

HOUSE BILL No. 6047

May 17, 2018, Introduced by Reps. Lower, Lilly, Kesto and Miller and referred to the Committee on Elections and Ethics.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2891 (MCL 333.2891), as amended by 2013 PA 136,
and by adding section 2882b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 2882B. (1) UPON THE WRITTEN REQUEST OF AN INDIVIDUAL AND**
2 **WITHOUT PAYMENT OF ANY FEE, THE STATE REGISTRAR SHALL, OR A LOCAL**
3 **REGISTRAR MAY, CONDUCT A SEARCH FOR THE INDIVIDUAL'S LIVE BIRTH**
4 **RECORD AND ISSUE EITHER A CERTIFIED COPY OF THAT RECORD OR THE**
5 **OFFICIAL STATEMENT DESCRIBED IN SECTION 2891(2) TO THE INDIVIDUAL**
6 **IF THE INDIVIDUAL EXECUTES, UNDER PENALTY OF PERJURY, AN AFFIDAVIT**
7 **IN A FORM PRESCRIBED BY THE STATE REGISTRAR CERTIFYING ALL OF THE**
8 **FOLLOWING:**

9 **(A) THE INDIVIDUAL IS REQUESTING THE RECORD FOR THE PURPOSE OF**
10 **OBTAINING OR RENEWING AN OFFICIAL STATE PERSONAL IDENTIFICATION**

1 CARD UNDER 1972 PA 222, MCL 28.291 TO 28.300, OR AN OPERATOR'S OR
2 CHAUFFEUR'S LICENSE UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300,
3 MCL 257.1 TO 257.923.

4 (B) THE INDIVIDUAL HAS NOT POSSESSED A VALID OFFICIAL STATE
5 PERSONAL IDENTIFICATION CARD ISSUED UNDER 1972 PA 222, MCL 28.291
6 TO 28.300, OR A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE ISSUED
7 UNDER THE MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.1 TO 257.923,
8 WITHIN THE 4 YEARS IMMEDIATELY PRECEDING THE WRITTEN REQUEST
9 DESCRIBED IN THIS SUBSECTION, OR THE SECRETARY OF STATE WILL NOT
10 RENEW THE INDIVIDUAL'S OFFICIAL STATE PERSONAL IDENTIFICATION CARD
11 OR OPERATOR'S OR CHAUFFEUR'S LICENSE UNLESS THE INDIVIDUAL PRESENTS
12 THE RECORD OR OTHER NONPHOTOGRAPHIC IDENTITY DOCUMENT TO THE
13 SECRETARY OF STATE.

14 (C) THE COST OF THE RECORD IS PROHIBITIVE TO THE INDIVIDUAL.

15 (2) FOR THE 2017-2018 FISCAL YEAR, \$2,000,000.00 IS
16 APPROPRIATED FROM THE GENERAL FUND TO THE DEPARTMENT OF HEALTH AND
17 HUMAN SERVICES TO ISSUE CERTIFIED COPIES OF LIVE BIRTH RECORDS AS
18 DESCRIBED IN SUBSECTION (1) AND TO IMPLEMENT THE AMENDATORY ACT
19 THAT ADDED THIS SECTION.

20 Sec. 2891. (1) ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN THIS PART,
21 THE state registrar or a local registrar shall, upon receipt of a
22 written request and payment of the prescribed fee, conduct a search
23 for a vital record for an individual who purports to be eligible
24 under section 2882 or for an agency under section 2883(2) to
25 receive a certified copy, administrative use copy, or a statistical
26 use copy of the requested vital record.

27 (2) If a search for a vital record is conducted by the state

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

9 (3) The state registrar or a local registrar may require an
 10 applicant who requests a certified copy, an administrative use
 11 copy, or a statistical use copy of a vital record to provide
 12 verification of his or her identity before releasing the vital
 13 record if eligibility for the vital record is restricted under
 14 section 2882 **OR THE REQUEST FOR A CERTIFIED COPY OF THE VITAL**
 15 **RECORD IS MADE BY THE APPLICANT UNDER SECTION 2882B.**

16 (4) Subject to subsection (8) **AND EXCEPT AS OTHERWISE PROVIDED**
 17 **IN THIS PART**, the fees for a search for a vital record are as
 18 follows:

- 19 (a) A search including 1 certified copy,
 20 1 administrative use copy, or 1 statistical use
 21 copy of a vital record or an official statement
 22 issued by the state registrar that a vital record
 23 could not be located..... \$ 34.00
- 24 (b) Additional identical copies ordered at
 25 the same time..... \$ 16.00
 26 per copy
- 27 (c) Additional years searched..... \$ 12.00

1		per year
2	(d) An authenticated copy.....	\$ 42.00
3	(e) Additional authenticated copies ordered	
4	at the same time.....	\$ 26.00
5		per copy
6	(f) Verification of facts delineated in	
7	section 2881(2).....	\$ 18.00
8	(g) Except as otherwise provided in	
9	subdivision (h), a request for an expedited	
10	search for a vital record under this	
11	subsection.....	\$ 12.00
12	(h) A request for an expedited search	
13	for an authenticated copy of a vital	
14	record under subdivision (d).....	\$ 25.00

15 (5) The fees for establishment or registration of a vital
 16 record are as follows:

17	(a) Application for establishment of a	
18	delayed certificate of birth or death that	
19	includes 1 certified copy or an official	
20	denial of the application.....	\$ 50.00
21	(b) Registration of a delayed certificate	
22	of birth for a foreign born adopted child that	
23	includes 1 certified copy.....	\$ 50.00

24 (6) Upon formal application of a soldier; sailor; marine;
 25 member of the coast guard; nurse; member of a women's auxiliary; or
 26 other ~~person~~ **INDIVIDUAL** who is entitled to a bonus, a pension, or
 27 other compensation under a law of this state, the United States, or

1 another state or territory of the United States or a service
2 auxiliary for a vital record for the purpose of obtaining the
3 bonus, pension, or compensation, the state registrar shall furnish
4 1 certified copy of the vital record requested without charge. If
5 the ~~person~~**INDIVIDUAL** entitled to the vital record is deceased or
6 mentally incompetent, the state registrar may furnish the copy to
7 an heir, guardian, or legal representative of the ~~person~~.
8 **INDIVIDUAL**. The state registrar shall label a certified copy
9 furnished under this subsection with the following statement: "for
10 veteran's benefits only, not for personal use".

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

18 (8) Upon formal application, the state registrar shall, **EXCEPT**
19 **AS OTHERWISE PROVIDED IN THIS PART**, charge a ~~person~~**AN INDIVIDUAL**
20 65 years of age or older a fee of \$14.00 for a search for and 1
21 certified copy of his or her birth record.

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

24 (a) Application to create a new certificate
25 of birth following an adoption; legal change of
26 name for minors; acknowledgment of paternity; sex
27 change; legitimation; order of filiation; or a

1 request to replace a court filed certificate of
2 adoption..... \$ 50.00

3 (b) Subject to subsection (10),
4 application received within 1 year of the date
5 of the event to create a new certificate of birth
6 or death to correct obvious minor errors and
7 omissions..... \$ 50.00

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

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

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

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

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

18 (d) A minor spelling change.

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

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

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

3 (b) Correcting an error if the correction is initiated by the
4 state registrar.

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

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

11 (e) Correcting a vital record if the correction is requested
12 by a public agency that is the guardian of the individual to whom
13 the vital record pertains.

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

19 (14) The state registrar or a local registrar with approval of
20 the state registrar may charge a reasonable fee to cover the costs
21 of special services performed pursuant to section 2883, 2884, or
22 2888.

23 (15) A local registrar shall deposit fees collected under this
24 section as the governing body of the city or county directs. The
25 state registrar shall transmit fees collected under this section to
26 the state treasurer for deposit into the vital records fund created
27 in section 2892.

1 (16) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS PART, THE** state
2 registrar shall charge a fee of \$12.00 for an application for a
3 copy or a certified copy of a vital records-related document,
4 including, but not limited to, a completed application submitted
5 under this section or a document submitted under this section to
6 support a requested change to a vital record.

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

18 (18) For searches under subsection (4), a local registrar
19 shall, **EXCEPT AS OTHERWISE PROVIDED IN THIS PART,** charge fees
20 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 for
23 the local registrar that provides for fees less than or equal to
24 the fees set forth in subsection (4). These fees ~~shall~~ **MUST** be used
25 for the maintenance and sustenance of the vital records fees
26 program only. The fees ~~shall~~ **MUST** alleviate any burden to the
27 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 all of the following bills of the 99th Legislature are
18 enacted into law:

19 (a) Senate Bill No. _____ or House Bill No. 6046 (request no.
20 02188'17 *).

21 (b) Senate Bill No. _____ or House Bill No. 6048 (request no.
22 02190'17 *).