not the applicant has engaged in any of the acts  
7 specified in Section 8214.1 of the Government Code.

8 (c) The application shall be accompanied by the fee provided  
9 for in Section 536.

10 ~~SEC. 33.~~

11 *SEC. 34.* Section 532 of the Family Code is amended to read:

12 532. No approval, or renewal of the approval, shall be granted  
13 pursuant to this chapter unless the notary public shows evidence  
14 of successful completion of a course of instruction concerning  
15 the issuance of confidential marriage licenses that was conducted  
16 by the county clerk in the county of registration. The course of  
17 instruction shall be given by the county clerk at a date and time  
18 set forth in the policy established by the county clerk. *The county*  
19 *clerk shall exercise reasonable judgment in scheduling the length*  
20 *of the training course.*

21 ~~SEC. 34.~~

22 *SEC. 35.* Section 533 of the Family Code is amended to read:

23 533. An approval to issue confidential marriage licenses  
24 pursuant to this chapter is valid for one year. The approval may  
25 be renewed for additional one-year periods provided the  
26 following conditions are met:

27 (a) The applicant has not violated any of the provisions  
28 provided for in Section 531.

29 (b) The applicant has successfully completed the course  
30 prescribed in Section 532.

31 (c) The applicant has paid the renewal fee provided for in  
32 Section 536.

33 ~~SEC. 35.~~

34 *SEC. 36.* Section 534 of the Family Code is amended to read:

35 534. (a) The county clerk shall maintain a list of the notaries  
36 public who are approved to issue confidential marriage licenses.  
37 The list shall be available for inspection by the public.

38 (b) It is the responsibility of a notary public approved to issue  
39 confidential marriage licenses pursuant to this chapter to keep  
40 current the information required in paragraphs (1), (3), (4), and

(5) of subdivision (b) of Section 531. This information shall be used by the county clerk to update the list required to be maintained by this section.

~~SEC. 36.~~

*SEC. 37.* Section 535 of the Family Code is amended to read:

535. (a) If, after an approval to issue confidential marriage licenses is granted pursuant to this chapter, it is discovered that the notary public has engaged in any of the actions specified in Section 8214.1 of the Government Code, the approval shall be revoked, and the county clerk shall notify the Secretary of State for whatever action the Secretary of State deems appropriate. Any fees paid by the notary public shall be retained by the county clerk.

(b) If a notary public who is approved to authorize confidential marriages pursuant to this chapter is alleged to have violated a provision of this division, the county clerk shall conduct a hearing to determine if the approval of the notary public should be suspended or revoked. The notary public may present ~~such~~ evidence as is necessary in the notary public's defense. If the county clerk determines that the notary public has violated a provision of this division, the county clerk may place the notary public on probation or suspend or revoke the notary public's registration, and any fees paid by the notary public shall be retained by the county clerk. The county clerk shall report the findings of the hearing to the Secretary of State for whatever action the Secretary of State deems appropriate.

~~SEC. 37.~~

*SEC. 38.* Section 536 of the Family Code is amended to read:

536. The fee for an application for approval and administration of this program, or renewal of application for approval to issue confidential marriage licenses pursuant to this chapter is        dollars (\$      ); *four hundred dollars (\$400).*

~~SEC. 38.~~

*SEC. 39.* Section 100430 of the Health and Safety Code is amended to read:

100430. (a) The fees or charges for a record search or for the issuance of any license, permit, registration, or any other document pursuant to Sections 26832, 26840, and 26859 of the Government Code, or Sections 102525, 102625, 102670, 102725, 102750, 103050, 103065, 103225, 103325, 103400,

1 103425, 103450, 103525, 103590, 103625, 103650, 103675,  
2 103690, 103695, 103700, 103705, 103710, 103715, 103720,  
3 103725, 103730, and 103735 of this code, may be adjusted  
4 annually by the percentage change determined pursuant to  
5 Section 100425.

6 The base amount to be adjusted shall be the statutory base  
7 amount of the fee or charge plus the sum of the prior adjustments  
8 to the statutory base amount. Whenever the statutory base  
9 amount is amended, the base amount shall be the new statutory  
10 base amount plus the sum of adjustments to the new statutory  
11 base amount calculated subsequent to the statutory base  
12 amendment. The actual dollar fee or charge shall be rounded to  
13 the next highest whole dollar.

14 (b) Beginning January 1, 1983, the department shall annually  
15 publish a list of the actual numerical fee charges as adjusted  
16 pursuant to this section. This adjustment of fees and the  
17 publication of the fee list shall not be subject to the requirements  
18 of Chapter 3.5 (commencing with Section 11340) of Part 1 of  
19 Division 3 of Title 2 of the Government Code.

20 ~~SEC. 39.~~

21 *SEC. 40.* Section 102130 of the Health and Safety Code is  
22 amended to read:

23 102130. All marriage licenses shall be written legibly and  
24 shall be photographically and micrographically reproducible. A  
25 marriage license is not complete and correct that does not supply  
26 all of the items of information called for, or satisfactorily account  
27 for their omission.

28 ~~SEC. 40.~~

29 *SEC. 41.* Section 102140 of the Health and Safety Code is  
30 amended to read:

31 102140. No alteration or change in any respect shall be made  
32 on any marriage license or certificate after its acceptance for  
33 registration by the local registrar, or on other records made in  
34 pursuance of this part, except where supplemental information  
35 required for statistical purposes is furnished.

36 ~~SEC. 41.~~

37 *SEC. 42.* Section 102310 of the Health and Safety Code is  
38 amended to read:

39 102310. The local registrar of marriages shall carefully  
40 examine each license before acceptance for registration and, if it

1 is incomplete or unsatisfactory, he or she shall require any further  
2 information to be furnished as may be necessary to make the  
3 record satisfactory before acceptance for registration.

4 ~~SEC. 42.~~

5 *SEC. 43.* Section 102325 of the Health and Safety Code is  
6 amended to read:

7 102325. The local registrar shall number each marriage  
8 certificate consecutively beginning with the number one for  
9 either the first event occurring, or first event registered in, each  
10 calendar year. Numbering may be based on either the year that  
11 the event occurs or the year of registration.

12 ~~SEC. 43.~~

13 *SEC. 44.* Section 102355 of the Health and Safety Code is  
14 amended to read:

15 102355. The local registrar of marriages shall transmit to the  
16 State Registrar not less than quarterly all original marriage  
17 certificates accepted for registration by him or her *during the*  
18 *preceding quarter*. Certificates shall be batched by calendar year  
19 of event prior to transmission. Certificates may be transmitted at  
20 more frequent intervals by arrangement with the State Registrar.

21 ~~SEC. 44.~~

22 *SEC. 45.* Section 103125 of the Health and Safety Code is  
23 amended to read:

24 103125. The forms for the marriage license shall be  
25 prescribed by the State Registrar.

26 ~~SEC. 45.~~

27 *SEC. 46.* Section 103175 of the Health and Safety Code is  
28 amended to read:

29 103175. The marriage license shall contain as nearly as can  
30 be ascertained all of the following and other items as the State  
31 Registrar may designate: The first section shall include the  
32 personal data of parties married, including the date of birth, full  
33 given name at birth or by court order, birthplace, mailing address,  
34 names and birthplaces of the parents, maiden name of the  
35 mothers, the number of previous marriages, marital status, and  
36 the maiden name of the female if previously married; the second  
37 section shall include the signatures of parties married, license to  
38 marry, county and date of issue of license, and the marriage  
39 license number; and the third section shall include the  
40 certification of one person performing the ceremony, that shall

1 show his or her official position including the denomination if he  
2 or she is a clergy or clergyperson, and the printed name,  
3 signature, and mailing address of at least one, and no more than  
4 two, witnesses to the marriage ceremony. The person performing  
5 the marriage ceremony shall also type or print his or her name  
6 and mailing address on the marriage license. The marriage  
7 license shall not contain any reference to the race or color of  
8 parties married.

9 ~~SEC. 46.~~

10 *SEC. 47.* Section 103180 of the Health and Safety Code is  
11 amended to read:

12 103180. (a) Sections 103150 and 103175 do not apply to  
13 marriages entered into pursuant to Section 307 of the Family  
14 Code. Subdivisions (b) and (c) govern the registration and the  
15 content of the License and Certificate of Declaration of Marriage  
16 of those marriages.

17 (b) Each marriage entered into pursuant to Section 307 of the  
18 Family Code shall be registered by the parties entering into the  
19 marriage or by a witness who signed under paragraph (2) of  
20 subdivision (a) of Section 307 within 10 days after the ceremony  
21 with the local registrar of marriages for the county in which the  
22 License and Certificate of Declaration of Marriage was issued.

23 (c) The License and Certificate of Declaration of Marriage  
24 entered into pursuant to Section 307 of the Family Code shall  
25 contain as nearly as can be ascertained the following:

26 (1) The personal data of parties married, including the date of  
27 birth, full given legal names at birth or by court order, birthplace,  
28 mailing address, names and birthplaces of their parents, maiden  
29 name of their mothers, the number of previous marriages, marital  
30 status, and the maiden name of the female, if previously married  
31 and if her name has been changed.

32 (2) The license to marry.

33 (3) The county and date of issuance of the license.

34 (4) The marriage license number.

35 (5) The certification of the parties entering into the marriage,  
36 that shall show the following:

37 (A) The fact, time, and place of entering into the marriage.

38 (B) The printed name, signature, and mailing address of two  
39 witnesses to the marriage ceremony.

1 (C) The religious society or denomination of the parties  
2 married, and that the marriage was entered into in accordance  
3 with the rules and customs of that religious society or  
4 denomination.

5 (6) The signatures of the parties married.

6 (7) Any other items that the State Registrar shall designate.

7 The License and Certificate of Declaration of Marriage shall  
8 not contain any reference to the race or color of parties married  
9 or to a person performing or solemnizing the marriage.

10 ~~SEC. 47.~~

11 *SEC. 48.* Section 103200 of the Health and Safety Code is  
12 amended to read:

13 103200. The clerk of the court of each county shall send a  
14 copy of every judgment of dissolution of marriage, of legal  
15 separation, and of declaration of nullity to the State Registrar  
16 monthly. If a judgment of dissolution of marriage is vacated, the  
17 clerk of the court shall send a copy of the order or dismissal to  
18 the State Registrar.

19 ~~SEC. 48.~~

20 *SEC. 49.* Section 103235 of the Health and Safety Code is  
21 amended to read:

22 103235. If the amendment relates to a certificate or marriage  
23 license that has not been transmitted to the State Registrar, the  
24 local registrar shall review the amendment for acceptance for  
25 filing, and if accepted shall file the amendment and shall note the  
26 fact of the amendment, with its date, on the otherwise unaltered  
27 original certificate or marriage license.

28 ~~SEC. 49.~~

29 *SEC. 50.* Section 103595 of the Health and Safety Code is  
30 repealed.

31 ~~SEC. 50.~~

32 *SEC. 51.* Section 103730 of the Health and Safety Code is  
33 amended to read:

34 103730. A fee of eleven dollars (\$11) for each individual  
35 being adopted shall be paid to the clerk of the court at the time of  
36 filing the petition in an adoption proceeding, except for agency  
37 adoptions in which the adoption fee is waived and a statement  
38 from the agency to this effect is filed with the petition, and that  
39 fee shall be paid monthly by the clerk of the court to the State

1 Registrar of Vital Statistics for the services required by statute of  
2 that office.

3 ~~SEC. 51.~~

4 *SEC. 52.* Section 103780 of the Health and Safety Code is  
5 amended to read:

6 103780. (a) Every person, except as provided in subdivision  
7 (b), who willfully alters or knowingly possesses more than one  
8 altered document, other than as permitted by this part, or falsifies  
9 any certificate of birth, fetal death, or death, or marriage license,  
10 or any record established by this part is guilty of a misdemeanor.

11 (b) Every licensee or registrant pursuant to Chapter 12  
12 (commencing with Section 7600) or Chapter 19 (commencing  
13 with Section 9600) of Division 3 of the Business and Professions  
14 Code, and the agents and employees of the licensee, or any  
15 unlicensed person acting in a capacity in which a license from the  
16 Cemetery and Funeral Bureau is required, who willfully alters or  
17 knowingly possesses more than one altered document, other than  
18 as permitted by this part, or falsifies any certificate of death, is  
19 guilty of a misdemeanor that shall be punishable by  
20 imprisonment in a county jail not exceeding one year, by a fine  
21 not exceeding ten thousand dollars (\$10,000), or by both that  
22 imprisonment and fine.

23 ~~SEC. 52.~~

24 *SEC. 53.* Section 103785 of the Health and Safety Code is  
25 amended to read:

26 103785. Every person who is required to fill out a certificate  
27 of birth, fetal death, or death, or marriage license and register it  
28 with the local registrar, or deliver it, upon request, to any person  
29 charged with the duty of registering it, and who fails, neglects, or  
30 refuses to perform that duty in the manner required by this part is  
31 guilty of a misdemeanor.

32 ~~SEC. 53.~~

33 *SEC. 54.* If the Commission on State Mandates determines  
34 that this act contains costs mandated by the state, reimbursement  
35 to local agencies and school districts for those costs shall be  
36 made pursuant to Part 7 (commencing with Section 17500) of  
37 Division 4 of Title 2 of the Government Code.