

HOUSE BILL No. 5418

January 16, 2018, Introduced by Reps. Johnson, Ellison, Tedder, Lucido, Kelly and Vaupel and referred to the Committee on Families, Children, and Seniors.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2891 (MCL 333.2891), as amended by 2013 PA
136.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2891. (1) The state registrar or a local registrar
2 shall, upon receipt of a written request and payment of the
3 prescribed fee, conduct a search for a vital record for an
4 individual who purports to be eligible under section 2882 or for
5 an agency under section 2883(2) to receive a certified copy,
6 administrative use copy, or a statistical use copy of the
7 requested vital record. **HOWEVER, IF A LOCAL REGISTRAR RECEIVES A**
8 **WRITTEN REQUEST AND PAYMENT OF THE FEE CHARGED BY THE LOCAL**

1 REGISTRAR UNDER THIS SECTION FROM AN INDIVIDUAL WHO PURPORTS TO
2 BE ELIGIBLE UNDER SECTION 2882 TO RECEIVE A CERTIFIED COPY OF A
3 BIRTH RECORD OF A QUALIFIED INDIVIDUAL, THE LOCAL REGISTRAR SHALL
4 NOTIFY THE STATE REGISTRAR. UPON RECEIVING THE NOTIFICATION, THE
5 STATE REGISTRAR SHALL CONDUCT A SEARCH FOR THE QUALIFIED
6 INDIVIDUAL'S BIRTH RECORD AND SHALL FURNISH TO THE LOCAL
7 REGISTRAR FOR ISSUANCE TO THE INDIVIDUAL MAKING THE REQUEST 1
8 CERTIFIED COPY OF THE QUALIFIED INDIVIDUAL'S BIRTH RECORD OR,
9 SUBJECT TO SUBSECTION (2), AN OFFICIAL STATEMENT THAT THE RECORD
10 COULD NOT BE LOCATED. AS USED IN THIS SUBSECTION, "QUALIFIED
11 INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS THE SUBJECT OF THE BIRTH
12 RECORD WHO WAS BORN BEFORE OCTOBER 1, 1978 AND FOR WHOM NO FATHER
13 IS LISTED ON THE BIRTH RECORD.

14 (2) If a search for a vital record is conducted by the state
15 registrar and the vital record cannot be located, the state
16 registrar shall issue an official statement that the vital record
17 could not be located instead of a certified copy or an
18 administrative use copy of the vital record. If a search for a
19 vital record is conducted by a local registrar and the vital
20 record cannot be located, the local registrar ~~is not required to~~
21 **MAY** issue an official statement as described in this subsection,
22 and the local registrar may waive the prescribed fee.

23 (3) The state registrar or a local registrar may require an
24 applicant who requests a certified copy, an administrative use
25 copy, or a statistical use copy of a vital record to provide
26 verification of his or her identity before releasing the vital
27 record if eligibility for the vital record is restricted under

1 section 2882.

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

4	(a) A search including 1 certified copy,	
5	1 administrative use copy, or 1 statistical use	
6	copy of a vital record or an official statement	
7	issued by the state registrar that a vital record	
8	could not be located.....	\$ 34.00
9	(b) Additional identical copies ordered at	
10	the same time.....	\$ 16.00
11		per copy
12	(c) Additional years searched.....	\$ 12.00
13		per year
14	(d) An authenticated copy.....	\$ 42.00
15	(e) Additional authenticated copies ordered	
16	at the same time.....	\$ 26.00
17		per copy
18	(f) Verification of facts delineated in	
19	section 2881(2).....	\$ 18.00
20	(g) Except as otherwise provided in	
21	subdivision (h), a request for an expedited	
22	search for a vital record under this	
23	subsection.....	\$ 12.00
24	(h) A request for an expedited search	
25	for an authenticated copy of a vital	
26	record under subdivision (d).....	\$ 25.00

27 (5) The fees for establishment or registration of a vital
28 record 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..... \$ 50.00

(b) Registration of a delayed certificate
 of birth for a foreign born adopted child that
 includes 1 certified copy..... \$ 50.00

(6) Upon formal application of a soldier; sailor; marine;
 member of the coast guard; nurse; member of a women's auxiliary;
 or other ~~person~~-**INDIVIDUAL** who is entitled to a bonus, a pension,
 or other compensation under a law of this state, the United
 States, or another state or territory of the United States or a
 service auxiliary for a vital record for the purpose of obtaining
 the bonus, pension, or compensation, the state registrar shall
 furnish 1 certified copy of the vital record requested without
 charge. If the ~~person~~-**INDIVIDUAL** entitled to the vital record is
 deceased or mentally incompetent, the state registrar may furnish
 the copy to an heir, guardian, or legal representative of the
~~person~~-**INDIVIDUAL**. 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, the state registrar or a local
 registrar shall furnish a certified copy of a vital record
 without charge to a licensed child placing agency representing a
 child for adoption purposes. The state registrar or local
 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, the~~ **THE** state registrar shall **COMPLY WITH ALL OF THE FOLLOWING:**

(A) SUBJECT TO SUBDIVISION (B), UPON FORMAL APPLICATION, charge ~~a person~~ **AN INDIVIDUAL** 65 years of age or older a fee of \$14.00 for a search for and 1 certified copy of his or her birth record.

(B) IF THE STATE REGISTRAR RECEIVES NOTICE FROM A LOCAL REGISTRAR UNDER SUBSECTION (1), CONDUCT THE SEARCH AND FURNISH TO THE LOCAL REGISTRAR THE CERTIFIED COPY OR THE OFFICIAL STATEMENT WITHOUT CHARGING THE INDIVIDUAL REQUESTING THE RECORD A FEE THAT IS IN ADDITION TO THE FEE CHARGED BY THE LOCAL REGISTRAR UNDER THIS SECTION.

(9) The state registrar shall charge the following fees 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..... \$ 50.00

(b) Subject to subsection (10), 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

1 omissions..... \$ 50.00

2 (c) An application with a request for an
3 expedited creation of a new certificate under
4 this subsection..... \$ 25.00

5 (10) The errors and omissions that may be corrected under
6 subsection (9) (b) are limited to the following:

7 (a) The addition of a given first or middle name if a name
8 was not recorded at the time of filing.

9 (b) A change to a social security number.

10 (c) The addition of information originally specified as
11 unknown or that was omitted by error.

12 (d) A minor spelling change.

13 (11) The state registrar shall charge a fee of \$50.00 for an
14 application to amend birth and death records more than 1 year
15 after the date of the event for the purpose of adding information
16 or correcting an error in information recorded on the document.
17 The state registrar shall charge a fee of \$25.00 for an
18 application with a request for an expedited amendment to a birth
19 or death record under this subsection.

20 (12) The state registrar shall not charge a fee for any of
21 the following:

22 (a) Changing a vital record to correct an error made within
23 the office of a local registrar or the state registrar.

24 (b) Correcting an error if the correction is initiated by
25 the state registrar.

26 (c) Correcting a vital record if the correction is requested

1 by a county medical examiner for a case within his or her
2 jurisdiction.

3 (d) Correcting a record if the correction is ordered by a
4 court of competent jurisdiction following denial by the
5 department of an application to make the correction.

6 (e) Correcting a vital record if the correction is requested
7 by a public agency that is the guardian of the individual to whom
8 the vital record pertains.

9 (13) The state registrar shall charge a fee of \$50.00 for an
10 application to amend a birth record regarding a documented legal
11 change of name for an adult. The state registrar shall charge a
12 fee of \$25.00 for an application with a request for an expedited
13 amendment to a birth record under this subsection.

14 (14) The state registrar or a local registrar with approval
15 of the state registrar may charge a reasonable fee to cover the
16 costs of special services performed pursuant to section 2883,
17 2884, or 2888.

18 (15) A local registrar shall deposit fees collected under
19 this section as the governing body of the city or county directs.
20 The state registrar shall transmit fees collected under this
21 section to the state treasurer for deposit into the vital records
22 fund created in section 2892.

23 (16) The state registrar shall charge a fee of \$12.00 for an
24 application for a copy or a certified copy of a vital records-
25 related document, including, but not limited to, a completed
26 application submitted under this section or a document submitted
27 under this section to support a requested change to a vital

1 record.

2 (17) The state registrar or a local registrar shall not
3 charge a fee other than a fee prescribed in this section.

4 However, a local governmental unit may adopt a system of fees for
5 local registrars under the jurisdiction of the local governmental
6 unit for a search that provides for fees less than those set
7 forth in this section, and a charter county with a population of
8 more than 2,000,000 may adopt a system of fees for a local
9 registrar under the jurisdiction of that charter county that
10 provides for fees more than those set forth in this section.
11 However, a charter county shall not impose a fee that is greater
12 than the cost of the service for which the fee is charged.

13 (18) For searches under subsection (4), a local registrar
14 shall charge fees according to the following:

15 (a) The governing body of a local governmental unit that has
16 jurisdiction over a local registrar may adopt a system of fees
17 for the local registrar that provides for fees less than or equal
18 to the fees set forth in subsection (4). These fees ~~shall~~**MUST** be
19 used for the maintenance and sustenance of the vital records fees
20 program only. The fees ~~shall~~**MUST** alleviate any burden to the
21 taxpayers to provide this worthwhile program. A charter county
22 with a population of more than 2,000,000 may adopt a system of
23 fees for a local registrar under the jurisdiction of that charter
24 county that provides for fees that are more than the fees set
25 forth in subsection (4). A charter county shall not impose a fee
26 that is greater than the cost of the service for which the fee is
27 charged. A system of fees adopted under this subdivision ~~shall~~

1 **MUST** be used by all local registrars under the jurisdiction of
2 the local governmental unit and ~~shall~~**MUST** be reasonably related
3 to the cost incurred by the local registrar in making the search.

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

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.