

STATE OF NEW YORK

7424

IN SENATE

January 17, 2018

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed 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 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
17 paid by the applicants before or at the time the license is issued;
18 provided, however, that when either of the parties applying for such
19 license is a member of the armed forces of the United States on active
20 duty (i) a town or city may not collect that portion of the fee which
21 would otherwise be transmitted to the state commissioner of health
22 pursuant to this subdivision and (ii) such town or city may elect to
23 waive the portion of the fee which the town or city is entitled to. Any
24 town or city clerk who shall issue a license to marry any persons one or
25 both of whom shall not be at the time of the marriage under such license
26 legally competent to marry without first requiring the parties to such
27 marriage to make such affidavits and statements or who shall not require
28 the production of documentary proof of age or the procuring of the

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

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1 approval and consents provided for by this article, which shall show
2 that the parties authorized by said license to be married are legally
3 competent to marry, shall be guilty of a misdemeanor and on conviction
4 thereof shall be fined in the sum of one hundred dollars for each and
5 every offense. On or before the fifteenth day of each month, each town
6 and city clerk, except in the city of New York, shall transmit to the
7 state commissioner of health twenty-two dollars and fifty cents of the
8 amount received for each fee collected, which shall be paid into the
9 vital records management account as provided by section ninety-seven-
10 cccc of the state finance law; provided, however, that no fee shall be
11 collected on behalf of or paid to the commissioner of health when either
12 of the parties applying for such license is a member of the armed forces
13 of the United States on active duty. In any city the balance of all fees
14 collected for the issuing of a marriage license, or for solemnizing a
15 marriage, so far as collected for services rendered by any officer or
16 employee of such city, shall be paid monthly into the city treasury and
17 may by ordinance be credited to any fund therein designated, and said
18 ordinance, when duly enacted, shall have the force of law in such city.
19 Notwithstanding any other provisions of this article, the clerk of any
20 city with the approval of the governing body of such city is hereby
21 authorized to designate, in writing filed in the city clerk's office, a
22 deputy clerk, if any, and/or other city employees in such office to
23 receive applications for, examine applications, investigate and issue
24 marriage licenses in the absence or inability of the clerk of said city
25 to act, and said deputy and/or employees so designated are hereby vested
26 with all the powers and duties of said city clerk relative thereto. Such
27 deputy and/or employees shall perform said duties without additional
28 compensation.

29 § 3. This act shall take effect immediately.