

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5467

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 3 and 3a (MCL 551.103 and 551.103a), section 3 as amended by 1984 PA 346 and section 3a as amended by 1989 PA 270.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 3. (1) ~~Every person who becomes~~ **An individual who is**  
2 18 years of age ~~shall be~~ **or older is** capable by law of  
3 contracting marriage. ~~Every person who becomes~~ **An individual**  
4 **who is** 16 years of age but is less than 18 years of age ~~shall~~  
5 ~~be~~ **is** capable of contracting marriage with the written consent  
6 of 1 of the parents of the ~~person~~ **individual** or the ~~person's~~  
7 **individual's** legal guardian, as provided in this section. As  
8 proof of age, the party to the intended marriage, in addition to

1 the statement of age in the application, when requested by the  
2 county clerk, shall submit a birth certificate or other proof of  
3 age.

4 (2) The county clerk ~~on the application made~~ shall fill out  
5 the blank spaces of the license according to the sworn answers of  
6 the applicant, taken before the county clerk, or some person duly  
7 authorized by law to administer oaths. ~~When~~ **If** it appears from  
8 the ~~affidavit that either~~ **sworn statement that** the applicant is  
9 applying for a license for the marriage to ~~a person who has not~~  
10 ~~become~~ **an individual who is not** 18 years of age or **older**, that  
11 the applicant has not become 18 years of age, or **that** both  
12 ~~persons~~ **individuals** applying for a license are less than 18  
13 years of age, the county clerk shall require that ~~there first be~~  
14 ~~produced~~ the written consent of 1 of the parents of each ~~of the~~  
15 ~~persons~~ **individual** who is less than 18 years of age or of the  
16 ~~person's~~ **individual's** legal guardian **be produced. The consent**  
17 **shall be** to the marriage and to the issuing of the license for  
18 which application is made. The consent shall be given personally  
19 in the **county clerk's** presence ~~of the county clerk~~ or **shall be**  
20 acknowledged before a notary public or other officer authorized  
21 to administer oaths unless the ~~person~~ **individual** does not have  
22 a living parent or guardian.

23 (3) A county clerk shall not issue a marriage license to an  
24 individual who fails to sign and file with the county clerk an  
25 application for a marriage license that includes a statement with  
26 a check-off box indicating that both parties to the intended  
27 marriage have or have not received premarital education.

1           (4) A license shall not be issued by the county clerk until  
2 the requirements of **section 2a and** this section are complied  
3 with. The written consent shall be preserved on file in the  
4 office of the county clerk. If the parties are legally entitled  
5 to be married, the county clerk shall sign the license and  
6 certify the fact that it is properly issued, and the clerk shall  
7 make a correct copy of the license in the books of registration.

8           (5) ~~(2)~~ A fee of \$20.00 shall be paid by the party applying  
9 for the license. ~~which shall be paid by the~~ **The** county clerk  
10 **shall pay the fee** into the **county** general fund. ~~of the county.~~  
11 The county board of commissioners shall allocate \$15.00 of each  
12 fee collected to the circuit court for family counseling  
13 services, which shall include counseling for domestic violence  
14 and child abuse. If family counseling services are not  
15 established in the county, the circuit court may use the money  
16 allocated to contract with public or private agencies providing  
17 similar services. ~~Funds~~ **Money** allocated to the circuit court  
18 ~~pursuant to~~ **by** this section ~~which are~~ **that is** not expended  
19 shall be returned to the **county** general fund ~~of the county~~ to  
20 be held in escrow until circuit court family counseling services  
21 are established ~~pursuant to Act No. 155 of the Public Acts of~~  
22 ~~1964, as amended, being sections 551.331 to 551.344 of the~~  
23 ~~Michigan Compiled Laws~~ **under the circuit court family counseling**  
24 **services act, 1964 PA 155, MCL 551.331 to 551.344.** A probate  
25 court may order the county clerk to waive the marriage license  
26 fee in cases in which the fee would result in undue hardship. If  
27 both parties named in the application are nonresidents of the

1 state, an additional fee of \$10.00 shall be paid by the party  
2 applying for the license, which shall be deposited by the county  
3 clerk into the **county** general fund. ~~of the county.~~

4 (6) The county clerk shall give the license filled out and  
5 signed, together with the blank form of certificate, to the party  
6 applying, for delivery to the ~~clergyman~~ **cleric** or magistrate  
7 who is to officiate at the marriage. On the return of the  
8 license to the county clerk, with the **cleric's or magistrate's**  
9 certificate ~~of the clergyman or magistrate~~ that the marriage  
10 has been performed, the county clerk shall record in the book of  
11 registration in the proper place of entry the information  
12 prescribed by the director of ~~public~~ **community** health. The  
13 licenses and certificates issued and returned shall be forwarded  
14 to the state registrar appointed by the director of ~~public~~  
15 **community** health on the forms and in the manner prescribed by the  
16 director.

17 (7) ~~(3)~~ A charter county ~~which~~ **that** has a population of  
18 over 2,000,000 may impose by ordinance a marriage license fee or  
19 nonresident marriage license fee, or both, different in amount  
20 ~~than~~ **from** the fee prescribed by subsection ~~(2)~~ (5). The  
21 charter county shall allocate the fee for family counseling  
22 services as prescribed by subsection ~~(2)~~ (5). A charter county  
23 shall not impose a fee ~~which~~ **that** is greater than the cost of  
24 the service for which the fee is charged.

25 Sec. 3a. (1) A license to marry shall not be delivered  
26 within a period of 3 days including the date of application.  
27 ~~However, the county clerk of each county, for good and~~

1 ~~sufficient cause shown, may deliver the 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 33 days after the application. **This subsection**  
5 **does not apply if subsection (2) applies.**

6 (2) If a party to a marriage license application does not  
7 comply with section 2a, the clerk shall not deliver the marriage  
8 license until at least 28 days after the date of the  
9 application. A marriage license issued under this subsection is  
10 void unless a marriage is solemnized under the license within 58  
11 days after the application.

12 (3) Notwithstanding subsection (1) or (2), for good and  
13 sufficient reason shown, a county clerk may deliver a marriage  
14 license immediately following the application. A marriage  
15 license issued under this subsection is void unless a marriage is  
16 solemnized under the license within 33 days after the  
17 application.

18 Enacting section 1. This amendatory act takes effect  
19 October 1, 2004.

20 Enacting section 2. This amendatory act does not take  
21 effect unless Senate Bill No. 964 of the 92nd Legislature is  
22 enacted into law.