

HOUSE BILL 230

J1
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

Committee Report: Favorable

House action: Adopted

Read second time: February 13, 2024

CHAPTER _____

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

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 provide, on request, any person authorized by regulations adopted under this subtitle with
2 a certified or abridged copy of a birth, death, or fetal death certificate registered under this
3 subtitle or of the certificate of a marriage performed after June 1, 1951.

4 (2) Except as provided in subsection (b) of this section and subject to
5 subsection (h) of this section, a local health department or the Motor Vehicle
6 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
33 divorce verification certificate files was made and the requested record is not on file;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (ii) 1. In this subparagraph, "homeless individual" has the
18 meaning stated in the federal McKinney-Vento Homeless Education Assistance
19 Improvements Act of 2001 [(42 U.S.C. § 11302(a))].

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

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

25 A. Affirms that the individual is homeless; and

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

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

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

32 (iii) The Department may not collect a fee for a certified or abridged
33 copy of a death certificate of a first responder, as defined in § 18-213.2 of this article, killed
34 in the line of duty, if the copy is issued to a surviving spouse or child of the first responder

1 and will be used in connection with a claim for a dependent or beneficiary of the first
2 responder.

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

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.