

SENATE BILL No. 1106

March 1, 2006, Introduced by Senator HAMMERSTROM and referred to the Committee on Local, Urban and State Affairs.

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 ~~clerk~~ **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 COUNTY CLERK MAY CHARGE A \$10.00 FEE**
18 **FOR APPLICATIONS SUBMITTED ELECTRONICALLY. THE \$10.00 SHALL BE USED**
19 **BY THE COUNTY CLERK'S OFFICE FOR TECHNOLOGY UPGRADES AND THE**
20 **PRESERVATION AND STORAGE OF DOCUMENTS FILED WITH THE COUNTY CLERK'S**
21 **OFFICE.** The license shall be made a matter of record and shall be
22 transmitted to the department of community health in the manner
23 prescribed by the state registrar. The state registrar shall not
24 require an applicant's social security number to be displayed on
25 the marriage license.

26 (2) A person shall not disclose, in a manner not authorized by
27 law or rule, a social security number collected as required by this

1 section. A violation of this subsection is a misdemeanor punishable
2 by imprisonment for not more than 90 days or a fine of not more
3 than \$500.00, or both. A second or subsequent violation of this
4 subsection is a felony punishable by imprisonment for not more than
5 4 years or a fine of not more than \$2,000.00, or both.

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

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

18 Sec. 3. (1) ~~Every~~ **A** person who ~~becomes~~ **IS** 18 years of age
19 ~~shall be capable by law of contracting~~ **OR OLDER MAY CONTRACT**
20 marriage. ~~Every~~ **A** person who ~~becomes~~ **IS** 16 years of age but is
21 less than 18 years of age ~~shall be capable of contracting~~ **MAY**
22 **CONTRACT** marriage with the written consent of 1 of the parents of
23 the person or the person's legal guardian, as provided in this
24 section. As proof of age, the ~~party to the intended marriage~~
25 **PERSON WHO INTENDS TO BE MARRIED**, in addition to the statement of
26 age in the application, when requested by the county clerk, shall
27 submit a birth certificate or other proof of age. The county clerk

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

26 (2) A fee of ~~-\$20.00~~ **\$50.00** shall be paid by the ~~party~~
 27 **PERSON** applying for the license ~~which~~ **AND** shall be paid by the

1 county clerk into the general fund of the county. The county board
 2 of commissioners shall allocate \$15.00 of each fee collected to the
 3 circuit court for family counseling services, which shall include
 4 counseling for domestic violence and child abuse. If family
 5 counseling services are not established in the county, the circuit
 6 court may use the money allocated to contract with public or
 7 private agencies providing similar services. ~~Funds~~ **MONEY**
 8 allocated to the circuit court pursuant to this section ~~which are~~
 9 **THAT IS** not expended shall be returned to the general fund of the
 10 county to be held in escrow until circuit court family counseling
 11 services are established pursuant to ~~Act No. 155 of the Public~~
 12 ~~Acts of 1964, as amended, being sections 551.331 to 551.344 of the~~
 13 ~~Michigan Compiled Laws~~ **THE CIRCUIT COURT FAMILY COUNSELING**
 14 **SERVICES ACT, 1964 PA 155, MCL 551.331 TO 551.344. THE COUNTY BOARD**
 15 **OF COMMISSIONERS SHALL ALLOCATE \$30.00 OF EACH FEE COLLECTED TO THE**
 16 **COUNTY CLERK'S OFFICE TO BE USED FOR TECHNOLOGY UPGRADES AND THE**
 17 **PRESERVATION AND STORAGE OF DOCUMENTS FILED WITH THE COUNTY CLERK'S**
 18 **OFFICE.** A probate court may order the county clerk to waive the
 19 marriage license fee in cases in which the fee would result in
 20 undue hardship. If both parties named in the application are
 21 nonresidents of the state, **THE PERSON APPLYING FOR THE LICENSE**
 22 **SHALL PAY** an additional fee of ~~\$10.00 shall be paid by the party~~
 23 ~~applying for the license which shall be deposited by~~ **\$20.00 WHICH**
 24 the county clerk **SHALL DEPOSIT** into the general fund of the county.
 25 **THE COUNTY BOARD OF COMMISSIONERS SHALL ALLOCATE \$10.00 OF EACH**
 26 **ADDITIONAL FEE COLLECTED TO THE COUNTY CLERK'S OFFICE TO BE USED**
 27 **FOR TECHNOLOGY UPGRADES AND THE PRESERVATION AND STORAGE OF**

1 **DOCUMENTS FILED WITH THE COUNTY CLERK'S OFFICE.** The county clerk
 2 shall give the license filled out and signed, together with the
 3 blank form of certificate, to the ~~party~~ **PERSON** applying, for
 4 delivery to the clergyman or magistrate who is to officiate at the
 5 marriage. On the return of the license to the county clerk,
 6 **CONTAINING THE SIGNATURES OF THE WITNESSES TO THE MARRIAGE, WHO**
 7 **SHALL BE 18 YEARS OF AGE OR OLDER, THE INDIVIDUALS BEING MARRIED,**
 8 **AND THE CLERGYMAN OR MAGISTRATE,** with the certificate of the
 9 clergyman or magistrate that the marriage has been performed, the
 10 county clerk shall record in the book of registration in the proper
 11 place of entry the information prescribed by the director of
 12 ~~public~~ **THE DEPARTMENT OF COMMUNITY** health. The licenses and
 13 certificates issued and returned shall be forwarded to the state
 14 registrar appointed by the director of ~~public~~ **THE DEPARTMENT OF**
 15 **COMMUNITY** health on the forms and in the manner prescribed by the
 16 director.

17 (3) A charter county ~~which~~ **THAT** has a population of over
 18 2,000,000 may impose by ordinance a marriage license fee or
 19 nonresident marriage license fee, or both, different in amount than
 20 the fee prescribed by subsection (2). The charter county shall
 21 allocate the fee for family counseling services as prescribed by
 22 subsection (2). A charter county shall not impose a fee ~~which~~
 23 **THAT** is greater than the cost of the service for which the fee is
 24 charged.

25 Sec. 3a. A ~~license to marry~~ **MARRIAGE LICENSE** shall not be
 26 delivered within a period of 3 days including the date of
 27 application. However, the county clerk of each county, for good and

1 sufficient cause shown, may deliver the license immediately
2 following the application. **IF THE COUNTY CLERK DELIVERS THE LICENSE**
3 **IMMEDIATELY FOLLOWING THE APPLICATION, THE PERSON APPLYING FOR THE**
4 **LICENSE SHALL PAY A FEE TO BE DETERMINED BY THE COUNTY BOARD OF**
5 **COMMISSIONERS, WHICH THE COUNTY CLERK SHALL DEPOSIT INTO THE**
6 **GENERAL FUND OF THE COUNTY.** A marriage license issued is void
7 unless a marriage is solemnized under the license within 33 days
8 after the application.