



# HOUSE BILL No. 4123

January 17, 1995, Introduced by Rep. Varga and referred to the Committee on Judiciary and Civil Rights.

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 THIS SUBSEC-  
3 TION 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. A COMMEMORATIVE CERTIFICATE OF  
14 BIRTH ISSUED UNDER THIS SECTION SHALL NOT BE USED FOR COMMERCIAL  
15 SOLICITATION OR PRIVATE GAIN WITHOUT THE CONSENT OF THE INDIVID-  
16 UAL FOR WHOSE BIRTH THE COMMEMORATIVE CERTIFICATE OF BIRTH IS A  
17 RECORD.

18 (3) 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 (4) 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~~ IF the agency is the guardian of the individual to  
23 whom 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. 4125 (request  
12 no. 00983'95) of the 88th Legislature is enacted into law.