

SUBSTITUTE FOR
HOUSE BILL NO. 5467

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 the title and sections 2, 3, and 3a (MCL 551.102,
551.103, and 551.103a), the title and section 2 as amended by
1998 PA 333, section 3 as amended by 1984 PA 346, and section 3a
as amended by 1989 PA 270, and by adding sections 2a and 2b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act ~~establishing~~ **to establish** the minimum ages for
contracting marriages; **to establish premarital education;** 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.

Sec. 2. (1) Blank forms for a marriage license and

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1 certificate shall be prepared and furnished by the state
 2 registrar appointed by the director of the department of
 3 community health to ~~the~~ **each** county ~~clerks~~ **clerk** of this
 4 state in ~~quantities~~ **the quantity** needed. The blank ~~forms~~
 5 **form** for a license and certificate shall be made in duplicate and
 6 shall provide spaces for the entry of identifying information of
 7 the parties and other items prescribed **by statute and** in rules
 8 promulgated by the director of the department of community
 9 health. The state registrar shall furnish to ~~all the~~ **each**
 10 county ~~clerks~~ **clerk** of this state blank application forms ~~of~~
 11 ~~an affidavit~~ **that include a sworn statement** containing the
 12 requisite allegations, under the laws of this state, of the
 13 competency of the parties to unite in the bonds of matrimony ~~[, and~~
 14 ~~as required to comply with federal law, containing a space~~
 15 ~~requiring each applicant's social security number.]~~

16 (2) A party applying for a license to marry shall make and
 17 file the application in the form of ~~an affidavit~~ **a sworn**
 18 **statement** with the county clerk as a basis for issuing the
 19 license. The license shall be made a matter of record and shall
 20 be transmitted to the department of community health in the
 21 manner prescribed by the state registrar. ~~[The state registrar~~
 22 ~~shall not require an applicant's social security number to be~~
 23 ~~displayed on the marriage license.]~~

24 ~~(2) A person shall not disclose, in a manner not~~
 25 ~~authorized by law or rule, a social security number collected as~~
 26 ~~required by this section. A violation of this subsection is a~~
 27 ~~misdemeanor punishable by imprisonment for not more than 90 days~~

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1 ~~or a fine of not more than \$500.00, or both. A second or~~
2 ~~subsequent violation of this subsection is a felony punishable by~~
3 ~~imprisonment for not more than 4 years or a fine of not more than~~
4 ~~\$2,000.00, or both.~~

5 ~~—(3) A requirement under this section to include a~~
6 ~~social security number on an application does not apply to an~~
7 ~~applicant who demonstrates he or she is exempt under law from~~
8 ~~obtaining a social security number or to an applicant who for~~
9 ~~religious convictions is exempt under law from disclosure of his~~
10 ~~or her social security number under these circumstances. The~~
11 ~~county clerk shall inform the applicant of this possible~~
12 ~~exemption.—]~~

13 **Sec. 2a. (1) Except as provided in subsection (3), a man**
14 **and a woman who intend to apply for a marriage license shall**
15 **together complete a program in premarital education as prescribed**
16 **in section 2b. The individuals applying for the marriage license**
17 **shall verify completion of the premarital education program by a**
18 **statement to that effect in the application sworn statement and**
19 **by filing with the application a certificate of completion from**
20 **the program administrator.**

21 **(2) Except as provided in subsection (3), if an individual**
22 **who is intending to apply for a marriage license is less than 18**
23 **years of age, both parties applying for the license and at least**
24 **1 parent or guardian of each party who is a minor shall complete**
25 **and verify a program of premarital education as prescribed in**
26 **section 2b. The parent's or guardian's attendance requirement**
27 **prescribed by this subsection does not apply if the minor who**

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1 intends to apply for a marriage license is emancipated as
2 provided in 1968 PA 293, MCL 722.1 to 722.6.

3 (3) An individual applying for a marriage license may choose
4 not to comply with this section. If either party to a marriage
5 license application does not comply with this section, a longer
6 waiting period applies as provided in section 3a. [This section and the
longer waiting period prescribed by section 3a do not apply if both the
man and the woman applying for the marriage license are 50 years of age
or older.]

7 Sec. 2b. (1) A premarital education program required by
8 section 2a shall meet all of the following criteria:

9 (a) The program shall emphasize skill-building strategies and
10 shall include, at least, conflict management, communication
11 skills, financial matters, and, if the couple has or intends to
12 have children, child and parenting responsibilities.

13 (b) The program shall be at least 4 hours long and shall be
14 conducted by 1 or more of the following:

15 (i) A licensed professional counselor, licensed marriage and
16 family therapist, licensed or limited licensed psychologist, or
17 certified social worker or social worker licensed or registered
18 as required in article 15 of the public health code, 1978 PA 368,
19 MCL 333.16101 to 333.18838.

20 (ii) A psychiatrist as that term is defined in section 100c
21 of the mental health code, 1974 PA 258, MCL 330.1100c.

22 (iii) An official representative of a religious institution.

23 (2) An individual who provides a premarital education program
24 under this section may offer a fee schedule for the program
25 described in this section that accommodates families of various
26 financial means, including allowing participation by indigent
27 individuals for no fee. Payment for a premarital education

1 program shall be made directly to the program provider.

2 Sec. 3. (1) ~~Every person who becomes~~ **An individual who is**
 3 18 years of age ~~shall be~~ **or older is** capable by law of
 4 contracting marriage. ~~Every person who becomes~~ **An individual**
 5 **who is** 16 years of age but is less than 18 years of age ~~shall~~
 6 ~~be~~ **is** capable of contracting marriage with the written consent
 7 of 1 of the parents of the ~~person~~ **individual** or the ~~person's~~
 8 **individual's** legal guardian, as provided in this section. As
 9 proof of age, the party to the intended marriage, in addition to
 10 the statement of age in the application, when requested by the
 11 county clerk, shall submit a birth certificate or other proof of
 12 age.

13 (2) The county clerk ~~on the application made~~ shall fill out
 14 the blank spaces of the license according to the sworn answers of
 15 the applicant, taken before the county clerk, or some person duly
 16 authorized by law to administer oaths. ~~When~~ **If** it appears from
 17 the ~~affidavit that either~~ **sworn statement that** the applicant is
 18 applying for a license for the marriage to ~~a person who has not~~
 19 ~~become~~ **an individual who is not** 18 years of age or **older**, that
 20 the applicant has not become 18 years of age, or **that** both
 21 ~~persons~~ **individuals** applying for a license are less than 18
 22 years of age, the county clerk shall require that ~~there first be~~
 23 ~~produced~~ the written consent of 1 of the parents of each ~~of the~~
 24 ~~persons~~ **individual** who is less than 18 years of age or of the
 25 ~~person's~~ **individual's** legal guardian **be produced. The consent**
 26 **shall be** to the marriage and to the issuing of the license for
 27 which application is made. The consent shall be given personally

1 in the **county clerk's** presence ~~of the county clerk~~ or **shall** be
 2 acknowledged before a notary public or other officer authorized
 3 to administer oaths unless the ~~person~~ **individual** does not have
 4 a living parent or guardian.

5 (3) A county clerk shall not issue a marriage license to an
 6 individual who fails to sign and file with the county clerk an
 7 application for a marriage license that includes a statement with
 8 a check-off box indicating that both parties to the intended
 9 marriage have or have not received premarital education.

10 (4) A license shall not be issued by the county clerk until
 11 the requirements of **section 2a and** this section are complied
 12 with. The written consent shall be preserved on file in the
 13 office of the county clerk. If the parties are legally entitled
 14 to be married, the county clerk shall sign the license and
 15 certify the fact that it is properly issued, and the clerk shall
 16 make a correct copy of the license in the books of registration.

17 (5) ~~(2)~~ A fee of \$20.00 shall be paid by the party applying
 18 for the license. ~~which shall be paid by the~~ **The** county clerk
 19 **shall pay the fee** into the **county** general fund. ~~of the county.~~
 20 The county board of commissioners shall allocate \$15.00 of each
 21 fee collected to the circuit court for family counseling
 22 services, which shall include counseling for domestic violence
 23 and child abuse. If family counseling services are not
 24 established in the county, the circuit court may use the money
 25 allocated to contract with public or private agencies providing
 26 similar services. ~~Funds~~ **Money** allocated to the circuit court
 27 ~~pursuant to~~ **by** this section ~~which are~~ **that is** not expended

1 shall be returned to the **county** general fund ~~of the county~~ to
2 be held in escrow until circuit court family counseling services
3 are established ~~pursuant to Act No. 155 of the Public Acts of~~
4 ~~1964, as amended, being sections 551.331 to 551.344 of the~~
5 ~~Michigan Compiled Laws~~ **under the circuit court family counseling**
6 **services act, 1964 PA 155, MCL 551.331 to 551.344.** A probate
7 court may order the county clerk to waive the marriage license
8 fee in cases in which the fee would result in undue hardship. If
9 both parties named in the application are nonresidents of the
10 state, an additional fee of \$10.00 shall be paid by the party
11 applying for the license, which shall be deposited by the county
12 clerk into the **county** general fund. ~~of the county.~~

13 **(6)** The county clerk shall give the license filled out and
14 signed, together with the blank form of certificate, to the party
15 applying, for delivery to the ~~clergyman~~ **cleric** or magistrate
16 who is to officiate at the marriage. On the return of the
17 license to the county clerk, with the **cleric's or magistrate's**
18 certificate ~~of the clergyman or magistrate~~ that the marriage
19 has been performed, the county clerk shall record in the book of
20 registration in the proper place of entry the information
21 prescribed by the director of ~~public~~ **community** health. The
22 licenses and certificates issued and returned shall be forwarded
23 to the state registrar appointed by the director of ~~public~~
24 **community** health on the forms and in the manner prescribed by the
25 director.

26 **(7)** ~~(3)~~ A charter county ~~which~~ **that** has a population of
27 over 2,000,000 may impose by ordinance a marriage license fee or

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

7 Sec. 3a. **(1)** A license to marry shall not be delivered
8 within a period of 3 days including the date of application.
9 ~~However, the county clerk of each county, for good and~~
10 ~~sufficient cause shown, may deliver the license immediately~~
11 ~~following the application.~~ A marriage license issued **under this**
12 **subsection** is void unless a marriage is solemnized under the
13 license within 33 days after the application. **This subsection**
14 **does not apply if subsection (2) applies.**

15 **(2)** If a party to a marriage license application does not
16 comply with section 2a, the clerk shall not deliver the marriage
17 license until at least 28 days after the date of the
18 application. A marriage license issued under this subsection is
19 void unless a marriage is solemnized under the license within 58
20 days after the application.

21 **(3)** Notwithstanding subsection (1) or (2), for good and
22 sufficient reason shown, a county clerk may deliver a marriage
23 license immediately following the application. A marriage
24 license issued under this subsection is void unless a marriage is
25 solemnized under the license within 33 days after the
26 application.

27 Enacting section 1. This amendatory act takes effect on

1 October 1, 2004.