

VITAL RECORDS SPECIAL CHARACTERS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Luz Escamilla

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LONG TITLE

General Description:

This bill addresses the use of diacritical marks on a vital record.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the state registrar to accept diacritical marks for a vital record; and
- ▶ requires the state registrar to allow for the correction and reissuance of a vital record

that was originally created without diacritical marks.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

**26-2-4**, as last amended by Laws of Utah 2007, Chapter 32

**26-2-7**, as last amended by Laws of Utah 2020, Chapter 170

**30-1-12**, as last amended by Laws of Utah 2021, Chapter 48

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **26-2-4** is amended to read:

**26-2-4. Content and form of certificates and reports.**

(1) As used in this section:

30 (a) "Diacritical mark" means a mark on a letter from the ISO basic Latin alphabet used  
31 to indicate a special pronunciation.

32 (b) "Diacritical mark" includes accents, tildes, graves, umlauts, and cedillas.

33 ~~[(1)]~~ (2) Except as provided in Subsection ~~[(5)]~~ (8), to promote and maintain  
34 nationwide uniformity in the vital records system, the forms of certificates, certification,  
35 reports, and other documents and records required by this chapter or the rules implementing  
36 this chapter shall include as a minimum the items recommended by the federal agency  
37 responsible for national vital statistics, subject to approval, additions, and modifications by the  
38 department.

39 ~~[(2)]~~ (3) Certificates, certifications, forms, reports, other documents and records, and  
40 the form of communications between persons required by this chapter shall be prepared in the  
41 format prescribed by department rule.

42 ~~[(3)]~~ (4) All vital records shall include the date of filing.

43 ~~[(4)]~~ (5) Certificates, certifications, forms, reports, other documents and records, and  
44 communications between persons required by this chapter may be signed, filed, verified,  
45 registered, and stored by photographic, electronic, or other means as prescribed by department  
46 rule.

47 (6) (a) An individual may use a diacritical mark in an application for a vital record.

48 (b) The office shall record a diacritical mark on a vital record as indicated on the  
49 application for the vital record.

50 (7) The absence of a diacritical mark on a vital record does not render the document  
51 invalid or affect any constructive notice imparted by proper recordation of the document.

52 ~~[(5)]~~ (8) The state:

53 (a) may collect the Social Security number of a deceased individual; and

54 (b) may not include the Social Security number of an individual on a certificate of  
55 death.

56 Section 2. Section **26-2-7** is amended to read:

57 **26-2-7. Correction of errors or omissions in vital records -- Conflicting birth and**

58 **foundling certificates -- Rulemaking.**

59 In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
60 department may make rules:

61 (1) governing applications to correct alleged errors or omissions on any vital record;

62 [~~and~~]

63 (2) establishing procedures to resolve conflicting birth and foundling certificates[~~;~~];

64 and

65 (3) allowing for the correction and reissuance of a vital record that was originally  
66 created omitting a diacritical mark.

67 Section 3. Section **30-1-12** is amended to read:

68 **30-1-12. Clerk to file license and certificate -- Designation as vital record.**

69 (1) (a) The license, together with the certificate of the individual officiating at the  
70 marriage, shall be filed and preserved by the clerk, and shall be recorded by the clerk in a book  
71 kept for that purpose, or by electronic means.

72 (b) The record shall be properly indexed in the names of the parties so married.

73 (2) An individual may use a diacritical mark, as defined in Section 26-2-4, on a  
74 marriage license.

75 [~~(2)~~] (3) A transcript shall be promptly certified and transmitted by the clerk to the  
76 state registrar of vital statistics.

77 [~~(3)~~] (4) The license and the certificate of the individual officiating at the marriage are  
78 vital records as defined in Section 26-2-2 and are subject to the inspection requirements  
79 described in Section 26-2-22.

80 Section 4. **Effective date.**

81 This bill takes effect on January 1, 2023.