

STATE OF NEW YORK

1268--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 11, 2017

Introduced by M. of A. BUCHWALD, MAYER, SANTABARBARA, MOSLEY, ORTIZ, SKOUFIS, PEOPLES-STOKES, HOOPER, CRESPO, STEC, HAWLEY, RAIA, JEAN-PIERRE, BLAKE, BRINDISI, ABBATE, WEPRIN, PALMESANO, PALUMBO -- Multi-Sponsored by -- M. of A. BARCLAY, CURRAN, ENGLEBRIGHT, GIGLIO, OAKS, RAMOS, RICHARDSON, SCHIMMINGER, THIELE -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law, in relation to waiving the fee for marriage licenses for active duty members of the armed forces

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 3 of section 14-a of the domestic relations
2 law, as amended by chapter 297 of the laws of 1963, is amended to read
3 as follows:

4 3. a. No fee shall be charged for any certificate when required by the
5 veterans administration or by the division of veterans' affairs of the
6 state of New York to be used in determining the eligibility of any
7 person to participate in the benefits made available by the veterans
8 administration or by the state of New York.

9 b. A town or city may elect to waive the fee for a certificate when
10 either of the parties making application for such certificate is a
11 member of the armed forces of the United States on active duty.

12 § 2. Subdivision 3 of section 15 of the domestic relations law, as
13 amended by section 5 of part W-2 of chapter 62 of the laws of 2003, is
14 amended to read as follows:

15 3. If it shall appear upon an application for a marriage license that
16 either party is under the age of sixteen years, the town or city clerk
17 shall require, in addition to any consents provided for in this section,
18 the written approval and consent of a justice of the supreme court or of
19 a judge of the family court, having jurisdiction over the town or city
20 in which the application is made, to be attached to or endorsed upon the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 application, before the license is issued. The application for such
2 approval and consent shall be heard by the judge at chambers. All papers
3 and records pertaining to any such application shall be sealed by him
4 and withheld from inspection, except by order of a court of competent
5 jurisdiction. Before issuing any licenses herein provided for, the town
6 or city clerk shall be entitled to a fee of thirty dollars, which sum
7 shall be paid by the applicants before or at the time the license is
8 issued; provided, however, that when either of the parties applying for
9 such license is a member of the armed forces of the United States on
10 active duty (i) a town or city may not collect that portion of the fee
11 which would otherwise be transmitted to the state commissioner of health
12 pursuant to this subdivision and (ii) such town or city may elect to
13 waive the portion of the fee which the town or city is entitled to. Any
14 town or city clerk who shall issue a license to marry any persons one or
15 both of whom shall not be at the time of the marriage under such license
16 legally competent to marry without first requiring the parties to such
17 marriage to make such affidavits and statements or who shall not require
18 the production of documentary proof of age or the procuring of the
19 approval and consents provided for by this article, which shall show
20 that the parties authorized by said license to be married are legally
21 competent to marry, shall be guilty of a misdemeanor and on conviction
22 thereof shall be fined in the sum of one hundred dollars for each and
23 every offense. On or before the fifteenth day of each month, each town
24 and city clerk, except in the city of New York, shall transmit to the
25 state commissioner of health twenty-two dollars and fifty cents of the
26 amount received for each fee collected, which shall be paid into the
27 vital records management account as provided by section ninety-seven-
28 cccc of the state finance law; provided, however, that no fee shall be
29 collected on behalf of or paid to the commissioner of health when either
30 of the parties applying for such license is a member of the armed forces
31 of the United States on active duty. In any city the balance of all
32 fees collected for the issuing of a marriage license, or for solemnizing
33 a marriage, so far as collected for services rendered by any officer or
34 employee of such city, shall be paid monthly into the city treasury and
35 may by ordinance be credited to any fund therein designated, and said
36 ordinance, when duly enacted, shall have the force of law in such city.
37 Notwithstanding any other provisions of this article, the clerk of any
38 city with the approval of the governing body of such city is hereby
39 authorized to designate, in writing filed in the city clerk's office, a
40 deputy clerk, if any, and/or other city employees in such office to
41 receive applications for, examine applications, investigate and issue
42 marriage licenses in the absence or inability of the clerk of said city
43 to act, and said deputy and/or employees so designated are hereby vested
44 with all the powers and duties of said city clerk relative thereto. Such
45 deputy and/or employees shall perform said duties without additional
46 compensation.

47 § 3. This act shall take effect immediately.