

HOUSE BILL No. 5536

February 19, 1992, Introduced by Reps. Perry Bullard and Martin and referred to the Committee on Judiciary.

A bill to amend section 3 of Act No. 128 of the Public Acts of 1887, entitled as amended

"An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same,"

as amended by Act No. 346 of the Public Acts of 1984, being section 551.103 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 128 of the Public Acts of
2 1887, as amended by Act No. 346 of the Public Acts of 1984, being
3 section 551.103 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 3. (1) Every person who ~~becomes~~ IS 18 years of age
6 ~~shall be capable by law of contracting~~ OR OLDER MAY CONTRACT
7 marriage. Every person who ~~becomes~~ IS 16 years of age OR OLDER

1 but is less than 18 years of age ~~shall be capable of~~
2 ~~contracting~~ MAY CONTRACT marriage with the written consent of 1
3 of the parents of the person or the person's legal guardian, as
4 provided in this section. As proof of age, the party to the
5 intended marriage, in addition to the statement of age in the
6 application, when requested by the county clerk, shall submit a
7 birth certificate or other proof of age.

8 (2) The county clerk on the application made shall fill out
9 the blank spaces of the license according to the sworn answers of
10 the applicant, taken before the county clerk ~~or~~ or some person
11 duly authorized by law to administer oaths. ~~When~~ IF it appears
12 from the affidavit that ~~either~~ the applicant is applying for a
13 license for ~~the~~ marriage to a person who ~~has not become~~ IS
14 LESS THAN 18 years of age, ~~or~~ that the applicant ~~has not~~
15 ~~become~~ IS LESS THAN 18 years of age, or THAT both persons apply-
16 ing for a license are less than 18 years of age, the county clerk
17 shall require that there first be produced the written consent of
18 1 of the parents of each ~~of the persons~~ PERSON who is less than
19 18 years of age, or of the person's legal guardian, to the mar-
20 riage and to the issuing of the license for which application is
21 made. The consent shall be given personally in the presence of
22 the county clerk or be acknowledged before a notary public or
23 other officer authorized to administer oaths unless the person
24 does not have a living parent or guardian.

25 (3) A license shall not be issued by the county clerk until
26 the requirements of this section are complied with. ~~The~~ A
27 written consent shall be preserved on file in the office of the

1 county clerk. If the parties are legally entitled to be married,
2 the county clerk shall sign the license and certify the fact that
3 it is properly issued, and the clerk shall make a correct copy of
4 the license in the books of registration.

5 (4) ~~(2) A fee of \$20.00 shall be paid by the party~~
6 applying for ~~the~~ A MARRIAGE license ~~which shall be paid by~~
7 SHALL PAY A \$25.00 FEE THAT the county clerk SHALL PAY into the
8 general fund of the county.

9 (5) The county board of commissioners shall allocate \$15.00
10 of each fee collected UNDER SUBSECTION (4) to the circuit court
11 for family counseling services, which shall include counseling
12 for domestic violence and child abuse. If family counseling
13 services are not established in the county, the circuit court
14 ~~may~~ SHALL use the money allocated to contract with A public or
15 private ~~agencies~~ AGENCY providing similar services, IF AN
16 AGENCY EXISTS THAT PROVIDES THOSE SERVICES TO RESIDENTS OF THE
17 COUNTY. ~~Funds~~ MONEY allocated to the circuit court pursuant to
18 this ~~section which are~~ SUBSECTION THAT IS not expended shall be
19 returned to the general fund of the county to be held in escrow
20 until circuit court family counseling services are established
21 pursuant to THE CIRCUIT COURT FAMILY COUNSELING SERVICES ACT, Act
22 No. 155 of the Public Acts of 1964, as amended, being sections
23 551.331 to 551.344 of the Michigan Compiled Laws, OR UNTIL A
24 PUBLIC OR PRIVATE AGENCY EXISTS THAT PROVIDES SIMILAR SERVICES TO
25 RESIDENTS OF THE COUNTY.

26 (6) THE COUNTY BOARD OF COMMISSIONERS SHALL ALLOCATE \$5.00
27 OF EACH FEE COLLECTED UNDER SUBSECTION (4) TO CONTRACT WITH

1 PUBLIC OR PRIVATE AGENCIES PROVIDING SERVICES TO VICTIMS OF
2 DOMESTIC VIOLENCE, WHICH CONTRACT SHALL PROVIDE FOR LEGAL ADVO-
3 CACY FOR THOSE VICTIMS OR MONITORING OF COUNTY OR LOCAL LAW
4 ENFORCEMENT RESPONSE TO DOMESTIC VIOLENCE, OR BOTH. IF THERE IS
5 NO AGENCY THAT PROVIDES THOSE SERVICES TO RESIDENTS OF THE
6 COUNTY, THE AMOUNT ALLOCATED UNDER THIS SUBSECTION SHALL BE HELD
7 IN ESCROW IN THE COUNTY GENERAL FUND UNTIL SUCH AN AGENCY EXISTS.

8 (7) A probate court may order the county clerk to waive the
9 marriage license fee in cases in which the fee would result in
10 undue hardship. If both parties named in the application are
11 nonresidents of the state, ~~an additional fee of \$10.00 shall be~~
12 ~~paid by~~ the party applying for the license ~~which shall be~~
13 ~~deposited by~~ SHALL PAY AN ADDITIONAL \$10.00 FEE THAT the county
14 clerk SHALL DEPOSIT into the general fund of the county.

15 (8) The county clerk shall give the license filled out and
16 signed, together with the blank form of certificate, to the party
17 applying, for delivery to the clergyman or magistrate who is to
18 officiate at the marriage. On the return of the license to the
19 county clerk, with the certificate of the clergyman or magistrate
20 that the marriage has been performed, the county clerk shall
21 record in the book of registration in the proper place of entry
22 the information prescribed by the director of public health. The
23 licenses and certificates issued and returned shall be forwarded
24 to the state registrar appointed by the director of public health
25 on the forms and in the manner prescribed by the director.

26 (9) ~~(3)~~ A charter county ~~which~~ THAT has a population of
27 over 2,000,000 may impose by ordinance a marriage license fee or

1 nonresident marriage license fee, or both, different in amount
2 than the fee prescribed by subsection ~~-(2)-~~ (4). The charter
3 county shall allocate the fee for family counseling services as
4 prescribed by ~~subsection (2)-~~ THIS SECTION. A charter county
5 shall not impose a fee ~~which~~ THAT is greater than the cost of
6 the service for which the fee is charged.