



**Effective: July 1, 2014**

West's Tennessee Code Annotated [Currentness](#)

Title 36. Domestic Relations

▢ Chapter 3. Marriage

▢ Part 3. Ceremony

**→→ § 36-3-301. Persons eligible to solemnize marriages; gratuities received by public officials; validity**

(a)(1) All regular ministers, preachers, pastors, priests, rabbis and other spiritual leaders of every religious belief, more than eighteen (18) years of age, having the care of souls, and all members of the county legislative bodies, county mayors, judges, chancellors, former chancellors and former judges of this state, former county executives or county mayors of this state, former members of quarterly county courts or county commissions, the governor, the speaker of the senate and former speakers of the senate, the speaker of the house of representatives and former speakers of the house of representatives, the county clerk of each county, former county clerks of this state who occupied the office of county clerk on or after July 1, 2014, and the mayor of any municipality in the state may solemnize the rite of matrimony. For the purposes of this section, the several judges of the United States courts, including United States magistrates and United States bankruptcy judges, who are citizens of Tennessee are deemed to be judges of this state. The amendments to this section by Acts 1987, ch. 336, which applied provisions of this section to certain former judges, do not apply to any judge who has been convicted of a felony or who has been removed from office.

(2) In order to solemnize the rite of matrimony, any such minister, preacher, pastor, priest, rabbi or other spiritual leader must be ordained or otherwise designated in conformity with the customs of a church, temple or other religious group or organization; and such customs must provide for such ordination or designation by a considered, deliberate, and responsible act.

(3) If any marriage has been entered into by license issued pursuant to this chapter at which any minister officiated before June 1, 1999, such marriage shall not be invalid because the requirements of the preceding subdivision (2) have not been met.

(b) The traditional marriage rite of the Religious Society of Friends (Quakers), whereby the parties simply pledge their vows one to another in the presence of the congregation, constitutes an equally effective solemnization.

(c) Any gratuity received by a county mayor, county clerk or municipal mayor for the solemnization of a marriage, whether performed during or after such person's regular working hours, shall be retained by such person as personal remuneration for such services, in addition to any other sources of compensation such person might receive, and such

gratuity shall not be paid into the county general fund or the treasury of such municipality.

(d) If any marriage has been entered into by license regularly issued at which a county executive officiated prior to April 24, 1981, such marriage shall be valid and is hereby declared to be in full compliance with the laws of this state.

(e) For the purposes of this section, “retired judges of this state” is construed to include persons who served as judges of any municipal or county court in any county that has adopted a metropolitan form of government and persons who served as county judges (judges of the quarterly county court) prior to the 1978 constitutional amendments.

(f) If any marriage has been entered into by license regularly issued at which a retired judge of this state officiated prior to April 13, 1984, such marriage shall be valid and is hereby declared to be in full compliance with the laws of this state.

(g) If any marriage has been entered into by license issued pursuant to this chapter at which a judicial commissioner officiated prior to March 28, 1991, such marriage is valid and is declared to be in full compliance with the laws of this state.

(h) The judge of the general sessions court of any county, and any former judge of any general sessions court, may solemnize the rite of matrimony in any county of this state. Any marriage performed by any judge of the general sessions court in any county of this state before March 16, 1994, shall be valid and declared to be in full compliance with the laws of this state.

(i) All elected officials and former officials, who are authorized to solemnize the rite of matrimony pursuant to the provisions of subsection (a), may solemnize the rite of matrimony in any county of this state.

(j) If any marriage has been entered into by license issued pursuant to this chapter at which a county mayor officiated outside such mayor’s county prior to May 29, 1997, such marriage is valid and is declared to be in full compliance with the laws of this state.

(k) The judge of the municipal court of any municipality, whether elected or appointed, shall have the authority to solemnize the rite of matrimony in any county of the state.

#### CREDIT(S)

1778 Acts, c. 7, § 2; 1845-1846 Acts, c. 145, § 7; 1879 Acts, c. 98, § 1; 1889 Acts, c. 134, § 1; 1949 Pub.Acts, c. 251, § 4; 1970 Pub.Acts, c. 440, § 1; 1973 Pub.Acts, c. 66, § 3; impl. am. by 1978 Pub.Acts, c. 934, § 7; 1979 Pub.Acts, c. 87, § 1; 1981 Pub.Acts, c. 211, §§ 1, 2; 1983 Pub.Acts, c. 331, §§ 1, 2; 1984 Pub.Acts, c. 516, § 1; 1987 Pub.Acts, c. 146, § 1; 1987 Pub.Acts, c. 336, §§ 4, 5; 1988 Pub.Acts, c. 471, §§ 1, 2; 1991 Pub.Acts, c. 86, § 1; 1992 Pub.Acts, c. 911, § 1; 1993 Pub.Acts, c. 50, § 1, eff. March 22, 1993; 1994 Pub.Acts, c. 619, § 1, eff. March 16, 1994; 1995 Pub.Acts, c. 94, § 1, eff. April 7, 1995; 1995 Pub.Acts, c. 128, § 1, eff. April 21, 1995; 1997 Pub.Acts, c. 295, §§ 1, 2, eff. May 29, 1997; 1998 Pub.Acts, c. 745, §§ 1, 2, eff. April 15, 1998; 1999 Pub.Acts, c. 526, § 1, eff. June 17, 1999;

2003 Pub.Acts, c. 90, § 2, eff. July 1, 2003; 2003 Pub.Acts, c. 376, § 3, eff. June 23, 2003; 2005 Pub.Acts, c. 21, § 1, eff. April 5, 2005; 2012 Pub.Acts, c. 677, § 1, eff. April 4, 2012; 2014 Pub.Acts, c. 747, § 1, eff. July 1, 2014.

**Formerly** 1858 Code, § 2439; Shannon's Code, § 4189; 1932 Code, § 8412; 1950 Code Supp., § 8412; § 36-415.

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