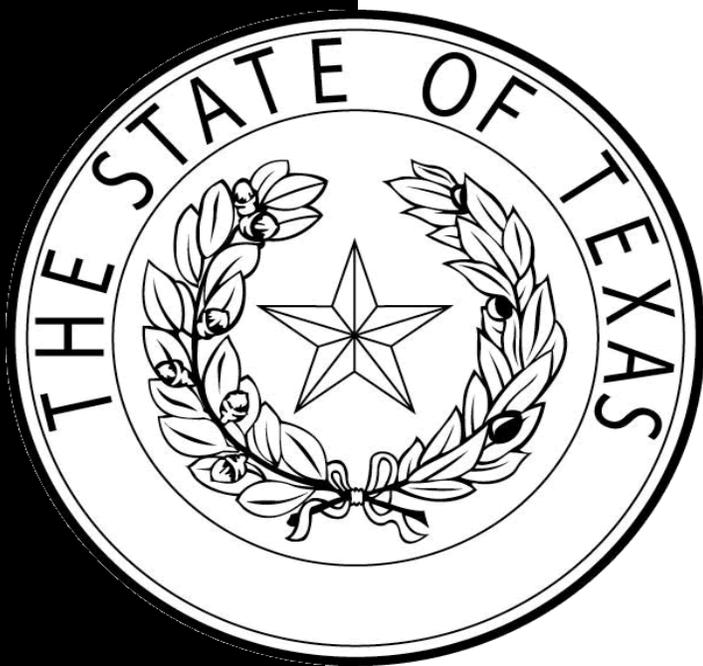


Local Government Code
Texas Government Code
Texas Election Code
Civil Practice & Remedies Code
Selected Codes relevant to Vital Registration



DISCLAIMER

The Texas Vital Statistics Unit's *Statutes and Codes* book was designed to provide quick and easy access to Texas laws relevant to Vital Registration. Although every effort was made to create a comprehensive reference for this purpose, this document does not contain the law in its entirety. With each Legislative Session, Texas laws continue to be written and amended so that portions of this document will become outdated over time.

The following resources can be referred to for the most current versions of the laws:

- The Texas Constitution and Statutes Website: <http://www.statutes.legis.state.tx.us>
- The Vital Statistics Website: <http://www.texasvsu.org> (Click on Statutes and Rules)



LOCAL GOVERNMENT CODE

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LOCAL GOVERNMENT CODE

Sec. 118.011. Fee Schedule.

- (a) A county clerk shall collect the following fees for services rendered to any person:
 - (1) Personal Property Records Filing (Sec. 118.012):
 - for the first page.....\$ 5.00
 - for each additional page or part of a page on which there are visible marks of any kind \$ 4.00
 - (2) Real Property Records Filing (Sec. 118.013):
 - for the first page.....\$ 5.00
 - for each additional page or part of a page on which there are visible marks of any kind \$ 4.00
 - for all or part of each 8-1/2" X 14" attachment or rider.....\$ 4.00
 - for each name in excess of five names that has to be indexed in all records in which the document must be indexed.....\$ 0.25
 - (3) Certified Papers (Sec. 118.014):
 - for the clerk's certificate.....\$ 5.00
 - plus a fee for each page or part of a page.....\$ 1.00
 - (4) Noncertified Papers (Sec. 118.0145):
 - for each page or part of a page.....\$ 1.00
 - (5) Birth or Death Certificate (Sec. 118.015) same as state registrar
 - (6) Bond Approval (Sec. 118.016).....\$ 3.00
 - (7) Marriage License (Sec. 118.018).....\$60.00
 - (8) Declaration of Informal Marriage (Sec. 118.019).....\$25.00
 - (9) Brand Registration (Sec. 118.020).....\$ 5.00
 - (10) Oath Administration (Sec. 118.021).....\$ 1.00
- (b) The county clerk may set and collect the following fee from any person:
 - (1) Returned Check (Sec. 118.0215) not less than \$15 or more than \$30
 - (2) Records Management and Preservation Fee (Sec. 118.0216) not more than \$5
 - (3) Mental Health Background Check for License to Carry a Concealed Weapon (Sec. 118.0217) not more than \$2
- (c) The clerk shall charge reasonable fees for performing other duties prescribed or authorized by statute for which a fee is not prescribed by this subchapter.
- (d) The county clerk may not charge the United States Immigration and Naturalization Service a fee for a copy of any document on file or of record in the clerk's office relating to an individual's criminal history, regardless of whether the document is certified.
- (e) A county clerk who provides a copy in a format other than paper of a record maintained by the clerk shall provide the copy and charge a fee in accordance with Sections 552.231 and 552.262, Government Code.
- (f) The county clerk of a county shall, if the commissioners court of the county adopts the fee as part of the county's annual budget, collect the following fee from any person:
 - Records Archive Fee (Sec. 118.025) not more than \$5
- (g) Repealed by Acts 2005, 79th Leg., Ch. 804, Sec. 7, eff. June 17, 2005.

Sec. 118.015. Birth Or Death Certificate.

- (a) The fee for "Birth or Death Certificate" under Section 118.011 is for issuing a certified copy of a birth certificate or death certificate and is the same as the fee charged under Subchapter C, Chapter 191, Health and Safety Code, by the state registrar of vital statistics and the local registrar of births and deaths.
- (b) A county clerk who collects a fee under this section for a certified copy of a birth certificate shall deposit the fee into the county treasury. The state's portion of the fee shall be sent to the comptroller as provided by Subchapter B, Chapter 133.

Sec. 118.018. Marriage License.

- (a) The fee for "Marriage License" under Section 118.011 is for issuing a marriage license. The fee must be paid at the time the license is issued, except as provided by Subsection (b-1).
- (b) The fee includes every service relating to issuance of the license, including preparing the application, filing health certificates, administering oaths, filing waivers and orders of the county judge, and issuing and recording all papers including the return of the license.
- (b-1) The county clerk shall issue a marriage license without collecting a marriage license fee from an applicant who:
 - (1) completes a premarital education course described by Section 2.013, Family Code; and
 - (2) provides to the county clerk a premarital education course completion certificate indicating completion of the premarital education course not more than one year before the date the marriage license application is filed with the clerk.
- (c) Repealed by Acts 2007, 80th Leg., R.S., Ch. 327, Sec. 6, eff. September 1, 2008.

Sec. 118.019. Declaration Of Informal Marriage.

The fee for "Declaration of Informal Marriage" under Section 118.011 is for all services rendered in connection with the execution of a declaration of informal marriage under Section 1.92, Family Code. The fee shall be collected at the time the service is rendered.

Sec. 27.004. Records And Other Property.

- (a) Each justice shall arrange and safely keep all dockets, books, and papers transmitted to the justice by the justice's predecessors in office, and all papers filed in a case in justice court, subject to the public access requirements prescribed by Rule 12, Rules of Judicial Administration.
- (a-1) If a person vacates the office of justice of the peace, the person shall transfer all court records, documents, property, and unfinished business to the person's successor on the date the successor takes office. After the transfer, the business of the office must be completed as if the successor had begun the business.
- (b) A person who has possession of dockets, books, or papers belonging to the office of any justice of the peace shall deliver them to the justice on demand. If the person refuses to deliver them, on a motion supported by an affidavit, the person may be attached and imprisoned by the order of the county judge until the person makes delivery. The county judge may issue the order in termtime or vacation. The person against whom the motion is made must be given three days' notice of the motion before the person may be attached.

Sec. 552.021. Availability Of Public Information

Public information is available to the public at a minimum during the normal business hours of the governmental body.

Sec. 552.115. Exception: Confidentiality Of Birth And Death Records

- (a) A birth or death record maintained by the bureau of vital statistics of the Texas Department of Health or a local registration official is excepted from the requirements of Section 552.021, except that:
 - (1) a birth record is public information and available to the public on and after the 75th anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official;
 - (2) a death record is public information and available to the public on and after the 25th anniversary of the date of death as shown on the record filed with the bureau of vital statistics or local registration official;
 - (3) a general birth index or a general death index established or maintained by the bureau of vital statistics or a local registration official is public information and available to the public to the extent the index relates to a birth record or death record that is public information and available to the public under Subdivision (1) or (2);
 - (4) a summary birth index or a summary death index prepared or maintained by the bureau of vital statistics or a local registration official is public information and available to the public; and

- (5) a birth or death record is available to the chief executive officer of a home-rule municipality or the officer's designee if:
- (A) the record is used only to identify a property owner or other person to whom the municipality is required to give notice when enforcing a state statute or an ordinance;
 - (B) the municipality has exercised due diligence in the manner described by Section 54.035(e), Local Government Code, to identify the person; and
 - (C) the officer or designee signs a confidentiality agreement that requires that:
 - (i) the information not be disclosed outside the office of the officer or designee, or within the office for a purpose other than the purpose described by Paragraph (A);
 - (ii) the information be labeled as confidential;
 - (iii) the information be kept securely; and
 - (iv) the number of copies made of the information or the notes taken from the information that implicate the confidential nature of the information be controlled, with all copies or notes that are not destroyed or returned remaining confidential and subject to the confidentiality agreement.
- (b) Notwithstanding Subsection (a), a general birth index or a summary birth index is not public information and is not available to the public if:
- (1) the fact of an adoption or paternity determination can be revealed by the index; or
 - (2) the index contains specific identifying information relating to the parents of a child who is the subject of an adoption placement.
- (c) Subsection (a)(1) does not apply to the microfilming agreement entered into by the Genealogical Society of Utah, a nonprofit corporation organized under the laws of the State of Utah, and the Archives and Information Services Division of the Texas State Library and Archives Commission.
- (d) For the purposes of fulfilling the terms of the agreement in Subsection (c), the Genealogical Society of Utah shall have access to birth records on and after the 50th anniversary of the date of birth as shown on the record filed with the bureau of vital statistics or local registration official, but such birth records shall not be made available to the public until the 75th anniversary of the date of birth as shown on the record.

Sec. 16.001. Death

- (a) Each month the local registrar of deaths shall prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older who was a resident of the state at the time of death. The local registrar of deaths shall file each abstract with the voter registrar of the decedent's county of residence and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.
- (b) Each month the clerk of each court having probate jurisdiction shall prepare an abstract of each application for probate of a will or administration of a decedent's estate filed in the month with a court served by the clerk. The clerk shall file each abstract with the voter registrar and the secretary of state not later than the 10th day of the month following the month in which the abstract is prepared.
- (c) Once each week, on a day specified by the secretary of state, the Bureau of Vital Statistics shall furnish to the secretary of state available information specified by the secretary relating to deceased residents of the state. Periodically, the secretary shall furnish to the appropriate voter registrars information obtained from the bureau that will assist in identifying the deceased registered voters of each county.
- (d) The secretary of state shall quarterly obtain from the United States Social Security Administration available information specified by the secretary relating to deceased residents of the state.

Sec. 133.001. Seven-Year Absence

Any person absenting himself for seven successive years shall be presumed dead unless it is proved that the person was alive within the seven-year period.