

HOUSE BILL 230

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SB 38/18 – FIN

(PRE-FILED)

4lr0068
CF SB 267

By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Transportation)**

Requested: September 10, 2023

Introduced and read first time: January 10, 2024

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Administration – Death Certificates – Issuance of Copies**

3 FOR the purpose of authorizing the Motor Vehicle Administration to access electronically
4 from the Maryland Department of Health a copy of a death certificate and, on
5 request, provide any person authorized by regulations with a certified or abridged
6 copy of a death certificate; authorizing the Administration to set and collect a fee for
7 processing and issuing death certificates, subject to certain limitations; and
8 generally relating to the issuance of copies of death certificates.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 4–217(a), (c), and (d)
12 Annotated Code of Maryland
13 (2023 Replacement Volume)

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

16 **Article – Health – General**

17 4–217.

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

22 (2) Except as provided in subsection (b) of this section and subject to
23 subsection (h) of this section, a local health department or the Motor Vehicle

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Administration may:

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

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

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

9 (ii) The Department shall set a fee for the commemorative birth
10 certificate.

11 (iii) The commemorative birth certificate shall:

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

14 2. Have the same status as evidence as the original birth
15 certificate.

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

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

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

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

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

27 2. For a report that a search of the fetal death, marriage, or
28 divorce verification certificate files was made and the requested record is not on file;

29 3. For each change to a fetal death, marriage, or divorce
30 verification certificate made later than [one] 1 year after the certificate has been registered
31 with the Department; or

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

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

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

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

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

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

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

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

15 (3) (i) Any local health department or the Motor Vehicle
16 Administration may set and collect a fee for processing and issuing a birth certificate, or
17 for a report that a search of the files was made and the requested record is not on file, that
18 covers:

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

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

21 (ii) The fee set by the local health department or the Motor Vehicle
22 Administration for processing and issuing a birth certificate or for a report under
23 subparagraph (i) of this paragraph may not exceed the actual costs to the local health
24 department or the Motor Vehicle Administration for processing and issuing a birth
25 certificate or a report.

26 (iii) From the fee the local health department or the Motor Vehicle
27 Administration collects under subparagraph (i) of this paragraph, \$10 shall be transferred
28 to the General Fund.

29 (iv) Prior to setting and collecting a fee for processing and issuing a
30 birth certificate or for a report under subparagraph (i) of this paragraph, the local health
31 department or the Motor Vehicle Administration shall enter into a memorandum of
32 understanding with the Maryland Department of Health that outlines the local health
33 department's or the Motor Vehicle Administration's fee structure.

1 (4) The Department, a local health department, or the Motor Vehicle
2 Administration may collect a fee for a certificate requested by an agency of the State or any
3 of its political subdivisions.

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

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

8 1. A current or former member of the armed forces of the
9 United States; or

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

12 (ii) 1. In this subparagraph, “homeless individual” has the
13 meaning stated in the federal McKinney–Vento Homeless Education Assistance
14 Improvements Act of 2001 [(42 U.S.C. § 11302(a))].

15 2. Subject to subsubparagraph 4 of this subparagraph, the
16 Department may not collect a fee for a certified or an abridged copy of a birth certificate
17 issued to a homeless individual.

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

20 A. Affirms that the individual is homeless; and

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

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

25 5. The Department shall adopt regulations to implement this
26 subparagraph.

27 (iii) The Department may not collect a fee for a certified or abridged
28 copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed
29 in the line of duty, if the copy is issued to a surviving spouse or child of the first responder
30 and will be used in connection with a claim for a dependent or beneficiary of the first
31 responder.

32 (d) (1) (i) Except as provided in subparagraph (ii) of this paragraph, any
33 local health department **OR THE MOTOR VEHICLE ADMINISTRATION** may set and collect
34 a fee for processing and issuing a death certificate that covers the administrative costs of

1 providing this service.

2 (ii) A local health department **OR THE MOTOR VEHICLE**
3 **ADMINISTRATION** may not collect a fee for processing and issuing a certified or abridged
4 copy of a death certificate of a first responder, as defined in § 18–213.2 of this article, killed
5 in the line of duty, if the copy is issued to a surviving spouse or child of the first responder
6 and will be used in connection with a claim for a dependent or beneficiary of the first
7 responder.

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2024.