

Act No. 31
Public Acts of 2001
Approved by the Governor
June 28, 2001
Filed with the Secretary of State
June 29, 2001
EFFECTIVE DATE: June 29, 2001

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2001**

Introduced by Senator Schwarz

ENROLLED SENATE BILL No. 56

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for the implementation of federal law; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 2891 (MCL 333.2891), as amended by 1992 PA 78.

The People of the State of Michigan enact:

Sec. 2891. (1) The state registrar or a local registrar shall, upon receipt of a written request and payment of the prescribed fee, conduct a search for a vital record for an individual who purports to be eligible under section 2882 or for an agency under section 2883(2) to receive a certified copy, administrative use copy, or a statistical use copy of the requested vital record.

(2) If a search for a vital record is conducted by the state registrar and the vital record cannot be located, the state registrar shall issue an official statement to the effect that the vital record could not be located in place of a certified copy or an administrative use copy of a vital record. If a search for a vital record is conducted by a local registrar and the vital record cannot be located, the local registrar is not required to issue an official statement as described in this subsection, and the local registrar may waive the prescribed fee.

(3) The state registrar or a local registrar may require an applicant who requests a certified copy, an administrative use copy, or a statistical use copy of a vital record to provide verification of his or her identity before releasing the vital record if eligibility for the vital record is restricted pursuant to section 2882.

(4) Subject to subsection (8), the fees for a search are as follows:

(a) A search including 1 certified copy, 1 administrative use copy, or 1 statistical use copy of a vital record or an official statement issued by the state registrar that a vital record could not be located.....\$15.00

- (b) Additional identical copies ordered at the same time\$5.00 per copy
- (c) Additional years searched.....\$4.00 per year
- (d) An authenticated copy\$18.00
- (e) Additional authenticated copies ordered at the same time\$8.00 per copy
- (f) Verification of facts delineated in section 2881(2)\$5.00
- (g) A request for an expedited search for a vital record\$5.00
- (5) The fees for establishment and registration are as follows:
 - (a) Application for establishment of a delayed certificate of birth or death that includes 1 certified copy or an official denial of the application.....\$30.00
 - (b) Registration of a delayed certificate of birth for a foreign born adopted child that includes 1 certified copy\$30.00
- (6) Upon formal application of a soldier; sailor; marine; member of the coast guard; nurse; member of a women's auxiliary; or a person who is entitled to a bonus or a pension or other compensation under a law of this state, the United States, or other state or territory of the United States or a service auxiliary, 1 certified copy of a vital record requested from the state registrar shall be furnished without charge for the purpose of securing the bonus, pension, or compensation. If the person entitled to the vital record is deceased or mentally incompetent, the copy may be furnished to an heir, guardian, or legal representative of the person. The state registrar shall label a certified copy furnished under this subsection with the following statement: "for veteran's benefits only, not for personal use".
- (7) Upon formal application, a certified copy of a vital record shall be furnished by the state registrar or a local registrar without charge to a licensed child placing agency representing a child for adoption purposes. The state registrar shall label a certified copy provided under this subsection with the following statement: "for adoption purposes only, not for personal use".
- (8) Upon formal application, a person 65 years of age or older shall be charged a fee of \$7.00 for a search and 1 certified copy of his or her birth record.
- (9) The following fees shall be charged for the creation of new vital records and corrections of vital records:
 - (a) Application to create a new certificate of birth following an adoption; legal change of name for minors; acknowledgment of paternity; sex change; legitimation; order of filiation; or a request to replace a court filed certificate of adoption\$26.00
 - (b) Application received within 1 year of the date of the event to create a new certificate of birth or death to correct obvious minor errors and omissions\$26.00
- The errors and omissions that may be corrected under this subdivision are limited to the following:
 - (i) The addition of a given first or middle name if a name was not recorded at the time of filing.
 - (ii) A change to a social security number.
 - (iii) The addition of information originally specified as unknown or that was omitted by error.
 - (iv) A minor spelling change.
- (10) A fee of \$26.00 shall be charged for an application to amend birth and death records more than 1 year after the date of the event for the purpose of adding information or correcting an error in information recorded on the document.
- (11) A fee shall not be assessed for 1 or more of the following:
 - (a) Changing a vital record to correct an error made within the office of a local registrar or the state registrar.
 - (b) Correcting an error if the correction is initiated by the state registrar.
 - (c) Correcting a vital record if the correction is requested by a county medical examiner for a case within his or her jurisdiction.
 - (d) Correcting a record if the correction is ordered by a court of competent jurisdiction following denial by the department of an application to make the correction.
 - (e) Correcting a vital record if the correction is requested by a public agency that is the guardian of the individual to whom the vital record pertains.
- (12) A fee of \$26.00 shall be charged for an application to amend a birth record regarding a documented legal change of name for an adult.
- (13) The state registrar or a local registrar with approval of the state registrar may charge a reasonable fee to cover the costs of special services performed pursuant to section 2883, 2884, or 2888.
- (14) Fees collected under this section by a local registrar shall be deposited as the governing body of the city or county directs. Fees collected under this section by the state registrar shall be deposited in the state treasury and credited to the general fund of this state.

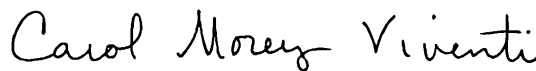
(15) The state registrar or a local registrar shall not charge a fee other than a fee prescribed in this section. However, a local governmental unit may adopt a system of fees for local registrars under the jurisdiction of the local governmental unit for a search that provides for fees less than those set forth in this section, and a charter county with a population of more than 2,000,000 may adopt a system of fees for a local registrar under the jurisdiction of that charter county that provides for fees more than those set forth in this section. However, a charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged.

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

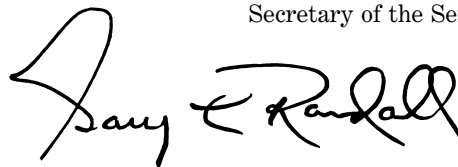
(a) The governing body of a local governmental unit that has jurisdiction over a local registrar may adopt a system of fees for the local registrar that provides for fees less than or equal to the fees set forth in subsection (4). These fees shall be used for the maintenance and sustenance of the vital records fees program only. The fees shall alleviate any burden to the taxpayers to provide this worthwhile program. A charter county with a population of more than 2,000,000 may adopt a system of fees for a local registrar under the jurisdiction of that charter county that provides for fees that are more than the fees set forth in subsection (4). A charter county shall not impose a fee that is greater than the cost of the service for which the fee is charged. A system of fees adopted under this subdivision shall be used by all local registrars under the jurisdiction of the local governmental unit, and shall be reasonably related to the cost incurred by the local registrar in making the search.

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

This act is ordered to take immediate effect.



Secretary of the Senate.



Clerk of the House of Representatives.

Approved

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Governor.