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:

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

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

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

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

3. If it shall appear upon an application for a marriage license that either party is under the age of sixteen years, the town or city clerk shall require, in addition to any consents provided for in this section, the written approval and consent of a justice of the supreme court or of a judge of the family court, having jurisdiction over the town or city 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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application, before the license is issued. The application for such approval and consent shall be heard by the judge at chambers. All papers and records pertaining to any such application shall be sealed by him and withheld from inspection, except by order of a court of competent jurisdiction. Before issuing any licenses herein provided for, the town or city clerk shall be entitled to a fee of thirty dollars, which sum shall be paid by the applicants before or at the time the license is issued**; provided, however, that when either of the parties applying for such license is a member of the armed forces of the United States on active duty (i) a town or city may not collect that portion of the fee which would otherwise be transmitted to the state commissioner of health pursuant to this subdivision and (ii) such town or city may elect to waive the portion of the fee which the town or city is entitled to**. Any town or city clerk who shall issue a license to marry any persons one or both of whom shall not be at the time of the marriage under such license legally competent to marry without first requiring the parties to such marriage to make such affidavits and statements or who shall not require the production of documentary proof of age or the procuring of the approval and consents provided for by this article, which shall show that the parties authorized by said license to be married are legally competent to marry, shall be guilty of a misdemeanor and on conviction thereof shall be fined in the sum of one hundred dollars for each and every offense. On or before the fifteenth day of each month, each town and city clerk, except in the city of New York, shall transmit to the state commissioner of health twenty-two dollars and fifty cents of the amount received for each fee collected, which shall be paid into the vital records management account as provided by section ninety-seven-cccc of the state finance law**; provided, however, that no fee shall be collected on behalf of or paid to the commissioner of health when either of the parties applying for such license is a member of the armed forces of the United States on active duty**. In any city the balance of all fees collected for the issuing of a marriage license, or for solemnizing a marriage, so far as collected for services rendered by any officer or employee of such city, shall be paid monthly into the city treasury and may by ordinance be credited to any fund therein designated, and said ordinance, when duly enacted, shall have the force of law in such city. Notwithstanding any other provisions of this article, the clerk of any city with the approval of the governing body of such city is hereby authorized to designate, in writing filed in the city clerk's office, a deputy clerk, if any, and/or other city employees in such office to receive applications for, examine applications, investigate and issue marriage licenses in the absence or inability of the clerk of said city to act, and said deputy and/or employees so designated are hereby vested with all the powers and duties of said city clerk relative thereto. Such deputy and/or employees shall perform said duties without additional compensation.

§ 3. This act shall take effect immediately.