

HOUSE BILL No. 5305

September 2, 2009, Introduced by Reps. Meadows and Miller and referred to the Committee on Government Operations.

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 2006 PA 578.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. (1) A person who is 18 years of age or older may
2 contract marriage. A person who is 16 years of age **OR OLDER** but ~~is~~
3 less than 18 years of age may contract marriage with the written
4 consent of 1 of the parents of the person or the person's legal
5 guardian, as provided in this section. ~~As proof of age, the person~~
6 ~~who intends to be married,~~ **IF REQUESTED BY THE COUNTY CLERK,** in
7 addition to the statement of age in the application, ~~when requested~~
8 ~~by the county clerk,~~ **A PERSON WHO APPLIES FOR A MARRIAGE LICENSE**
9 shall submit a birth certificate or other proof of age.

(2) The county clerk, on ~~the~~ **RECEIVING AN** application submitted ~~FOR A MARRIAGE LICENSE~~, shall fill out the blank spaces of the **MARRIAGE** license according to ~~the~~ sworn answers of the applicant, taken before the county clerk ~~—or some~~ **A** person duly authorized by law to administer oaths.

(3) If it appears from ~~the~~ **AN** affidavit **UNDER SUBSECTION (2)** 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, **BEFORE ISSUING THE LICENSE**, the county clerk shall require ~~that there first be produced~~ the written consent of 1 of the parents of each ~~of the persons~~ **PERSON** 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~~ **ISSUANCE** 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 **COUNTY CLERK SHALL PRESERVE A** written consent ~~shall be preserved~~ **UNDER THIS SUBSECTION** on file in the office of the county clerk.

(4) If the parties **WHO SUBMIT AN APPLICATION FOR A MARRIAGE LICENSE** 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. **A COUNTY CLERK SHALL NOT ISSUE A MARRIAGE LICENSE UNTIL THE REQUIREMENTS OF THIS SECTION ARE COMPLIED WITH.**

1 (5) ~~(2) A fee of \$20.00 shall be paid by the~~ **SUBJECT TO**
 2 **SUBSECTION (11),** A person applying for ~~the~~ **A MARRIAGE** license ~~and~~
 3 shall ~~be paid by the~~ **PAY A FEE OF \$40.00. THE** county clerk **SHALL**
 4 **DEPOSIT A FEE COLLECTED UNDER THIS SUBSECTION** into the general fund
 5 of the county. The county board of commissioners shall allocate
 6 ~~\$15.00~~ **\$25.00** of each fee collected to the circuit court for family
 7 counseling services, which shall include counseling for domestic
 8 violence and child abuse. If family counseling services are not
 9 established in the county, the circuit court may use the money
 10 allocated to contract with public or private agencies ~~providing~~
 11 **THAT PROVIDE** similar services. Money allocated to the circuit court
 12 ~~pursuant to~~ **UNDER** this section that is not expended shall be
 13 returned to the general fund of the county to be held in escrow
 14 until circuit court family counseling services are established
 15 pursuant to the circuit court family counseling services act, 1964
 16 PA 155, MCL 551.331 to 551.344.

17 (6) A probate court may order the county clerk to waive ~~the~~ **A**
 18 marriage license fee ~~in cases in which~~ **IF** the fee would result in
 19 undue hardship. ~~If~~

20 (7) **SUBJECT TO SUBSECTION (11), IF** both parties named in ~~the~~
 21 **AN** application **FOR A MARRIAGE LICENSE** are nonresidents of ~~the~~ **THIS**
 22 state, the person applying for the license shall pay ~~an additional~~
 23 **A** fee of \$10.00 ~~, which the~~ **IN ADDITION TO THE FEE UNDER SUBSECTION**
 24 **(5). THE** county clerk shall deposit **THE ADDITIONAL FEE** into the
 25 general fund of the county. ~~The~~

26 (8) **A** county clerk shall give ~~the license~~ **A** filled out and
 27 signed **MARRIAGE LICENSE**, together with the blank form of

certificate, to the person applying **FOR THE LICENSE**, for delivery to the individual who is to officiate at the marriage.

~~(9) On the return of the license to the~~ **ON THE RETURN OF A MARRIAGE LICENSE AND CERTIFICATE, A** county clerk ~~, containing the~~ **SHALL RECORD THE INFORMATION PRESCRIBED BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY HEALTH IN THE PROPER PLACE IN THE BOOK OF REGISTRATION, IF THE MARRIAGE LICENSE AND CERTIFICATE CONTAIN ALL OF THE FOLLOWING:**

(A) THE signatures of the witnesses to the marriage ~~, who~~ **AS REQUIRED UNDER SECTION 4. THE WITNESSES** shall be 18 years of age or older. ~~,~~

(B) THE SIGNATURES OF the individuals being married. ~~,~~ **and**

(C) THE SIGNATURE OF the individual officiating at the marriage. ~~,~~ **with the**

(D) 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~~

(10) A MARRIAGE LICENSE AND CERTIFICATE THAT ARE issued and returned **UNDER THIS SECTION** shall be forwarded to the state registrar ~~appointed by the director of the department of community health~~ **UNDER SECTION 2813 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.2813,** on the forms and in the manner prescribed by the director **OF THE DEPARTMENT OF COMMUNITY HEALTH.**

(11) ~~(3)~~ A charter county that has a population of over 2,000,000 may impose by ordinance a marriage license fee or

1 nonresident marriage license fee, or both, different in amount than
2 the ~~fee~~**FEE**s prescribed by ~~subsection (2)~~**SUBSECTIONS (5) AND (7)**.
3 The charter county shall allocate the fee for family counseling
4 services as prescribed by subsection ~~(2)~~**(5)**. A charter county
5 shall not impose a fee that is greater than the cost of the service
6 for which the fee is charged.

7 Enacting section 1. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No. 5304(request no.
9 04156'09) of the 95th Legislature is enacted into law.