

SENATE BILL No. 1256

December 4, 2018, Introduced by Senators JONES and O'BRIEN 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 person who is 16 years of age but is less than
3 18 years of age may contract marriage with the written consent of ~~±~~
4 **BOTH** of the parents of the person or the person's legal guardian,
5 as provided in this section. As proof of age, the person who
6 intends to be married, in addition to the statement of age in the
7 application, when requested by the county clerk, shall submit a
8 birth certificate or other proof of age. The county clerk on the

1 application submitted shall fill out the blank spaces of the
2 license according to the sworn answers of the applicant, taken
3 before the county clerk, or some person duly authorized by law to
4 administer oaths. If it appears from the affidavit that either the
5 applicant for a marriage license or the person whom he or she
6 intends to marry is less than 18 years of age, the county clerk
7 shall require that there first be produced the written consent of ~~±~~
8 **BOTH** of the parents of each of the persons who is less than 18
9 years of age or of the person's legal guardian. ~~unless IF~~ the
10 person does not have ~~a-2 living parent or guardian. PARENTS,~~
11 **WRITTEN CONSENT MUST BE OBTAINED FROM THE PERSON'S 1 LIVING PARENT.**
12 The consent shall be to the marriage and to the issuing of the
13 license for which the application is submitted. The consent shall
14 be given personally in the presence of the county clerk or be
15 acknowledged before a notary public or other officer authorized to
16 administer oaths. A license shall not be issued by the county clerk
17 until the requirements of this section are complied with. The
18 written consent shall be preserved on file in the office of the
19 county clerk. If the parties are legally entitled to be married,
20 the county clerk shall sign the license and certify the fact that
21 it is properly issued, and the clerk shall make a correct copy of
22 the license in the books of registration.

23 (2) A fee of \$20.00 shall be paid by the person applying for
24 the license and shall be paid by the county clerk into the general
25 fund of the county. The county board of commissioners shall
26 allocate \$15.00 of each fee collected to the circuit court for
27 family counseling services, which shall include counseling for

1 domestic violence and child abuse. If family counseling services
2 are not established in the county, the circuit court may use the
3 money allocated to contract with public or private agencies
4 providing similar services. Money allocated to the circuit court
5 ~~pursuant~~**—ACCORDING** to this section that is not expended shall be
6 returned to the general fund of the county to be held in escrow
7 until circuit court family counseling services are established
8 ~~pursuant~~**—ACCORDING** to the circuit court family counseling services
9 act, 1964 PA 155, MCL 551.331 to 551.344. A probate court may order
10 the county clerk to waive the marriage license fee in cases in
11 which the fee would result in undue hardship. If both parties named
12 in the application are nonresidents of the state, the person
13 applying for the license shall pay an additional fee of \$10.00,
14 which the county clerk shall deposit into the general fund of the
15 county. The county clerk shall give the license filled out and
16 signed, together with the blank form of certificate, to the person
17 applying, for delivery to the individual who is to officiate at the
18 marriage. On the return of the license to the county clerk,
19 containing the signatures of the witnesses to the marriage, who
20 shall be 18 years of age or older, the individuals being married,
21 and the individual officiating at the marriage, with the
22 certificate of the individual officiating at the marriage that the
23 marriage has been performed, the county clerk shall record in the
24 book of registration in the proper place of entry the information
25 prescribed by the director of the department of ~~community~~ health
26 **AND HUMAN SERVICES**. The licenses and certificates issued and
27 returned shall be forwarded to the state registrar appointed by the

1 director of the department of ~~community health~~ **AND HUMAN SERVICES**
2 on the forms and in the manner prescribed by the director.

3 (3) A charter county that has a population of over ~~2,000,000~~
4 **1,500,000** may impose by ordinance a marriage license fee or
5 nonresident marriage license fee, or both, different in amount than
6 the fee prescribed by subsection (2). The charter county shall
7 allocate the fee for family counseling services as prescribed by
8 subsection (2). A charter county shall not impose a fee that is
9 greater than the cost of the service for which the fee is charged.

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