



# HOUSE BILL No. 5577

February 13, 1996, Introduced by Rep. Brackenridge and referred to the Committee on Local Government.

A bill to amend the title and sections 3 and 3a of Act No. 128 of the Public Acts of 1887, entitled as amended

"An act establishing the minimum ages for contracting marriages, for the requiring of a civil license in order to marry, and the due registration of the same, and to provide a penalty for the violation of the provisions of the same,"

section 3 as amended by Act No. 346 of the Public Acts of 1984 and section 3a as amended by Act No. 270 of the Public Acts of 1989, being sections 551.103 and 551.103a of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title and sections 3 and 3a of Act No. 128  
2 of the Public Acts of 1887, section 3 as amended by Act No. 346  
3 of the Public Acts of 1984 and section 3a as amended by Act  
4 No. 270 of the Public Acts of 1989, being sections 551.103 and

1 551.103a of the Michigan Compiled Laws, are amended to read as  
2 follows:

3 TITLE

4 An act ~~establishing~~ TO ESTABLISH the minimum ages for con-  
5 tracting marriages; ~~for the requiring of a civil~~ TO REQUIRE A  
6 license in order to marry; ~~and the due~~ TO ESTABLISH FEES; TO  
7 PROVIDE FOR THE registration of ~~the same,~~ MARRIAGES; and to  
8 provide ~~a penalty for the violation of the provisions of the~~  
9 ~~same~~ FOR PENALTIES.

10 Sec. 3. (1) ~~Every person who becomes~~ A PERSON 18 years of  
11 age ~~shall be~~ OR OLDER IS capable by law of contracting  
12 marriage. ~~Every person who becomes~~ A PERSON 16 years of age  
13 ~~but is~~ OR OLDER BUT less than 18 years of age ~~shall be~~ IS  
14 capable of contracting marriage with the written consent of 1 of  
15 the parents of the person or the person's legal guardian, as pro-  
16 vided in this section. As proof of age, the party to the  
17 intended marriage, in addition to the statement of age in the  
18 application, when requested by the county clerk, shall submit a  
19 birth certificate or other proof of age. The county clerk on the  
20 application made shall fill out the blank spaces of the license  
21 according to the sworn answers of the applicant, taken before the  
22 county clerk, or some person duly authorized by law to administer  
23 oaths. When it appears from the affidavit that ~~either~~ the  
24 applicant is applying for a license for ~~the~~ marriage to a  
25 person who ~~has not become~~ IS LESS THAN 18 years of age, ~~or~~  
26 that the applicant ~~has not become~~ IS LESS THAN 18 years of age,  
27 or THAT both persons applying for a license are less than 18

1 years of age, the county clerk shall require that there first be  
2 produced the written consent TO THE MARRIAGE AND TO THE ISSUANCE  
3 OF THE LICENSE of 1 of the parents of each of the persons who is  
4 less than 18 years of age or of the person's legal guardian. ~~to~~  
5 ~~the marriage and to the issuing of the license for which applica-~~  
6 ~~tion is made.~~ The consent shall be given personally in the pres-  
7 ence of the county clerk or be acknowledged before a notary  
8 public or other officer authorized to administer oaths. ~~unless~~  
9 CONSENT IS NOT REQUIRED FOR A PERSON IF the person does not have  
10 a living parent or guardian. A license shall not be issued by  
11 the county clerk until the requirements of this section are com-  
12 plied with. The written consent shall be preserved on file in  
13 the office of the county clerk. If the parties are legally enti-  
14 tled to be married, the county clerk shall sign the license and  
15 certify the fact that it is properly issued, and the clerk shall  
16 make a correct copy of the license in the books of registration.

17 (2) A fee of ~~\$20.00~~ \$25.00 shall be paid by the party  
18 applying for the license ~~which~~ AND shall be paid by the county  
19 clerk into the general fund of the county. THE COUNTY BOARD OF  
20 COMMISSIONERS SHALL ALLOCATE \$5.00 OF EACH FEE COLLECTED FOR  
21 UPGRADING TECHNOLOGY IN THE COUNTY CLERK'S OFFICE. The county  
22 board of commissioners shall allocate \$15.00 of each fee col-  
23 lected to the circuit court for family counseling services, which  
24 shall include counseling for domestic violence and child abuse.  
25 If family counseling services are not established in the county,  
26 the circuit court may use the money allocated to contract with  
27 public or private agencies providing similar services. Funds

1 allocated to the circuit court pursuant to this section which are  
2 not expended shall be returned to the general fund of the county  
3 to be held in escrow until circuit court family counseling serv-  
4 ices are established pursuant to Act No. 155 of the Public Acts  
5 of 1964, ~~as amended,~~ being sections 551.331 to 551.344 of the  
6 Michigan Compiled Laws. A probate court may order the county  
7 clerk to waive the marriage license fee in cases in which the fee  
8 would result in undue hardship. If both parties named in the  
9 application are nonresidents of the state, an additional fee of  
10 ~~\$10.00~~ \$25.00 shall be paid by the party applying for the  
11 license which shall be deposited by the county clerk into the  
12 general fund of the county. THE COUNTY BOARD OF COMMISSIONERS  
13 SHALL ALLOCATE \$15.00 OF EACH ADDITIONAL FEE COLLECTED UNDER THIS  
14 SECTION FOR UPGRADING TECHNOLOGY IN THE COUNTY CLERK'S OFFICE.

15 (3) The county clerk shall give the license, filled out and  
16 signed, together with the blank form of certificate, to the party  
17 applying, for delivery to the clergyman, CLERGYWOMAN, or magis-  
18 trate who is to officiate at the marriage. On the return of the  
19 license to the county clerk, with the certificate of the  
20 clergyman, CLERGYWOMAN, or magistrate that the marriage has been  
21 performed, the county clerk shall record in the book of registra-  
22 tion in the proper place of entry the information prescribed by  
23 the director of public health. The licenses and certificates  
24 issued and returned shall be forwarded to the state registrar  
25 appointed by the director of public health on the forms and in  
26 the manner prescribed by the director.

1       (4) ~~(3)~~ A charter county ~~which has~~ WITH a population of  
2 over 2,000,000 may impose by ordinance a marriage license fee or  
3 nonresident marriage license fee, or both, different in amount  
4 than the fee prescribed by subsection (2). The charter county  
5 shall allocate the fee for UPGRADING TECHNOLOGY AND family coun-  
6 seling services as prescribed by subsection (2). A charter  
7 county shall not impose a fee ~~which is~~ greater than the cost of  
8 the service for which the fee is charged.

9       Sec. 3a. (1) A license to marry shall not be delivered  
10 within a period of 3 days including the date of application.  
11 However, the county clerk of each county, for good and sufficient  
12 cause shown, may deliver the license immediately following the  
13 application. IF THE CLERK DELIVERS THE LICENSE IMMEDIATELY FOL-  
14 LOWING THE APPLICATION, THE PARTY APPLYING FOR THE LICENSE SHALL  
15 PAY AN ADDITIONAL FEE OF \$10.00. THE COUNTY CLERK SHALL PAY THE  
16 ADDITIONAL FEE INTO THE GENERAL FUND OF THE COUNTY. THE COUNTY  
17 BOARD OF COMMISSIONERS SHALL ALLOCATE EACH ADDITIONAL FEE COL-  
18 LECTED UNDER THIS SECTION FOR UPGRADING TECHNOLOGY IN THE COUNTY  
19 CLERK'S OFFICE.

20       (2) A marriage license issued is void unless a marriage is  
21 solemnized under the license within 33 days after the  
22 application.