

SUBSTITUTE FOR
SENATE BILL NO. 964

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 section 2 (MCL 551.102), as amended by
1998 PA 333, and by adding sections 2a and 2b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act ~~establishing~~ to **establish** the minimum ages for

3

contracting marriages; **to establish premarital education;** to

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require a civil license in order to marry and its registration;

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to provide for the implementation of federal law; and to provide

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a penalty for the violation of this act.

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Sec. 2. (1) Blank forms for a marriage license and

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certificate shall be prepared and furnished by the state

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registrar appointed by the director of the department of

1 community health to ~~the~~ **each** county ~~clerks~~ **clerk** of this
2 state in ~~quantities~~ **the quantity** needed. The blank ~~forms~~
3 **form** for a license and certificate shall be made in duplicate and
4 shall provide spaces for the entry of identifying information of
5 the parties and other items prescribed **by statute and** in rules
6 promulgated by the director of the department of community
7 health. The state registrar shall furnish to ~~all the~~ **each**
8 county ~~clerks~~ **clerk** of this state blank application forms ~~of~~
9 ~~an affidavit~~ **that include a sworn statement** containing the
10 requisite allegations, under the laws of this state, of the
11 competency of the parties to unite in the bonds of matrimony. ~~—~~
12 ~~and as required to comply with federal law, containing a space~~
13 ~~requiring each applicant's social security number.~~

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

22 (3) ~~(2)~~ A person shall not disclose, in a manner not
23 authorized by law or rule, a social security number collected as
24 required by this section. A violation of this subsection is a
25 misdemeanor punishable by imprisonment for not more than 90 days
26 or a fine of not more than \$500.00, or both. A second or
27 subsequent violation of this subsection is a felony punishable by

1 imprisonment for not more than 4 years or a fine of not more than
2 \$2,000.00, or both.

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

11 Sec. 2a. (1) Except as provided in subsection (3), a man
12 and a woman who intend to apply for a marriage license shall
13 together complete a program in premarital education as prescribed
14 in section 2b. The individuals applying for the marriage license
15 shall verify completion of the premarital education program by a
16 statement to that effect in the application sworn statement and
17 by filing with the application a certificate of completion from
18 the program administrator.

19 (2) Except as provided in subsection (3), if an individual
20 who is intending to apply for a marriage license is less than 18
21 years of age, both parties applying for the license and at least
22 1 parent or guardian of each party who is a minor shall complete
23 and verify completion of a program of premarital education as
24 prescribed in section 2b. The parent's or guardian's attendance
25 requirement prescribed by this subsection does not apply if the
26 minor who intends to apply for a marriage license is emancipated
27 as provided in 1968 PA 293, MCL 722.1 to 722.6.

1 (3) An individual applying for a marriage license may choose
2 not to comply with this section. If either party to a marriage
3 license application does not comply with this section, a longer
4 waiting period applies as provided in section 3a. This section
5 and the longer waiting period prescribed in section 3a do not
6 apply if both the man and the woman applying for the marriage
7 license are 50 years of age or older.

8 Sec. 2b. (1) A premarital education program required by
9 section 2a shall meet all of the following criteria:

10 (a) The program shall emphasize skill-building strategies and
11 shall include, at least, conflict management, communication
12 skills, financial matters, and, if the couple has or intends to
13 have children, child and parenting responsibilities.

14 (b) The program shall be at least 4 hours long and shall be
15 conducted by 1 or more of the following:

16 (i) A licensed professional counselor, licensed marriage and
17 family therapist, licensed or limited licensed psychologist, or
18 certified social worker or social worker licensed or registered
19 as required in article 15 of the public health code, 1978 PA 368,
20 MCL 333.16101 to 333.18838.

21 (ii) A psychiatrist as that term is defined in section 100c
22 of the mental health code, 1974 PA 258, MCL 330.1100c.

23 (iii) An official representative of a religious institution.

24 (2) An individual who provides a premarital education program
25 under this section may offer a fee schedule for the program
26 described in this section that accommodates families of various
27 financial means, including allowing participation by indigent

1 individuals for no fee. Payment for a premarital education
2 program shall be made directly to the program provider.

3 Enacting section 1. This amendatory act takes effect
4 October 1, 2004.

5 Enacting section 2. This amendatory act does not take
6 effect unless House Bill No. 5467 of the 92nd Legislature is
7 enacted into law.