

Act No. 578
Public Acts of 2006
Approved by the Governor
December 30, 2006
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EFFECTIVE DATE: January 3, 2007

**STATE OF MICHIGAN
93RD LEGISLATURE
REGULAR SESSION OF 2006**

Introduced by Senator Hammerstrom

ENROLLED SENATE BILL No. 1106

AN ACT 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:

Sec. 2. (1) Blank forms for a marriage license and certificate shall be prepared and furnished by the state registrar appointed by the director of the department of community health to each county clerk of this state in the quantity needed. The blank form for a license and certificate shall be made in duplicate and shall provide spaces for the entry of identifying information of the parties and other items prescribed in rules promulgated by the director of the department of community health. The state registrar shall furnish to each county clerk of this state blank application forms of an affidavit containing the requisite allegations, under the laws of this state, of the competency of the parties to unite in the bonds of matrimony, and as required to comply with federal law, containing a space requiring each applicant's social security number. A party applying for a license to marry shall make and file the application in the form of an affidavit with the county clerk as a basis for issuing the license. The county clerk may permit a party applying for a marriage license to submit that application electronically. If the county clerk accepts an electronically submitted application, the clerk shall print the required information from the application in the form of an affidavit and have a party named in the application sign the affidavit in the presence of the county clerk or a deputy clerk. The license shall be made a matter of record and shall be transmitted to the department of community health in the manner prescribed by the state registrar. The state registrar shall not require an applicant's social security number to be displayed on the marriage license.

(2) A person shall not disclose, in a manner not authorized by law or rule, a social security number collected as required by this section. A violation of this subsection is a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both. A second or subsequent violation of this subsection is a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$2,000.00, or both.

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

(4) The application required to be completed under subsection (1) is a nonpublic record and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The application shall be made available, upon request, to the persons named in the application.

Sec. 3. (1) A person who is 18 years of age or older may contract marriage. A person who is 16 years of age but is less than 18 years of age may contract marriage with the written consent of 1 of the parents of the person or the person's legal guardian, as provided in this section. As proof of age, the person who intends to be married, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other

proof of age. The county clerk on the application submitted shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears from the affidavit that either the applicant for a marriage license or the person whom he or she intends to marry is less than 18 years of age, the county clerk shall require that there first be produced the written consent of 1 of the parents of each of the persons who is less than 18 years of age or of the person's legal guardian, unless the person does not have a living parent or guardian. The consent shall be to the marriage and to the issuing of the license for which the application is submitted. The consent shall be given personally in the presence of the county clerk or be acknowledged before a notary public or other officer authorized to administer oaths. A license shall not be issued by the county clerk until the requirements of this section are complied with. The written consent shall be preserved on file in the office of the county clerk. If the parties are legally entitled to be married, the county clerk shall sign the license and certify the fact that it is properly issued, and the clerk shall make a correct copy of the license in the books of registration.

(2) A fee of \$20.00 shall be paid by the person applying for the license 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. Money allocated to the circuit court pursuant to this section 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 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 parties named in the application are nonresidents of the state, the person applying for the license shall pay an additional fee of \$10.00, which the county clerk shall deposit into the general fund of the county. The county clerk shall give the license filled out and signed, together with the blank form of certificate, to the person applying, for delivery to the individual who is to officiate at the marriage. On the return of the license to the county clerk, containing the signatures of the witnesses to the marriage, who shall be 18 years of age or older, the individuals being married, and the individual officiating at the marriage, with the certificate of the individual officiating at the marriage that the marriage has been performed, the county clerk shall record in the book of registration in the proper place of entry the information prescribed by the director of the department of community health. The licenses and certificates issued and returned shall be forwarded to the state registrar appointed by the director of the department of community health on the forms and in the manner prescribed by the director.

(3) A charter county that has a population of over 2,000,000 may impose by ordinance a marriage license fee or nonresident marriage license fee, or both, different in amount than the fee prescribed by subsection (2). The charter county shall allocate the fee for family counseling services as prescribed by subsection (2). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged.

Sec. 3a. A marriage license shall not be delivered within a period of 3 days including the date of application. However, the county clerk of each county, for good and sufficient cause shown, may deliver the license immediately following the application. If the county clerk delivers the license immediately following the application, the person applying for the license shall pay a fee to be determined by the county board of commissioners, which the county clerk shall deposit into the general fund of the county. A marriage license issued is void unless a marriage is solemnized under the license within 33 days after the application.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Ray E. Randall

Clerk of the House of Representatives

Approved _____

Governor