

# STATE OF NEW YORK

1268

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

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  
21 application, before the license is issued. The application for such

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

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

43 § 3. This act shall take effect immediately.