

SUBSTITUTE FOR  
SENATE BILL NO. 1106

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 sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), section 2 as amended by 1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a as amended by 1989 PA 270.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 2. (1) Blank forms for a marriage license and certificate  
2 shall be prepared and furnished by the state registrar appointed by  
3 the director of the department of community health to ~~the~~ **EACH**  
4 county ~~clerks~~ **CLERK** of this state in ~~quantities~~ **THE QUANTITY**  
5 needed. The blank ~~forms~~ **FORM** for a license and certificate shall  
6 be made in duplicate and shall provide spaces for the entry of

1 identifying information of the parties and other items prescribed  
2 in rules promulgated by the director of the department of community  
3 health. The state registrar shall furnish to ~~all the~~ **EACH** county  
4 ~~clerk~~ **CLERK** of this state blank application forms of an affidavit  
5 containing the requisite allegations, under the laws of this state,  
6 of the competency of the parties to unite in the bonds of  
7 matrimony, and as required to comply with federal law, containing a  
8 space requiring each applicant's social security number. A party  
9 applying for a license to marry shall make and file the application  
10 in the form of an affidavit with the county clerk as a basis for  
11 issuing the license. **THE COUNTY CLERK MAY PERMIT A PARTY APPLYING**  
12 **FOR A MARRIAGE LICENSE TO SUBMIT THAT APPLICATION ELECTRONICALLY.**  
13 **IF THE COUNTY CLERK ACCEPTS AN ELECTRONICALLY SUBMITTED**  
14 **APPLICATION, THE CLERK SHALL PRINT THE REQUIRED INFORMATION FROM**  
15 **THE APPLICATION IN THE FORM OF AN AFFIDAVIT AND HAVE A PARTY NAMED**  
16 **IN THE APPLICATION SIGN THE AFFIDAVIT IN THE PRESENCE OF THE COUNTY**  
17 **CLERK OR A DEPUTY CLERK.** The license shall be made a matter of  
18 record and shall be transmitted to the department of community  
19 health in the manner prescribed by the state registrar. The state  
20 registrar shall not require an applicant's social security number  
21 to be displayed on the marriage license.

22 (2) A person shall not disclose, in a manner not authorized by  
23 law or rule, a social security number collected as required by this  
24 section. A violation of this subsection is a misdemeanor punishable  
25 by imprisonment for not more than 90 days or a fine of not more  
26 than \$500.00, or both. A second or subsequent violation of this  
27 subsection is a felony punishable by imprisonment for not more than

1 4 years or a fine of not more than \$2,000.00, or both.

2 (3) A requirement under this section to include a social  
3 security number on an application does not apply to an applicant  
4 who demonstrates he or she is exempt under law from obtaining a  
5 social security number or to an applicant who for religious  
6 convictions is exempt under law from disclosure of his or her  
7 social security number under these circumstances. The county clerk  
8 shall inform the applicant of this possible exemption.

9 (4) **THE APPLICATION REQUIRED TO BE COMPLETED UNDER SUBSECTION**  
10 **(1) IS A NONPUBLIC RECORD AND IS EXEMPT FROM DISCLOSURE UNDER THE**  
11 **FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246. THE**  
12 **APPLICATION SHALL BE MADE AVAILABLE, UPON REQUEST, TO THE PERSONS**  
13 **NAMED IN THE APPLICATION.**

14 Sec. 3. (1) ~~Every~~ **A person who becomes IS** 18 years of age  
15 ~~shall be capable by law of contracting~~ **OR OLDER MAY CONTRACT**  
16 marriage. ~~Every~~ **A person who becomes IS** 16 years of age but is  
17 less than 18 years of age ~~shall be capable of contracting~~ **MAY**  
18 **CONTRACT** marriage with the written consent of 1 of the parents of  
19 the person or the person's legal guardian, as provided in this  
20 section. As proof of age, the ~~party to the intended marriage~~  
21 **PERSON WHO INTENDS TO BE MARRIED**, in addition to the statement of  
22 age in the application, when requested by the county clerk, shall  
23 submit a birth certificate or other proof of age. The county clerk  
24 on the application ~~made~~ **SUBMITTED** shall fill out the blank spaces  
25 of the license according to the sworn answers of the applicant,  
26 taken before the county clerk, or some person duly authorized by  
27 law to administer oaths. ~~When~~ **IF** it appears from the affidavit

1 that either the applicant ~~is applying for a license for the~~  
 2 ~~marriage to a person who has not become~~ **FOR A MARRIAGE LICENSE OR**  
 3 **THE PERSON WHOM HE OR SHE INTENDS TO MARRY IS LESS THAN** 18 years of  
 4 age, ~~or that the applicant has not become 18 years of age, or both~~  
 5 ~~persons applying for a license are less than 18 years of age,~~ the  
 6 county clerk shall require that there first be produced the written  
 7 consent of 1 of the parents of each of the persons who is less than  
 8 18 years of age or of the person's legal guardian, **UNLESS THE**  
 9 **PERSON DOES NOT HAVE A LIVING PARENT OR GUARDIAN. THE CONSENT SHALL**  
 10 **BE** to the marriage and to the issuing of the license for which **THE**  
 11 application is ~~made~~ **SUBMITTED**. The consent shall be given  
 12 personally in the presence of the county clerk or be acknowledged  
 13 before a notary public or other officer authorized to administer  
 14 oaths. ~~unless the person does not have a living parent or~~  
 15 ~~guardian.~~ A license shall not be issued by the county clerk until  
 16 the requirements of this section are complied with. The written  
 17 consent shall be preserved on file in the office of the county  
 18 clerk. If the parties are legally entitled to be married, the  
 19 county clerk shall sign the license and certify the fact that it is  
 20 properly issued, and the clerk shall make a correct copy of the  
 21 license in the books of registration.

22 (2) A fee of \$20.00 shall be paid by the ~~party~~ **PERSON**  
 23 applying for the license ~~which~~ **AND** shall be paid by the county  
 24 clerk into the general fund of the county. The county board of  
 25 commissioners shall allocate \$15.00 of each fee collected to the  
 26 circuit court for family counseling services, which shall include  
 27 counseling for domestic violence and child abuse. If family

1 counseling services are not established in the county, the circuit  
 2 court may use the money allocated to contract with public or  
 3 private agencies providing similar services. ~~Funds~~ **MONEY**  
 4 allocated to the circuit court pursuant to this section ~~which are~~  
 5 **THAT IS** not expended shall be returned to the general fund of the  
 6 county to be held in escrow until circuit court family counseling  
 7 services are established pursuant to ~~Act No. 155 of the Public~~  
 8 ~~Acts of 1964, as amended, being sections 551.331 to 551.344 of the~~  
 9 ~~Michigan Compiled Laws~~ **THE CIRCUIT COURT FAMILY COUNSELING**  
 10 **SERVICES ACT, 1964 PA 155, MCL 551.331 TO 551.344.** A probate court  
 11 may order the county clerk to waive the marriage license fee in  
 12 cases in which the fee would result in undue hardship. If both  
 13 parties named in the application are nonresidents of the state, **THE**  
 14 **PERSON APPLYING FOR THE LICENSE SHALL PAY** an additional fee of  
 15 \$10.00, ~~shall be paid by the party applying for the license which~~  
 16 ~~shall be deposited by~~ **WHICH** the county clerk **SHALL DEPOSIT** into  
 17 the general fund of the county. The county clerk shall give the  
 18 license filled out and signed, together with the blank form of  
 19 certificate, to the ~~party~~ **PERSON** applying, for delivery to the  
 20 ~~clergyman or magistrate~~ **INDIVIDUAL** who is to officiate at the  
 21 marriage. On the return of the license to the county clerk,  
 22 **CONTAINING THE SIGNATURES OF THE WITNESSES TO THE MARRIAGE, WHO**  
 23 **SHALL BE 18 YEARS OF AGE OR OLDER, THE INDIVIDUALS BEING MARRIED,**  
 24 **AND THE INDIVIDUAL OFFICIATING AT THE MARRIAGE,** with the  
 25 certificate of the ~~clergyman or magistrate~~ **INDIVIDUAL OFFICIATING**  
 26 **AT THE MARRIAGE** that the marriage has been performed, the county  
 27 clerk shall record in the book of registration in the proper place

1 of entry the information prescribed by the director of ~~public~~ **THE**  
 2 **DEPARTMENT OF COMMUNITY** health. The licenses and certificates  
 3 issued and returned shall be forwarded to the state registrar  
 4 appointed by the director of ~~public~~ **THE DEPARTMENT OF COMMUNITY**  
 5 health on the forms and in the manner prescribed by the director.

6 (3) A charter county ~~which~~ **THAT** has a population of over  
 7 2,000,000 may impose by ordinance a marriage license fee or  
 8 nonresident marriage license fee, or both, different in amount than  
 9 the fee prescribed by subsection (2). The charter county shall  
 10 allocate the fee for family counseling services as prescribed by  
 11 subsection (2). A charter county shall not impose a fee ~~which~~  
 12 **THAT** is greater than the cost of the service for which the fee is  
 13 charged.

14 Sec. 3a. A ~~license to marry~~ **MARRIAGE LICENSE** shall not be  
 15 delivered within a period of 3 days including the date of  
 16 application. However, the county clerk of each county, for good and  
 17 sufficient cause shown, may deliver the license immediately  
 18 following the application. **IF THE COUNTY CLERK DELIVERS THE LICENSE**  
 19 **IMMEDIATELY FOLLOWING THE APPLICATION, THE PERSON APPLYING FOR THE**  
 20 **LICENSE SHALL PAY A FEE TO BE DETERMINED BY THE COUNTY BOARD OF**  
 21 **COMMISSIONERS, WHICH THE COUNTY CLERK SHALL DEPOSIT INTO THE**  
 22 **GENERAL FUND OF THE COUNTY.** A marriage license issued is void  
 23 unless a marriage is solemnized under the license within 33 days  
 24 after the application.