

# HOUSE BILL NO. 4152

February 06, 2019, Introduced by Reps. Johnson, Guerra, Love, Howell, Brann, Clemente, LaFave and Cynthia Johnson 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 shall,  
2           upon receipt of a written request and payment of the prescribed  
3           fee, conduct a search for a vital record for an individual who  
4           purports to be eligible under section 2882 or for an agency under  
5           section 2883(2) to receive a certified copy, administrative use  
6           copy, or a statistical use copy of the requested vital record.

1     However, if a local registrar receives a written request and  
2     payment of the fee charged by the local registrar under this  
3     section from an individual who purports to be eligible under  
4     section 2882(1) to receive a certified copy of a birth record of an  
5     eligible individual, the local registrar shall notify the state  
6     registrar. Upon receiving the notification, the state registrar  
7     shall conduct a search for the birth record of the eligible  
8     individual and shall furnish to the local registrar for issuance to  
9     the individual making the request 1 certified copy of the  
10    appropriate birth record of the eligible individual or, subject to  
11    subsection (2), an official statement that the record could not be  
12    located.

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

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

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

1	(a) A search including 1 certified copy, 1		
2	administrative use copy, or 1 statistical use copy of a		
3	vital record or an official statement issued by the state		
4	registrar that a vital record could not be located.....	\$	34.00
5	(b) Additional identical copies ordered at the same		
6	time.....	\$	16.00
7			per copy
8	(c) Additional years searched.....	\$	12.00
9			per year
10	(d) An authenticated copy.....	\$	42.00
11	(e) Additional authenticated copies ordered at the		
12	same time.....	\$	26.00
13			per copy
14	(f) Verification of facts delineated in section		
15	2881(2).....	\$	18.00
16	(g) Except as otherwise provided in subdivision (h),		
17	a request for an expedited search for a vital record		
18	under this subsection.....	\$	12.00
19	(h) A request for an expedited search for an		
20	authenticated copy of a vital record under subdivision		
21	(d).....	\$	25.00
22	(5) The fees for establishment or registration of a vital		
23	record are as follows:		
24	(a) Application for establishment of a delayed		
25	certificate of birth or death that includes 1 certified		
26	copy or an official denial of the application.....	\$	50.00
27	(b) Registration of a delayed certificate of birth		
28	for a foreign born adopted child that includes 1		
29	certified copy.....	\$	50.00

1           (6) Upon formal application of a soldier; sailor; marine;  
 2 member of the ~~coast guard~~; **United States Coast Guard**; nurse; member  
 3 of a women's auxiliary; or other ~~person~~ **individual** who is entitled  
 4 to a bonus, a pension, or other compensation under a law of this  
 5 state, the United States, or another state or territory of the  
 6 United States or a service auxiliary for a vital record for the  
 7 purpose of obtaining the bonus, pension, or compensation, the state  
 8 registrar shall furnish 1 certified copy of the vital record  
 9 requested without charge. If the ~~person~~ **individual** entitled to the  
 10 vital record is deceased or mentally incompetent, the state  
 11 registrar may furnish the copy to an heir, guardian, or legal  
 12 representative of the ~~person~~ **individual**. The state registrar shall  
 13 label a certified copy furnished under this subsection with the  
 14 following statement: "for veteran's benefits only, not for personal  
 15 use".

16           (7) Upon formal application, the state registrar or a local  
 17 registrar shall furnish a certified copy of a vital record without  
 18 charge to a licensed child placing agency representing a child for  
 19 adoption purposes. The state registrar or local registrar shall  
 20 label a certified copy provided under this subsection with the  
 21 following statement: "for adoption purposes only, not for personal  
 22 use".

23           (8) ~~Upon formal application, the~~ **The** state registrar shall  
 24 **comply with all of the following:**

25           **(a) Subject to subdivision (b), upon formal application,**  
 26 charge a ~~person~~ **an individual** 65 years of age or older a fee of  
 27 \$14.00 for a search for and 1 certified copy of his or her birth  
 28 record.

29           **(b) If the state registrar receives notice from a local**

1 registrar under subsection (1), conduct the search and furnish to  
 2 the local registrar the certified copy or the official statement  
 3 without charging the individual requesting the record a fee that is  
 4 in addition to the fee charged by the local registrar under this  
 5 section and without charge to the local registrar.

6 (9) The state registrar shall charge the following fees for  
 7 the creation of new vital records and corrections of vital records:

8 (a) Application to create a new certificate of birth  
 9 following an adoption; legal change of name for minors;  
 10 acknowledgment of paternity; sex change; legitimation;  
 11 order of filiation; or a request to replace a court filed  
 12 certificate of adoption..... \$ 50.00

13 (b) Subject to subsection (10), application received  
 14 within 1 year of the date of the event to create a new  
 15 certificate of birth or death to correct obvious minor  
 16 errors and omissions..... \$ 50.00

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

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

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

23 (b) A change to a ~~social security~~ **Social Security** number.

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

26 (d) A minor spelling change.

27 (11) The state registrar shall charge a fee of \$50.00 for an  
 28 application to amend birth and death records more than 1 year after  
 29 the date of the event for the purpose of adding information or

1 correcting an error in information recorded on the document. The  
2 state registrar shall charge a fee of \$25.00 for an application  
3 with a request for an expedited amendment to a birth or death  
4 record under this subsection.

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

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

9 (b) Correcting an error if the correction is initiated by the  
10 state registrar.

11 (c) Correcting a vital record if the correction is requested  
12 by a county medical examiner for a case within his or her  
13 jurisdiction.

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

17 (e) Correcting a vital record if the correction is requested  
18 by a public agency that is the guardian of the individual to whom  
19 the vital record pertains.

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

25 (14) The state registrar or a local registrar with approval of  
26 the state registrar may charge a reasonable fee to cover the costs  
27 of special services performed pursuant to section 2883, 2884, or  
28 2888.

29 (15) A local registrar shall deposit fees collected under this

1 section as the governing body of the city or county directs. The  
2 state registrar shall transmit fees collected under this section to  
3 the state treasurer for deposit into the vital records fund created  
4 in section 2892.

5 (16) The state registrar shall charge a fee of \$12.00 for an  
6 application for a copy or a certified copy of a vital records-  
7 related document, including, but not limited to, a completed  
8 application submitted under this section or a document submitted  
9 under this section to support a requested change to a vital record.

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

21 (18) 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 for  
25 the local registrar that provides for fees less than or equal to  
26 the fees set forth in subsection (4). These fees ~~shall~~**must** be used  
27 for the maintenance and sustenance of the vital records fees  
28 program only. The fees ~~shall~~**must** alleviate any burden to the  
29 taxpayers to provide this worthwhile program. A charter county with

1 a population of more than 2,000,000 may adopt a system of fees for  
2 a local registrar under the jurisdiction of that charter county  
3 that provides for fees that are more than the fees set forth in  
4 subsection (4). A charter county shall not impose a fee that is  
5 greater than the cost of the service for which the fee is charged.  
6 A system of fees adopted under this subdivision ~~shall~~**must** be used  
7 by all local registrars under the jurisdiction of the local  
8 governmental unit and ~~shall~~**must** be reasonably related to the cost  
9 incurred by the local registrar in making the search.

10 (b) If a system of fees is not adopted by a local registrar's  
11 local governmental unit under subdivision (a), the local registrar  
12 shall not charge a fee other than a fee prescribed in subsection  
13 (4).

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

16 Enacting section 2. This amendatory act does not take effect  
17 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
18 01564'19) of the 100th Legislature is enacted into law.