

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.