



HOUSE BILL No. 5797

September 14 1994 Introduced by Rep Varga and referred to the Committee on Public Health

A bill to amend section 2891 of Act No 368 of the Public Acts of 1978, entitled as amended
"Public health code,
as amended by Act No 78 of the Public Acts of 1992, being section 333 2891 of the Michigan Compiled Laws and to add section 2832a

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 2891 of Act No 368 of the Public Acts
2 of 1978 as amended by Act No 78 of the Public Acts of 1992
3 being section 333 2891 of the Michigan Compiled Laws, is amended
4 and section 2832a is added to read as follows
5 SEC 2832A (1) IF THE CHARGE PRESCRIBED BY THIS SECTION IS
6 PAID, THE STATE REGISTRAR OR A LOCAL REGISTRAR HAVING
7 JURISDICTION SHALL ISSUE TO A PERSON AUTHORIZED UNDER THIS PART
8 TO RECEIVE A COPY OF A CERTIFICATE OF BIRTH A COMMEMORATIVE

1 CERTIFICATE OF BIRTH THE DEPARTMENT SHALL PRODUCE THE
2 COMMEMORATIVE CERTIFICATE OF BIRTH AUTHORIZED UNDER SUBSECTION
3 (1) IN A FORM SUITABLE FOR DISPLAY, BUT CONSISTENT WITH THE NEED
4 TO PROTECT THE INTEGRITY OF VITAL RECORDS THE DEPARTMENT SHALL
5 ENSURE THAT EACH COMMEMORATIVE CERTIFICATE OF BIRTH COMPLIES WITH
6 BOTH OF THE FOLLOWING

7 (A) DUPLICATES THE DATA APPEARING ON A PERSON S MOST RECENT
8 CERTIFICATE OF BIRTH THAT IS NOT CONFIDENTIAL MEDICAL
9 INFORMATION

10 (B) BEARS AN ORIGINAL OR COPY OF THE GOVERNOR'S SIGNATURE

11 (2) A COMMEMORATIVE CERTIFICATE OF BIRTH ISSUED UNDER THIS
12 SECTION HAS THE SAME EVIDENTIARY STATUS AS ANY OTHER CERTIFICATE
13 OF BIRTH ISSUED UNDER THIS PART

14 (3) A COMMEMORATIVE CERTIFICATE OF BIRTH ISSUED UNDER THIS
15 SECTION SHALL NOT BE USED FOR COMMERCIAL SOLICITATION OR PRIVATE
16 GAIN WITHOUT THE CONSENT OF THE INDIVIDUAL TO WHOM THE COMMEMORA-
17 TIVE CERTIFICATE OF BIRTH RELATES

18 (4) THE STATE REGISTRAR OR LOCAL REGISTRAR SHALL COLLECT A
19 CHARGE FOR A COMMEMORATIVE CERTIFICATE OF BIRTH ISSUED UNDER THIS
20 SECTION EQUAL TO THE COSTS OF PRODUCING AND ISSUING THE CERTIFI-
21 CATE PLUS \$10 00 AFTER DEDUCTING THE COSTS OF ADMINISTERING
22 THIS SECTION, THE STATE OR LOCAL REGISTRAR SHALL TRANSMIT THE
23 MONEY COLLECTED UNDER THIS SECTION TO THE STATE TREASURER FOR
24 DEPOSIT INTO THE FAMILY VIOLENCE HOT LINE FUND CREATED IN SECTION
25 14D OF THE SOCIAL WELFARE ACT, ACT NO 280 OF THE PUBLIC ACTS OF
26 1939, BEING SECTION 400 14D OF THE MICHIGAN COMPILED LAWS THE
27 DEDUCTION FOR ADMINISTRATIVE EXPENSES AUTHORIZED UNDER THIS

1 SUBSECTION SHALL NOT EXCEED 50% OF THE MONEY COLLECTED BY THE
2 STATE REGISTRAR OR A LOCAL REGISTRAR FOR A COMMEMORATIVE CERTIFI-
3 CATE OF BIRTH ISSUED UNDER THIS SECTION

4 (5) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS
5 SECTION

6 Sec 2891 (1) The state registrar or a local registrar
7 shall, upon receipt of a written request and payment of the pre-
8 scribed fee, conduct a search for a vital record for persons who
9 purport to be eligible pursuant to section 2882 to receive a
10 copy, certified copy, or certificate of registration of the
11 requested document

12 (2) If a search for a vital record is conducted by the state
13 registrar and the record cannot be located, the state registrar
14 shall issue an official statement to the effect that a record
15 could not be located in place of a copy, a certified copy or a
16 certificate of registration of a vital record If the search is
17 conducted by a local registrar, an official statement to the
18 effect that a record could not be located is not required and the
19 fee prescribed may be waived

20 (3) The state registrar or a local registrar may require an
21 applicant who requests a copy, a certified copy, or a certificate
22 of registration of a vital record to provide verification of his
23 or her identity before releasing the document if eligibility for
24 the document is restricted pursuant to section 2882

25 (4) The fees for a search are as follows

26 (a) A search including 1 copy, 1 certified
27 copy, or 1 certificate of registration of a

1 vital record or an official statement that a
 2 record could not be located

\$13 00

3 (b) Additional identical copies

4 ordered at the same time

4 00 per copy

5 (c) Additional years searched

4 00 per year

6 (d) Exemplified copies

16 00

7 (e) Additional exemplified copies ordered at
 8 the same time

7 00

9 (f) Verification of facts delineated in sec-
 10 tion 2881(2)

4 00

11 (5) The fees for establishment and registration are as
 12 follows

13 (a) Application for establishment of a delayed certif-
 14 icate of birth or death that includes 1 certified copy or
 15 an official denial of the application

\$26 00

16 (b) Registration of a delayed certificate of birth for
 17 a foreign born adopted child that includes 1 certified
 18 copy

13 00

19 (6) Upon formal application of a soldier sailor marine
 20 member of the coast guard nurse member of a women s auxiliary
 21 or a person who is entitled to a bonus or a pension or other com-
 22 pensation under a law of this state the United States or other
 23 state or territory of the United States or a service auxiliary, 1
 24 certified copy of a vital record requested from the department
 25 shall be furnished without charge for the purpose of securing the
 26 bonus, pension, or compensation If the person entitled to the
 27 record is deceased or mentally incompetent, the copy may be

1 furnished to an heir guardian or legal representative of the
2 person

3 (7) Upon formal application a copy or a certified copy of a
4 vital record shall be furnished by the state registrar or a local
5 registrar without charge for official use only to a court a
6 department agency or political subdivision of this state the
7 United States, or another state a licensed child placing agency
8 for adoption purposes or ~~to~~ an official registrar of a foreign
9 country A copy or a certified copy provided under this subsec-
10 tion shall be marked for official use only

11 (8) Upon formal application a person 65 years of age or
12 older shall be charged a fee of \$5 00 for a search and 1 copy 1
13 certified copy or 1 certificate of registration of his or her
14 birth record

15 (9) The following fees shall be charged for the creation of
16 new vital records and corrections of vital records

17 (a) Application to create a new certificate of
18 birth following an adoption legal change of name for
19 minors acknowledgment of paternity sex change
20 legitimation order of filiation or a request to
21 replace a court filed certificate of adoption \$26 00

22 (b) Application received within 1 year of the date of
23 the event to create a new certificate of birth or death to
24 correct obvious minor errors and omissions 26 00

25 The errors and omissions that may be corrected under this subdi-
26 vision are limited to the following

1 (i) The addition of a given first or middle name when a name
2 was not recorded at the time of filing

3 (ii) A change to a social security number

4 (iii) The addition of information originally specified as
5 unknown or that was omitted by error

6 (iv) A minor spelling change

7 (10) A fee of \$26 00 shall be charged for an application to
8 amend birth and death records more than 1 year after the date of
9 the event for the purpose of adding information or correcting an
10 error in information recorded on the document

11 (11) A fee shall not be assessed for any of the following

12 (a) Changing a vital record to correct an error made within
13 the office of a local registrar or the state registrar

14 (b) Correcting an error when initiated by the state
15 registrar

16 (c) Correcting a record when requested by a medical examiner
17 for a case within his or her jurisdiction

18 (d) Correcting a record when the change is ordered by a
19 court of competent jurisdiction following denial by the depart-
20 ment of an application to make a change

21 (e) Correcting a record when requested to do so by a public
22 agency where the agency is the guardian of the individual to whom
23 the record pertains

24 (12) A fee of \$26 00 shall be charged for an application to
25 amend a birth record regarding a documented legal change of name
26 for an adult

1 (13) The state registrar or a local registrar with approval
2 of the state registrar may charge a reasonable fee to cover the
3 costs of special services performed pursuant to section 2883
4 2884, or 2888

5 (14) Fees collected under this section by a local registrar
6 shall be deposited as the governing body of the city or county
7 directs Fees collected under this section by the state regis-
8 trar shall be deposited in the state treasury and credited to the
9 general fund of this state

10 (15) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SECTION 2832A,
11 THE state registrar or a local registrar shall not charge a fee
12 other than a fee prescribed in this section However, a local
13 governmental unit may adopt a system of fees for local registrars
14 under the jurisdiction of the local governmental unit for a
15 search that provides for fees less than those set forth in this
16 section, and a charter county with a population of more than
17 2,000 000 may adopt a system of fees for that charter county that
18 provides for fees more than those set forth in this section A
19 charter county shall not impose a fee that is greater than the
20 cost of the service for which the fee is charged

21 (16) For searches under subsection (4) a local registrar
22 shall charge fees according to the following

23 (a) The governing body of a local governmental unit that has
24 jurisdiction over a local registrar may adopt a system of fees
25 for the local registrar that provides for fees less than or equal
26 to the fees set forth in subsection (4), or in a charter county
27 with a population of more than 2,000,000, more than the fees set

1 forth in subsection (4) A charter county shall not impose a fee
2 that is greater than the cost of the service for which the fee is
3 charged The system of fees shall be used by all local regis-
4 trars under the jurisdiction of the local governmental unit and
5 shall be reasonably related to the cost incurred by the local
6 registrar in making the search

7 (b) If a system of fees is not adopted by a local
8 registrar's local governmental unit the local registrar shall
9 not charge a fee other than a fee prescribed in subsection (4)

10 Section 2 This amendatory act shall not take effect unless
11 Senate Bill No _____ or House Bill No 5795 (request
12 no 06467 94) of the 87th Legislature is enacted into law