

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1998

Introduced by Reps. Brater, Scott, Quarles, Hale, Brewer, Brackenridge, Crissman and Parks

ENROLLED HOUSE BILL No. 5613

AN ACT to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as amended by 1983 PA 64.

The People of the State of Michigan enact:

Sec. 7. (1) Marriages may be solemnized by any of the following persons:

- (a) A judge of the district court if the marriage is solemnized in the district in which the judge is serving.
 - (b) A district court magistrate if the marriage is solemnized in the district in which the magistrate is serving.
 - (c) A municipal judge if the marriage is solemnized in the city in which the judge is serving or in a township over which a municipal court has jurisdiction pursuant to section 9928 of the revised judicature act of 1961, 1961 PA 236, MCL 600.9928.
 - (d) A judge of probate if the marriage is solemnized in the county or probate court district in which the judge is serving.
 - (e) A judge of the family division of the circuit court if the marriage is solemnized in the judicial circuit in which the judge is serving.
 - (f) A judge of a federal court.
 - (g) A mayor of a city if the marriage is solemnized in the city in which the mayor serves.
 - (h) A county clerk in a county other than a county organized under 1966 PA 293, MCL 45.501 to 45.521, if the marriage is solemnized in the county in which the clerk serves.
 - (i) A county clerk or an employee of the clerk's office designated by the county clerk in a county organized under 1966 PA 293, MCL 45.501 to 45.521, if the marriage is solemnized in the county in which the clerk serves.
 - (j) A clergyperson, if the clergyperson is ordained or authorized to solemnize marriages according to the usages of the denomination and is an officiator of a congregation in this state or continues to preach in this state.
 - (k) A clergyperson, if the clergyperson is not a resident of this state but is authorized to solemnize marriages under the laws of the state in which the clergyperson resides.
- (2) A person authorized by this act to solemnize a marriage and the persons to be married may agree that the persons to be married complete premarital counseling.
- (3) A person authorized by this act to solemnize a marriage shall keep proper records and make returns as required by section 4 of 1887 PA 128, MCL 551.104.

(4) If a mayor of a city solemnizes a marriage, the mayor shall charge and collect a fee to be determined by the legislative body of that city. The fee shall be paid to the city treasurer and deposited in the general fund of the city at the end of the month.

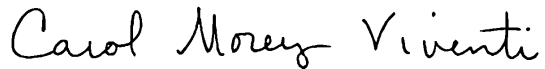
(5) If a county clerk or an employee of the clerk's office designated by the county clerk solemnizes a marriage under subsection (1)(h) or (i), the county clerk shall charge and collect a fee to be determined by the commissioners of that county. The fee shall be paid to the county treasurer and deposited in the general fund of the county at the end of the month.

Sec. 16. A marriage solemnized before a person professing to be a person authorized to solemnize a marriage under section 7 is not void and the validity of the marriage is not affected for lack of jurisdiction or authority in that person, if the marriage was consummated with a full belief by 1 or both of the persons married that they were lawfully joined in marriage.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.