



**House
Legislative
Analysis
Section**

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MARRIAGE LICENSE WAITING PERIOD

House Bill 5108 as introduced
First Analysis (10-18-89)

RECEIVED

Sponsor: Rep. Dave Camp
Committee: Judiciary

NOV 16 1989

Mich. State Law Library

H.B. 5108 (10-18-89)

THE APPARENT PROBLEM:

Public Act 128 of 1887 requires a three-day waiting period between applying for and receiving a marriage license, but allows a probate judge to waive the waiting period for "good and sufficient cause." The matter strikes many as a relatively minor one that does not require the attention of a judge. Rather than burden courts, it has been suggested that the waiver be instead placed under the authority of the county clerk, who is charged with receiving the paperwork required under the Michigan Public Health Code.

THE CONTENT OF THE BILL:

The bill would amend Public Act 128 of 1887 to allow county clerks, rather than probate judges, to waive the three-day waiting period for marriage licenses.

MCL 551.103a

FISCAL IMPLICATIONS:

There is no fiscal information at present. (10-17-89)

ARGUMENTS:

For:

The three-day waiting period required between applying for a marriage license and receiving one is something of an anachronism, existing apparently to prevent inebriated people from marrying in haste. Under the Michigan Public Health Code, before a county clerk can issue a marriage license, he or she must first receive from the applicant a certificate indicating that the applicant has received the counseling and opportunity for testing for venereal disease and HIV infection required by the code. Given the counseling requirement and the responsibility placed with the county clerk, it makes little sense to require that any waiver of the three-day waiting period be considered by a judge. The requirement seems to do little more than inconvenience judges and people planning out-of-town weddings. The matter should be a routine one left to the discretion of the county clerk.

Against:

Marriage license procedures should be reasonably uniform throughout the state, but under the bill, policy on waiting periods could vary from county to county. If the three-day waiting period is as unnecessary as it seems, perhaps it would be better to do away with it altogether.

POSITIONS:

There are no positions at present. (10-17-89)