

AMENDED IN SENATE JUNE 7, 2007
AMENDED IN ASSEMBLY FEBRUARY 28, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 102

Introduced by Assembly Member Ma
(Coauthors: Assembly Members Beall and Feuer)
(Coauthor: Senator Romero)

January 3, 2007

An act to amend Section 1279.6 of the Code of Civil Procedure, to amend Sections 298, 298.5, 355, and 358 of, and to add Sections 298.6 and 306.5 to, the Family Code, to amend Sections 103175 and 103180 of the Health and Safety Code, and to amend Section 12800.7 of the Vehicle Code, relating to name changes.

LEGISLATIVE COUNSEL'S DIGEST

AB 102, as amended, Ma. Marriage: domestic partnerships: name.

(1) Existing law provides for the registration of domestic partnerships and requires 2 persons desiring to become domestic partners to complete and file a Declaration of Domestic Partnership with the Secretary of State. Existing law requires the Secretary of State to prepare the form for the Declaration of Domestic Partnership pursuant to specified requirements.

This bill would require the Declaration of Domestic Partnership form to contain spaces for either party or both parties to indicate a change in ~~surname~~ *name*. The bill would allow one party or both parties to a registered domestic partnership to elect to change the ~~surname~~ *middle or last names* by which that party wishes to be known after registration

of the domestic partnership by entering the new-~~surname~~ *name* in the space *spaces* provided on the Declaration of Domestic Partnership form.

(2) Existing law requires the Secretary of State to register the Declaration of Domestic Partnership in a registry for those partnerships and to return certain documents to the registrants, including a Certificate of Registered Domestic Partnership, except as specified.

This bill would require that the Certificate of Registered Domestic Partnership include the name used by each party before registration of the domestic partnership and any new-~~surname~~ *name*.

(3) Existing law requires that, before entering into or declaring a marriage, the parties first obtain a marriage license from a county clerk. Existing law requires the State Department of Public Health to prescribe the forms for the marriage license.

This bill would allow, *on and after January 1, 2009*, one party or both parties to a marriage to elect to change the-~~surname~~ *middle or last names* by which that party wishes to be known after solemnization of the marriage. The bill would require, *on and after January 1, 2009*, that the forms for the marriage license contain spaces for either party to indicate a change in-~~surname~~ *name* and would allow either party to change his or her-~~surname~~ *name* by entering the new-~~surname~~ *middle or last names* in the space provided on the marriage license application.

(4) Existing law requires the State Department of Public Health to prepare and publish a brochure containing specified information for distribution to applicants for marriage licenses and persons who qualify as domestic partners.

This bill would require that the above brochure contain information concerning options for changing a-~~surname~~ *name* upon solemnization of marriage or upon registration of a domestic partnership.

(5) Existing law, effective January 1, 2008, requires that a marriage license contain certain information, including the maiden name of the parties' mothers and the maiden name of the female, if previously married.

Existing law requires that each marriage performed be registered by the person performing the ceremony. Existing law creates an exemption from this requirement for members of a religious society or denomination not having clergy. Existing law requires those persons to file a License and Certificate of Declaration of Marriage containing specified information, including the maiden name of the parties' mothers and the maiden name of the female, if previously married and if her name has been changed. *Existing law, effective January 1, 2008, requires*

those persons to file a License and Certificate of Non-Clergy Marriage subject to these provisions.

This bill would, *effective January 1, 2009*, modify the provisions relating to marriage licenses and Licenses and Certificates of ~~Declaration~~ of *Non-Clergy Marriage* to conform with the above provisions allowing either party to a marriage to change his or her ~~surname~~ *name*. The bill would require that a marriage license and a License and Certificate of ~~Declaration~~ of *Non-Clergy Marriage* include the ~~surnames~~ *last names* at birth of each party's parents and any new ~~surname~~ *name* selected by a party for use upon solemnization of the marriage.

By requiring counties to alter their forms to conform with these requirements, the bill would impose a state-mandated local program.

(6) Existing law prohibits a person engaged in a trade or business of any kind or in the provision of a service of any kind from refusing to do business with, refusing to provide the service to, or imposing, as a condition of doing business with or providing the service to, a woman in connection with her use of her birth name or former name.

This bill would extend these protections to any person, and would apply them, in addition, to a person's use of a ~~surname~~ *name* adopted upon solemnization of marriage or registration of domestic partnership.

(7) Existing law provides that, upon application for an original or duplicate driver's license, the Department of Motor Vehicles may require the applicant to produce any identification that it determines is necessary in order to ensure that the name of the applicant stated in the application is his or her true, full name and that his or her residence address as set forth in the application is his or her true residence address.

This bill would provide that documents acceptable as identification that ensures the truth of an applicant's full name pursuant to those provisions shall include, but *are not* ~~be~~ limited to, a *certified* copy of a Certificate of Registered Domestic Partnership ~~or~~, a *certified* copy of a marriage license or certificate, *a copy of a document substantially equivalent to a Certificate of Registered Domestic Partnership, as specified, or a copy of a marriage certificate recording a marriage outside of this state.*

(8) This bill would make other technical, nonsubstantive changes.

(9) 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 no reimbursement is required by this act for a specified reason.

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. This act shall be known and may be cited as the
2 Name Equality Act of 2007.

3 SEC. 2. (a) The Legislature finds and declares that the choice
4 to adopt or not adopt a new-~~surname~~ *name* upon marriage or
5 registration of domestic partnership is a profoundly personal
6 reflection of one’s individuality, equality, family, community, and
7 beliefs.

8 (b) The Legislature, in enacting this act, intends to do both of
9 the following:

10 (1) Ensure that all men and women *who marry* are treated
11 equally with regard to the option of changing or not changing their
12 ~~surnames upon marriage or registration of domestic partnership~~
13 *names upon marriage, including, without limitation, changing*
14 *their names on the forms for marriage licenses and certificates.*

15 (2) *Ensure that each party entering into a registered domestic*
16 *partnership has an opportunity through the Declaration of*
17 *Domestic Partnership to indicate his or her choice as to whether*
18 *or not to change his or her name upon registration of domestic*
19 *partnership and to ensure that domestic partners are treated the*
20 *same as spouses with regard to that choice.*

21 ~~(2)~~

22 (3) Clarify the option under existing law to adopt or not adopt
23 a new-~~surname~~ *name* upon marriage or registration of domestic
24 partnership without being required to file an application for a
25 change of name with a superior court pursuant to Title 8
26 (commencing with Section 1275) of Part 3 of the Code of Civil
27 Procedure.

28 SEC. 3. Section 1279.6 of the Code of Civil Procedure is
29 amended to read:

30 1279.6. No person engaged in a trade or business of any kind
31 or in the provision of a service of any kind shall do any of the
32 following:

33 (a) Refuse to do business with a person, or refuse to provide the
34 service to a person, regardless of the person’s marital status,
35 because he or she has chosen to use or regularly uses his or her

1 birth name, former name, or ~~surname~~ *name* adopted upon
2 solemnization of marriage or registration of domestic partnership.

3 (b) Impose, as a condition of doing business with a person, or
4 as a condition of providing the service to a person, a requirement
5 that the person, regardless of his or her marital status, use a name
6 other than his or her birth name, former name, or ~~surname~~ *name*
7 adopted upon solemnization of marriage or registration of domestic
8 partnership, if the person has chosen to use or regularly uses that
9 name.

10 SEC. 4. Section 298 of the Family Code is amended to read:

11 298. (a) (1) The Secretary of State shall prepare forms entitled
12 “Declaration of Domestic Partnership” and “Notice of Termination
13 of Domestic Partnership” to meet the requirements of this division.
14 These forms shall require the signature and seal of an
15 acknowledgment by a notary public to be binding and valid.

16 (2) When funding allows, the Secretary of State shall include
17 on the form notice that a lesbian, gay, bisexual, and transgender
18 specific domestic abuse brochure is available upon request.

19 (b) (1) The Secretary of State shall distribute these forms to
20 each county clerk. These forms shall be available to the public at
21 the office of the Secretary of State and each county clerk.

22 (2) The Secretary of State shall, by regulation, establish fees
23 for the actual costs of processing each of these forms, and the cost
24 for preparing and sending the mailings and notices required
25 pursuant to Section 299.3, and shall charge these fees to persons
26 filing the forms.

27 (3) There is hereby established a fee of twenty-three dollars
28 (\$23) to be charged in addition to the existing fees established by
29 regulation to persons filing domestic partner registrations pursuant
30 to Section 297 for development and support of a lesbian, gay,
31 bisexual, and transgender curriculum for training workshops on
32 domestic violence, conducted pursuant to Section 13823.15 of the
33 Penal Code, and for the support of a migrant program to promote
34 healthy nonviolent relationships in the lesbian, gay, bisexual, and
35 transgender community. This paragraph shall not apply to persons
36 of opposite sexes filing a domestic partnership registration and
37 who meet the qualifications described in subparagraph (B) of
38 paragraph (5) of subdivision (b) of Section 297.

39 (4) The fee established by paragraph (3) shall be deposited in
40 the Equality in Prevention and Services for Domestic Abuse Fund,

1 which is hereby established. The fund shall be administered by
2 the Office of Emergency Services, and expenditures from the fund
3 shall be used to support the purposes of paragraph (3).

4 (c) The Declaration of Domestic Partnership shall require each
5 person who wants to become a domestic partner to (1) state that
6 he or she meets the requirements of Section 297 at the time the
7 form is signed, (2) provide a mailing address, (3) state that he or
8 she consents to the jurisdiction of the superior courts of California
9 for the purpose of a proceeding to obtain a judgment of dissolution
10 or nullity of the domestic partnership or for legal separation of
11 partners in the domestic partnership, or for any other proceeding
12 related to the partners' rights and obligations, even if one or both
13 partners ~~ceases to be a resident~~ *cease to be residents* of, or to
14 maintain a domicile in, this state, (4) sign the form with a
15 declaration that representations made therein are true, correct, and
16 contain no material omissions of fact to the best knowledge and
17 belief of the applicant, and (5) have a notary public acknowledge
18 his or her signature. Both partners' signatures shall be affixed to
19 one Declaration of Domestic Partnership form, which form shall
20 then be transmitted to the Secretary of State according to the
21 instructions provided on the form. Filing an intentionally and
22 materially false Declaration of Domestic Partnership shall be
23 punishable as a misdemeanor.

24 (d) The Declaration of Domestic Partnership shall contain spaces
25 for either party or both parties to indicate a change in ~~surname~~
26 *name* pursuant to Section 298.6.

27 SEC. 5. Section 298.5 of the Family Code is amended to read:

28 298.5. (a) Two persons desiring to become domestic partners
29 may complete and file a Declaration of Domestic Partnership with
30 the Secretary of State.

31 (b) The Secretary of State shall register the Declaration of
32 Domestic Partnership in a registry for those partnerships, and shall
33 return a copy of the registered form and a Certificate of Registered
34 Domestic Partnership, and except for those opposite sex domestic
35 partners who meet the qualifications described in subparagraph
36 (B) of paragraph (5) of subdivision (b) of Section 297, a copy of
37 the brochure that is made available to county clerks and the
38 Secretary of State by the State Department of ~~Health Services~~
39 *Public Health* pursuant to Section 358 and distributed to individuals
40 receiving a confidential marriage license pursuant to Section 503,

1 to the domestic partners at the mailing address provided by the
2 domestic partners.

3 ~~(e) The Certificate of Registered Domestic Partnership shall~~
4 ~~include the name used by each party before registration of the~~
5 ~~domestic partnership and the new surname, if any, selected by~~
6 ~~each party upon registration of the domestic partnership.~~

7 ~~(d)~~

8 (c) No person who has filed a Declaration of Domestic
9 Partnership may file a new Declaration of Domestic Partnership
10 or enter a civil marriage with someone other than their registered
11 domestic partner unless the most recent domestic partnership has
12 been terminated or a final judgment of dissolution or nullity of the
13 most recent domestic partnership has been entered. This prohibition
14 does not apply if the previous domestic partnership ended because
15 one of the partners died.

16 ~~(e)~~

17 (d) When funding allows, the Secretary of State shall print and
18 make available upon request, pursuant to Section 358, a lesbian,
19 gay, bisexual, and transgender specific domestic abuse brochure
20 developed by the State Department of ~~Health Services~~ *Public*
21 *Health* and made available to the Secretary of State to domestic
22 partners who qualify pursuant to Section 297.

23 ~~(e) The Certificate of Registered Domestic Partnership shall~~
24 ~~include the name used by each party before registration of the~~
25 ~~domestic partnership and the new name, if any, selected by each~~
26 ~~party upon registration of the domestic partnership.~~

27 SEC. 6. Section 298.6 is added to the Family Code, to read:

28 298.6. (a) Parties to a registered domestic partnership shall
29 not be required to have the same name. Neither party shall be
30 required to change his or her ~~surname~~. ~~A person's surname~~ *name*.
31 *A person's name* shall not change upon registration as a domestic
32 partner unless that person elects to change his or her ~~surname~~ *name*
33 pursuant to subdivision (b).

34 (b) (1) One party or both parties to a registered domestic
35 partnership may elect to change the ~~surname~~ *middle or last names*
36 by which that party wishes to be known after registration of the
37 domestic partnership by entering the new ~~surname~~ *name* in the
38 space provided on the Declaration of Domestic Partnership form.

39 (2) A person may adopt any ~~surname~~ *middle or last names*
40 pursuant to paragraph (1), including, but not limited to, the ~~surname~~

1 *last name* of the other domestic partner, any former ~~surname~~ *last*
2 *name* of either domestic partner, a name combining into a single
3 ~~surname~~ *last name* all or a segment of the ~~surname~~ *last name* or
4 any former ~~surname~~ *last name* of either domestic partner, or a
5 hyphenated combination of ~~surnames~~ *last names*.

6 (3) (A) An election by a person to change his or her name
7 pursuant to paragraph (1) shall serve as a record of the ~~surname~~
8 *name change*. ~~The A certified copy of the Certificate of Registered~~
9 ~~Domestic Partnership containing the new ~~surname~~ name, or~~
10 ~~retaining the former ~~surname~~ name, shall constitute proof that the~~
11 ~~use of the new ~~surname~~ name or retention of the former ~~surname~~~~
12 ~~name is lawful. A copy of a document substantially equivalent to~~
13 ~~a Certificate of Registered Domestic Partnership shall constitute~~
14 ~~proof that the use of a new name or retention of a former name is~~
15 ~~lawful if that document records either of the following:~~

16 (i) *A legal union of two persons that was validly formed in*
17 *another jurisdiction and is recognized as a valid domestic*
18 *partnership in this state pursuant to Section 299.2.*

19 (ii) *A legal union of domestic partners as defined by a local*
20 *jurisdiction pursuant to Section 299.6.*

21 (B) *A certified copy of a Certificate of Registered Domestic*
22 *Partnership shall be accepted as identification establishing a*
23 ~~surname~~ *true, full name for purposes of Section 12800.7 of the*
24 *Vehicle Code. A copy of a document substantially equivalent to a*
25 *Certificate of Registered Domestic Partnership shall also be*
26 *accepted as identification establishing a true, full name for*
27 *purposes of Section 12800.7 of the Vehicle Code if that document*
28 *records either of the following:*

29 (i) *A legal union of two persons that was validly formed in*
30 *another jurisdiction and is recognized as a valid domestic*
31 *partnership in this state pursuant to Section 299.2.*

32 (ii) *A legal union of domestic partners as defined by a local*
33 *jurisdiction pursuant to Section 299.6.*

34 (C) *Nothing in this section shall be construed to prohibit the*
35 *Department of Motor Vehicles from accepting as identification*
36 *other documents establishing a true, full name for purposes of*
37 *Section 12800.7 of the Vehicle Code.*

38 (4) The adoption of a new ~~surname~~ *name*, or the choice not to
39 adopt a new ~~surname~~ *name*, by means of a Declaration of Domestic
40 Partnership pursuant to paragraph (1) shall not abrogate the right

1 of either party to adopt a different ~~surname~~ *name* through usage
 2 at a future date, or to petition the superior court for a change of
 3 name pursuant to Title 8 (commencing with Section 1275) of Part
 4 3 of the Code of Civil Procedure.

5 (c) Nothing in this section shall be construed to abrogate the
 6 common law right of any person to change his or her name, or the
 7 right of any person to petition the superior court for a change of
 8 name pursuant to Title 8 (commencing with Section 1275) of Part
 9 3 of the Code of Civil Procedure.

10 SEC. 7. Section 306.5 is added to the Family Code, to read:

11 306.5. (a) Parties to a marriage shall not be required to have
 12 the same name. Neither party shall be required to change his or
 13 her ~~surname~~. ~~A person's surname name.~~ *A person's name* shall
 14 not change upon marriage unless that person elects to change his
 15 or her ~~surname~~ *name* pursuant to subdivision (b).

16 (b) (1) One party or both parties to a marriage may elect to
 17 change the ~~surname~~ *middle or last names* by which that party
 18 wishes to be known after solemnization of the marriage by entering
 19 the new ~~surname~~ *name* in the ~~space~~ *spaces* provided on the
 20 marriage license application.

21 (2) A person may adopt any ~~surname~~ *middle or last names*
 22 pursuant to paragraph (1), including, but not limited to, the ~~surname~~
 23 *last name* of the other spouse, any former ~~surname~~ *last name* of
 24 either spouse, a name combining into a single ~~surname~~ *last name*
 25 all or a segment of the ~~surname~~ *last name* or any former ~~surname~~
 26 *last name* of either spouse, or a hyphenated combination of
 27 ~~surnames~~ *last names*.

28 (3) (A) An election by a person to change his or her name
 29 pursuant to paragraph (1) shall serve as a record of the ~~surname~~
 30 *name* change. ~~A marriage license or certified copy of a marriage~~
 31 *certificate* containing the new ~~surname~~ *name*, or retaining the
 32 former ~~surname~~ *name*, shall constitute proof that the use of the
 33 new ~~surname~~ *name* or retention of the former ~~surname~~ *name* is
 34 lawful. *A copy of a document substantially equivalent to a marriage*
 35 *certificate that records a marriage outside of this state shall also*
 36 *constitute proof that the use of a new name or retention of a former*
 37 *name is lawful.*

38 (B) A *certified* copy of a marriage ~~license or~~ *certificate* shall be
 39 accepted as identification establishing a ~~surname~~ *true, full name*
 40 for purposes of Section 12800.7 of the Vehicle Code. *A copy of a*

1 *document substantially equivalent to a marriage certificate that*
2 *records a marriage outside of this state shall be accepted as*
3 *identification establishing a true, full name for purposes of Section*
4 *12800.7 of the Vehicle Code.*

5 *(C) Nothing in this section shall be construed to prohibit the*
6 *Department of Motor Vehicles from accepting as identification*
7 *other documents establishing a true, full name for purposes of*
8 *Section 12800.7 of the Vehicle Code.*

9 (4) The adoption of a new-~~surname~~ *name*, or the choice not to
10 adopt a new-~~surname~~ *name*, by means of a marriage license
11 application pursuant to paragraph (1) shall not abrogate the right
12 of either party to adopt a different-~~surname~~ *name* through usage
13 at a future date, or to petition the superior court for a change of
14 name pursuant to Title 8 (commencing with Section 1275) of Part
15 3 of the Code of Civil Procedure.

16 (c) Nothing in this section shall be construed to abrogate the
17 common law right of any person to change his or her name, or the
18 right of any person to petition the superior court for a change of
19 name pursuant to Title 8 (commencing with Section 1275) of Part
20 3 of the Code of Civil Procedure.

21 *(d) This section shall become operative on January 1, 2009.*

22 SEC. 8. Section 355 of the Family Code, as amended by Section
23 11 of Chapter 816 of the Statutes of 2006, is amended to read:

24 355. (a) The forms for the marriage license shall be prescribed
25 by the State Department of Public Health, and shall be adapted to
26 set forth the facts required in this part.

27 (b) The marriage license shall include an affidavit, which the
28 applicants shall sign, affirming that they have received the brochure
29 provided for in Section 358. If the marriage is to be entered into
30 pursuant to subdivision (b) of Section 420, the attorney in fact
31 shall sign the affidavit on behalf of the applicant who is overseas.

32 (c) The forms for the marriage license shall contain spaces for
33 either party or both parties to indicate a change in-~~surname~~ *name*
34 pursuant to Section 306.5.

35 SEC. 9. Section 358 of the Family Code is amended to read:

36 358. (a) The State Department of Public Health shall prepare
37 and publish a brochure that shall contain the following:

38 (1) Information concerning the possibilities of genetic defects
39 and diseases and a listing of centers available for the testing and
40 treatment of genetic defects and diseases.

1 (2) Information concerning acquired immunodeficiency
2 syndrome (AIDS) and the availability of testing for antibodies to
3 the probable causative agent of AIDS.

4 (3) Information concerning domestic violence, including
5 resources available to victims and a statement that physical,
6 emotional, psychological, and sexual abuse, and assault and battery,
7 are against the law.

8 (4) Information concerning options for changing a ~~surname~~
9 *name* upon solemnization of marriage pursuant to Section 306.5,
10 or upon registration of a domestic partnership pursuant to Section
11 298.6.

12 (b) The State Department of Public Health shall make the
13 brochures available to county clerks who shall distribute a copy
14 of the brochure to each applicant for a marriage license, including
15 applicants for a confidential marriage license and notaries public
16 receiving a confidential marriage license pursuant to Section 503.
17 The department shall also make the brochure available to the
18 Secretary of State, who shall distribute a copy of the brochure to
19 persons who qualify as domestic partners pursuant to Section 297
20 and shall make the brochure available electronically on the Internet
21 Web site of the Secretary of State.

22 (c) The department shall prepare a lesbian, gay, bisexual, and
23 transgender specific domestic abuse brochure and make the
24 brochure available to the Secretary of State who shall print and
25 make available the brochure, as funding allows, pursuant to Section
26 298.5.

27 (d) Each notary public issuing a confidential marriage license
28 under Section 503 shall distribute a copy of the brochure to the
29 applicants for a confidential marriage license.

30 (e) To the extent possible, the State Department of Public Health
31 shall seek to combine in a single brochure all statutorily required
32 information for marriage license applicants.

33 SEC. 10. Section 103175 of the Health and Safety Code, as
34 amended by Section 46 of Chapter 816 of the Statutes of 2006, is
35 amended to read:

36 103175. (a) The marriage license shall contain as nearly as
37 can be ascertained all of the following and other items as the State
38 Registrar may designate:

39 (1) The first section shall include the personal data of each party
40 married, including the date of birth, full given name at birth or by

1 court order, birthplace, mailing address, names and birthplaces of
 2 each party’s parents, ~~surnames~~ *last names* at birth of each party’s
 3 parents, the number of previous marriages, marital status, the name
 4 used prior to marriage by each party who was previously married
 5 and whose name has been changed, and the new ~~surname~~ *name*,
 6 if any, selected by each party for use upon solemnization of the
 7 marriage.

8 (2) The second section shall include the signatures of parties
 9 married, license to marry, county and date of issuance of license,
 10 and the marriage license number.

11 (3) The third section shall include the certification of one person
 12 performing the ceremony, that shall show his or her official
 13 position including the denomination if he or she is a clergy or
 14 clergyperson, and the printed name, signature, and mailing address
 15 of at least one, and no more than two, witnesses to the marriage
 16 ceremony. The person performing the marriage ceremony shall
 17 also type or print his or her name and mailing address on the
 18 marriage license.

19 (b) The marriage license shall not contain any reference to the
 20 race or color of parties married.

21 SEC. 11. Section 103180 of the Health and Safety Code, as
 22 amended by Section 47 of Chapter 816 of the Statutes of 2006, is
 23 amended to read:

24 103180. (a) Sections 103150 and 103175 do not apply to
 25 marriages entered into pursuant to Section 307 of the Family Code.
 26 Subdivisions (b) and (c) govern the registration and the content of
 27 the License and Certificate of ~~Declaration of Non-Clergy~~ Marriage
 28 of those marriages.

29 (b) Each marriage entered into pursuant to Section 307 of the
 30 Family Code shall be registered by the parties entering into the
 31 marriage or by a witness who signed under paragraph (2) of
 32 subdivision (a) of Section 307 within 10 days after the ceremony
 33 with the local registrar of marriages for the county in which the
 34 License and Certificate of ~~Declaration of Non-Clergy~~ Marriage
 35 was issued.

36 (c) The License and Certificate of ~~Declaration of Non-Clergy~~
 37 Marriage entered into pursuant to Section 307 of the Family Code
 38 shall contain as nearly as can be ascertained the following:

39 (1) The personal data of each party married, including the date
 40 of birth, full given name at birth or by court order, birthplace,

1 mailing address, names and birthplaces of each party's parents,
2 ~~surnames~~ *last names* at birth of each party's parents, the number
3 of previous marriages, marital status, the name used prior to
4 marriage by each party who was previously married and whose
5 name has been changed, and the new ~~surname~~ *name*, if any,
6 selected by each party for use upon solemnization of the marriage.

7 (2) The license to marry.

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

9 (4) The marriage license number.

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

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

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

15 (C) The religious society or denomination of the parties married,
16 and that the marriage was entered into in accordance with the rules
17 and customs of that religious society or denomination.

18 (6) The signatures of the parties married.

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

20 (d) The License and Certificate of ~~Declaration of Non-Clergy~~
21 Marriage shall not contain any reference to the race or color of
22 parties married or to a person performing or solemnizing the
23 marriage.

24 SEC. 12. Section 12800.7 of the Vehicle Code is amended to
25 read:

26 12800.7. (a) Upon application for an original or duplicate
27 license, the department may require the applicant to produce any
28 identification that it determines is necessary in order to ensure that
29 the name of the applicant stated in the application is his or her true,
30 full name and that his or her residence address as set forth in the
31 application is his or her true residence address.

32 (b) Documents acceptable as identification that ensures the truth
33 of an applicant's full name pursuant to subdivision (a) shall include,
34 but not be limited to, any of the following:

35 (1) A *certified* copy of a Certificate of Registered Domestic
36 Partnership issued pursuant to Division 2.5 (commencing with
37 Section 297) of the Family Code.

38 (2) A *copy of a document substantially equivalent to a Certificate*
39 *of Registered Domestic Partnership that records either of the*
40 *following:*

1 (A) A legal union of two persons that was validly formed in
2 another jurisdiction and is recognized as a valid domestic
3 partnership in this state pursuant to Section 299.2 of the Family
4 Code.

5 (B) A legal union of domestic partners as defined by a local
6 jurisdiction pursuant to Section 299.6 of the Family Code.

7 ~~(2) A~~

8 (3) A certified copy of a marriage license or certificate issued
9 pursuant to Division 3 (commencing with Section 300) of the
10 Family Code.

11 (4) A copy of a marriage certificate that records a marriage
12 outside of this state.

13 SEC. 13. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 a local agency or school district has the authority to levy service
16 charges, fees, or assessments sufficient to pay for the program or
17 level of service mandated by this act, within the meaning of Section
18 17556 of the Government Code.

19 SEC. 14. (a) The amendments made to Section 355 of the
20 Family Code, as amended by Section 11 of Chapter 816 of the
21 Statutes of 2006, made by Section 8 of this act shall become
22 operative on January 1, 2009.

23 (b) The amendments made to Section 103175 of the Health and
24 Safety Code, as amended by Section 46 of Chapter 816 of the
25 Statutes of 2006, made by Section 10 of this act shall become
26 operative on January 1, 2009.

27 (c) The amendments made to Section 103180 of the Health and
28 Safety Code, as amended by Section 47 of Chapter 816 of the
29 Statutes of 2006, made by Section 11 of this act shall become
30 operative on January 1, 2009.

O