

# HOUSE BILL No. 6244

September 29, 2004, Introduced by Rep. Koetje and referred to the Committee on Judiciary.

A bill to amend 1887 PA 128, entitled

"An act establishing the minimum ages for contracting marriages; to require a civil license in order to marry and its registration; to provide for the implementation of federal law; and to provide a penalty for the violation of this act,"

by amending section 3 (MCL 551.103), as amended by 1984 PA 346.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 3. (1) ~~Every person who becomes~~ **An individual who is**  
 2 18 years of age ~~shall be~~ **or older is** capable by law of  
 3 contracting marriage. ~~Every person who becomes~~ **An individual**  
 4 **who is** 16 years of age but is less than 18 years of age ~~shall~~  
 5 ~~be~~ **is** capable of contracting marriage with the written consent  
 6 of 1 of the parents of the ~~person~~ **individual** or **of** the  
 7 ~~person's~~ **individual's** legal guardian, as provided in this  
 8 section. As proof of age, the party to the intended marriage, in  
 9 addition to the statement of age in the application, when  
 10 requested by the county clerk, shall submit a birth certificate

HOUSE BILL No. 6244

1 or other proof of age.

2       (2) The county clerk ~~on the application made~~ shall fill out  
3 the blank spaces of the license according to the sworn answers of  
4 the applicant, taken before the county clerk ~~—~~ or some person  
5 duly authorized by law to administer oaths. ~~When~~ **If** it appears  
6 from the ~~affidavit that either~~ **sworn statement that** the  
7 applicant is applying for a license for the marriage to ~~a person~~  
8 ~~who has not become~~ **an individual who is not** 18 years of age or  
9 **older**, that the applicant has not become 18 years of age, or **that**  
10 both ~~persons~~ **individuals** applying for a license are less than  
11 18 years of age, the county clerk shall require that ~~there first~~  
12 ~~be produced~~ the written consent of 1 of the parents of each ~~of~~  
13 ~~the persons~~ **individual** who is less than 18 years of age or of  
14 the ~~person's~~ **individual's** legal guardian **be produced. The**  
15 **consent shall be** to the marriage and to the issuing of the  
16 license for which application is made. The consent shall be  
17 given personally in the **county clerk's** presence ~~of the county~~  
18 ~~clerk~~ or **shall** be acknowledged before a notary public or other  
19 officer authorized to administer oaths unless the ~~person~~  
20 **individual** does not have a living parent or guardian.

21       (3) A license shall not be issued by the county clerk until  
22 the requirements of this section are complied with. The written  
23 consent shall be preserved on file in the office of the county  
24 clerk. If the parties are legally entitled to be married, the  
25 county clerk shall sign the license and certify the fact that it  
26 is properly issued, and the clerk shall make a correct copy of  
27 the license in the books of registration.

1           (4) ~~(2)~~ A fee of ~~-\$20.00-~~ **\$30.00** shall be paid by the party  
2 applying for the license. ~~which shall be paid by the~~ **The** county  
3 clerk **shall pay the fee** into the **county** general fund. ~~of the~~  
4 ~~county.~~ The county board of commissioners shall allocate \$15.00  
5 of each fee collected to the circuit court for family counseling  
6 services, which shall include counseling for domestic violence  
7 and child abuse. If family counseling services are not  
8 established in the county, the circuit court may use the money  
9 allocated to contract with public or private agencies providing  
10 similar services. ~~Funds~~ **Money** allocated to the circuit court  
11 ~~pursuant to~~ **by** this section ~~which are~~ **that is** not expended  
12 shall be returned to the **county** general fund ~~of the county~~ to  
13 be held in escrow until circuit court family counseling services  
14 are established ~~pursuant to Act No. 155 of the Public Acts of~~  
15 ~~1964, as amended, being sections 551.331 to 551.344 of the~~  
16 ~~Michigan Compiled Laws~~ **under the circuit court family counseling**  
17 **services act, 1964 PA 155, MCL 551.331 to 551.344.** A probate  
18 court may order the county clerk to waive the marriage license  
19 fee in cases in which the fee would result in undue hardship. If  
20 both parties named in the application are nonresidents of the  
21 state, an additional fee of \$10.00 shall be paid by the party  
22 applying for the license ~~which~~ **and** shall be deposited by the  
23 county clerk into the **county** general fund. ~~of the county.~~

24           (5) The county clerk shall give the license filled out and  
25 signed, together with the blank form of certificate, to the party  
26 applying, for delivery to the ~~clergyman~~ **cleric** or magistrate  
27 who is to officiate at the marriage. On the return of the

1 license to the county clerk, with the **cleric's or magistrate's**  
2 certificate ~~of the clergyman or magistrate~~ that the marriage  
3 has been performed, the county clerk shall record in the book of  
4 registration in the proper place of entry the information  
5 prescribed by the director of ~~public~~ **community** health. The  
6 licenses and certificates issued and returned shall be forwarded  
7 to the state registrar appointed by the director of ~~public~~  
8 **community** health on the forms and in the manner prescribed by the  
9 director.

10       **(6)** ~~-(3)-~~ A charter county ~~which~~ **that** has a population of  
11 over 2,000,000 may impose by ordinance a marriage license fee or  
12 nonresident marriage license fee, or both, different in amount  
13 ~~than~~ **from** the fee prescribed by subsection ~~-(2)-~~ **(4)**. The  
14 charter county shall allocate the fee for family counseling  
15 services as prescribed by subsection ~~-(2)-~~ **(4)**. A charter county  
16 shall not impose a fee ~~which~~ **that** is greater than the cost of  
17 the service for which the fee is charged.