

# HOUSE BILL No. 5778

April 21, 2004, Introduced by Rep. Whitmer and referred to the Committee on Appropriations.

A bill to amend 1978 PA 368, entitled "Public health code," by amending section 2891 (MCL 333.2891), as amended by 2001 PA 31.

**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.

8       (2) If a search for a vital record is conducted by the state  
9 registrar and the vital record cannot be located, the state  
10 registrar shall issue an official statement to the effect that

1 the vital record could not be located in place of a certified  
2 copy or an administrative use copy of a vital record. If a  
3 search for a vital record is conducted by a local registrar and  
4 the vital record cannot be located, the local registrar is not  
5 required to issue an official statement as described in this  
6 subsection, and the local registrar may waive the prescribed  
7 fee.

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

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

16 (a) A search including 1 certified copy, 1  
17 administrative use copy, or 1 statistical use copy  
18 of a vital record or an official statement issued  
19 by the state registrar that a vital record could  
20 not be located.....~~-\$15.00-~~ **\$26.00**

21 (b) Additional identical copies ordered at the  
22 same time.....~~-\$5.00-~~ **\$12.00**  
23 per copy

24 (c) Additional years searched.....~~-\$4.00-~~ **\$12.00**  
25 per year

26 (d) An authenticated copy.....~~-\$18.00-~~ **\$29.00**

27 (e) Additional authenticated copies ordered at

1 the same time.....~~\$8.00~~ **\$15.00**

2 per copy

3 (f) Verification of facts delineated in section

4 2881(2).....~~\$5.00~~ **\$10.00**

5 (g) A request for an expedited search for a

6 vital record.....~~\$5.00~~ **\$10.00**

7 (5) The fees for establishment and registration are as  
8 follows:

9 (a) Application for establishment of a delayed

10 certificate of birth or death that includes 1

11 certified copy or an official denial of the

12 application.....~~\$30.00~~ **\$40.00**

13 (b) Registration of a delayed certificate of

14 birth for a foreign born adopted child that

15 includes 1 certified copy.....~~\$30.00~~ **\$40.00**

16 (6) Upon formal application of a soldier; sailor; marine;

17 member of the coast guard; nurse; member of a women's auxiliary;

18 or a person who is entitled to a bonus or a pension or other

19 compensation under a law of this state, the United States, or

20 other state or territory of the United States or a service

21 auxiliary, 1 certified copy of a vital record requested from the

22 state registrar shall be furnished without charge for the purpose

23 of securing the bonus, pension, or compensation. If the person

24 entitled to the vital record is deceased or mentally incompetent,

25 the copy may be furnished to an heir, guardian, or legal

26 representative of the person. The state registrar shall label a

27 certified copy furnished under this subsection with the following

1 statement: "for veteran's benefits only, not for personal use".

2 (7) Upon formal application, a certified copy of a vital  
3 record shall be furnished by the state registrar or a local  
4 registrar without charge to a licensed child placing agency  
5 representing a child for adoption purposes. The state registrar  
6 shall label a certified copy provided under this subsection with  
7 the following statement: "for adoption purposes only, not for  
8 personal use".

9 (8) Upon formal application, a person 65 years of age or  
10 older shall be charged a fee of \$7.00 for a search and  
11 1 certified copy of his or her birth record.

12 (9) The following fees shall be charged for the creation of  
13 new vital records and corrections of vital records:

14 (a) Application to create a new certificate of  
15 birth following an adoption; legal change of name  
16 for minors; acknowledgment of paternity; sex  
17 change; legitimation; order of filiation; or a  
18 request to replace a court filed certificate of  
19 adoption.....~~\$26.00~~ **\$40.00**

20 (b) Application received within 1 year of the date of  
21 the event to create a new certificate of birth or death to  
22 correct obvious minor errors and omissions.....~~\$26.00~~ **\$40.00**

23 The errors and omissions that may be corrected under this  
24 subdivision are limited to the following:

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

27 (ii) A change to a social security number.

1 (iii) The addition of information originally specified as  
2 unknown or that was omitted by error.

3 (iv) A minor spelling change.

4 (10) A fee of ~~-\$26.00-~~ **\$40.00** shall be charged for an  
5 application to amend birth and death records more than 1 year  
6 after the date of the event for the purpose of adding information  
7 or correcting an error in information recorded on the document.

8 (11) A fee shall not be assessed for 1 or more of the  
9 following:

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

12 (b) Correcting an error if the correction is initiated by the  
13 state registrar.

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

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

20 (e) Correcting a vital record if the correction is requested  
21 by a public agency that is the guardian of the individual to whom  
22 the vital record pertains.

23 (12) A fee of ~~-\$26.00-~~ **\$40.00** shall be charged for an  
24 application to amend a birth record regarding a documented legal  
25 change of name for an adult.

26 (13) The state registrar or a local registrar with approval  
27 of the state registrar may charge a reasonable fee to cover the

1 costs of special services performed pursuant to section 2883,  
2 2884, or 2888.

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

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

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

21 (a) The governing body of a local governmental unit that has  
22 jurisdiction over a local registrar may adopt a system of fees  
23 for the local registrar that provides for fees less than or equal  
24 to the fees set forth in subsection (4). These fees shall be  
25 used for the maintenance and sustenance of the vital records fees  
26 program only. The fees shall alleviate any burden to the  
27 taxpayers to provide this worthwhile program. A charter county

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