

HOUSE BILL No. 5685

April 26, 2000, Introduced by Reps. Brater, Raczkowski, Baird, Quarles, Scott, Lockwood, Hansen, Jacobs, Dennis, Woodward, Bovin, Cherry, Martinez, DeHart, Schauer, Pestka, Shulman, Minore and LaForge and referred to the Committee on Family and Civil Law.

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 1, 3, 4, and 6 (MCL 551.101, 551.103, 551.104, and 551.106), section 3 as amended by 1984 PA 346.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. ~~It shall be necessary for all parties~~ A MAN AND
2 WOMAN intending to be married ~~to~~ SHALL obtain a marriage
3 license from the county clerk of the county in which either the
4 man or woman resides, and ~~to~~ SHALL deliver the ~~said~~ license
5 to the ~~clergyman or magistrate~~ INDIVIDUAL who is to ~~officiate~~
6 SOLEMNIZE THE MARRIAGE, before the marriage can be performed. If
7 both parties to be married are ~~non-residents~~ NONRESIDENTS of
8 the state, ~~it~~ THEY shall ~~be necessary to~~ obtain ~~such~~ THE

1 license from the county clerk of the county in which the marriage
2 is to be performed.

3 Sec. 3. (1) ~~Every person who becomes~~ AN INDIVIDUAL WHO IS
4 18 years of age ~~shall be~~ OR OLDER IS capable by law of con-
5 tracting marriage. ~~Every person who becomes~~ AN INDIVIDUAL WHO
6 IS 16 years of age but is less than 18 years of age ~~shall be~~ IS
7 capable of contracting marriage with the written consent of 1 of
8 the INDIVIDUAL'S parents ~~of the person or the person's~~ OR OF
9 THE INDIVIDUAL'S legal guardian, as provided in this section. As
10 proof of age, ~~the~~ A party to the intended marriage, in addition
11 to the statement of age in the application, when requested by the
12 county clerk, shall submit a birth certificate or other proof of
13 age. ~~The~~

14 (2) A county clerk on the application made shall fill out
15 the blank spaces of the license according to the sworn answers of
16 the applicant, taken before the county clerk, or some person duly
17 authorized by law to administer oaths. ~~When~~ IF it appears from
18 the ~~affidavit~~ SWORN STATEMENT that either the applicant is
19 applying for a license for the marriage to ~~a person who has not~~
20 ~~become~~ AN INDIVIDUAL WHO IS NOT 18 years of age OR OLDER or that
21 the applicant ~~has not become~~ IS NOT 18 years of age OR OLDER,
22 or both, ~~persons applying for a license are less than 18 years~~
23 ~~of age,~~ the county clerk shall require that ~~there first be~~
24 ~~produced~~ the written consent of 1 of the parents of each ~~of the~~
25 ~~persons~~ INDIVIDUAL who is less than 18 years of age or of the
26 ~~person's~~ INDIVIDUAL'S legal guardian BE PRODUCED. THE CONSENT
27 SHALL BE to the marriage and to the issuing of the license for

1 which application is made. The consent shall be given personally
2 in the COUNTY CLERK'S presence ~~of the county clerk~~ or SHALL be
3 acknowledged before a notary public or other officer authorized
4 to administer oaths, unless the person does not have a living
5 parent or guardian. A license shall not be issued by the county
6 clerk until the requirements of this section are complied with.
7 The written consent shall be preserved on file in the office of
8 the county clerk. If the parties are legally entitled to be mar-
9 ried, the county clerk shall sign the license and certify the
10 fact that it is properly issued, and the clerk shall make a cor-
11 rect copy of the license in the books of registration.

12 (3) ~~(2)~~ A fee of \$20.00 shall be paid by the party apply-
13 ing for the license. ~~which shall be paid by the~~ THE county
14 clerk SHALL PAY THE FEE into the COUNTY general fund. ~~of the~~
15 ~~county.~~ The county board of commissioners shall allocate \$15.00
16 of each fee collected to the circuit court for family counseling
17 services, which shall include counseling for domestic violence
18 and child abuse. If family counseling services are not estab-
19 lished in the county, the circuit court may use the money allo-
20 cated to contract with public or private agencies providing simi-
21 lar services. ~~Funds~~ MONEY allocated to the circuit court
22 ~~pursuant to~~ BY this section ~~which are~~ THAT IS not expended
23 shall be returned to the COUNTY general fund ~~of the county~~ to
24 be held in escrow until circuit court family counseling services
25 are established. ~~pursuant to Act No. 155 of the Public Acts of~~
26 ~~1964, as amended, being sections 551.331 to 551.344 of the~~
27 ~~Michigan Compiled Laws.~~ A probate court may order the county

1 clerk to waive the marriage license fee in cases in which the fee
2 would result in undue hardship. If both parties named in the
3 application are nonresidents of the state, an additional fee of
4 \$10.00 shall be paid by the party applying for the license, which
5 ~~shall be deposited by~~ the county clerk SHALL DEPOSIT into the
6 COUNTY general fund. ~~of the county.~~ The county clerk shall give
7 the license filled out and signed, together with the blank form
8 of certificate, to the party applying, for delivery to the
9 ~~clergyman or magistrate~~ INDIVIDUAL who is to officiate at the
10 marriage.

11 (4) On the return of ~~the~~ A license to the county clerk,
12 with the OFFICIATING INDIVIDUAL'S certificate ~~of the clergyman~~
13 ~~or magistrate~~ that the marriage has been performed, the county
14 clerk shall record in the book of registration in the proper
15 place of entry the information prescribed by the director of
16 ~~public~~ COMMUNITY health. The licenses and certificates issued
17 and returned shall be forwarded to the state registrar appointed
18 by the director of ~~public~~ COMMUNITY health on the forms and in
19 the manner prescribed by the director.

20 (5) ~~(3)~~ A charter county ~~which~~ THAT has a population of
21 over 2,000,000 may impose by ordinance a marriage license fee or
22 nonresident marriage license fee, or both, different in amount
23 than the fee prescribed by subsection ~~(2)~~ (3). The charter
24 county shall allocate the fee for family counseling services as
25 prescribed by subsection ~~(2)~~ (3). A charter county shall not
26 impose a fee ~~which~~ THAT is greater than the cost of the service
27 for which the fee is charged.

1 Sec. 4. ~~It shall be the duty of the clergyman or~~
2 ~~magistrate,~~ THE INDIVIDUAL officiating at a marriage ~~, to~~
3 SHALL fill in the spaces of the certificate left blank for the
4 entry of the time and place of the marriage, the names and resi-
5 dences of 2 witnesses, and ~~his~~ THE OFFICIATING INDIVIDUAL'S own
6 signature in certification that the marriage has been performed
7 by ~~him and any and all information~~ THE INDIVIDUAL. INFORMATION
8 required to be filled in in the spaces left blank in the certifi-
9 cate shall be typewritten or legibly printed. ~~He~~ THE OFFICIAT-
10 ING INDIVIDUAL shall separate the duplicate license and certifi-
11 cate, ~~and~~ deliver the half part designated duplicate to 1 of
12 the parties ~~, so joined in~~ TO THE marriage, and within 10 days,
13 return the original to the county clerk ~~issuing the same~~ WHO
14 ISSUED THEM. ~~It shall be the duty of such clergyman or magis-~~
15 ~~trate to~~ THE OFFICIATING INDIVIDUAL SHALL keep an accurate
16 record of all marriages solemnized in a book used expressly for
17 that purpose.

18 Sec. 6. ~~Any clergyman or magistrate who shall join~~ AN
19 OFFICIATING INDIVIDUAL WHO JOINS together in marriage parties who
20 have not delivered to him OR HER a properly issued license, as
21 provided ~~for~~ in this act, or who ~~shall violate any of the pro-~~
22 ~~visions of~~ OTHERWISE VIOLATES this act, ~~shall be adjudged~~ IS
23 guilty of a misdemeanor ~~, and shall be punished~~ PUNISHABLE by a
24 fine of ~~100 dollars~~ \$100.00, or in default of payment ~~thereof~~
25 OF THE FINE, by imprisonment in the county jail for ~~a term of~~
26 90 days.

HB5685, As Passed House, November 30, 2000

HB 5685 as amended November 30, 2000

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1 Enacting section 1. This amendatory act does not take
2 effect unless House Bill No. [5684
3] of the 90th Legislature is enacted into
4 law.