

HB1066



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1066

Introduced 2/11/2009, by Rep. Lou Lang

SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

from Ch. 111 1/2, par. 73-25

Amends the Vital Records Act. Makes a technical change in a Section concerning fees.

LRB096 08321 RPM 18429 b

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Vital Records Act is amended by changing
5 Section 25 as follows:

6 (410 ILCS 535/25) (from Ch. 111 1/2, par. 73-25)

7 Sec. 25. In accordance with Section 24 of this Act, and ~~and~~
8 the regulations adopted pursuant thereto:

9 (1) The State Registrar of Vital Records shall search the
10 files of birth, death, and fetal death records, upon receipt of
11 a written request and a fee of \$10 from any applicant entitled
12 to such search. A search fee shall not be required for
13 commemorative birth certificates issued by the State
14 Registrar. If, upon search, the record requested is found, the
15 State Registrar shall furnish the applicant one certification
16 of such record, under the seal of such office. If the request
17 is for a certified copy of the record an additional fee of \$5
18 shall be required. If the request is for a certified copy of a
19 death certificate or a fetal death certificate, an additional
20 fee of \$2 is required. The additional fee shall be deposited
21 into the Death Certificate Surcharge Fund. A further fee of \$2
22 shall be required for each additional certification or
23 certified copy requested. If the requested record is not found,

1 the State Registrar shall furnish the applicant a certification
2 attesting to that fact, if so requested by the applicant. A
3 further fee of \$2 shall be required for each additional
4 certification that no record has been found.

5 Any local registrar or county clerk shall search the files
6 of birth, death and fetal death records, upon receipt of a
7 written request from any applicant entitled to such search. If
8 upon search the record requested is found, such local registrar
9 or county clerk shall furnish the applicant one certification
10 or certified copy of such record, under the seal of such
11 office, upon payment of the applicable fees. If the requested
12 record is not found, the local registrar or county clerk shall
13 furnish the applicant a certification attesting to that fact,
14 if so requested by the applicant and upon payment of applicable
15 fee. The local registrar or county clerk must charge a \$2 fee
16 for each certified copy of a death certificate. The fee is in
17 addition to any other fees that are charged by the local
18 registrar or county clerk. The additional fees must be
19 transmitted to the State Registrar monthly and deposited into
20 the Death Certificate Surcharge Fund. The local registrar or
21 county clerk may charge fees for providing other services for
22 which the State Registrar may charge fees under this Section.

23 A request to any custodian of vital records for a search of
24 the death record indexes for genealogical research shall
25 require a fee of \$10 per name for a 5 year search. An
26 additional fee of \$1 for each additional year searched shall be

1 required. If the requested record is found, one uncertified
2 copy shall be issued without additional charge.

3 Any fee received by the State Registrar pursuant to this
4 Section which is of an insufficient amount may be returned by
5 the State Registrar upon his recording the receipt of such fee
6 and the reason for its return. The State Registrar is
7 authorized to maintain a 2 signature, revolving checking
8 account with a suitable commercial bank for the purpose of
9 depositing and withdrawing-for-return cash received and
10 determined insufficient for the service requested.

11 No fee imposed under this Section may be assessed against
12 an organization chartered by Congress that requests a
13 certificate for the purpose of death verification.

14 (2) The certification of birth may contain only the name,
15 sex, date of birth, and place of birth, of the person to whom
16 it relates, the name, age and birthplace of the parents, and
17 the file number; and none of the other data on the certificate
18 of birth except as authorized under subsection (5) of this
19 Section.

20 (3) The certification of death shall contain only the name,
21 Social Security Number, sex, date of death, and place of death
22 of the person to whom it relates, and file number; and none of
23 the other data on the certificate of death except as authorized
24 under subsection (5) of this Section.

25 (4) Certification or a certified copy of a certificate
26 shall be issued:

1 (a) Upon the order of a court of competent
2 jurisdiction; or

3 (b) In case of a birth certificate, upon the specific
4 written request for a certification or certified copy by
5 the person, if of legal age, by a parent or other legal
6 representative of the person to whom the record of birth
7 relates, or by a person having a genealogical interest; or

8 (c) Upon the specific written request for a
9 certification or certified copy by a department of the
10 state or a municipal corporation or the federal government;
11 or

12 (d) In case of a death or fetal death certificate, upon
13 specific written request for a certified copy by a person,
14 or his duly authorized agent, having a genealogical,
15 personal or property right interest in the record.

16 A genealogical interest shall be a proper purpose with
17 respect to births which occurred not less than 75 years and
18 deaths which occurred not less than 20 years prior to the date
19 of written request. Where the purpose of the request is a
20 genealogical interest, the custodian shall stamp the
21 certification or copy with the words, FOR GENEALOGICAL PURPOSES
22 ONLY.

23 (5) Any certification or certified copy issued pursuant to
24 this Section shall show the date of registration; and copies
25 issued from records marked "delayed," "amended," or "court
26 order" shall be similarly marked and show the effective date.

1 (6) Any certification or certified copy of a certificate
2 issued in accordance with this Section shall be considered as
3 prima facie evidence of the facts therein stated, provided that
4 the evidentiary value of a certificate or record filed more
5 than one year after the event, or a record which has been
6 amended, shall be determined by the judicial or administrative
7 body or official before whom the certificate is offered as
8 evidence.

9 (7) Any certification or certified copy issued pursuant to
10 this Section shall be issued without charge when the record is
11 required by the United States Veterans Administration or by any
12 accredited veterans organization to be used in determining the
13 eligibility of any person to participate in benefits available
14 from such organization. Requests for such copies must be in
15 accordance with Sections 1 and 2 of "An Act to provide for the
16 furnishing of copies of public documents to interested
17 parties," approved May 17, 1935, as now or hereafter amended.

18 (8) The National Vital Statistics Division, or any agency
19 which may be substituted therefor, may be furnished such copies
20 or data as it may require for national statistics; provided
21 that the State shall be reimbursed for the cost of furnishing
22 such data; and provided further that such data shall not be
23 used for other than statistical purposes by the National Vital
24 Statistics Division, or any agency which may be substituted
25 therefor, unless so authorized by the State Registrar of Vital
26 Records.

1 (9) Federal, State, local, and other public or private
2 agencies may, upon request, be furnished copies or data for
3 statistical purposes upon such terms or conditions as may be
4 prescribed by the Department.

5 (10) The State Registrar of Vital Records, at his
6 discretion and in the interest of promoting registration of
7 births, may issue, without fee, to the parents or guardian of
8 any or every child whose birth has been registered in
9 accordance with the provisions of this Act, a special notice of
10 registration of birth.

11 (11) No person shall prepare or issue any certificate which
12 purports to be an original, certified copy, or certification of
13 a certificate of birth, death, or fetal death, except as
14 authorized in this Act or regulations adopted hereunder.

15 (12) A computer print-out of any record of birth, death or
16 fetal record that may be certified under this Section may be
17 used in place of such certification and such computer print-out
18 shall have the same legal force and effect as a certified copy
19 of the document.

20 (13) The State Registrar may verify from the information
21 contained in the index maintained by the State Registrar the
22 authenticity of information on births, deaths, marriages and
23 dissolution of marriages provided to a federal agency or a
24 public agency of another state by a person seeking benefits or
25 employment from the agency, provided the agency pays a fee of
26 \$10.

1 (14) The State Registrar may issue commemorative birth
2 certificates to persons eligible to receive birth certificates
3 under this Section upon the payment of a fee to be determined
4 by the State Registrar.

5 (Source: P.A. 91-382, eff. 7-30-99; 92-141, eff. 7-24-01.)