

HOUSE BILL No. 6417

September 6, 2006, Introduced by Reps. Zelenko, Sak, Gonzales, Meisner, Hune, Shaffer, Gaffney, Wenke, Waters, Alma Smith, Clack, Accavitti, Anderson, Lipsey, Kolb, Kathleen Law, Plakas, Williams, Espinoza, Farrah, Byrnes, Cushingberry, Mayes, Vander Veen, Miller, Vagnozzi and Cheeks 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~~ **A** person who ~~becomes~~ **IS** 18 years of age
2 ~~shall be capable by law of contracting~~ **OR OLDER MAY CONTRACT**
3 marriage. ~~Every~~ **A** person who ~~becomes~~ **IS** 16 years of age but is
4 less than 18 years of age ~~shall be capable of contracting~~ **MAY**
5 **CONTRACT** marriage with the written consent of 1 of the parents of
6 the person or the person's legal guardian, as provided in this
7 section. As proof of age, the ~~party to the intended marriage~~
8 **PERSON WHO INTENDS TO BE MARRIED**, in addition to the statement of

1 age in the application, when requested by the county clerk, shall
2 submit a birth certificate or other proof of age. The county clerk
3 on the application ~~made~~ **SUBMITTED** shall fill out the blank spaces
4 of the license according to the sworn answers of the applicant,
5 taken before the county clerk, or some person duly authorized by
6 law to administer oaths. ~~When~~ **IF** it appears from the affidavit
7 that either the applicant ~~is applying for a license for the~~
8 ~~marriage to a person who has not become~~ **FOR A MARRIAGE LICENSE OR**
9 **THE PERSON WHOM HE OR SHE INTENDS TO MARRY IS LESS THAN** 18 years of
10 age, ~~or that the applicant has not become 18 years of age, or both~~
11 ~~persons applying for a license are less than 18 years of age,~~ the
12 county clerk shall require that there first be produced the written
13 consent of 1 of the parents of each of the persons who is less than
14 18 years of age or of the person's legal guardian, **UNLESS THE**
15 **PERSON DOES NOT HAVE A LIVING PARENT OR GUARDIAN. THE CONSENT SHALL**
16 **BE** to the marriage and to the issuing of the license for which **THE**
17 application is ~~made~~ **SUBMITTED**. The consent shall be given
18 personally in the presence of the county clerk or be acknowledged
19 before a notary public or other officer authorized to administer
20 oaths. ~~unless the person does not have a living parent or~~
21 ~~guardian.~~ 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 is
26 properly issued, and the clerk shall make a correct copy of the
27 license in the books of registration.

(2) AN INDIVIDUAL SHALL FILE A SWORN STATEMENT WITH AN APPLICATION FOR A MARRIAGE LICENSE INDICATING WHETHER EITHER PARTY TO THE INTENDED MARRIAGE HAS BEEN PREVIOUSLY MARRIED. IF EITHER PARTY TO THE INTENDED MARRIAGE HAS BEEN PREVIOUSLY MARRIED, A COPY OF A FINAL DECREE OR JUDGMENT OF DIVORCE FOR THE MOST RECENT MARRIAGE SHALL BE PROVIDED TO THE COUNTY CLERK. A COUNTY CLERK SHALL NOT ISSUE A MARRIAGE LICENSE IF 1 OF THE INDIVIDUALS WAS PREVIOUSLY MARRIED UNLESS THE COUNTY CLERK RECEIVES A COPY OF A FINAL DECREE OR JUDGMENT OF DIVORCE FROM THE MOST RECENT MARRIAGE.

(3) ~~-(2)-~~ A fee of \$20.00 shall be paid by the ~~party~~ PERSON applying for the license ~~which~~ AND shall be paid by the county clerk into the general fund of the county. The county board of commissioners shall allocate \$15.00 of each fee collected to the circuit court for family counseling services, which shall include counseling for domestic violence and child abuse. If family counseling services are not established in the county, the circuit court may use the money allocated to contract with public or private agencies providing similar services. ~~Funds~~ MONEY allocated to the circuit court pursuant to this section ~~which are~~ THAT IS not expended shall be returned to the general fund of the county to be held in escrow until circuit court family counseling services are established pursuant to ~~Act No. 155 of the Public Acts of 1964, as amended, being sections 551.331 to 551.344 of the Michigan Compiled Laws~~ THE CIRCUIT COURT FAMILY COUNSELING SERVICES ACT, 1964 PA 155, MCL 551.331 TO 551.344. A probate court may order the county clerk to waive the marriage license fee in cases in which the fee would result in undue hardship. If both

1 parties named in the application are nonresidents of the state, **THE**
 2 **PERSON APPLYING FOR THE LICENSE SHALL PAY** an additional fee of
 3 \$10.00, ~~shall be paid by the party applying for the license which~~
 4 ~~shall be deposited by~~ **WHICH** the county clerk **SHALL DEPOSIT** into
 5 the general fund of the county. The county clerk shall give the
 6 license filled out and signed, together with the blank form of
 7 certificate, to the ~~party~~ **PERSON** applying, for delivery to the
 8 ~~clergyman or magistrate~~ **INDIVIDUAL** who is to officiate at the
 9 marriage. On the return of the license to the county clerk, with
 10 the certificate of the ~~clergyman or magistrate~~ **INDIVIDUAL**
 11 **OFFICIATING AT THE MARRIAGE** that the marriage has been performed,
 12 the county clerk shall record in the book of registration in the
 13 proper place of entry the information prescribed by the director of
 14 ~~public~~ **THE DEPARTMENT OF COMMUNITY** health. The licenses and
 15 certificates issued and returned shall be forwarded to the state
 16 registrar appointed by the director of ~~public~~ **THE DEPARTMENT OF**
 17 **COMMUNITY** health on the forms and in the manner prescribed by the
 18 director.

19 (4) ~~(3)~~ A charter county ~~which~~ **THAT** has a population of
 20 over 2,000,000 may impose by ordinance a marriage license fee or
 21 nonresident marriage license fee, or both, different in amount than
 22 the fee prescribed by subsection ~~(2)~~ (3). The charter county
 23 shall allocate the fee for family counseling services as prescribed
 24 by subsection ~~(2)~~ (3). A charter county shall not impose a fee
 25 ~~which~~ **THAT** is greater than the cost of the service for which the
 26 fee is charged.