

STATE OF NEW YORK

1268--B

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 -- reported and referred to the Committee on Ways and Means -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- 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 4 of section 15 of the domestic relations law, as
13 amended by chapter 35 of the laws of 2017, is amended to read as
14 follows:

15 4. Before issuing any licenses herein provided for, the town or city
16 clerk shall be entitled to a fee of thirty dollars, which sum shall be

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

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

41 § 3. This act shall take effect immediately.