

HB6736



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Marlow H. Colvin

SYNOPSIS AS INTRODUCED:

410 ILCS 535/25

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

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

LRB093 16161 RXD 41794 b

A BILL FOR

1 AN ACT concerning fees.

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 the
8 regulations adopted under that Section ~~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,
24 the State Registrar shall furnish the applicant a certification
25 attesting to that fact, if so requested by the applicant. A
26 further fee of \$2 shall be required for each additional
27 certification that no record has been found.

28 Any local registrar or county clerk shall search the files
29 of birth, death and fetal death records, upon receipt of a
30 written request from any applicant entitled to such search. If
31 upon search the record requested is found, such local registrar
32 or county clerk shall furnish the applicant one certification

1 or certified copy of such record, under the seal of such
2 office, upon payment of the applicable fees. If the requested
3 record is not found, the local registrar or county clerk shall
4 furnish the applicant a certification attesting to that fact,
5 if so requested by the applicant and upon payment of applicable
6 fee. The local registrar or county clerk must charge a \$2 fee
7 for each certified copy of a death certificate. The fee is in
8 addition to any other fees that are charged by the local
9 registrar or county clerk. The additional fees must be
10 transmitted to the State Registrar monthly and deposited into
11 the Death Certificate Surcharge Fund. The local registrar or
12 county clerk may charge fees for providing other services for
13 which the State Registrar may charge fees under this Section.

14 A request to any custodian of vital records for a search of
15 the death record indexes for genealogical research shall
16 require a fee of \$10 per name for a 5 year search. An
17 additional fee of \$1 for each additional year searched shall be
18 required. If the requested record is found, one uncertified
19 copy shall be issued without additional charge.

20 Any fee received by the State Registrar pursuant to this
21 Section which is of an insufficient amount may be returned by
22 the State Registrar upon his recording the receipt of such fee
23 and the reason for its return. The State Registrar is
24 authorized to maintain a 2 signature, revolving checking
25 account with a suitable commercial bank for the purpose of
26 depositing and withdrawing-for-return cash received and
27 determined insufficient for the service requested.

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

31 (2) The certification of birth may contain only the name,
32 sex, date of birth, and place of birth, of the person to whom
33 it relates, the name, age and birthplace of the parents, and
34 the file number; and none of the other data on the certificate
35 of birth except as authorized under subsection (5) of this
36 Section.

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

6 (4) Certification or a certified copy of a certificate
7 shall be issued:

8 (a) Upon the order of a court of competent
9 jurisdiction; or

10 (b) In case of a birth certificate, upon the specific
11 written request for a certification or certified copy by
12 the person, if of legal age, by a parent or other legal
13 representative of the person to whom the record of birth
14 relates, or by a person having a genealogical interest; or

15 (c) Upon the specific written request for a
16 certification or certified copy by a department of the
17 state or a municipal corporation or the federal government;
18 or

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

23 A genealogical interest shall be a proper purpose with
24 respect to births which occurred not less than 75 years and
25 deaths which occurred not less than 20 years prior to the date
26 of written request. Where the purpose of the request is a
27 genealogical interest, the custodian shall stamp the
28 certification or copy with the words, FOR GENEALOGICAL PURPOSES
29 ONLY.

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

34 (6) Any certification or certified copy of a certificate
35 issued in accordance with this Section shall be considered as
36 prima facie evidence of the facts therein stated, provided that

1 the evidentiary value of a certificate or record filed more
2 than one year after the event, or a record which has been
3 amended, shall be determined by the judicial or administrative
4 body or official before whom the certificate is offered as
5 evidence.

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

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

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

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

34 (11) No person shall prepare or issue any certificate which
35 purports to be an original, certified copy, or certification of
36 a certificate of birth, death, or fetal death, except as

1 authorized in this Act or regulations adopted hereunder.

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

7 (13) The State Registrar may verify from the information
8 contained in the index maintained by the State Registrar the
9 authenticity of information on births, deaths, marriages and
10 dissolution of marriages provided to a federal agency or a
11 public agency of another state by a person seeking benefits or
12 employment from the agency, provided the agency pays a fee of
13 \$10.

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

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