

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4294

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 who is 16 years of age but is~~  
3 ~~less than 18 years of age may contract marriage with the written~~  
4 ~~consent of 1 of the parents of the person or the person's legal~~  
5 ~~guardian, as provided in this section.~~ As proof of age, the ~~person~~  
6 **individual** who intends to be married, in addition to the statement  
7 of age in the application, when requested by the county clerk,

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

24 (2) A fee of \$20.00 ~~shall~~**must** be paid by the ~~person~~  
25 **individual** applying for the license and ~~shall~~**must** be paid by the  
26 county clerk into the general fund of the county. The county board  
27 of commissioners ~~shall~~**must** allocate \$15.00 of each fee collected  
28 to the circuit court for family counseling services, ~~which shall~~  
29 **that must** include counseling for domestic violence and child abuse.

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

1 director.

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

10 Enacting section 1. This amendatory act does not take effect  
11 unless all of the following bills of the 102nd Legislature are  
12 enacted into law:

13 (a) Senate Bill No. 209.

14 (b) Senate Bill No. 212.

15 (c) House Bill No. 4295.

16 (d) House Bill No. 4296.