

# HOUSE BILL NO. 4003

January 09, 2019, Introduced by Reps. Anthony, Filler and Hope and referred to the Committee on Judiciary.

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

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

26 **(2) Beginning January 1, 2020, a person who is less than 18**  
27 **years of age may not contract marriage with or without the consent**  
28 **of a parent or legal guardian. If it appears from the affidavit**  
29 **that either the applicant for a marriage license or the person whom**

1 he or she intends to marry is less than 18 years of age, the county  
 2 clerk shall not issue a marriage license until the person who  
 3 appears to be less than 18 years of age submits proof that he or  
 4 she is 18 years of age or older. This subsection does not apply to  
 5 parties who were legally entitled to be married under this section  
 6 before January 1, 2020.

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

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

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

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

22 Enacting section 2. This amendatory act does not take effect  
 23 unless all of the following bills of the 100th Legislature are  
 24 enacted into law:

25 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4004 (request no.  
 26 00790'19 a).

27 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4005 (request no.  
 28 00790'19 b).