

House File 369 - Introduced

HOUSE FILE 369
BY COMMITTEE ON LOCAL
GOVERNMENT

(SUCCESSOR TO HF 23)

A BILL FOR

1 An Act relating to vital statistics certificates or records
2 and vital statistics fees collected by the state and county
3 registrars of vital statistics.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 144.45, Code 2015, is amended to read as
2 follows:

3 **144.45 Certified copies — other copies.**

4 1. The state registrar and the county registrar shall,
5 upon written request from any applicant entitled to a record,
6 issue a certified copy of any certificate or record in the
7 registrar's custody or of a part of a certificate or record.
8 Each copy issued shall show the date of registration; and
9 copies issued from records marked "delayed", "amended", or
10 "court order" shall be similarly marked and show the effective
11 date.

12 2. A certified copy of a certificate, or any part thereof,
13 shall be considered for all purposes the same as the original
14 and shall be prima facie evidence of the facts therein stated,
15 provided that the evidentiary value of a certificate or record
16 filed more than one year after the event, or a record which
17 has been amended, shall be determined by the judicial or
18 administrative body or official before whom the certificate is
19 offered as evidence.

20 3. The national division of vital statistics may be
21 furnished copies or data which it requires for national
22 statistics, provided that the state be reimbursed for the cost
23 of furnishing data, and provided further that data shall not
24 be used for other than statistical purposes by the national
25 division of vital statistics unless so authorized by the state
26 registrar.

27 4. Federal, state, local, and other public or private
28 agencies may, upon written request, be furnished copies or data
29 for statistical purposes upon terms or conditions prescribed
30 by the department.

31 5. a. No person shall prepare or issue any certificate
32 which purports to be an original, or certified copy, ~~or copy~~ of
33 a certificate of birth, death, fetal death, or marriage except
34 as authorized in this chapter.

35 b. No person, in the person's capacity as an employee or

1 agent of the state or a political subdivision of the state,
2 shall prepare or issue any certificate which purports to be a
3 copy of a certificate of birth, death, fetal death, or marriage
4 except as necessary in the scope of the person's employment or
5 agency or as otherwise authorized in this chapter.

6 Sec. 2. Section 144.46, subsection 1, paragraph b, Code
7 2015, is amended by striking the paragraph.

8 Sec. 3. Section 144.46, Code 2015, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 3. The department may establish and
11 maintain, and either the state registrar or the county
12 registrar is authorized to collect, a fee for a search of the
13 files or records when no copy is made, or when no record is
14 found on file.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to vital statistics fees collected by the
19 state and county registrars of vital statistics.

20 Under current law, a person is not allowed to prepare or
21 issue an original, certified copy, or copy of a certificate
22 of birth, death, fetal death, or marriage except as provided
23 in Code chapter 144. The bill maintains these restrictions
24 for originals and certified copies. For other copies, the
25 bill provides that no person, in the person's capacity as an
26 employee or agent of the state or of a political subdivision
27 of the state, shall prepare or issue any certificate which
28 purports to be a copy of the certificate except as necessary in
29 the scope of the person's employment or agency or as provided
30 in Code chapter 144.

31 Under current law, the department of public health is also
32 required to establish a vital statistics fee, based on average
33 administrative costs, for searches of files or records when a
34 copy of the file or record is not made or when the record is not
35 found. Current law also requires that the fee be collected by

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1 the state registrar and county registrars (county recorders).
2 The bill strikes the current Iowa Code provision requiring
3 this fee but provides that the department may establish such
4 a fee and that the state registrar or county registrars are
5 authorized to collect such fees.