

SENATE BILL 38

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(PRE-FILED)

By: **Chair, Finance Committee (By Request – Departmental – Transportation)**

Requested: October 12, 2017

Introduced and read first time: January 10, 2018

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration and Local Health Departments – Birth and Death**
3 **Certificates – Issuance of Copies**

4 FOR the purpose of authorizing the Motor Vehicle Administration to access electronically
5 from the Maryland Department of Health a copy of a birth certificate or death
6 certificate; authorizing a local health department to access electronically from the
7 Department a copy of a death certificate; authorizing the Administration to provide
8 a copy of a birth certificate or death certificate to a certain person under certain
9 circumstances; authorizing a local health department to provide a copy of a death
10 certificate to a certain person under certain circumstances; authorizing the
11 Administration to set and collect a fee for processing and issuing a birth certificate
12 or death certificate or for a certain report; establishing requirements for certain fees
13 collected by the Administration; providing for the distribution of certain fees
14 collected by the Administration; correcting an erroneous reference to a federal law;
15 and generally relating to the issuance of copies of birth certificates and death
16 certificates.

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 4–217(a), (c), and (d)
20 Annotated Code of Maryland
21 (2015 Replacement Volume and 2017 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Health – General**

25 4–217.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) Except as provided in subsection (b) of this section, the Secretary shall
2 provide, on request, any person authorized by regulations adopted under this subtitle with
3 a certified or abridged copy of a birth, death, or fetal death certificate registered under this
4 subtitle or of the certificate of a marriage performed after June 1, 1951.

5 (2) Except as provided in subsection (b) of this section, a local health
6 department **OR THE MOTOR VEHICLE ADMINISTRATION** may:

7 (i) Access electronically from the Department a certified or abridged
8 copy of a birth certificate **OR DEATH CERTIFICATE** registered under this subtitle; and

9 (ii) On request, provide any person authorized by regulations
10 adopted under this subtitle with a certified or abridged copy of a birth certificate **OR DEATH**
11 **CERTIFICATE** registered under this subtitle.

12 (3) (i) The Secretary shall provide on request, to any person authorized
13 by regulation adopted under this subtitle, a commemorative birth certificate.

14 (ii) The Department shall set a fee for the commemorative birth
15 certificate.

16 (iii) The commemorative birth certificate shall:

17 1. Be in a form consistent with the need to protect the
18 integrity of vital records but suitable for display; and

19 2. Have the same status as evidence as the original birth
20 certificate.

21 (iv) A portion of the funds collected under this paragraph shall go to
22 the Department for the production costs of issuing the commemorative birth certificates.
23 The remainder of the funds collected shall be paid into the Children's Trust Fund
24 established under § 13-2207 of this article to provide funding for the Child Abuse Medical
25 Providers (Maryland CHAMP) Initiative.

26 (v) The Secretary shall adopt regulations to implement the
27 provisions of this paragraph.

28 (c) (1) Except as otherwise provided by law:

29 (i) The Department shall collect a \$12 fee:

30 1. For each certified or abridged copy of a fetal death,
31 marriage, or divorce verification certificate;

32 2. For a report that a search of the fetal death, marriage, or

1 divorce verification certificate files was made and the requested record is not on file;

2 3. For each change to a fetal death, marriage, or divorce
3 verification certificate made later than one year after the certificate has been registered
4 with the Department; or

5 4. To process an adoption, foreign adoption, or legitimation;

6 (ii) The Department shall collect a \$10 fee:

7 1. Except as provided in paragraph (6)(ii) of this subsection,
8 for each certified or abridged copy of a birth certificate;

9 2. For the first copy of a certified or abridged death certificate
10 issued in a single transaction;

11 3. For a report that a search of the birth or death certificate
12 files was made and the requested record is not on file; or

13 4. For each change to a birth or death certificate made later
14 than 1 year after the certificate has been registered with the Department; and

15 (iii) The Department shall collect a \$12 fee for each additional
16 certified or abridged copy of a death certificate provided concurrently with an initial
17 requested death certificate.

18 (2) From the fee the Department collects under paragraph (1) of this
19 subsection, the Department shall transfer the entire fee to the General Fund.

20 (3) (i) Any local health department **OR THE MOTOR VEHICLE**
21 **ADMINISTRATION** may set and collect a fee for processing and issuing a birth certificate,
22 or for a report that a search of the files was made and the requested record is not on file,
23 that covers:

24 1. The administrative costs of providing this service; and

25 2. The requirements of subparagraph (iii) of this paragraph.

26 (ii) The fee set by the local health department **OR THE MOTOR**
27 **VEHICLE ADMINISTRATION** for processing and issuing a birth certificate or for a report
28 under subparagraph (i) of this paragraph may not exceed the actual costs to the local health
29 department **OR THE MOTOR VEHICLE ADMINISTRATION** for processing and issuing a
30 birth certificate or a report.

31 (iii) From the fee the local health department **OR THE MOTOR**
32 **VEHICLE ADMINISTRATION** collects under subparagraph (i) of this paragraph, \$10 shall

1 be transferred to the General Fund.

2 (iv) Prior to setting and collecting a fee for processing and issuing a
3 birth certificate or for a report under subparagraph (i) of this paragraph, the local health
4 department **OR THE MOTOR VEHICLE ADMINISTRATION** shall enter into a
5 memorandum of understanding with the Maryland Department of Health that outlines the
6 local health department's **OR THE MOTOR VEHICLE ADMINISTRATION'S** fee structure.

7 (4) The Department [or], a local health department, **OR THE MOTOR**
8 **VEHICLE ADMINISTRATION** may collect a fee for a certificate requested by an agency of
9 the State or any of its political subdivisions.

10 (5) The Secretary may waive all or part of a fee if chargeable to an agency
11 of the United States.

12 (6) (i) The Department may not collect a fee for a copy of a vital record
13 issued to:

14 1. A current or former member of the armed forces of the
15 United States; or

16 2. The surviving spouse or child of the member, if the copy
17 will be used in connection with a claim for a dependent or beneficiary of the member.

18 (ii) 1. In this subparagraph, "homeless individual" has the
19 meaning stated in the federal McKinney-Vento Homeless **EDUCATION** Assistance
20 **IMPROVEMENTS Act OF 2001** (42 U.S.C. § 11302(a)).

21 2. Subject to subparagraph 4 of this subparagraph, the
22 Department may not collect a fee for a certified or an abridged copy of a birth certificate
23 issued to a homeless individual.

24 3. The Department shall accept as proof of homelessness a
25 signed written statement from a homeless services provider located in the State that:

26 A. Affirms that the individual is homeless; and

27 B. Includes the address to which the copy of the birth
28 certificate requested under this section may be sent.

29 4. A homeless individual may receive one copy of a birth
30 certificate without a fee in a single transaction.

31 5. The Department shall adopt regulations to implement this
32 subparagraph.

1 (d) (1) Any local health department **OR THE MOTOR VEHICLE**
2 **ADMINISTRATION** may set and collect a fee for processing and issuing a death certificate
3 that covers the administrative costs of providing this service.

4 (2) The fee set by the local health department **OR THE MOTOR VEHICLE**
5 **ADMINISTRATION** for processing and issuing a death certificate under this subsection may
6 not exceed the actual costs to the local health department **OR THE MOTOR VEHICLE**
7 **ADMINISTRATION** for processing and issuing a death certificate.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2018.