

HOUSE BILL NO. 6441

November 12, 2020, Introduced by Rep. Sabo and referred to the Committee on Local Government and Municipal Finance.

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~~**An individual** who is 18 years of age or
2 older may contract marriage. ~~A person~~**An individual** who is 16 years
3 of age but is less than 18 years of age may contract marriage with

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

1 license in the books of registration.

2 (2) ~~A~~ **The individual applying for the marriage license shall**
3 **pay a** fee of \$20.00 ~~shall be paid by the person applying for the~~
4 ~~license and shall be paid by the~~ **\$50.00. The** county clerk **shall**
5 **deposit the fee** into the general fund of the county. The county
6 board of commissioners shall allocate \$15.00 of each fee collected
7 to the circuit court for family counseling services, which ~~shall~~
8 **must** include counseling for domestic violence and child abuse. If
9 family counseling services are not established in the county, the
10 circuit court may use the money allocated to contract with public
11 or private agencies providing similar services. Money allocated to
12 the circuit court ~~pursuant to~~ **under** this section that is not
13 expended ~~shall~~ **must** be returned to the general fund of the county
14 to be held in escrow until circuit court family counseling services
15 are established ~~pursuant to~~ **under** the circuit court family
16 counseling services act, 1964 PA 155, MCL 551.331 to 551.344. A
17 probate court may order the county clerk to waive the marriage
18 license fee in cases in which the fee would result in undue
19 hardship. If both ~~parties~~ **individuals** named in the application are
20 nonresidents of ~~the~~ **this** state, the ~~person~~ **individual** applying for
21 the **marriage** license shall pay an additional fee of ~~\$10.00,~~ **\$25.00,**
22 which the county clerk shall deposit into the general fund of the
23 county. The county clerk shall give the **marriage** license filled out
24 and signed, together with the blank form of certificate, to the
25 ~~person~~ **individual** applying **for the marriage license**, for delivery
26 to the individual who is ~~to officiate at~~ **officiating** the marriage.
27 On the return of the **marriage** license to the county clerk,
28 containing the signatures of the witnesses to the marriage, who
29 ~~shall~~ **must** be 18 years of age or older, the individuals being

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

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