

# SENATE BILL 38

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8lr0003

(PRE-FILED)

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

Requested: October 12, 2017

Introduced and read first time: January 10, 2018

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 22, 2018

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## CHAPTER \_\_\_\_\_

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), and (c), ~~and (d)~~  
20 Annotated Code of Maryland  
21 (2015 Replacement Volume and 2017 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Health – General**

4 4–217.

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

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

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

13 (ii) On request, provide any person authorized by regulations  
14 adopted under this subtitle with a certified or abridged copy of a birth certificate ~~OR DEATH~~  
15 ~~CERTIFICATE~~ registered under this subtitle.

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

18 (ii) The Department shall set a fee for the commemorative birth  
19 certificate.

20 (iii) The commemorative birth certificate shall:

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

23 2. Have the same status as evidence as the original birth  
24 certificate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 department **OR THE MOTOR VEHICLE ADMINISTRATION** for processing and issuing a  
2 birth certificate or a report.

3 (iii) From the fee the local health department **OR THE MOTOR**  
4 **VEHICLE ADMINISTRATION** collects under subparagraph (i) of this paragraph, \$10 shall  
5 be transferred to the General Fund.

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

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

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

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

18 1. A current or former member of the armed forces of the  
19 United States; or

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

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

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

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

30 A. Affirms that the individual is homeless; and

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

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

3                   5.     The Department shall adopt regulations to implement this  
4 subparagraph.

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

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, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.