

# Senate Bill 488

Sponsored by Senator BONAMICI (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Increases amount of personal payment judicial officer or county clerk may charge to solemnize marriage.

## A BILL FOR AN ACT

Relating to solemnization of marriage; amending ORS 106.120.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 106.120 is amended to read:

106.120. (1) As used in this section, "judicial officer" means:

(a) A judicial officer of this state as that term is defined in ORS 1.210 and includes but is not limited to a judge of a municipal court and a justice of the peace.

(b) An active judge of a federal court.

(c) An active United States magistrate judge.

(2) Marriages may be solemnized by:

(a) A judicial officer;

(b) A county clerk;

(c) Religious congregations or organizations as indicated in ORS 106.150 (2); or

(d) A clergyperson of any religious congregation or organization who is authorized by the congregation or organization to solemnize marriages.

(3) A person authorized to solemnize marriages under subsection (2) of this section may solemnize a marriage anywhere in this state.

(4)(a) When a marriage is solemnized by a tax, appellate or circuit judge of this state, the clerk of the court or the county clerk shall collect a fee of \$25 and deposit the fee in the Judicial Department Operating Account established in ORS 1.009.

(b) When a marriage is solemnized by a county clerk, the county clerk shall collect a fee of \$25, as provided in ORS 205.320.

(c) The fee described in this subsection may be collected only if:

(A) The marriage is solemnized during normal working hours, excluding holidays;

(B) The marriage is solemnized in court facilities or a county clerk's office; or

(C) More than a minimal amount of staff time or other court or county clerk's office resources are used in connection with the solemnization.

(d) The Chief Justice of the Supreme Court or the county clerk may establish a written procedure for waiver of the fee required under this subsection in exigent circumstances, including but not limited to indigency of the parties to the marriage.

(5) In addition to any fee collected under subsection (4) of this section, a judicial officer of this

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 state and a county clerk may charge and accept an agreed upon personal payment not to exceed  
2 [~~\$100~~] **\$200** plus actual costs for the solemnization of a marriage if that solemnization is performed:

3 (a) At a place other than the courthouse where the judicial officer or county clerk serves; or

4 (b) Outside of the judicial officer's or county clerk's normal working hours.

5 (6) The charging and accepting of a personal payment by a judicial officer of this state or a  
6 county clerk under subsection (5) of this section does not constitute a violation of any of the pro-  
7 visions of ORS chapter 244.

8 (7) The amount of actual costs charged by a judicial officer of this state or a county clerk under  
9 subsection (5) of this section may not exceed:

10 (a) Actual expenses for food and lodging as verified by receipts.

11 (b) If travel is made by personal vehicle, the actual number of round-trip miles from the judicial  
12 officer's or county clerk's home or office, whichever is greater, compensated at the rate of re-  
13 imbursement then provided by the State of Oregon to its employees or, if travel is made by a com-  
14 mercial carrier, reimbursement shall be made of the actual costs thereof, verified by receipts.

15 (8) A judicial officer of this state or a county clerk shall maintain records of the amount of  
16 personal payments received for performing marriages, of actual costs and the supporting documen-  
17 tation related thereto for a period of four years.

18 (9) The parties to a marriage solemnized by a tax, appellate or circuit judge of this state shall  
19 show to the judge proof of payment of the fee required under subsection (4)(a) of this section before  
20 solemnization. Except as provided in subsection (4)(d) of this section, the judge may not solemnize  
21 a marriage without proof of payment of the fee.

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