

**STATE OF MICHIGAN  
92ND LEGISLATURE  
REGULAR SESSION OF 2004**

**Introduced by Reps. Voorhees, Nitz, Huizenga, Brandenburg, Hoogendyk, Hager, Hummel, Vander Veen,  
Kooiman, DeRossett, Taub, Wenke and Sheen**

**ENROLLED HOUSE BILL No. 5467**

AN ACT 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:*

Sec. 3. (1) An individual who is 18 years of age or older is capable by law of contracting marriage. An individual who is 16 years of age but is less than 18 years of age is capable of contracting marriage with the written consent of 1 of the parents of the individual or the individual's legal guardian, as provided in this section. As proof of age, the party to the intended marriage, in addition to the statement of age in the application, when requested by the county clerk, shall submit a birth certificate or other proof of age.

(2) The county clerk shall fill out the blank spaces of the license according to the sworn answers of the applicant, taken before the county clerk, or some person duly authorized by law to administer oaths. If it appears from the sworn statement that the applicant is applying for a license for the marriage to an individual who is not 18 years of age or older, that the applicant has not become 18 years of age, or that both individuals applying for a license are less than 18 years of age, the county clerk shall require that the written consent of 1 of the parents of each individual who is less than 18 years of age or of the individual's legal guardian be produced. The consent shall be to the marriage and to the issuing of the license for which application is made. The consent shall be given personally in the county clerk's presence or shall be acknowledged before a notary public or other officer authorized to administer oaths unless the individual does not have a living parent or guardian.

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

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

(5) A fee of \$20.00 shall be paid by the party applying for the license. The county clerk shall pay the fee into the county general fund. The county board of commissioners shall allocate \$15.00 of each fee collected to the circuit court for family counseling services, which shall include counseling for domestic violence and child abuse. If family counseling services are not established in the county, the circuit court may use the money allocated to contract with public or private agencies providing similar services. Money allocated to the circuit court by this section that is not expended shall be returned to the county general fund to be held in escrow until circuit court family counseling services are established under the circuit court family counseling services act, 1964 PA 155, MCL 551.331 to 551.344. A probate court may order the county clerk to waive the marriage license fee in cases in which the fee would result in undue hardship. If both parties named in the application are nonresidents of the state, an additional fee of \$10.00 shall be paid by the party applying for the license, which shall be deposited by the county clerk into the county general fund.

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

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

Sec. 3a. (1) Except as provided in subsection (2), a license to marry shall not be delivered within a period of 3 days including the date of application. A marriage license issued under this subsection is void unless a marriage is solemnized under the license within 33 days after the application. This subsection does not apply if subsection (2) applies.

(2) If a party to a marriage license application does not comply with section 2a, the clerk shall not deliver the marriage license until at least 3 days after the date of the application. If a party to a marriage license application complies with section 2a, the county clerk may deliver a marriage license immediately following the application. A marriage license issued under this subsection is void unless a marriage is solemnized under the license within 58 days after the application.

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

Enacting section 1. This amendatory act takes effect October 1, 2005.

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) House Bill No. 5468.
- (b) House Bill No. 5469.
- (c) House Bill No. 5470.
- (d) House Bill No. 5471.
- (e) House Bill No. 5473.
- (f) House Bill No. 5474.
- (g) Senate Bill No. 959.
- (h) Senate Bill No. 961.
- (i) Senate Bill No. 963.
- (j) Senate Bill No. 964.
- (k) Senate Bill No. 966.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor