

HOUSE BILL No. 6578

December 4, 2018, Introduced by Reps. Anthony, Sabo, LaGrand, Camilleri, Brinks, Love, Durhal, Sowerby, Gay-Dagnogo, Hoadley, Lasinski, Greimel, Zemke, Yancey, Garrett, Geiss, Brann, Faris, Neeley and Jones and referred to the Committee on Families, Children, and Seniors.

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—UNTIL DECEMBER 31, 2019, A~~ person who is 16
3 years of age but is less than 18 years of age may contract marriage
4 with the written consent of 1 of the parents of the person or the
5 person's legal guardian, as provided in this section. As proof of
6 age, the person who intends to be married, in addition to the
7 statement of age in the application, when requested by the county
8 clerk, shall submit a birth certificate or other proof of age. The
9 county clerk on the application submitted shall fill out the blank

1 spaces of the license according to the sworn answers of the
2 applicant, taken before the county clerk, or some person duly
3 authorized by law to administer oaths. ~~¶~~**UNTIL DECEMBER 31, 2019,**
4 **IF** it appears from the affidavit that either the applicant for a
5 marriage license or the person whom he or she intends to marry is
6 less than 18 years of age, the county clerk shall require that
7 there first be produced the written consent of 1 of the parents of
8 each of the persons who is less than 18 years of age or of the
9 person's legal guardian, unless the person does not have a living
10 parent or guardian. The consent shall be to the marriage and to ~~the~~
11 issuing ~~of~~ the license for which the application is submitted. The
12 consent shall be given personally in the presence of the county
13 clerk or be acknowledged before a notary public or other officer
14 authorized to administer oaths. A license shall not be issued by
15 the county clerk until the requirements of this section are
16 complied with. The written consent shall be preserved on file in
17 the office of the county clerk. If the parties are legally entitled
18 to be married, the county clerk shall sign the license and certify
19 the fact that it is properly issued, and the clerk shall make a
20 correct copy of the license in the books of registration.

21 **(2) BEGINNING JANUARY 1, 2020, A PERSON WHO IS LESS THAN 18**
22 **YEARS OF AGE MAY NOT CONTRACT MARRIAGE WITH OR WITHOUT THE CONSENT**
23 **OF A PARENT OR LEGAL GUARDIAN. IF IT APPEARS FROM THE AFFIDAVIT**
24 **THAT EITHER THE APPLICANT FOR A MARRIAGE LICENSE OR THE PERSON WHOM**
25 **HE OR SHE INTENDS TO MARRY IS LESS THAN 18 YEARS OF AGE, THE COUNTY**
26 **CLERK SHALL NOT ISSUE A MARRIAGE LICENSE UNTIL THE PERSON WHO**
27 **APPEARS TO BE LESS THAN 18 YEARS OF AGE SUBMITS PROOF THAT HE OR**

1 SHE IS 18 YEARS OF AGE OR OLDER. THIS SUBSECTION DOES NOT APPLY TO
2 PARTIES WHO WERE LEGALLY ENTITLED TO BE MARRIED UNDER THIS SECTION
3 BEFORE JANUARY 1, 2020.

4 (3) ~~(2)~~—A fee of \$20.00 shall be paid by the person applying
5 for the license and shall be paid by the county clerk into the
6 general fund of the county. The county board of commissioners shall
7 allocate \$15.00 of each fee collected to the circuit court for
8 family counseling services ~~, which~~ **THAT** shall include counseling
9 for domestic violence and child abuse. If family counseling
10 services are not established in the county, the circuit court may
11 use the money allocated to contract with public or private agencies
12 providing similar services. Money allocated to the circuit court
13 ~~pursuant to~~ **UNDER** this section that is not expended shall be
14 returned to the general fund of the county to be held in escrow
15 until circuit court family counseling services are established
16 ~~pursuant to~~ **UNDER** the circuit court family counseling services act,
17 1964 PA 155, MCL 551.331 to 551.344. A probate court may order the
18 county clerk to waive the marriage license fee in cases in which
19 the fee would result in undue hardship. If both parties named in
20 the application are nonresidents of the state, the person applying
21 for the license shall pay an additional fee of \$10.00 ~~, which~~ **THAT**
22 the county clerk shall deposit into the general fund of the county.
23 The county clerk shall give the license filled out and signed,
24 together with the blank form of certificate, to the person
25 applying, for delivery to the individual who is to officiate at the
26 marriage. On the return of the license to the county clerk,
27 containing the signatures of the witnesses to the marriage, who

1 shall be 18 years of age or older, the individuals being married,
2 and the individual officiating at the marriage, with the
3 certificate of the individual officiating at the marriage that the
4 marriage has been performed, the county clerk shall record in the
5 book of registration in the proper place of entry the information
6 prescribed by the director of the department of ~~community~~-health
7 **AND HUMAN SERVICES**. The licenses and certificates issued and
8 returned shall be forwarded to the state registrar appointed by the
9 director of the department of ~~community~~-health **AND HUMAN SERVICES**
10 on the forms and in the manner prescribed by the director.

11 (4) ~~(3)~~—A charter county that has a population of over
12 ~~2,000,000~~ **1,500,000** may impose by ordinance a marriage license fee
13 or nonresident marriage license fee, or both, different in amount
14 than the fee prescribed by subsection ~~(2)~~—**(3)**. The charter county
15 shall allocate the fee for family counseling services as prescribed
16 by subsection ~~(2)~~—**(3)**. A charter county shall not impose a fee
17 that is greater than the cost of the service for which the fee is
18 charged.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.

21 Enacting section 2. This amendatory act does not take effect
22 unless all of the following bills of the 99th Legislature are
23 enacted into law:

24 (a) Senate Bill No. _____ or House Bill No. 6580 (request no.
25 06653'18 a *).

26 (b) Senate Bill No. _____ or House Bill No. 6579 (request no.
27 06653'18 b *).