

Chapter 526

(Senate Bill 38)

AN ACT concerning

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

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

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

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

Article – Health – General

4-217.

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

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

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

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

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

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

(iii) The commemorative birth certificate shall:

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

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

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

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

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

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

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

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

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

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

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

1. Except as provided in paragraph (6)(ii) of this subsection, for each certified or abridged copy of a birth certificate;
2. For the first copy of a certified or abridged death certificate issued in a single transaction;
3. For a report that a search of the birth or death certificate files was made and the requested record is not on file; or
4. For each change to a birth or death certificate made later than 1 year after the certificate has been registered with the Department; and

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

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

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

1. The administrative costs of providing this service; and
2. The requirements of subparagraph (iii) of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

A. Affirms that the individual is homeless; and

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

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

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

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

~~(2) The fee set by the local health department **OR THE MOTOR VEHICLE ADMINISTRATION** for processing and issuing a death certificate under this subsection may~~

~~not exceed the actual costs to the local health department OR THE MOTOR VEHICLE ADMINISTRATION for processing and issuing a death certificate.~~

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

Approved by the Governor, May 8, 2018.