

CHAPTER 816

S.B. No. 831

An Act relating to issuance of a marriage license and to remarriage after divorce; amending Sections 1.07 and 3.66, Family Code, as amended.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1.07, Family Code, as amended, is amended to read as follows:

"Section 1.07. **ISSUANCE OF LICENSE.** (a) *Except as provided by Subsection (b) of this section, the [The] county clerk may not issue a license to the applicants if:*

"(1) either applicant fails to provide information as required by Sections 1.02 and 1.05 of the code;

"(2) either applicant fails to submit proof of age and identity;

"(3) either applicant is under 14 years of age and has not received a court order under Section 1.53 of this code;

"(4) either applicant is 14 years of age or older but under 18 years of age and has received neither parental consent nor a court order under Section 1.53 of this code;

"(5) ~~either applicant fails to comply with the requirements of Subchapter B of this chapter;~~

"~~(6)~~ either applicant checks 'false' in response to a statement in the application, except as provided in Subsection (b) of this section, or fails to make a required declaration in an affidavit required of an absent applicant; or

"~~(6)~~ ~~(7)~~ either applicant indicates that he or she has been divorced by a decree of a court of this state within the last 30 days.

"(b) If an applicant checks 'false' in response to the statement 'I am not presently married,' the county clerk shall inquire as to whether or not the applicant is presently married to the other applicant. If the applicant states that he is presently married to the other applicant, the county clerk shall record that statement on the license prior to the administration of the oath. The county clerk may not refuse to issue a license on the ground that the applicants are already married to each other.

"(c) On the proper execution of the application, the clerk shall prepare the license. On the reverse side of the license he shall enter the names of the licensees and [~~for each of them; the date of the medical examination or the fact that an exemption was obtained; and~~] the name of the person appointed to act as proxy for an absent applicant, if any."

SECTION 2. Section 3.66, Family Code, is amended to read as follows:

"Section 3.66. **REMARRIAGE.** (a) *Except as provided by Subsections (b) and (c) of this section, neither [Neither] party to a divorce may marry a third party for a period of thirty days immediately following the date the divorce is decreed.*

"(b) *The [but the] parties divorced may marry each other at any time.*

"(c) *For good cause shown, the prohibition against remarriage provided by this section may be waived as to either or both parties by court order if a record of the proceedings is made and preserved or if findings of fact and conclusions of law are filed by the court."*

SECTION 3. This Act takes effect September 1, 1985.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 3, 1985, by a viva-voce vote; passed the House on May 25, 1985, by a non-record vote.

Approved: June 15, 1985

Effective: September 1, 1985