

HOUSE BILL NO. 4196

March 07, 2023, Introduced by Reps. Carra, Friske, DeSana, Paquette, Wozniak, Fox, Beeler, Outman, Rigas, Schmaltz, Markkanen, Neyer, Bezotte, Roth, Schriver, Greene, Kuhn and Whitsett and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 2891 (MCL 333.2891), as amended by 2020 PA 209.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2891. (1) The state registrar or a local registrar shall,
2 on receipt of a written request and payment of the prescribed fee,
3 conduct a search for a vital record for an individual who purports
4 to be eligible under section 2882 or for an agency under section
5 2883(2) to receive a certified copy, administrative use copy, or a

1 statistical use copy of the requested vital record. However, if a
2 local registrar receives a written request and payment of the fee
3 charged by the local registrar under this section from an
4 individual who purports to be eligible under section 2882 to
5 receive a certified copy of an allowable individual's birth record,
6 the local registrar shall notify the state registrar. On receipt of
7 the notification, the state registrar shall **immediately** conduct a
8 search for the allowable individual's birth record ~~within 24 hours~~
9 and ~~shall~~ do 1 of the following, as applicable:

10 (a) If the local registrar has access to the central issuance
11 system, electronically transmit the allowable individual's birth
12 record to the local registrar. If the local registrar does not have
13 access to the central issuance system, mail a copy of the allowable
14 individual's birth record to the local registrar. This subdivision
15 does not apply to a request for a birth record described in section
16 2882(2) or (3). As used in this subdivision, "central issuance
17 system" means the database maintained by the state registrar from
18 which a state certified copy of a birth record may be issued.

19 (b) If the allowable individual's birth record cannot be
20 located after conducting the search for the record, notify the
21 local registrar of that fact.

22 (2) Except as otherwise provided in subsection (1)(b), if a
23 search for a vital record is conducted by the state registrar and
24 the vital record cannot be located, the state registrar shall issue
25 an official statement that the vital record could not be located
26 instead of a certified copy or an administrative use copy of the
27 vital record. If a search for a vital record is conducted by a
28 local registrar and the vital record cannot be located, the local
29 registrar may issue an official statement as described in this

1 subsection, and the local registrar may waive the prescribed fee.

2 (3) The state registrar or a local registrar may require an
3 applicant who requests a certified copy, an administrative use
4 copy, or a statistical use copy of a vital record to provide
5 verification of his or her identity before releasing the vital
6 record if eligibility for the vital record is restricted under
7 section 2882.

8 (4) Subject to subsection (8), (19), **and** (20), the fees for a
9 search for a vital record are as follows:

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

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

3 (a) Application for establishment of a delayed
4 certificate of birth or death that includes 1
5 certified copy or an official denial of the
6 application..... \$50.00

7 (b) Registration of a delayed certificate of
8 birth for a foreign born adopted child that includes
9 1 certified copy..... \$50.00

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

24 (7) On receipt of a formal application, the state registrar or
25 a local registrar shall furnish a certified copy of a vital record
26 without charge to a licensed child placing agency representing a
27 child for adoption purposes. The state registrar or local registrar
28 shall label a certified copy provided under this subsection with
29 the following statement: "for adoption purposes only, not for

1 personal use".

2 (8) The state registrar shall comply with all of the
3 following:

4 (a) Subject to subdivision (b), upon formal application,
5 charge an individual who is 65 years of age or older a fee of
6 \$14.00 for a search for and 1 certified copy of his or her birth
7 record.

8 (b) If the state registrar receives notice from a local
9 registrar under subsection (1), conduct the search and provide the
10 birth record or notification as provided in that subsection without
11 charge to the local registrar or the individual requesting the
12 record.

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

15 (a) Application to create a new certificate of
16 birth following an adoption; legal change of name
17 for minors; acknowledgement of paternity; sex
18 change; legitimation; order of filiation; or a
19 request to replace a court filed certificate of
20 adoption..... \$50.00

21 (b) Subject to subsection (10), application
22 received within 1 year of the date of the event to
23 create a new certificate of birth or death to
24 correct obvious minor errors and
25 omissions..... \$50.00

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

29 (10) The errors and omissions that may be corrected under

1 subsection (9) (b) are limited to the following:

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

4 (b) A change to a Social Security number.

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

7 (d) A minor spelling change.

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

15 (12) The state registrar shall not charge a fee for any 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 the
20 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 department
26 of an application to make the correction.

27 (e) Correcting a vital record if the correction is requested
28 by a public agency that is the guardian of the individual to whom
29 the vital record pertains.

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

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

9 (15) A local registrar shall deposit fees collected under this
10 section as the governing body of the city or county directs. The
11 state registrar shall transmit fees collected under this section to
12 the state treasurer for deposit into the vital records fund created
13 in section 2892.

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

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

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

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

19 (b) If a system of fees is not adopted by a local registrar's
20 local governmental unit under subdivision (a), the local registrar
21 shall not charge a fee other than a fee prescribed in subsection
22 (4).

23 (19) On receipt of a formal application, the state registrar
24 shall conduct a search for and furnish to an individual 1 certified
25 copy of the individual's vital record, without charge, if the
26 individual presents all of the following to the state registrar:

27 (a) A homeless verification letter that states that the
28 individual meets the definition of category 1 homeless as that term
29 is defined by the United States Department of Housing and Urban

1 Development. A verification letter provided under this subdivision
2 must be submitted on the official letterhead of a public service
3 agency. The department may verify the information contained in the
4 letter with the agency of issuance before issuing a certified copy
5 of the vital record.

6 (b) A photo identification card for the individual that is
7 generated from the United States Department of Housing and Urban
8 Development homeless management information system.

9 (c) Any information required by the state registrar under
10 subsection (3).

11 (20) The state registrar shall not charge a fee under
12 subsection (4) for a search and not more than 2 certified copies or
13 authenticated copies of a certificate or other record of stillbirth
14 described in section 2882(1)(a).