

SUBSTITUTE FOR
HOUSE BILL NO. 5699

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 the title and sections 2, 3, and 3a (MCL 551.102, 551.103, and 551.103a), the title and 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, and by adding sections 2a, 2b, and 2c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act ~~establishing~~ **TO ESTABLISH** the minimum ages for contracting marriages; **TO ESTABLISH PREMARITAL EDUCATION;** 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.

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 ~~clerks~~ **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
7 identifying information of the parties and other items prescribed
8 **BY STATUTE AND** in rules promulgated by the director of the
9 department of community health. The state registrar shall furnish
10 to ~~all the~~ **EACH** county ~~clerks~~ **CLERK** of this state blank
11 application forms ~~of an affidavit~~ **THAT INCLUDE A SWORN STATEMENT**
12 containing the requisite allegations, under the laws of this state,
13 of the competency of the parties to unite in the bonds of
14 matrimony, and as required to comply with federal law, containing a
15 space requiring each applicant's social security number.

16 **(2)** A party applying for a license to marry shall make and
17 file the application in the form of ~~an affidavit~~ **A SWORN**
18 **STATEMENT** with the county clerk as a basis for issuing the license.
19 The license shall be made a matter of record and shall be
20 transmitted to the department of community health in the manner
21 prescribed by the state registrar. The state registrar shall not
22 require an applicant's social security number to be displayed on
23 the marriage license.

24 **(3)** ~~(2)~~ A person shall not disclose, in a manner not
25 authorized by law or rule, a social security number collected as
26 required by this section. A violation of this subsection is a
27 misdemeanor punishable by imprisonment for not more than 90 days or

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

5 (4) ~~-(3)-~~ A requirement under this section to include a social
6 security number on an application does not apply to an applicant
7 who demonstrates he or she is exempt under law from obtaining a
8 social security number or to an applicant who for religious
9 convictions is exempt under law from disclosure of his or her
10 social security number under these circumstances. The county clerk
11 shall inform the applicant of this possible exemption.

12 SEC. 2A. (1) EXCEPT AS PROVIDED IN SUBSECTION (3), A MAN AND A
13 WOMAN WHO INTEND TO APPLY FOR A MARRIAGE LICENSE SHALL TOGETHER
14 COMPLETE A PROGRAM IN PREMARITAL EDUCATION AS PRESCRIBED IN SECTION
15 2B. THE INDIVIDUALS APPLYING FOR THE MARRIAGE LICENSE SHALL VERIFY
16 COMPLETION OF THE PREMARITAL EDUCATION PROGRAM BY A STATEMENT TO
17 THAT EFFECT IN THE SWORN STATEMENT IN THE APPLICATION AND BY FILING
18 WITH THE APPLICATION A CERTIFICATE OF COMPLETION FROM THE PROGRAM
19 ADMINISTRATOR.

20 (2) EXCEPT AS PROVIDED IN SUBSECTION (3), IF AN INDIVIDUAL WHO
21 IS INTENDING TO APPLY FOR A MARRIAGE LICENSE IS LESS THAN 18 YEARS
22 OF AGE, BOTH PARTIES APPLYING FOR THE LICENSE AND AT LEAST 1 PARENT
23 OR GUARDIAN OF EACH PARTY WHO IS A MINOR SHALL COMPLETE AND VERIFY
24 COMPLETION OF A PREMARITAL EDUCATION PROGRAM AS PRESCRIBED IN
25 SECTION 2B. THE PARENT'S OR GUARDIAN'S ATTENDANCE REQUIREMENT
26 PRESCRIBED BY THIS SUBSECTION DOES NOT APPLY IF THE MINOR WHO
27 INTENDS TO APPLY FOR A MARRIAGE LICENSE IS EMANCIPATED AS PROVIDED

1 IN 1968 PA 293, MCL 722.1 TO 722.6.

2 (3) AN INDIVIDUAL APPLYING FOR A MARRIAGE LICENSE MAY CHOOSE
3 NOT TO COMPLY WITH THIS SECTION. IF EITHER PARTY TO A MARRIAGE
4 LICENSE APPLICATION DOES NOT COMPLY WITH THIS SECTION, A LONGER
5 WAITING PERIOD APPLIES AS PROVIDED IN SECTION 3A. THIS SECTION AND
6 THE LONGER WAITING PERIOD PRESCRIBED IN SECTION 3A DO NOT APPLY IF
7 BOTH THE MAN AND THE WOMAN APPLYING FOR THE MARRIAGE LICENSE ARE 50
8 YEARS OF AGE OR OLDER.

9 SEC. 2B. (1) A PREMARITAL EDUCATION PROGRAM REQUIRED BY
10 SECTION 2A SHALL MEET ALL OF THE FOLLOWING CRITERIA:

11 (A) THE PROGRAM SHALL EMPHASIZE SKILL-BUILDING STRATEGIES AND
12 SHALL INCLUDE, AT LEAST, CONFLICT MANAGEMENT, COMMUNICATION SKILLS,
13 FINANCIAL MATTERS, AND, IF THE COUPLE HAS OR INTENDS TO HAVE
14 CHILDREN, CHILD AND PARENTING RESPONSIBILITIES.

15 (B) THE PROGRAM SHALL BE AT LEAST 4 HOURS LONG AND SHALL BE
16 CONDUCTED BY 1 OR MORE OF THE FOLLOWING:

17 (i) A LICENSED PROFESSIONAL COUNSELOR, LICENSED MARRIAGE AND
18 FAMILY THERAPIST, LICENSED OR LIMITED LICENSED PSYCHOLOGIST, OR A
19 SOCIAL WORKER, LICENSED MASTER'S SOCIAL WORKER, LICENSED BACHELOR'S
20 SOCIAL WORKER, OR SOCIAL SERVICE TECHNICIAN AS PRESCRIBED UNDER
21 ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16101 TO
22 333.18838.

23 (ii) A PSYCHIATRIST AS THAT TERM IS DEFINED IN SECTION 100C OF
24 THE MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1100C.

25 (iii) AN OFFICIAL REPRESENTATIVE OF A RELIGIOUS INSTITUTION.

26 (iv) A CERTIFIED FAMILY LIFE EDUCATOR.

27 (2) AN INDIVIDUAL WHO PROVIDES A PREMARITAL EDUCATION PROGRAM

1 UNDER THIS SECTION MAY OFFER A FEE SCHEDULE FOR THE PROGRAM
 2 DESCRIBED IN THIS SECTION THAT ACCOMMODATES FAMILIES OF VARIOUS
 3 FINANCIAL MEANS, INCLUDING ALLOWING PARTICIPATION BY INDIGENT
 4 INDIVIDUALS FOR NO FEE. PAYMENT FOR A PREMARITAL EDUCATION PROGRAM
 5 SHALL BE MADE DIRECTLY TO THE PROGRAM PROVIDER.

6 SEC. 2C. (1) FOR TAX YEARS THAT BEGIN AFTER DECEMBER 31, 2005,
 7 IF THE PARTIES TO A MARRIAGE ATTEND AND COMPLETE A PREMARITAL
 8 EDUCATION PROGRAM, THE PARTIES MAY CLAIM THE INCOME TAX CREDIT
 9 PROVIDED IN SECTION 263 OF THE INCOME TAX ACT OF 1967, 1967 PA 281,
 10 MCL 206.263.

11 (2) AS USED IN THIS SECTION, "PREMARITAL EDUCATION PROGRAM"
 12 MEANS A PROGRAM AS PROVIDED IN SECTION 2B.

13 Sec. 3. (1) ~~Every person who becomes~~ AN INDIVIDUAL WHO IS 18
 14 years of age ~~shall be~~ OR OLDER IS capable by law of contracting
 15 marriage. ~~Every person who becomes~~ AN INDIVIDUAL WHO IS 16 years
 16 of age but is less than 18 years of age ~~shall be~~ IS capable of
 17 contracting marriage with the written consent of 1 of the parents
 18 of the ~~person~~ INDIVIDUAL or the ~~person's~~ INDIVIDUAL'S legal
 19 guardian, as provided in this section. As proof of age, the party
 20 to the intended marriage, in addition to the statement of age in
 21 the application, when requested by the county clerk, shall submit a
 22 birth certificate or other proof of age.

23 (2) The county clerk ~~on the application made~~ shall fill out
 24 the blank spaces of the license according to the sworn answers of
 25 the applicant, taken before the county clerk, or some person duly
 26 authorized by law to administer oaths. ~~When~~ IF it appears from
 27 the ~~affidavit that either~~ SWORN STATEMENT THAT the applicant is

1 applying for a license for the marriage to ~~a person who has not~~
 2 ~~become~~ **AN INDIVIDUAL WHO IS NOT** 18 years of age or **OLDER**, that the
 3 applicant has not become 18 years of age, or **THAT** both ~~persons~~
 4 **INDIVIDUALS** applying for a license are less than 18 years of age,
 5 the county clerk shall require that ~~there first be produced~~ the
 6 written consent of 1 of the parents of each ~~of the persons~~
 7 **INDIVIDUAL** who is less than 18 years of age or of the ~~person's~~
 8 **INDIVIDUAL'S** legal guardian **BE PRODUCED. THE CONSENT SHALL BE** to
 9 the marriage and to the issuing of the license for which
 10 application is made. The consent shall be given personally in the
 11 **COUNTY CLERK'S** presence ~~of the county clerk~~ or **SHALL** be
 12 acknowledged before a notary public or other officer authorized to
 13 administer oaths unless the ~~person~~ **INDIVIDUAL** does not have a
 14 living parent or guardian.

15 (3) A COUNTY CLERK SHALL NOT ISSUE A MARRIAGE LICENSE TO AN
 16 INDIVIDUAL WHO FAILS TO SIGN AND FILE WITH THE COUNTY CLERK AN
 17 APPLICATION FOR A MARRIAGE LICENSE THAT INCLUDES A STATEMENT WITH A
 18 CHECK-OFF BOX INDICATING THAT BOTH PARTIES TO THE INTENDED MARRIAGE
 19 HAVE OR HAVE NOT RECEIVED PREMARITAL EDUCATION.

20 (4) A license shall not be issued by the county clerk until
 21 the requirements of **SECTION 2A AND** this section are complied with.
 22 The written consent shall be preserved on file in the office of the
 23 county clerk. If the parties are legally entitled to be married,
 24 the county clerk shall sign the license and certify the fact that
 25 it is properly issued, and the clerk shall make a correct copy of
 26 the license in the books of registration.

27 (5) ~~-(2)-~~ A fee of \$20.00 shall be paid by the party applying

1 for the license. ~~which shall be paid by the~~ **THE** county clerk
2 **SHALL PAY THE FEE** into the **COUNTY** general fund. ~~of the county.~~
3 The county board of commissioners shall allocate \$15.00 of each fee
4 collected to the circuit court for family counseling services,
5 which shall include counseling for domestic violence and child
6 abuse. If family counseling services are not established in the
7 county, the circuit court may use the money allocated to contract
8 with public or private agencies providing similar services. ~~Funds~~
9 **MONEY** allocated to the circuit court ~~pursuant to~~ **BY** this section
10 ~~which are~~ **THAT IS** not expended shall be returned to the **COUNTY**
11 general fund ~~of the county~~ to be held in escrow until circuit
12 court family counseling services are established ~~pursuant to Act~~
13 ~~No. 155 of the Public Acts of 1964, as amended, being sections~~
14 ~~551.331 to 551.344 of the Michigan Compiled Laws~~ **UNDER THE CIRCUIT**
15 **COURT FAMILY COUNSELING SERVICES ACT, 1964 PA 155, MCL 551.331 TO**
16 **551.344.** A probate court may order the county clerk to waive the
17 marriage license fee in cases in which the fee would result in
18 undue hardship. If both parties named in the application are
19 nonresidents of ~~the~~ **THIS** state, an additional fee of \$10.00 shall
20 be paid by the party applying for the license, which shall be
21 deposited by the county clerk into the **COUNTY** general fund. ~~of the~~
22 ~~county.~~

23 (6) The county clerk shall give the license filled out and
24 signed, together with the blank form of certificate, to the party
25 applying, for delivery to the ~~clergyman or magistrate~~ **INDIVIDUAL**
26 who is to officiate at the marriage. On the return of the license
27 to the county clerk, with the **OFFICIATING INDIVIDUAL'S** certificate

1 ~~of the clergyman or magistrate~~ that the marriage has been
 2 performed, the county clerk shall record in the book of
 3 registration in the proper place of entry the information
 4 prescribed by the director of ~~public~~ **COMMUNITY** health. The
 5 licenses and certificates issued and returned shall be forwarded to
 6 the state registrar appointed by the director of ~~public~~ **COMMUNITY**
 7 health on the forms and in the manner prescribed by the director.

8 (7) ~~-(3)-~~ A charter county ~~which~~ **THAT** has a population of
 9 over 2,000,000 may impose by ordinance a marriage license fee or
 10 nonresident marriage license fee, or both, different in amount
 11 ~~than~~ **FROM** the fee prescribed by subsection ~~-(2)-~~ (5). The charter
 12 county shall allocate the fee for family counseling services as
 13 prescribed by subsection ~~-(2)-~~ (5). A charter county shall not
 14 impose a fee ~~which~~ **THAT** is greater than the cost of the service
 15 for which the fee is charged.

16 Sec. 3a. (1) ~~A~~ **EXCEPT AS PROVIDED IN SUBSECTION (2), A**
 17 license to marry shall not be delivered within a period of 3 days
 18 including the date of application. ~~However, the county clerk of~~
 19 ~~each county, for good and sufficient cause shown, may deliver the~~
 20 ~~license immediately following the application.~~ A marriage license
 21 issued **UNDER THIS SUBSECTION** is void unless a marriage is
 22 solemnized under the license within 33 days after the application.
 23 **THIS SUBSECTION DOES NOT APPLY IF SUBSECTION (2) APPLIES.**

24 (2) **IF A PARTY TO A MARRIAGE LICENSE APPLICATION DOES NOT**
 25 **COMPLY WITH SECTION 2A, THE CLERK SHALL NOT DELIVER THE MARRIAGE**
 26 **LICENSE UNTIL AT LEAST 3 DAYS AFTER THE DATE OF THE APPLICATION. IF**
 27 **A PARTY TO A MARRIAGE LICENSE APPLICATION COMPLIES WITH SECTION 2A,**

1 THE COUNTY CLERK MAY DELIVER A MARRIAGE LICENSE IMMEDIATELY
2 FOLLOWING THE APPLICATION. A MARRIAGE LICENSE ISSUED UNDER THIS
3 SUBSECTION IS VOID UNLESS A MARRIAGE IS SOLEMNIZED UNDER THE
4 LICENSE WITHIN 30 DAYS AFTER THE APPLICATION.

5 (3) NOTWITHSTANDING SUBSECTION (1) OR (2), FOR GOOD AND
6 SUFFICIENT REASON SHOWN, A COUNTY CLERK MAY DELIVER A MARRIAGE
7 LICENSE IMMEDIATELY FOLLOWING THE APPLICATION. A MARRIAGE LICENSE
8 ISSUED UNDER THIS SUBSECTION IS VOID UNLESS A MARRIAGE IS
9 SOLEMNIZED UNDER THE LICENSE WITHIN 33 DAYS AFTER THE APPLICATION.

10 Enacting section 1. This amendatory act takes effect October
11 1, 2006.