

# SENATE BILL No. 1435

June 27, 2008, Introduced by Senators CLARKE, SCOTT, BRATER, CLARK-COLEMAN, HUNTER and THOMAS and referred to the Committee on Transportation.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 2891 (MCL 333.2891), as amended by 2004 PA  
467.

## 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

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.....\$26.00

(b) Additional identical copies ordered at the same time.....\$12.00 per copy

(c) Additional years searched.....\$12.00 per year

(d) An authenticated copy.....\$29.00

(e) Additional authenticated copies ordered at the same time.....\$15.00 per copy

(f) Verification of facts delineated in section 2881(2).....\$10.00

1 (g) A request for an expedited search for  
2 a vital record.....\$10.00

3 (5) The fees for establishment and registration are as  
4 follows:

5 (a) Application for establishment of a delayed  
6 certificate of birth or death that includes 1 cer-  
7 tified copy or an official denial of the  
8 application.....\$40.00

9 (b) Registration of a delayed certificate of  
10 birth for a foreign born adopted child that  
11 includes 1 certified copy.....\$40.00

12 (6) Upon formal application of a soldier; sailor; marine;  
13 member of the coast guard; nurse; member of a women's auxiliary;  
14 or a person who is entitled to a bonus or a pension or other  
15 compensation under a law of this state, the United States, or  
16 other state or territory of the United States or a service  
17 auxiliary, 1 certified copy of a vital record requested from the  
18 state registrar shall be furnished without charge for the purpose  
19 of securing the bonus, pension, or compensation. If the person  
20 entitled to the vital record is deceased or mentally incompetent,  
21 the copy may be furnished to an heir, guardian, or legal  
22 representative of the person. The state registrar shall label a  
23 certified copy furnished under this subsection with the following  
24 statement: "for veteran's benefits only, not for personal use".

25 (7) Upon formal application, a certified copy of a vital  
26 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. **UPON FORMAL APPLICATION, AN INDIGENT PERSON SHALL BE FURNISHED WITHOUT CHARGE A SEARCH AND 1 CERTIFIED COPY OF HIS OR HER BIRTH RECORD. AS USED IN THIS SUBSECTION, "INDIGENT PERSON" MEANS AN INDIVIDUAL WHOSE ANNUAL INCOME IS AT OR BELOW 125% OF THE FEDERAL POVERTY GUIDELINES PUBLISHED ANNUALLY IN THE FEDERAL REGISTER BY THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER ITS AUTHORITY TO REVISE THE POVERTY LINE UNDER 42 USC 9902. AN INDIGENT PERSON IS ONLY ENTITLED TO 1 BIRTH RECORD WITHOUT CHARGE UNDER THIS SUBSECTION.**

(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.....\$40.00

(b) Application received within 1 year of the date of the event to create a new certificate of

1 birth or death to correct obvious minor errors  
2 and omissions.....\$40.00

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

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

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

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

10 (iv) A minor spelling change.

11 (10) A fee of \$40.00 shall be charged for an application to  
12 amend birth and death records more than 1 year after the date of  
13 the event for the purpose of adding information or correcting an  
14 error in information recorded on the document.

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

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

19 (b) Correcting an error if the correction is initiated by  
20 the state registrar.

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

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

1 (e) Correcting a vital record if the correction is requested  
2 by a public agency that is the guardian of the individual to whom  
3 the vital record pertains.

4 (12) A fee of \$40.00 shall be charged for an application to  
5 amend a birth record regarding a documented legal change of name  
6 for an adult.

7 (13) The state registrar or a local registrar with approval  
8 of the state registrar may charge a reasonable fee to cover the  
9 costs of special services performed pursuant to section 2883,  
10 2884, or 2888.

11 (14) Fees collected under this section by a local registrar  
12 shall be deposited as the governing body of the city or county  
13 directs. Fees collected under this section by the state registrar  
14 shall be deposited in the state treasury and credited to the  
15 general fund of this state.

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

27 (16) For searches under subsection (4) a local registrar

1 shall charge fees according to the following:

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

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