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SENATE BILL NO. 1039

Offered January 9, 2013

Prefiled January 8, 2013

A *BILL to amend and reenact § 32.1-272 of the Code of Virginia, relating to allowing the Department of Motor Vehicles access to vital records and issuance of certified copies.*

Patron—Newman

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:**1. That § 32.1-272 of the Code of Virginia is amended and reenacted as follows:****§ 32.1-272. Certified copies of vital records; other copies.**

A. In accordance with § 32.1-271 and the regulations adopted pursuant thereto, the State Registrar or a district health department shall, upon receipt of a written request, issue a certified copy of any vital record in the custody of the State Registrar or of a part thereof.

The Commissioner of the Department of Motor Vehicles shall be authorized to issue a certified copy of any vital record, or of a part thereof, in the custody of the State Registrar and that exists in electronic form, subject to the provisions of this chapter.

Such vital records in the State Registrar's custody may be in the form of originals, photoprocessed reproductions, or data filed by electronic means.

Each copy issued shall show the date of registration. Any copy issued from a record marked "delayed" or "amended," except a record amended pursuant to subsection F of this section or subsection D of § 32.1-269, shall be similarly marked and show the effective date.

Certified copies may be issued by county and city registrars only while the original record is in their possession, except that at the option of the county or city registrar true and complete copies of death certificates may be retained and certified copies of such records may be issued by the county or city registrar.

B. A certified copy of a vital record or any part thereof issued in accordance with subsection A shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts therein stated, provided that the evidentiary value of a vital record filed more than one year after the event or a vital record which has been amended shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

C. The federal agency responsible for national vital statistics may be furnished such copies or other data from the system of vital records as it may require for national statistics if such federal agency shares in the cost of collecting, processing and transmitting such data. Such data may be used for research and medical investigations of public health importance. No other use of such data shall be made by the federal agency unless authorized by the State Registrar.

D. Other federal, state and local, public or private agencies or persons in the conduct of their official duties may, upon request and payment of a reasonable fee, be furnished copies or other data from the system of vital records for statistical or administrative purposes upon such terms or conditions as may be prescribed by the Board. Such copies or other data shall not be used for purposes other than those for which they were requested unless so authorized by the State Registrar.

In promulgating regulations relating to the terms or conditions for public or private agencies or persons obtaining copies of death certificates in the conduct of their official duties, the Board shall include within its definition of "legal representative" (i) any attorney licensed to practice law in Virginia, upon presentation of his bar number and evidence of need to obtain such copy; and (ii) any funeral director or funeral service licensee licensed to practice by the Board of Funeral Directors and Embalmers, upon presentation of evidence to so practice and evidence of being in charge of final disposition of the registrant's dead human remains or cremains or evidence of need to obtain such copy.

E. No person shall prepare or issue any certificate which purports to be an original or certified copy of a vital record except as authorized in this chapter or regulations adopted hereunder.

F. Certified copies of birth records filed before July 1, 1960, containing statements of racial designation on the reverse thereof shall be issued without such statement as a part of the certification; nor for this purpose solely shall such certification be marked "amended."

Any American Indian or Native American whose certified copy of a birth record filed before July 1, 1960, contains a racial designation that is incorrect may obtain, without paying a fee, one certified copy of his birth record from which such incorrect racial designation has been removed. Such certification shall not be marked "amended" solely for this reason.

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59 G. With the increased fees to be charged for vital records and the additional deposits to the Vital
60 Statistics Automation Fund, the Board of Health shall establish, within the district health departments, a
61 statewide system for decentralizing certification of vital records, when such records are prepared or
62 issued from data in the custody of the State Registrar and the Board of Health. *Such system shall also*
63 *include the Department of Motor Vehicles pursuant to authorization in subsection A.*

64 **2. That the provisions of this act contained in the first enactment shall become effective on July 1,**
65 **2014.**

66 **3. That the State Registrar of Vital Records shall enter into an agreement with Commissioner of**
67 **the Department of Motor Vehicles, in accordance with § 46.2-205.2, to grant full access, by**
68 **October 1, 2013, to all vital records of the Commonwealth in the custody of the State Registrar**
69 **and that exist in electronic form. In effectuating this agreement, the Commissioner of the**
70 **Department of Motor Vehicles shall receive access to those vital records in a format he so**
71 **prescribes and at no cost to the Department of Motor Vehicles.**

72 **4. That the Department of Motor Vehicles along with the Department of Health shall convene a**
73 **workgroup to examine transferring the functions currently performed by the State Registrar of**
74 **Vital Records and the Division of Vital Records of the Department of Health to the Department of**
75 **Motor Vehicles. The Departments shall submit to the General Assembly an executive summary**
76 **and a report of their findings and recommendations no later than December 1, 2014. The**
77 **executive summary and report shall be submitted as provided in the procedures of the Division of**
78 **Legislative Automated Systems for the processing of legislative documents and reports.**