

## Department of Planning and Budget 2016 Fiscal Impact Statement

**1. Bill Number:** SB40

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Carrico

**3. Committee:** Courts of Justice

**4. Title:** Marriage licenses; issuance by State Registrar of Vital Records, conscience clause.

**5. Summary:** Provides that a clerk or deputy clerk shall not be required to issue a marriage license if such clerk has an objection to the issuance of such license on personal, ethical, moral, or religious grounds. If the clerk or deputy clerk declines to issue a marriage license on such grounds, the parties contemplating marriage may be issued a license by the State Registrar of Vital Records at a local Department of Motor Vehicles (DMV) office. The bill directs the State Registrar of Vital Records to develop a process with the Commissioner of Motor Vehicles whereby parties contemplating marriage can request and be issued a marriage license at their local Department of Motor Vehicles office.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary, see item #8.

**8. Fiscal Implications:** The total fiscal impact this bill would have on the commonwealth cannot be determined at this time. If the Division of Vital Records (DVR) is required to issue marriage licenses, it would impact new revenue, agency costs and workload for both DVR and DMV. DVR does not currently issue marriage licenses, they only receive copies, and as a result they do not receive any current revenues from marriage licenses. The Department of Health (VDH) has stated that any potential revenues generated would likely not be enough to cover start-up costs of issuing marriage licenses at the DMV such as training and designating staff to issue marriage licenses and establishing the electronic system to issue marriage records.

Currently, marriage licenses are printed on paper which is a different size than the paper used for the vital records which DMV prints now. As a result, DMV expects a onetime cost of \$41,139.00 to cover programming in order to allow DMV Customer Service Representatives ("CSR") to issue marriage licenses. To accommodate the paper, DMV may have to procure and install a new printer in each Customer Service Center (CSC) and mobile office to print a marriage license. DMV anticipates an annual cost of \$123 for each printer installed.

DMV also anticipates personnel costs to issue these licenses. It would be necessary to develop a training program for CSRs, and CSRs would need to spend time away from the counter to attend the training. The cost for developing and implementing a training program is unknown, but would depend on the complexity of the issuance requirements and the time it would take to teach CSRs those requirements.

The legislation requires marriage license applications to be made under oath, and a CSR would not be qualified to administer an oath solely by virtue of their employment with DMV. Va. Code §49-4. Accordingly, DMV would likely need to assist its employees to obtain notary public commissions, so that they could administer the oath as a notary public. Because the legislation requires each CSC to make licenses available, it would be necessary to have multiple notaries assigned to each CSC to cover vacations, sick days, etc. Based on expected staffing needs, DMV would need to assist at least 250 of its employees obtain commissions, at a cost of \$55 per employee. DMV would incur this cost every four years as commissions expire, or when staff turnover occurs.

DMV would collect modest revenue if it sold marriage licenses. Clerks charge \$30 for a marriage license, which is split between a \$20 marriage license tax in § 20-15 and a \$10 Clerk's Fee in Va. Code § 17.1-275. The legislation only amends § 20-15, so DMV cannot collect the Clerk's Fee, but existing statutory authority allows DMV to collect a \$2 transaction fee for transactions done on behalf of other agencies. It is unknown how many marriage license transactions DMV would perform, and thus how much revenue could be collected. In 2013, the last year with data available, there were 55,148 marriage licenses issued in Virginia. But many people will continue to get marriage licenses at Clerks' offices, and it is still unclear whether DMV could issue licenses to everybody or only to persons denied by a Clerk. DMV does not expect that its revenue will cover costs.

There is currently not enough data to determine the amount of requests the Division of Vital Records and the Department of Motor Vehicles would receive for marriage licenses and therefore a cost estimate cannot be determined.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Health, Virginia Department of Motor Vehicles and the Virginia Circuit Courts

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.